



EVIDENCE IN
INTERNATIONAL
HUMAN RIGHTS
ADJUDICATION
ERC - UGENT



Evidentiary regimes of UN Treaty Bodies: Perspectives from research and practice

15-16 May 2023

Hotel de Flandre (Poel 1, Ghent)

Programme

Note: As an author, you are presenting the paper of the person you have been paired with. You have up to 8 minutes to present the main points of this paper. Try to focus on what you feel is most relevant to the Symposium's themes. The author is then given up to 8 minutes to add whatever they wish to the presentation which has been made of their paper. This is followed by the Chair of the Panel opening up a discussion on the individual paper which has just been presented. We have planned 30 minutes for each paper in total. Each panel ends on a general discussion relating to the Symposium's general themes, for which we have planned 14 minutes.

We ask all Chairs to ensure the timing above is respected. Speakers, be aware that the result is that the Chair's task is to interrupt you when letting you speak further would mean a slip in the schedule.

If either presenter or author found it useful to have a powerpoint presentation, this will be possible. However, in this case, please make sure you have sent your powerpoint to Nano by Sunday 14 May at the latest. Nano's email address is: Genaro.ManriqueGiacoman@ugent.be.

DAY 1

8:45 – 9:00: Coffee

9:00 – 9:15: Welcome

Marie-Benedicte Dembour (DISSECT, UGent)

9:15 – 10:30

Panel 1: admissibility and evidentiary standards across UNTBs

Chair: Deborah Casalin (University of Antwerp)

It's All Been Done: Barriers to Justice and Exhausting Domestic Remedies for UN Individual Communication Procedures

Meghan Campbell (Birmingham University, UK)

Insufficiently Substantiated: Assessing the Evidentiary Standard before the United Nations Human Rights Treaty Bodies

Lisa Reinsberg (International Justice Resource Centre / Hertie School Berlin, Germany)

10:30 – 10:45: Break

10:45 – 12:00

Panel 2: developments within selected UNTBs and Special Procedures

Chair: Ruwadzano Makumbe (DISSECT, UGent)

The Working Group on Arbitrary Detention's approach to evidence and burdens of proof: human rights sensitive adjudication

Matthew Gillett (UNWG Arbitrary Detention / Essex University, UK), Yutaka Karukaya (Essex University, UK) & Mia Marzotto (Essex University, UK)

In search of CERD's evidence pathway: 3 cases, 3 approaches

Cornelia Klocker (DISSECT, UGent)

12:00 – 13:30: Lunch

13:30 - 14:45

Panel 3: Strategic litigation and policy perspectives

Chair: Genaro Manrique Giacomani (DISSECT, UGent)

Evidentiary Challenges of Enforced Disappearances: Harmonizing Approaches, Integrating Non-State Actors

Jimena Reyes (FIDH) & Susan H. Farbstain and Sabrina Ochoa, Rebecca Gore, Adriana Bones, and Victoria Abut (International Human Rights Law Clinic, Harvard University, USA)

An analysis of evidentiary regimes applied by the UN treaty bodies in relation to the climate emergency

Vincent Ploton & Maithili Pai (International Service for Human Rights, Switzerland) & Deborah Casalin (University of Antwerp, Belgium, Nelson Mandela University, South Africa)

14:45 - 15:00: Break

15:00 – 16:15

Panel 4: Sharing insiders' perspectives I

Chair: Cornelia Klocker (DISSECT, UGent)

Selected Issues of evidence in the complaint system of the UN Committee against Torture

Diego Rodríguez-Pinzón (Professor and Co-Director of the Academy on Human Rights and Humanitarian Law, at American University-Washington College of Law; former CAT member)

Drop the “quasi” – would this prompt a legal approach to evidence for the Treaty Bodies?

Octavian Ichim (Human Rights Officer at the UN, OHCHR Petitions and Urgent Actions Section)

16:15 – 16:30: Break

16:30 – 17:45

Panel 5: The significance of evidentiary 'technical' issues

Chair: Edward Murimi (DISSECT, UGent)

From Initial Burdens of Proof to the 'Devil's Proof': Discerning Practice in the Final Views of the Human Rights Committee

Kasey McCall-Smith (Edinburgh University, UK)

Thinking Through Evidentiary and Related Issues in the Consideration of Patterns or Practices of Violations

Christopher Roberts (Chinese University of Hong Kong, China)

19:00: Dinner

Brasserie Ha (Kouter 29)

DAY 2

8:45 – 9:00: Coffee

9:00 – 10:15

Panel 1: Social context – what gets lost, what may not be seen

Chair: Marie-Benedicte Dembour (DISSECT, UGent)

Searching for Evidence in the UN Human Rights Committee’s individual communications: numbers and other “objective facts”

Miia Halme-Tuomisaari (Lund University) & Reetta Toivanen (University of Helsinki)

The nexus between gender stereotypes and evidence: insights from the CEDAW Committee

Elena Ghidoni (Deusto University, Spain)

10:15 – 10:30: Break

10:30 – 11:45

Panel 2: Assessing contexts

Chair: Cornelia Klocker (DISSECT, UGent)

How Treaty Bodies evaluate ‘cultural values’ claims by State Parties: The case for an Evidential Process

Frederick Cowell (Birkbeck University, UK)

The use of contexts in the framework of the individual communications procedure by the UN Treaty Bodies

Carlos Leonardo Santana Bareño (National University of Colombia)

11:45 – 12:00: Break

12:00 – 13:15

Panel 3: Comparative approaches

Chair: Anne-Katrin Speck (DISSECT, UGent)

Proving Anti-Roma Violence by State Authorities: A comparison of litigation strategies and challenges before UN Treaty Bodies and the European Court of Human Rights

Emma Varnagy (DISSECT, UGent)

“Proofreading” the Evidentiary Regime in Human Rights Complaints: Fact-finding before UN Treaty Bodies and the International Criminal Court

Kerem Gülay & Özge Karsu (Koç University, Turkey)

13:15 – 14:45: Lunch break

14:45 – 16:00

Panel 4: Looking for procedural evolution

Chair: Deborah Casalin (University of Antwerp)

Corroboration in sexual violence cases and the CEDAW Committee

Parvana Bayramova (Baku State University, Azerbaijan)

Evidentiary regimes of UN Treaty Bodies in historical perspective – the case of CERD

Wojciech Burek (Potsdam University, Germany)

16:00 – 16:15: Break

16:15 – 17:30

Panel 5: Sharing insiders' perspectives II, concluding panel

Chair: Marie-Benedicte Dembour (DISSECT, UGent)

CEDAW: Evidentiary Issues in the Communications Procedure

Hilary Gbedemah (CEDAW member and former chair)

Proving pushbacks during individual communications procedures in front of UN Treaty Bodies: a practitioner's perspective

Hanaa Hakiki (Litigator, European Center for Constitutional and Human Rights)

17:30 – 18:00: Concluding comments

19:00 Dinner

Madonna (Poel 7-8)