Edinburgh Postgraduate Law Conference 2021

Presents

Great Expectations
When Law Meets Reality

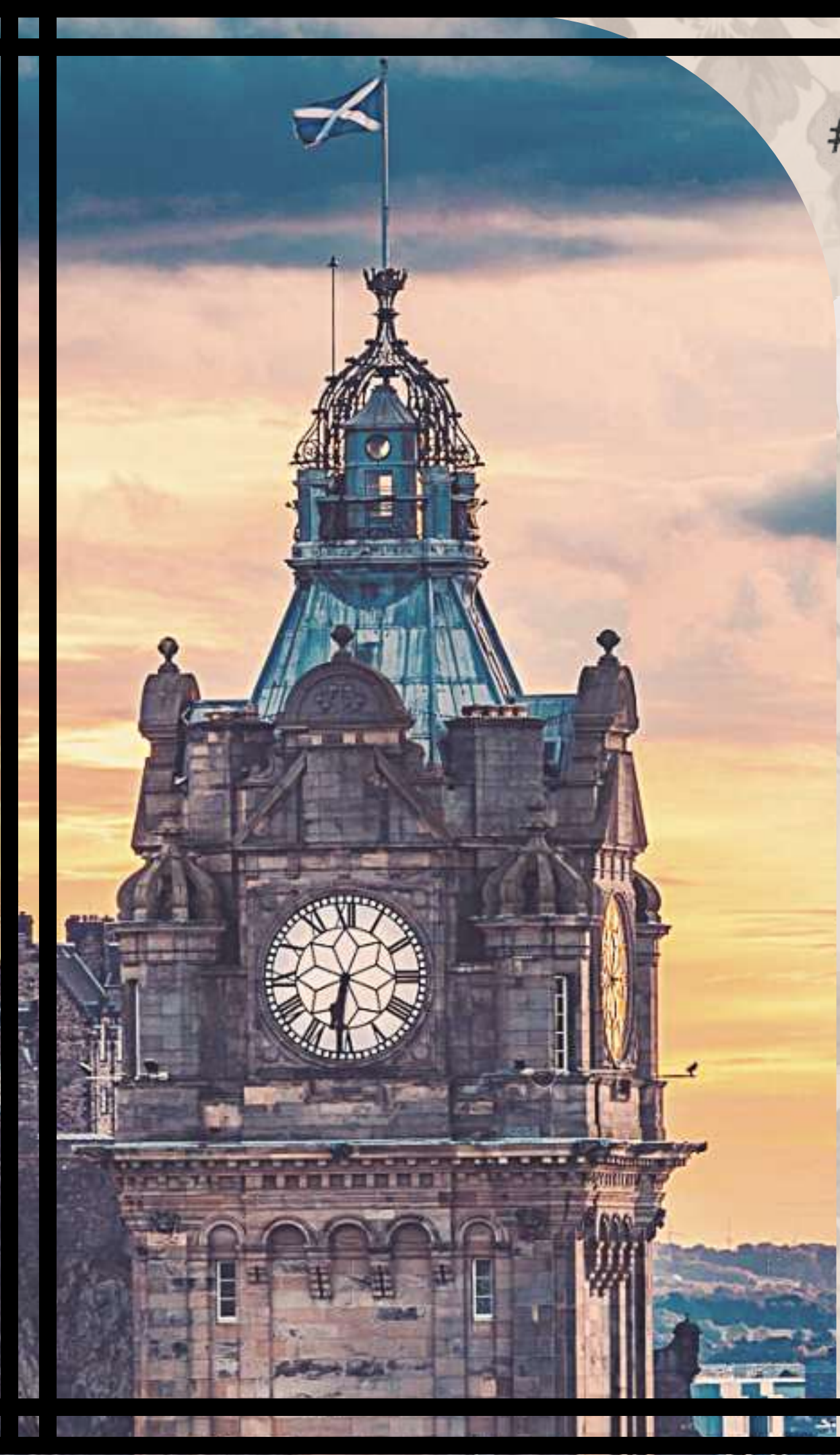*19-20 April 2021*

PROGRAMME

EDINBURGH
POSTGRADUATE
LAW CONFERENCE 2021

Welcome

The EPLC 2021 convenors are very pleased to welcome you to the 7th Edinburgh Postgraduate Law Conference. Given the on-going pandemic, we have opted to organize this year's conference as a virtual one. We have organized this conference in a way that allows everyone to get the most out of the conference by bringing in as much of the opportunities you can get from in-person events.

All the information you need for the conference is set out in this programme – which includes a timetable for the conference and a bit more information about what to expect from the different sessions.

EPLC 2021 Convenors

Shona Warwick, Zahra Jaffer, Hashim Mude

Mirjana Gavrilović Nilsson, Alice Krzanich

Keynote Speakers

Lady Wolffe
Court of Session Judge

Lady Wolffe was appointed as a Judge of Scotland's highest court in 2014. She is one of the Commercial Court judges, and the first woman in Scotland to hold that position. Her principal areas in practice are in Commercial and Public law.

