

Welcome to the

Bergen Exchanges on Law & Social Transformation

Venue: Bergen Resource Centre for International Development, Jektviksbakken 31, Bergen

21 – 25 august 2017



www.lawtransform.no

Centre on Law & Social Transformation - *LawTransform*

UNIVERSITY of BERGEN
Chr. MICHELSEN INSTITUTE

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The Bergen Exchanges on Law & Social Transformation

is a meeting place for scholars and practitioners who seek to understand how law serves as an instrument of change and how it shapes, and is shaped by power relations. During a week of public discussions, we examine strategic uses of rights and law and how legal institutions function as arenas for political contestation (*lawfare*). The multi-disciplinary and international nature of the *Bergen Exchanges* makes it a unique space for improving research strategies and methods to grasp the effects of law & lawfare. This includes the use of legal instruments by governments to shape societies – whether through constitutional change, international treaties, statutes or regulations – as well as “insurgent lawfare” from below, by social actors who go to court or otherwise engage rights and law to advance their goals. Effects take different forms. How legal strategies alter political dynamics, ideas and discourses may be as important for long term transformation as more immediate changes in laws, policies, or the distribution of resources. We also seek to better understand the functioning of legal and administrative institutions as they adjudicate, interpret and implement legal norms.

Topics in focus at the 2017 Bergen Exchanges include:

- **How does law shape and change gender relations?** And what is the currency of law in the political economy of gendered morality? We explore dynamics and effects of abortion and migration laws, equality legislation, sexual and gender identity rights, criminalization of gender based violence and child marriage.
- **What are the effects of transitional justice processes** – and how do transitional justice institutions (truth commissions, trials) travel?
- **Child rights.** Is Norway fulfilling its international commitments? And how do child welfare services in different countries exercise discretion ‘in the best interest of the child’?
- **Law, democracy & authoritarianism.** How should we study effects of law in authoritarian settings? What is the role of law in current processes of democratic backlash? And how does the backlash affect legal institutions? Law is used to defend democracy - and to undermine it, for example through anti-terror, NGO-, libel- and “immorality” laws.
- **Law & inequality.** Does the human right to water help the poor? Have land reforms brought social justice? When does court involvement increase inequality – and how can we know?
- **What decides how judges rule** - for example in cases concerning speech rights - or rape? Can we reform courts to make judges more independent not only vis-à-vis the political branches and corrupt influences, but also from their own biases?
- **Law & society in Latin America.**

The lectures, roundtables and panels bring together scholars and practitioners from all over the world, many linked to *LawTransform* as Global Fellows, Associates and collaborators on research projects. **The events are open to everyone free of charge.**

In connection with the Bergen Exchanges, we have an annual, interdisciplinary **PhD course on *Effects of Lawfare***, which this year, in addition to the general track, offers a specialization in **Gender, Sexuality & The Law** (see special program). The PhD course is free of charge and open to applicant from Norwegian and international institutions on a first-come first serve basis (but out-of-town applicants have to cover their own travel and accommodation costs, as there are no scholarships available). Information is available at the www.lawtransform webpage. **To join our team of volunteers**, contact us at info@lawtransform.no.

Unless otherwise noted all **the sessions are Roundtables** with short, 10-minute coffee breaks in between. The roundtables normally start with a prepared introduction and a moderated discussion between invited panellists before opening for plenary discussion. **To allow broad participation please keep questions short and sharp.**

Sessions are normally recorded. If this is a problem for you, please let us know.

Unless specifically noted, **all events are public and participation is free of charge.** This is made possible through contributions from the research projects that form part of **LawTransform**, whose research is presented throughout the Exchanges, and by generous support from the **Chr. Michelsen Institute (CMI)**, the **University of Bergen**, the **Rafto Foundation** (www.rafto.no), and **FOKUS** (www.fokusvinner.no). We also value the collaboration with the **EADI Conference** (www.eadi.org/gc/2017/).

If you have a visible or invisible **disability and require adjustments** to participate of this seminar on an equal basis with others, please let us know in advance: info@lawtransform.

