



**MAX PLANCK INSTITUTE**

FOR COMPARATIVE PUBLIC LAW  
AND INTERNATIONAL LAW

## HUMAN RIGHTS DISCUSSION GROUP

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### ***“Interrogating Human Rights and Global Constitutionalism”***

**Thursday, 17 November 2016, 15:00 – 16:30, Room 014**

Any discussion of global constitutionalism implicates human rights to some degree. For many, human rights even represent the ultimate proof of constitutionalisation tendencies at the global level. However, precisely how human rights function at the global level, whether they do action mechanisms for the protection of individuals and the promotion of their well-being or serve some other goals remains under-examined. This study tackles these issues. It argues that in the current state of international law it is difficult to provide one single answer to the question of functioning of human rights. However, all possible answers point out that human rights do function differently from fundamental rights in domestic settings and that human rights do not function to protect individuals, although they do occasionally and peripherally provide some protection to some individuals. Therefore, the future of the global constitutionalist project needs to be sought elsewhere. In order to provide some possible avenues for realisation of goals promoted by global constitutionalism, the study looks for inspiration into the functioning of societies in ancient Greece and early Islam. It describes some paradigms present in these societies that could orient future long-term development of the global towards the goals traditionally pursued under the heading of global constitutionalism.

**Ekaterina Yahyaoui Krivenko** is a Lecturer at the Irish Centre for Human Rights, School of Law, National University of Ireland, Galway. She is also an associate researcher at the Hans and Tamara Oppenheimer Chair in Public International Law, McGill University, Canada. Currently she works on a manuscript on Human Rights and Global Constitutionalism to be published by Cambridge University Press. She is a member of the Coordinating Committee of the International Legal Theory Interest Group of the European Society of International Law. Previously, she taught at the Faculty of Law, University of Montreal, Canada. She also worked as a legal advisor for Refugee Counseling Service, a project funded by the United Nations High Commissioner for Refugees in Belarus. Ekaterina is author of ‘Women, Islam and International Law within the Context of the Convention on the Elimination of All Forms of Discrimination Against Women’ as well as of several articles in such areas as human rights and cultural relativism, refugees and migration, law and literature, reservations to treaties.



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