Professor Richard Sparks
Criminology
Edinburgh Law School

Professor Sparks was previously Head of School. His fields of interest include the sociology of punishment and penal politics, prisons, and policy-formation.

Professor Sharon Cowan
Feminist & Queer Legal Studies
Edinburgh Law School

Professor Cowan is a co-editor of the Scottish Feminist Judgments Project. Some of her research interests include: Gender, Sexuality and the Law; Feminist Legal Theory; Criminal Justice; and Asylum studies.

Conference Highlights

Keynote Panel

We have a thought-provoking keynote panel comprising of 3 distinguished speakers. Each speaker will present on a topic related to the conference theme, which will then be followed by a discussion among the panel members and a Q&A session with the audience.

Speed-networking Session

This session is dedicated to mixing and mingling with others to meet new people, make academic connections and to practice networking skills in a relaxed and friendly setting. You will be encouraged to discuss various topics such as legal research, life as a PhD student, and interests outside academia.

Conference Highlights

Oral Presentation Panels

Oral presentations are grouped into 2-4 person panels spread across the 2 days of the conference. Speakers will provide 15-minute presentations. A discussant will then respond to each individual presentation. There will also be a Q&A session with the audience.

Poster Sessions

This is a great opportunity for knowledge exchange in a visual format! Posters have been made available on a virtual wall for all presenters and attendees to access before the conference. At the 2 scheduled poster sessions, presenters will briefly explain their posters and take questions from the audience.

Virtual Reception

This virtual happy hour provides a chance for everyone to wind down, network and socialise in a more informal setting at the end of the conference.

Day 1: Monday 19 April 2021

08:45 – 09:00

Conference Welcome
EPLC 2021 Convenors and Professor Martin Hogg, Head of Edinburgh Law School

09:00 – 10:40

International Law and Human Rights Panel
Discussant: Dr Raphaële Xenidis; Chair: Mirjana Gavrilović Nilsson

- **Eleonora Celoria**, University of Turin, "In search for the effectiveness of the right to liberty: The gaps between law and practice in the Italian administrative detention system"
- **Thomas Mulder**, University of New South Wales, "The Promise of the Principle of Solidarity in International Law"
- **Michiel Poesen,** KU Leuven, "EU Private International Law's Ambivalence towards Making the World a Better Place"
- **Nadia Silhi-Chahin,** University of Edinburgh, "Restrictions to the right to freedom of expression of pro-Palestinian activists in Western Europe: the response of the European Court of Human Rights"

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10:40– 11:00	**Break**

| 11:00– 12:15 | **Intellectual Property, AI and the Law Panel**
Discussant: Dr Amandine Léonard; Chair: Hashim Mude

• **Opeyemi Kolawole,** University College Dublin, "Reimagining the approach to Technology Transfer as a sustainable development tool in Least Developed Countries"
• **Nasir Muftić,** University of Sarajevo, "Regulation of AI liability – between moral hazard and the impairment of progress"
• **Fergus Whyte,** Arnot Manderson Stable, "Automatic fixation of copyright and its consequences" |

| 12:15– 13:10 | **Lunch Break** |

13:10–14:15

Day One Poster Session – Chair: Hashim Mude

- **Sonia Cruz Dávila,** King's College London, "Separation of Powers and its Political Relevance for the Rule of Law"
- **Chiara De Robertis,** University of Turin, "How Italian Courts use the prescrizione del reato to manage workload: the gap between law and reality"
- **Başak Ekinci,** Istanbul Bilgi University, "A So-Called Problem Solver: Does Criminalisation of Sex Work Protect or Violate Human Rights?"
- **Nicholas Goldrosen,** University of Cambridge, "Null Effects of Progressive Drug Prosecution Policies on Drug Arrests"
- **Erin Hartman and Charlotte Geer,** University of York, "In a World Plagued by Sexual Violence, How Does the Law Protect and Bring Justice to Survivors in Reality?"
- **Piotr Króliński,** University of Warsaw, "'Grave risk of ambiguity' or how have children opened our eyes to the challenges of modern-day family law reality"
- **James Rischbieth,** KU Leuven, "Just Responses for Atrocity Victims: their needs need attention"
- **Deborah Russo,** University of Edinburgh, "Solitary Confinement – the Limits of the Law"

14:20–15:10	**Medical Law Panel** **Discussant: Professor Anne-Maree Farrell; Chair: Zahra Jaffer** • **Emily Ottley**, King's College London, "De Facto Abortion on Demand: An Argument for Legal Reform?" • **Ruby Reed-Berendt**, University of Edinburgh, "Reconceptualising the governing principles of mental health law through a feminist approach"
15:10–15:30	**Break**
15:30–17:10	**Criminology and Criminal Law Panel** **Discussant: Dr Andy Aydın-Aitchison; Chair: Mirjana Gavrilović Nilsson** • **Clara Dybbroe Viltoft**, University of Cape Town, "Deconstructing Gangsterism in South African Legislation and Policy: Reframing Anti-Gang Strategies by Utilising At-Risk Definitions" • **Patryk Gacka**, University of Warsaw, "Providing reparative justice to victims of international crimes? Ideals and reality"