2017 Bergen Exchanges on Law & Social Transformation

Pre-Exchanges Events:

Thursday 17 August

9:00 – 17:00 **PhD Course: “Effects of Lawfare”** (by application, see separate program)

Thursday 17 August 15:00 – 17:00

“Abortion lawfare & the right wing in Brazil” (public)

This seminar focuses on the drivers and strategies behind the right wing turn in Brazilian Politics – culminating with the ousting of President Dilma Rousseff in 2016). Particular focus is on the role of “politics of morality” in their strategies and alliance-building, and in particular of anti-abortion politics

Moderator: **Lara Côrtes** (LawTransform/CMI)

Participants include: **Luciana Gross Cunha & Marta Machado**
(both Professors at FGV Law School, São Paulo)

Friday 18 August

8:45 – 17:00 **PhD Course: “Effects of Lawfare”** (by application)

Saturday 19 August

9:30 – 18:30 **“Political determinants of Sexual & Reproductive Health”**
Project workshop (for project team, see separate program)

Sunday 20 August

9:00 – 15:00 **“Sexual & Reproductive Rights Lawfare: Global battles”**
11:30 – 15:00 **“Breaking Bad – Backlash against democracy in Africa”**
Project workshops (for project teams, see separate programs)
15:00 – 22:00 **Nature walk and social event**

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PROGRAM

2017 Bergen Exchanges on Law & Social Transformation

Venue: Bergen Resource Centre for International Development, Jektviksbakken 31, Bergen

Special focus:

Gender, Sexuality & the Law (21-22 August)

In collaboration with FOKUS (www.fokuskvinner.no)

Monday 21 August

9:00 – 9:30 Formal opening of the 2017 Bergen Exchanges

9:30 – 11:30 **When gender harms - what can law do about it?**

9:30 – 10:00 **Key Note Address: Rashida Manjoo**

Former UN Special Rapporteur on Violence Against Women/University of Cape Town
Femicide, "partnerdrap", honor killings, widow burning, witch trials. All societies have gendered violence and killings, often triggered by perceived violation of gender norms. Is there a need for an international convention on violence against woman, and, if so, what should it look like? And what is the most feasible approach to getting it in place?

10:10 – 11:30 **Roundtable**

What are effective institutional solutions to the problem of gender based violence? Common strategies have been to use the law to criminalize gender violence, increase penalties, put more people in jail. Is this effective? Is the criminal law the best tool? In Latin America #NiUnaMenos - the 'not one less' movement - challenges what is seen as a cultural strain of aggressive hypermasculinity driving and allowing high levels of violence against women in the region, despite protective laws. Do we need to approach these problems by other means, such as gender education in schools? And how useful are short-term measures such as shelters in contexts of long term protection needs? This session mark the publication of Torunn Wimpelmann's book ***The Pitfalls of Protection: Gender, Violence, and Power in Afghanistan***

Moderator: **Sara Blom** (LawTransform/University of Bergen)

Introductions by **Paola Bergallo** (Di Tella University, Buenos Aires),

Torunn Wimpelmann (CMI), **Hans Fredrik Marthinussen** (University of Bergen)

11:40 – 12:30 Child marriage laws in Africa

Child marriage features high on the international agenda both as a human rights violation and because of its negative effects on sustainable economic development. The issue is critical within the debates on gendered violence, girls' education and women's participation in the work force. What are the drivers of child marriage law reform in Africa and why do some actors mobilize against it? How can law reform best be brought about and lead to change of child marriage practices?

Participants include: **Vibeke Wang**, **Joar Svanemyr**, and **Liv Tønnessen** (all CMI), **Ragnhild Muriaas** (University of Bergen), **Satang Nabaneh** (University of Pretoria)

12:40 – 13:30 Transcontinental perspectives on trans-struggles

Trans* lawfare is increasingly visible – and diverse – on all continents. The nature of the battles, and their relationships to other LGBTIQ-struggles (lesbian, gay, bi- and intersex, queer) differ radically both between and within societies. Some – even highly homophobic – societies have a tradition of recognising (certain) transgender identities. Elsewhere trans* people are the most targeted by violence. How important are international and inter-group alliances for the trans* lawfare that we currently see?

