UNIVERSITY OF OXFORD

Bonavero Graduate Research Forum

Trinity 2026

WRITING WORKSHOP

Date: Tuesday, 19 May
Time: 13:00 – 18:00 (reception 18:00 – 19:00)
Venue: Gilly Leventis Meeting Room, Bonavero Institute for Human Rights, Mansfield College
Workshop conveners: Adrija Ghosh and Gideon Basson
Format: Triads (presenter, academic discussant, peer discussant)

PROGRAMME

Time	Programme
13:00 – 13:15	**Introduction** (Adrija, Gideon, Rachel)
	Session 1 (Chair: Adrija)
13:15 – 13:40	Sarah Ourednickova (online) (Triad 1)
13:40 – 14:05	Lara Ibrahim (Triad 2)
14:05 – 14:15	*Break*
	Session 2 (Chair: Gideon)
14:15 – 14:40	Justin Winchester (Triad 3)
14:40 – 15:05	Ishani Mookherjee (Triad 4)
15:05 – 15:30	Advait Tambe (Triad 5)
15:30 – 16:10	*Break*
	Session 3 (Chair: Adrija)
16:10 – 16:35	Yang Qiu (Triad 6)
16:35 – 17:00	Juan-Pablo Perez-Leon-Acevedo and Illia Chernohorenko (Triad 7)
17:00 – 17:10	*Break*
	Session 4 (Chair: Gideon)
17:10 – 17:35	Amy Hemsworth (Triad 8)
17:35 – 18:00	**Concluding remarks and reflection** (Adrija, Gideon, Bas)
18:00 – 19:00	**Reception**

Triad format (25 minutes): Presenter introduction (2 min); academic discussant (15 min); peer discussant (5 min); presenter response (3 min).

SESSIONS

*13:15 – 14:05: **Session 1***	**Triad 1** (13:15 – 13:40)
Author:	**Sarah Ourednickova (online)**
Academic discussant:	**Dr Claude Cahn (online)**
Peer discussant:	**Ishani Mookherjee**
Title:	***Courts as Fora for Recognition and Participation of LGBTIQ People through Process and Narratives***
	Triad 2 (13:40 – 14:05)
Author:	**Lara Ibrahim**
Academic discussant:	**Professor Rachel Murray**
Peer discussant:	**Juan-Pablo Perez-Leon-Acevedo and Illia Chernohorenko**
Title:	***The Influence of Principles of International Environmental Law on International Human Rights Law Obligations***
*14:15 – 15:30: **Session 2***	**Triad 3** (14:15 – 14:40)
Author:	**Justin Winchester**
Academic discussant:	**Professor Laurence Lustgarten**
Peer discussant:	**Amy Hemsworth**
Title:	***From Institutional Discrimination to Structural Inequality***
	Triad 4 (14:40 – 15:05)
Author:	**Ishani Mookherjee**
Academic discussant:	**Professor Amel Alghrani**
Peer discussant:	**Sarah Ourednickova**
Title:	***Understanding 'Choice' in Disability-Selective Abortions through the Feminist Ethics of Care: An Indian Perspective***
	Triad 5 (15:05 – 15:30)
Author:	**Advait Tambe**
Academic discussant:	**Dr Marcelle Carvalho**
Peer discussant:	**Yang Qiu**
Title:	***Theoretical and Conceptual Foundation of Structural Remedies***
*16:10 – 17:00: **Session 3***	**Triad 6** (16:10 – 16:35)
Author:	**Yang Qiu**
Academic discussant:	**Dr Moiz Tundawala**
Peer discussant:	**Advait Tambe**
Title:	***Protection: Interaction Between Law and Collective Memory***
	Triad 7 (16:35 – 17:00)
Author:	**Juan-Pablo Perez-Leon-Acevedo and Illia Chernohorenko**
Academic discussant:	**Professor Başak Çalı**
Peer discussant:	**Lara Ibrahim**
Title:	***The Role of International Courts in Shaping International Compensation Mechanisms: The European Court of Human Rights (ECtHR) and Ukraine***
*17:10 – 17:35: **Session 4***	**Triad 8** (17:10 – 17:35)
Author:	**Amy Hemsworth**
Academic discussant:	**Dr Adam Perry**
Peer discussant:	**Justin Winchester**
Title:	***Duties to Monitor the Operation of Administrative Systems***

