



UNIVERSITÀ
DI TRENTO

Facoltà di
Giurisprudenza



XXI Conference of Young Scholars of International Legal Studies

XXI Incontro di studio tra giovani cultori delle materie internazionalistiche

The Use of Human Rights Language in International and EU Law

Trento, 5-6 December 2024

The Conference of Young Scholars of International Legal Studies

The annual Conference of Young Scholars of International Legal Studies has taken place in Italy since 2003 and offers a critical discussion forum for doctoral students, early career academics, and young legal professionals. The XXI edition of the Conference will be hosted by the Faculty of Law of the University of Trento and will be held in the context of the Horizon Europe's project [HRJust](#).

The Theme for the XXI Conference

Over the last decades, human rights have progressively informed the international and EU legal debate. From subject-specific fora like the UN Human Rights Council, UN human rights treaty bodies and regional human rights courts, human rights have infiltrated the work and decisions of the UN General Assembly, UN Security Council, International Court of Justice and organisations of regional integration, cooperation and security. Notwithstanding waves of political pushback and doctrinal contestation, leading to talks of a 'post-human rights era', human rights today appear more alive than ever. They not only shape vertical relations between individuals and their respective territorial States, but they have also come to define horizontal relations between private entities, including corporations, and even between States. Diagonal rights held by individuals with respect to States other than their territorial one are also increasingly recognised. Simultaneously, human rights have permeated areas of practice and law that had traditionally been foreign to human rights considerations – from the use of natural resources to trade and investment; from climate change to the governance of outer space.

The title of the Conference purposefully refers to broad concepts such as 'use' and 'language' to capture the pervasiveness of human rights in all its complexity. At a first level, explicit reference to human rights as applicable or relevant law can be found in several key instruments pertaining to special regimes of international and EU law. This is the case, for example, for instruments like the Rome Statute, the Paris Agreement or the recently adopted High Seas Treaty (BBNJ). The Conference intends, however, to move beyond the mere application of human rights law and examine the myriad forms that the use of human rights language can take. Human rights courts and monitoring bodies have developed notions such as balancing, evolutive interpretation or margin of appreciation which are progressively 'borrowed' by sectors of international and EU law traditionally unaffected by such considerations. The use of human



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rights language may also merely consist in the reliance on terminology ‘echoing’ human rights concepts and principles – such as public participation, which is being referred to in a growing number of settings with widely different meanings. While many references to human rights in other legal fields can be considered expressions of systemic interpretation, not all cases can be straightforwardly classified under the classic interpretative criteria.

The complex nature of the use of human rights language is apparent not only in the many forms that it may take but also in the actors behind it and the objectives that they pursue. Individuals, groups and non-governmental organisations have ‘exported’ human rights language and arguments to new areas – such as climate litigation – as the strongest means at their disposal to elicit State action. On their part, investors have resorted to the language of human rights in several instances, making the possible ‘hijacking’ of that language by corporations and interest groups a pressing issue. States and international organisations increasingly rely on human rights arguments to justify their actions and policies. The results of this practice of ‘human rights justifications’ may be, at times, problematic, such as when States invoke the right to work or to a dignified life to defer the ecological transition. The European Union has also long promoted a narrative on the centrality of human rights in its legal order, adherence to which is contested in practice. Furthermore, judges, academics, and States themselves foster cross-fertilization between human rights and other legal regimes with a view to reconciling different States’ obligations and overcoming the much debated ‘fragmentation’ of international law. This may be evident, among many examples, in the doctrinal debate on the complex relation between human rights and private international law, as discussed by the *Institut de droit international*.

Finally, the Conference aims to discuss the effects, both in law and in practice, of the use of human rights language. Undoubtedly, human rights have been the driving force behind fundamental evolutions of international and EU law, *inter alia*, by promoting a less State-centric view of the international legal order. Nevertheless, the ubiquity of human rights may also have downsides. Problems can arise, even in cases of systemic interpretation, if the use of human rights language results in the automatic application of human rights in other sectors of international and EU law. Furthermore, using a language that is not native to a specific legal field may spawn distortions, as human rights concepts and language structures are not a one-size-fits-all solution. Therefore, whether the widespread use of human rights language in international and EU law can represent a lodestar for cross-fertilization among legal sectors may be questioned. Broader legitimacy questions also arise. Is the language of human rights fully a language of empowerment for disenfranchised individuals and communities, or is it still rooted in Western and hegemonic conceptions? Can new uses of human rights language result in abuses, distorting human rights’ essence, and are there any remedies against such potential abuses?

Applicants are welcome to submit unpublished proposals related to the theme of the Conference. Critical and interdisciplinary approaches are encouraged. Proposals may concern the following areas (the list is non-exhaustive):

The actors that make use of human rights language

- UN Human Rights Council and the Universal Periodic Review: a human rights-based peer review
- Convergent and divergent trends of regional organisations’ use of human rights language
- The European Union as a global human rights actor

- States' use of human rights language to justify their actions and policies
- The use of human rights concepts and language by non-human rights courts and tribunals, e.g. the use of ECtHR precedents by investment arbitration tribunals
- The strategic resort to human rights language by individuals and non-governmental organisations before courts and complaint mechanisms
- The use of human rights language for the protection of individuals in private international law
- The appropriation of human rights arguments by investors and corporations
- Collective human rights: the extension of human rights language to indigenous peoples, local communities, peasants, and new marginalised or vulnerable groups
- The epistemic community around human rights language
- Post-colonial approaches to the use of human rights language

The forms and contexts of the use of human rights language

- Human rights language as a tool for interpretation under the Vienna Convention on the Law of Treaties
- The role of human rights language in promoting cross-fertilization between legal regimes
- Human rights informing the general values of the EU and the international legal orders
- Human rights language in the drafting of treaties and soft-law instruments
- Expert recommendations and reports as a context for the use of human rights language
- Human rights language to substantiate fair trial guarantees before international courts and tribunals
- Human rights in arguments by parties, third parties and *amici curiae* before adjudicative bodies
- The complex relation between private international law treaties and human rights treaties
- Human rights language in the formulation of rules on conflict of laws, such as those concerning cross-border family relations
- The use of human rights language in EU trade agreements with third countries

The effects of the use of human rights language

- The 'humanization' of many sectors of the law – such as international investment law or private international law – and pushbacks against it
- The influence of human rights on aspects of general international law – e.g., jurisdiction, immunities, responsibility
- Loss or gain of legitimacy by non-human rights adjudicative bodies due to the use of human rights language
- The effects of the use of human rights language on the limitation on or justification of the use of force
- The risk of 'trivialisation' of human rights
- Human rights language as strengthening or weakening the legitimacy and effectiveness of the EU external action
- Human rights language as an instrument of empowerment or disempowerment for marginalised individuals and communities

Call for papers

This call for papers is open to doctoral students, early career academics and all young legal professionals working on (public and private) international and EU law. Candidates should submit a short **abstract** in English (**max. 600 words**) and a short CV. The selection will be based on scholarly merit, originality and relation to the theme of the conference.

Applications must be submitted in Word format to xxiconferenceofyoungscholars@gmail.com by **20 June 2024**. The results of the selection will be communicated by 20 July 2024. Successful candidates will be asked to submit a draft paper (between 5000 and 8000 words) by 31 October 2024. The University of Trento will cover accommodation costs for successful applicants.

Organising committee: Elena Fasoli, Paolo Turrini, Chiara Tea Antoniazzi, Caterina Milo