Moderator: **Frans Viljoen** (University of Pretoria)

Participants include: **Jayna Kothari** (Centre for Law and Policy Research, Bangalore), **Bruce Wilson** (University of Central Florida/CMI), **Nicholas Orago** (University of Nairobi)

13:30 – 14:30 LUNCH

14:30 – 16:00 PhD course session (participation by application, see own program)

14:30 – 17:30 Project workshops: (closed session, see own programs)

- **Breaking Bad: Backlash against Democracy in Africa**
- **Sexual & Reproductive Rights Lawfare: Global battles/Abortion Lawfare in Latin Am.**

Monday 18:00 – 19:30 (EADI panel)

Law & Society in Latin America: taking stock & looking ahead

The increasing judicialization of politics and social struggles in Latin America over the past decades – from demands for transitional justice, and constitutions recognizing indigenous rights, to judicialized environmental conflicts and an 'epidemic' of health rights litigation – is also reflected in the scholarship in and on the region. But while the body of literature is growing, both within law and the social sciences, it is still a fragmented field. The **Handbook on Law and Society in Latin America**, edited by Rachel Sieder, Karina Ansolabehere & Tatiana Alfonso aims to provide a comprehensive overview and analysis of the state of Latin American law and society scholarship. The editors will present snapshots and outline the main contributions of the socio-legal literature towards the understanding of Latin American society and politics-as and highlight the contributions that study of the region has made to this literature. One focus of the discussion is the struggles of indigenous women. This is also explored in a new book edited by Rachel Sieder on **Demanding Justice and Security: Indigenous Women and Legal Pluralities in Latin America** (Rutger 2017). The panel will also discuss what makes authorities comply with court orders. This is increasingly a focus in the law & society literature in Latin-America and beyond and is explored in a recent book edited by Malcolm Langford, César Rodríguez-Garavito & Julieta Rossi: **Social Rights Judgments and the Politics of Compliance – Making It Stick** (Cambridge 2017)

Participants include: **Rachel Sieder** (CIESAS/CMI), **Karina Ansolabehere** (UNAM/Flacso México), **Tatiana Alfonso** (UNAM/University of Wisconsin), **Malcolm Langford** (University of Oslo), **Bruce Wilson** (University of Central Florida/CMI) + tbc*

Followed by reception & social event

(open to all subject to space, register at post@lawtransform.no)

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Tuesday 22 August

9:00 – 10:00 Abortion Rights Lawfare in Latin America – methods and findings

This roundtable presents findings from a 3 year LawTransform research project analyzing the strategic use of rights and law in the contentious battles over abortion rights in Latin America. Access to legal abortion is severely restricted in most of the region, but the role of socio-legal mobilization and the courts has been key in improving access to legal abortion in recent years. The project focuses on movement and countermovement patterns and dynamics, and considers the various effects of this lawfare between opposing groups. The effects of lawfare on abortion deserve special attention on account of the implications for gender relations, the dignity, health, autonomy and wellbeing of vulnerable groups, and for social policy. The project case studies analyse battles over legal abortion and the progressive and counter-progressive use of courts and other government institutions, focusing on the nature, form, causes and consequences of such lawfare. The cases include Argentina, Brazil, Colombia, Mexico, Peru, and El Salvador and two studies analysing regional and global dimensions and trends of lawfare around abortion and women's health rights. Findings indicate: a growing importance of trans-/international forums and organizing; a retreat from moral/religious framings in battles over abortion and a growing importance of rights framings; and backlash dynamics that are not uni-linear, and differ significantly from patterns suggested by research on the USA.

Moderator: **Rachel Sieder** (CIESAS, Mexico/CMI – project leader)

Participants include: Participants include **Isabel Jaramillo** (Los Andes University, Bogota) **Ana Cristina Gonzalez Velez** (University of Rio de Janeiro); **Angélica Peñas** (Cordoba University, Argentina) in dialogue with **Gro Lindstad** (FOKUS);

10:10 – 11:10 Abortion Rights Lawfare: comparative perspectives

Abortion rights are contested in all regions of the world, and activists on all sides use courts – domestic as well as international – as well as the legislative arena and the streets to fight their cause. This session brings together experts on struggles over abortion rights from the Americas, Africa, Europa and India, to discuss the similarities and differences in how these struggles in and out of court play out in the different cultural and political contexts.