ABSTRACTS

Triad 1 (Session 1, 13:15 – 13:40)

Author: **Sarah Ourednickova (online)**
Academic discussant: **Dr Claude Cahn (online)**
Peer discussant: **Ishani Mookherjee**
Title: ***Courts as Fora for Recognition and Participation of LGBTIQ People through Process and Narratives***

Abstract: This chapter advances the argument that recognition through procedural fairness holds particular significance for LGBTIQ individuals. It engages with the literature to provide an account of recognition and participatory harms and provides the analytical recognition/participation framework applied to the case studies. It gives an account of the litigation process which seems to indicate that courts might be well suited for addressing recognition harms due to their distinctive procedural features. It argues that this has a particular importance for those who have suffered significant recognition harm, as LGBTIQ people have, according to Nancy Fraser's analytical framework of recognition/redistributive harm and 'participatory parity'. Building on access-to-justice and legal process scholarship and Waldron's procedural rule of law theory, it identifies which are the main procedural elements of judicial processes relevant to recognition and participation, which is crucial to define which elements will be analysed in the case studies. This includes the right to access, the specific mode of argument, formality, impartiality, written reasoned decision etc. The chapter argues that this affords a limited formal procedural recognition as an equal. Building on Ganty, it argues that recognition as an individual with the ability to participate as an equal in society, or participatory parity in Fraser's terms, also requires respectful treatment and narratives during the litigation process and in the judicial reasoning. Drawing on literature, it identifies themes and indicators of procedural (mis)recognition (myths vs equality narratives, labels and pronouns, definitions of sex/gender, family etc.) to be analysed in the case studies. It addresses limitations of the recognition/participation potential of courts (costs, traumatising effects etc.) and how they might instead exacerbate recognition harms.

Triad 2 (Session 1, 13:40 – 14:05)

Author: **Lara Ibrahim**
Academic discussant: **Professor Rachel Murray**
Peer discussant: **Juan-Pablo Perez-Leon-Acevedo and Illia Chernohorenko**
Title: ***The Influence of Principles of International Environmental Law on International Human Rights Law Obligations***

Abstract: This chapter forms a central part of my thesis, which explores the influence of International Environmental Law (IEL) principles on extraterritorial due diligence human rights obligations, specifically in the ECHR, Inter-American System, and ICCPR. The aim of the chapter is twofold. First, it considers why IEL norms, including principles, should be used to influence the development of IHRL obligations in the context of climate change. On this in particular, it argues that IEL norms have developed in order to respond to transboundary or extraterritorial environmental harms, including climate change, and can and should therefore inform the content of IHRL obligations in this context, exploring in particular how fragmentation and regime interaction have impacted the development of such obligations in IEL and IHRL. On IEL principles, it argues that though they differ in terms of their scope, content, and legal status, their open-textured nature allows for their influence to expand into the IHRL regime. Secondly, this chapter looks at the specific mechanisms through which IEL principles can extend beyond the IEL regime and into IHRL. This includes influence through interpretation, using the principle of

systemic integration as a basis, as well as other canons of interpretation such as effective and evolutive treaty interpretation. Moreover, it looks at cross-fertilisation of norms in international law as encompassing a broader approach to regime interaction which is not based solely on treaty interpretation.

Triad 3 (Session 2, 14:15 – 14:40)

Author: **Justin Winchester**
Academic discussant: **Professor Laurence Lustgarten**
Peer discussant: **Amy Hemsworth**
Title: ***From Institutional Discrimination to Structural Inequality***

Abstract: MacPherson’s condemnation that British public authorities were riddled with ‘institutional racism’ catalysed the passage of positive equality duties in British equality law. But what does this mean? And how does this meaning affect the role of courts in judicial reviews of claims alleging breaches of these duties? This chapter argues to expand the target of positive equality duties to structural inequality without rejecting MacPherson’s definition of institutional racism and sketches an account of this able to be drawn upon by reviewing courts.

First, I explain that institutional racism is an example of a social-structural explanation. Social-structural explanations appeal to aspects of an interdependent structure, rather than to properties of components of that structure, to explain social phenomena such as racialised policing, gender wage-gaps, and class-based residential segregation.