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- **Afrin Khan,** NMIMS University, "A study on the viability of Restorative Justice in Child Sexual Abuse cases in India"
- **Daniel Lifuka Sichinga**, University of Cape Town, "Friends or Foe: Realities of the Police using the law to safeguard the interests of LGBT+ victims of hate crimes"

| 17:10–18:00 | **Break** |

| 18:00–19:30 | **Keynote Panel** |

- **Lady Wolffe**
- **Professor Richard Sparks**
- **Professor Sharon Cowan**

08:50 – 09:00	**Day Two – Welcome with EPLC 2021 Convenors**

| 09:00 – 10:40 | **Private Law Panel**
Discussant: Dr Daniel J Carr; Chair: Shona Warwick

• **Reef Alfahad,** King's College London, "Damages for Breaching Forum Selection Clauses"

• **Alexandra Allen-Franks,** University of Cambridge, "Do judges in England and Wales have the power to exclude relevant evidence in civil proceedings?"

• **Ariyo Ayodeji,** University of Wolverhampton, "Enlightened shareholder approach v stakeholder approach: exploring the law and facing the reality"

• **Petr Tomášek, Charles University,** "Co-determination – employee involvement or wishful thinking?" |

10:40 – 11:00	**Break**

Day 2: Tuesday 20 April 2021

11:00 – 11:50

Environmental Law Panel
Discussant: Professor James Harrison; Chair: Alice Krzanich

- **Alice Bleby,** University of New South Wales Sydney, "The new reality of the Anthropocene: new expectations for (environmental) law?"
- **Julie Elizabeth Boyd,** Liverpool John Moore's University, "Ecocide: The New Reality That Law Needs To Meet"

11:50 – 12:45

Lunch Break

12:45 – 13:55

Day Two Poster Session – Chair: Zahra Jaffer

- **Annemarie Balvert,** Tilberg University, "Big Data and the audience of all: when less is more in governmental data communication"

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**12:45 –
13:55**

- **Lucia della Ventura,** Trinity College Dublin, "Can Law Save The Artificial Intelligence Against Human Biases?"
- **Ma. Golda Gigi G. Miñoza**, Kyushu University, "Good Aim, Bad Design: The Ease of (Un)Doing Business Law"
- **Lilit Nagapetyan,** Queen Mary University of London, "Consequences of illegality in international arbitration: are we substituting a new mess for the old one?"
- **Rebecca Owens,** University of Liverpool, "Patents and Scientific Progress: A CRISPR Case Study"
- **Alec Thompson,** University of Cambridge, and **Ryan Gibb**, University of St Andrews, "Legal Perfection and the Case for Manual Data Entry"
- **Davide Luigi Totaro**, University of Milan, "Insurance Promise vs Insurance Expectation: addressing the issue of the "Expectation Gap" in the Insurance Contract"
- **Evelyn Wang,** Newcastle Law School, "Lost in Implementation: The Gap between Rhetoric and Reality in the Constitutional Right to a Healthy Environment"
- **Chenghuai Xu,** University of Edinburgh, "When law meets reality: Does the old rule of financial regulation hinder the rapid development of Internet financial technology?"

14:00 – 15:40

Public Law Panel

Discussant: Dr Cormac Mac Amhlaigh; Chair: Alice Krzanich

- **Kathryn Allison,** University of Bristol, "'Responsibility' jurisdiction and human rights – the clash of expectations and reality?"
- **Anri Heyns,** Rede Consultants/University of Cape Town, "Law's reality: The obstacles for and potential of the law to bring about social change in poor mining communities in South Africa"
- **Brajesh Ranjan,** McGill University, "Delays in Access to Justice in North America – Are civil justice reforms sabotaging their own agenda?"
- **Mirosław Sadowski,** McGill University, "Law and Illiberalism in Central Europe. Evolution or Abuse of the System?"

15:40 – 16:00

Break

16:00 – 17:00	**Speed Networking**
17:00 – 17:15	**Break**

17:15 – 18:30	**EU Law Panel**
	Discussant: Dr Katerina Kalaitzaki; Chair: Shona Warwick

- **Magdalena Brewczyńska,** Tilburg University, "The lack of legal certainty in the application of data protection legal framework"
- **Joris Gruyters,** KU Leuven, "State aid rules for social services: A difficult journey towards compliance"
- **Christos Papachristopoulos**, University of Birmingham, "Expectation vs Reality: Detention conditions across EU Member States"

18:30 – 19:30	**Virtual Reception**

Thank You

The EPLC 2021 Convenors would like to sincerely thank the Head of Edinburgh Law School – Professor Martin Hogg; our keynote speakers; the discussants; the Edinburgh Postgraduate Research Student Board; and everyone at the Edinburgh Law School who has supported us in our endeavour to bring our vision for the conference to life. We would also like to thank all our presenters without whom we would not have had such a fantastic line-up of research projects to share and discuss. Lastly, but most importantly, we would like to thank all of you for attending our conference.

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https://www.lawphdconference.ed.ac.uk/

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