Introduction: **Paola Bergallo** (DiTella University, Buenos Aires)

Participants include: **Mulumbet Zenebe** (Addis Abeba University, Ethiopia), **Liv Tønnessen** (CMI), **Jayna Kothari** (CLPR Bangalore), **Atina Krajewska** (University of Sheffield), **Ruth Fletcher/Fiona de Londras** (tbc*) **Mindy Roseman** (Yale University, USA)

11:20 – 12:20 The drivers of anti- sexual & reproductive rights lawfare

Abortion rights are contested in all regions of the world, and activists on all sides use legal strategies and arenas to advance their goals. We know that strategies are developed, spread and enabled through dense international networks, but in particular with regard to the “anti's” these networks remain opaque.

Participants include: **Julieta Lemaitre** (Los Andes University, Bogota), **Juan Marcos Vaggione** (University of Cordoba, Argentina), **Neil Datta** (Ghent University, Belgium)

12:30 – 13:30 The Political Economy of Sexuality and Abortion (EADI panel)

Across the globe, “morality” issues such as homosexuality and abortion have become high stake politics, constituting rallying points for political mobilization and contestation in the political branches as well as in courts. In Latin America, abortion related questions play a central political role, on the African continent, issues of same sex relations do the same. In the USA both issues have been highly politicized for decades. In several European countries, they are recurring in the political debate, recently quite dramatically in Poland. Why is this so? Some see this mainly in religious terms, and particularly as a result of American evangelical churches gaining increased global influence. Others point to the strategic value, the political currency of these highly morally charged issues. Political leaders – from Putin in Russia, Museveni in Uganda and Daniel Ortega in Nicaragua, to Donald Trump – have found homophobia and resistance to ‘gender ideology’ and reproductive rights highly effective tools for creating alliances, diverting attention and mobilizing political support. This roundtable will analyze the political economy of sexuality and abortion around the globe.

Moderator: **Pierre de Vos** (University of Cape Town Law School, South Africa)

Participants include: **Getnet Tadele** (Addis Ababa University, Ethiopia), **Leo Arriola** (UC Berkeley), **Alan Msosa** (University of Essex), **Marta Machado** (FGV São Paulo), **Frans Viljoen** (University of Pretoria) + tbc*

13:30 – 14:30 LUNCH

14:30 – 15:00 Film: Gender & sexuality in South Africa’s student protests

This session present a short documentary on politicisation of gender and sexuality in South Africa’s student movement and –protests. It forms part of the LawTransform project on Political Determinants of Sexual and Reproductive Health in Africa (GLOBVAC).

Presentation by **Andrew Amorim; Ingvild Skage** (UiB) & **Aslaug Aarsæther**

Comments by **Helge Rønning** (University of Oslo)

15:00 – 15:30 Politicization of gender & sexuality in African media

This short session presents findings from a pilot study of the debates on homosexuality in African newspapers as part of the LawTransform project on Political Determinants of Sexual and Reproductive Health in Africa (GLOBVAC).

Presentation by **Feiang Shen-bayh** (UC Berkeley, USA), **Vegard Vibe** and **Ruben Mathisen** (UiB)

Comments by **Helge Rønning** (University of Oslo)

15:30 – 17:00 PhD Course session

15:30 – 17:30 Project workshops: (closed session, see own programs)

- Project Workshop: “Political Determinants of SSR Health” (closed session)
- Abortion Lawfare in Latin America

18:00 The Mayor of Bergen’s Reception

at historic Bryggen (Schøttstuene)

(by invitation). Guided tour after event.

Wednesday 23 August Law, Democracy & Authoritarianism

7:00 Guided running tour with Marthe

Meet in the lobby of *Scandic Byparken* if you are up for an hour's run in the streets and hills of Bergen. Departing on time so don't be late! N.B.: Same departure time/place for all days!

