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IVR World Congress 2017: Peace based on Human Rights

Call for Abstracts

Special Workshop:

Foundations of the human rights law architecture: vertical, horizontal, territorial and extraterritorial? Dimensions of human rights obligations reconsidered

Chairs:

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The dogmatic architecture of international human rights law is strongly related to the sovereignty, territory and jurisdiction of the nation state. Within this paradigmatic architecture, the sovereign state monopolises not only the role of the main duty-bearer but is also understood as the main threat related to the realisation of human rights as well as the main norm-maker in the human rights arena. Yet in recent years, several of these fundamental human rights paradigms were challenged in practice and the growing body of international human rights law has expanded in diverse dimensions. Human rights are partially understood as not only having a vertical, but also a horizontal effect, placing duties on private actors. Furthermore, as a consequence of globalisation, human rights are transforming as their application is being seen to extend beyond the territory of the nation state, and that a state and its agents could in principle be held responsible for extraterritorial acts. At the same time non-state actors gain a more prominent role in the norm-shaping and norm-making process of human rights law (e.g. multistakeholder-initiatives).

These developments do not only affect technical issues, but also raise fundamental questions about human rights such as their (moral and/or legal) nature, their foundations and sources, their scope of application, their limits and the legitimate actors in the human rights arena. They arguably change the roles and responsibilities of states and challenge the traditional line between states and non-state actors. Furthermore, the transformations of human rights (law) highlight classic jurisprudential problems such as the public/private-divide. Moreover, the expanding scope combined with a horizontal effect of human rights emphasizes the emerging problem of conflicts between human rights (e.g. religious freedom and women's rights), a matter that – examined at a general level above specific conflicts – has attracted attention quite recently. Recent developments also raise questions about the territorial scope of human rights: where do human rights apply? In this context, moral and legal considerations are necessary to approach persistent controversies such as whether States are allowed to treat their nationals different than non-nationals. The workshop aims at discussing such and similar questions at a general level. As the catalogue of questions shows, the issues addressed in this context are far reaching and encompass considerations about the very goals (and eventual limits) of the human rights project.



Contributions to the Special Workshop could address the following topics:

- **Current foundations of human rights: human rights as moral and / or legal rights? What are the sources of human rights?**
- **Scope and limits of human rights; Human rights and balancing competing interests or goods**
- **What is the nature of human rights obligations? What are the sources of human rights obligations? Who has human rights obligations?**
- **The role of states (in human rights law); e.g. State sovereignty and human rights**
- **Non-state actors and human rights (e.g. transnational corporations, International NGOs, religious groups or institutions)**
- **The public/private divide (in human rights law)**
- **Conflicts between human rights**
- **Territorial scope of human rights: Where do human rights apply?; e.g. Extraterritorial application of human rights**
- **Human rights and the treatment of non-nationals**
- **Human rights and refugees**
- **Religion and human rights**

If you wish to contribute to the Special Workshop, please send an abstract of **max. 400 words** by **Mai 26, 2017** to:

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