9:00 – 10:00 Understanding Backlash against Democracy in Africa (EADI panel)

Many African countries are leading the global charge in clamping down on democracy, adopting legal restrictions on key civil and political rights that form the basis of democratic rule, including freedoms of association, speech, and information; the ability to choose political leaders; rule of law with recourse to independent courts; and rights and freedoms related to reproduction and family life, gender equality, sexual orientation and gender identity. Domestically, the restrictions privilege some social groups at the expense of other groups and contribute to a rise in political inequality. This trend has coincided with increasing social and economic inequalities as well as an increase in social unrest and outward migration. Internationally, the African democratic backlash challenges global actors who have pressured developing countries to politically liberalize in the post-Cold War period. Yet, we have insufficient understanding of why this democratic backlash is happening, what the implications are, and which responses are effective under different conditions. In this panel, we invite panelist to reflect on the timing and causes of the backlash against democracy in Africa. Did it start recently, or is it simply a result of a correction of the overoptimistic assessments of the 1990s? What contributed to the withdrawal of the third wave of democratization on the continent? What role has domestic elites played in this development, and which rights have been targeted? And what has been the role of the international community in the backlash? The panel invites both papers that are looking at concrete country cases across time and papers that look regional and continental trends.

Academic panel with open call for papers.

Moderator: **Lise Rakner**

Presenters: **Kendra Dupy** (CMI), **Svein-Erik Helle** (UiB and CMI),

Fiona Feiang Shen-bayh (UC Berkeley, USA), **Jonas Ewald** (Linnæus University, Sweden)

Commentator: **Nicholas van de Walle** (Cornell University, USA)

10:10 – 11:10 How to Strangle Civil Society – and to resist?

Across the world we see a clampdown on organizations reporting on human rights, and a much used strategy in the repertoire of coercive measures is to introduce new NGO-legislation tightening the conditions for organizations that are considered political, including restrictions on foreign funding. Cases include Russia, India, Egypt, Angola, Kenya and many other. How is this affecting the democratic processes in these societies, and what are the strategies for countering this development.

Moderator: **Kendra Dupy** (CMI)

Participants include: **Pavel Chikov** (Agora, Russia), **Marja Hinfelaar** (Director SAIPAR, Zambia), **Mulumba Moses** (CEHURD, Uganda)

11:20 – 12:20 Contemporary human rights challenges in the USA

Human rights challenges are ample and worsening also in developed democracies, and in the past year, the development in the United States have raised particular concern. In this panel we raise some of the issues that are particularly worrying, ranging from basic civil rights concerns to human rights implications of the profound inequalities in American society.

Moderator: **Helena Alviar** (Los Andes University/ Harvard Law School)

Introductions by **Douglas Johnson** (Director, Carr Center, Harvard Kennedy School) and **Tom Keck** (Syracuse University) in dialogue with **Mindy Roseman** (Yale University)

12:30 – 13:30 Researching drivers of violence

Mexico is one of the world's most violent countries, but the violence is not evenly distributed across the territory (as is also the case in many other countries) the reasons for this is not well understood. In a large research project **Karina Ansolabehere** and her colleague are investigating the patterns of violence in different Mexican states and the conditions that are fuelling – and fail to stop – it, including the role of the law-enforcement institutions.

Participants include **Karina Ansolabehere** (UNAM & FLACSO, Mexico City) in dialogue with **Daniel Brinks** (UT Austin) + **Leiv Marsteintredet** (University of Bergen tbc*)

13:30 – 14:30 LUNCH

Special focus:

Effects of Transitional Justice (23-24 August)

14:30 – 16:00 (EADI panel)

Gender and Transitional Justice: How are gendered crimes and injustices dealt with in transitional justice processes?

Transitional justice mechanisms have become the norm in post-conflict & post-authoritarian settings. Whereas processes to address past gross human rights violations were largely nationally driven in the 1980s and early 1990s, international involvement has become increasingly common and the processes have evolved in several respects: International law has gained importance for how transitional justice measures (criminal prosecution, truth commissions, reparations, amnesty laws) are established and implemented, and lines between transitional justice and general development goals (the right to health, access to justice, reduction of inequality) are becoming increasingly blurred. Yet, scholars have argued that the strong links between transitional justice and gender equality have been overlooked and underdeveloped in both theory and practice. This panel reflects on how transitional justice processes can be used as a tool for advancing gender equality. Where and how have transitional justice measures been geared towards addressing violations against women committed during periods of authoritarianism or internal armed conflict? Do truth commissions address violence against women in their reports or include a gender perspective in their recommendations? Are reparations formulated to address women's issues such as sexualised violence, rape, health and landownership?

Moderator: **Isabel Jaramillo** (Los Andes University)

Participants include: **Pilar Domingo** (ODI, London), **Lisa-Marie Måseidvåg Selvik** (CMI), **Mounira Charad** (UT Austin), **Gabriela Fried** (tbc*)

16:15 – 17:00 PhD Course Session

16:15 – 17:45 Project workshop: **Breaking bad** (closed session, see own program)

Wednesday 23 August 18:00 – 19:30 – Bergen University Aula:

Annual Lecture on Law & Social Transformation

Kathryn Sikkink

(Harvard University, USA)

Evidence for Hope: Making Human Rights Work in the 21st Century

Debate: What now?

Strategies for human rights activism & defense in populist times

Pavel Chikov (Agora, Russia), **Adrian Jjuuko** (Hrapf, Uganda),

Howard Morrison (President of the Appeals Division, International Criminal Court)

In collaboration with the Rafto Foundation for Human Rights
Followed by reception at the Rafto House (by invitation)

Thursday 24 August

7:00 Guided running tour with Marthe (*Scandic Byparken*)

9:00 – 10:20 Transitional Justice in Latin America - book launch

This new book - co-authored and co-edited by **Elin Skaar**, **Jemima García-Godos**, and **Cath Collins**, addresses current developments in transitional justice in Latin America – effectively the first region to undergo concentrated transitional justice experiences in modern times. Using a comparative approach, the book examines trajectories in truth, justice, reparations, and amnesties in nine countries emerging from periods of massive violations of human rights and humanitarian law. Applying a common analytical framework, the book provides a qualitative and comparative analysis of the transitional justice experiences of Argentina, Brazil, Chile, Colombia, Guatemala, El Salvador, Paraguay, Peru and Uruguay. More specifically, the book investigates to what extent there has been a shift from impunity towards accountability for past human rights violations in Latin America. The book assesses how the quality, timing and sequencing of transitional justice mechanisms, along with the context in which they appear, have mattered for the nature and impact of transitional justice processes in the region.

Following the presentation of the book, this roundtable addresses the central questions regarding **how transitional justice travels**: To what extent have the lessons learned from the TJ protagonist region of Latin America travelled to the rest of the world? Narrowing the focus to the criminal prosecution part of transitional justice, the roundtable explores the following hot topics in the current TJ debate: How has the changing international context – specifically international law and regional and international courts, such as the Inter-American Court of Human Rights and the International Court of Justice (ICC) influenced this development? Why do we see a backlash against transitional justice efforts in Africa? What are the main challenges for countries still in conflict, like the Middle East, with respect to human rights violations?

Moderator: **Onur Bakiner** (Seattle University)

Participants include: Co-authors & -editors **Elin Skaar** (CMI),

Jemima García-Godos (University of Oslo) and **Cath Collins** (Ulster University) in dialogue with **Howard Morrison** (President of the Appeals Division of the International Criminal Court), **Rachel Sieder** (CIESAS, Mexico), and **Sofie Høgestøl** (University of Oslo)

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10:30 – 11:30 'Beyond Words' project on truth commission recommendations

The transformative potential of truth commissions (TCs) arguably lies most directly in the body of recommendations put forward in the report. TC recommendations usually include reforms in the legal, political and social fields, and reparations of various kinds. The list is often extensive. The tendency over time has been towards longer list of recommendations. This in itself raises questions about expectations and the possibility of implementation. In general, implementing TC recommendations clearly faces many obstacles. The implementation record is generally poor. Nonetheless, implementation has not been systematically examined, either within a case or across cases. Moreover, the relationship between the nature of recommendations, aspects of the political and socio-economic environment into which they are introduced, and implementation has largely been neglected in the scholarly literature. This panel presents findings from a three years research project on the implementation record of the recommendations made by 13 truth commissions, established since the early 1980s in 11 Latin American countries: Argentina, Brazil, Chile, Ecuador, El Salvador, Guatemala, Haiti, Panama, Paraguay, Peru, and Uruguay.

Moderator: **Elin Skaar** (CMI)

Participants include: **Jemima García-Godos** (University of Oslo), **Lisa-Marie Selvik** (CMI),

Adriana Rudling (University of Sheffield), **Cath Collins** (Ulster University) in dialogue with **Onur Bakiner** (Seattle University)

11:40 – 12:30 Migration management and how migrants manage

The phrase 'migration management' has come to replace 'immigration control' and puts a more positive spin on it. Borrowed from the corporate world, the term 'management' suggests control and efficiency, and glosses over the multiple conflicts that are often involved, within states, between states, and between states and migrants. Is it possible to manage migrants who prefer to manage their own lives? What limits the ability of host states to manage migration? In particular, what human rights considerations need to be taken into account? And can and should researchers contribute to 'better practice' in this politicized field? This interdisciplinary round table tackles these issues and provides insights from the ongoing MIGMA-project.

Participants include: **Maja Janmyr** (University of Bergen), **May-Len Skilbrei**, **Erlend Paasche & Özlem Skribeland** (all Department of Criminology and Sociology of Law, UiO, Norway)

13:30 – 14:30 LUNCH

14:30 – 15:30 Constitutional Courts & Democracy: Latin America & beyond

Both in Latin America and Eastern Europe ambitious constitutional justice systems were established as part of the transitions from authoritarian rule in these regions in the 1980s and 1990s. Many of these constitutional courts assumed roles exceeding their historical functions - and those of constitutional courts in advanced industrial democracies. A new book by **Daniel M. Brinks** and Abby Blass - ***The DNA Of Constitutional Justice in Latin America: Politics, Governance and Judicial Design*** - argues that the politics of the constitutional moment are reflected in the DNA of constitutional justice. Mechanisms of control are designed to ensure the framers and their successors a continued role in governing around important, threatened political goals. Still, in many parts of the world, and not least in in Eastern Europe, the new constitutional justice systems are currently under siege. Why is this so? And what are the ways in which they are pressured and their independence and effectiveness undermined

Introduction by **Daniel M. Brinks** (University of Texas, Austin)

Participants include: **Pavel Chikov** (Agora, Russia), **Sudir Krishaswamy** (CLPR Bangalore),

Luciana Gross Cunha (FGV Law School, São Paulo) **Eirik Holmøyvik** (University of Bergen, member of Venice Commission)

15:30 – 17:00 PhD Course session

18:00 – 20:00 (Venue: Auditorium 4. Faculty of Law, UoB)

Evening event: What decides how judges rule?

This session looks at what we know about what influences judges' decisions. Focus is on cases concerning politically sensitive questions such as freedom of expression, or gendered issues such as rape. We also discuss the process of 'constructing a victim'. What is a 'good victim' in terms of winning a case? How victims are represented in trials, in the media – and in academic work – raises the issue of agency. Sometimes the "ideal victim profile" can deny victims agency, and hamper their political involvement. This is the case in relation to rape trials, but also for transitional justice processes and various forms of public interest litigation.

- **Judging Speech Rights cases.** Introduction by **Tom Keck** (Syracuse University)
Comments by **Anine Kierulf** (NIM, Norwegian National Human Rights Institution)
- **Gendered judging.** Introduction by **Silje Synnøve Lyder Hermansen** (PluriCourts, University of Oslo)
- **How to construct a good victim?** Introduction by **Pierre de Vos** (University of Cape Town) and comments by **Ana Cristina Gonzales** (University of Rio de Janeiro)

Followed by reception & social event in the CMI canteen.

(Open to all subject to space – please register at post@lawtransform.no)

Friday 25 August Law & Inequality

9:00 – 9:40 Law & Equality – towards a new research agenda

Law is used to address unwanted inequalities in society - including along class, race and gender lines. When do legal strategies succeed in advancing equality?

Introductions by **Jackie Dugard** (University of the Witwatersrand, South Africa) & tbc*

Comments by **Sudhir Krishnaswamy** (CLPR, Bangalore)

9:50 – 10:50 Land, Law & Inequality

Land remains a main source of livelihood and wealth - and of social conflict and inequality. This is exacerbated as population pressures, development needs and climate change increase the competition for scarce resources, often threatening already marginalized groups depending on the land. Property rights to land and natural resources have been fiercely contested for centuries, and are in some cases actively used as a tool for redistribution but with limited success.

In the first part of this session **Namita Wahi** present the findings from the LawTransform project on **Lands rights & inclusive sustainable development in India** which investigates the social effects of diverse legal regulations of land in Indian states.

This is used as the basis for a broader discussion on how to theorize and research the role and effects of land rights in the current global context.

Participants include: **Jackie Dugard** (University of the Witwatersrand, South Africa),

Rachel Sieder (CIESAS, Mexico), **Helena Alviar** (Los Andes University, Bogota/Harvard University, USA), **Dan Brinks** (UT Austin, USA), **Tatiana Alfonso** (University of Madison, USA)

11:00 – 12:00 Can water rights bring water to the poor?

This session marks the launch of a new LawTransform research unit on “**Natural Resources & Climate Lawfare**”. Water is a vital, valuable and highly contested natural resource. In 2010 the international society recognized this by affirming the independent human right of all to access safe drinking water and sanitation - but still contests over valuable water resources place the livelihoods of millions at risk across the world. What difference can law make in providing water to the poor – and how can we know what works? The session marks the publication of **a new book on *The Right to Water* edited by Malcolm Langford** (CUP 2017), which investigates the development of the human right to water and we will learn about the findings from this work and how it serves as the basis for a new 4 year LawTransform research project on ***Elevating water rights to human rights: Has it strengthened marginalized peoples' claim for water?***

Moderator: **Bruce Wilson** (University of Central Florida)

Participants include: **Malcolm Langford** (LawTransform/University of Oslo, **Lara Côrtes** and **Camila Gianella** (LawTransform-CMI), **Arkaja Singh & Namita Wahi** (both Centre for Policy Research, Delhi), **Inga Winkler** (Columbia University; New York)

12:30 – 13:20 Implementing Child Rights in Norway

Results from book project edited by **Malcolm Langford, Marit Skivenes and Karl Harald Søvig** on implementation of the rights of the child in Norway. A special focus is on the rights of migrant children. On paper, the rights of migrant children seem well protected in Norway and elsewhere but in practice their rights are often compromised as migration and asylum policies are tightened. This session will discuss some of the main challenges faced by child migrants and asylum seekers, but in relation to the asylum process – including in relation to age assessments – and in relation to the integration process.

Participants include: **Malcolm Langford** (LawTransform/University of Oslo),

Marit Skivenes (University of Bergen), **Karl H Søvig** (University of Bergen)

13:20 – 13:30 Closing of the 2017 Bergen Exchanges

13:30 – 14:00 LUNCH

14:00 – 16:00 PhD Course session

Friday 25 august 18:00 – 21:00 at **Bergen Literature House**

Project Launch & reception:

“Discretion and the Child’s Best Interest in Child Protection”

(Launch of European Research Council Consolidator project)

At this final event of the 2017 Bergen Exchanges, professor in political science **Marit Skivenes** (University of Bergen, will present the ambitious goals for a new research agenda on child protection. A key question is how to secure the quality and legitimacy of the intrusive and extremely difficult interventions that child protection staff and judges have to make.

She will be joined by:

- Professor in law **Karl Harald Søvig** (University of Bergen, who will elaborate on the child protection cases that the European Court of Human Rights has communicated to the Norwegian state,
- Associate professor in social work, **Kenneth Burns** University College Cork, Ireland), who will present the Irish road towards banning corporal punishment.
- Professor in sociology **Katrin Kriz**, ((Emmanuel College, USA) will present findings from five population’s attitudes (Austria, Estonia, Ireland, Norway and Spain) on corporal punishment of children.
- Professor in social work, **Tarja Pösö** (University of Tampere, Finland) will lead a panel debate comprised of international experts on the issue of thresholds for child protection interventions and the legitimate role of state intervention into families. Questions and comments from the audience are most welcome.

-- This points ahead to the **2018 Bergen Exchanges** (20-24 August 2018) where child rights (along with health and the law) will be a main focus, including as a PhD special track.

Post Exchanges Events:

saturday 26 August

8:00 Guided running tour with Marthe – UP IN THE HILLS

Let Marthe know if you would like to join her for a couple of hours of running in the hills around Bergen. (marthe.engedahl@student.uib.no)

9:00 – 12:00 **“Land, Law & Inequality” project development workshop** (closed session)

13:00 – 18:00 **“Water Rights” project inception workshop** (closed session, see own program)