Second, I consider MacPherson’s definition and its utility in social-structural explanation. I show that it captures institutional racism as an outcome but not as a cause. The latter is necessary for social-structural explanation. I sketch an account capable of understanding institutional discrimination as a process. In doing so, I rebut critiques of MacPherson’s definition as inherently deficient compared to structural racism. By distinguishing institutions from structures according to their explicit rules-led organisation and presence of central authority, I observe: (1) that institutional discrimination is not mutually exclusive with, and can be subsumed into the broader concept of, structural inequality; and (2) as MacPherson’s finding was specific to British institutions, MacPherson accurately identified the kind of inequalities authorities are duty-bound to address even if these only partially constitute the broader issue of (structural) inequality in Britain. This is a limit of the law rather than a limit of the concept itself.

Finally, having distinguished the institutional and structural as matters of degree rather than kind, I evaluate and draw from existing accounts of structural inequality in legal scholarship (by Atrey, Bagenstos, Laborde, and Mantouvalou), and supplement these with insights from critical social theory, to synthesise the elements of what is required to understand structural inequality as a causal process.

Triad 4 (Session 2, 14:40 – 15:05)

Author: **Ishani Mookherjee**
Academic discussant: **Professor Amel Alghrani**
Peer discussant: **Sarah Ourednickova**
Title: ***Understanding ‘Choice’ in Disability-Selective Abortions through the Feminist Ethics of Care: An Indian Perspective***

Abstract: Disability-selective abortions refer to abortions based on foetal condition(s), which may result in or increase the possibility of disability in the future child, if born. This paper will critically

evaluate one aspect of the Indian legal framework on disability-selective abortions, which permits such abortions at advanced stages of the pregnancy: the reliance placed upon the pregnant woman's reproductive rights and choice. This paper will be divided into four parts. Part I will employ doctrinal methodology to provide an account of the Indian legal framework, especially to underline the extent of reliance placed upon the woman's reproductive rights and choice by Indian courts to permit such abortions. Part II will demonstrate that the liberal individualist framework of choice, dominant in the existing jurisprudence, fails to account for broader socio-legal context and structural constraints, which shape reproductive decision-making by Indian women. Part III will argue that while it is important to expose the exploitative potential of the extant socio-legal framework, it is also important to acknowledge that women may exercise (limited) agency while making reproductive decisions, albeit within specific (unfavourable) circumstances. In view of the limitations of a liberal individualist framework and a sole emphasis on exploitative external structures, Part IV will examine whether a relational model of autonomy, as endorsed by the feminist ethics of care, captures the complexities involved in reproductive decision-making by Indian women in the context of disability-selective abortions and whether the Indian courts have or could accommodate such an account within Indian doctrine.

Triad 5 (Session 2, 15:05 – 15:30)

Author: **Advait Tambe**
Academic discussant: **Dr Marcelle Carvalho Yang**
Peer discussant: **Qiu**
Title: ***Theoretical and Conceptual Foundation of Structural Remedies***

Abstract: Structural remedies have assumed increasing importance in constitutional adjudication in India and South Africa, particularly in cases involving systemic rights violations that cannot be adequately addressed through traditional one-off judicial orders. This chapter develops a theoretical and conceptual foundation of structural remedies by defining them as mandatory orders accompanied by an express or implied judicial supervision, coupled with an obligation on the respondent to report back to the court within a specified time duration. These elements ensure that the court retains a continuing role in monitoring compliance and addressing failures in implementation. Thus, structural remedies are distinguished not merely by their breadth or ambition, but by their institutional design, i.e., they transform adjudication from an episodic act into a continuous supervised process of implementation and review. The focus of adjudication shifts from the articulation of rights to the realisation of those rights in practice, particularly in contexts where violations are embedded in institutional structures of governance.

Further, the chapter provides an overview of the concerns related to structural remedies, i.e., separation of powers, polycentricity, institutional competence and legitimacy. It argues that these concerns raise important questions about the scope, intensity, and duration of judicial intervention, as well as the allocation of responsibility between courts and other branches of government. Thus, structural remedies have to be carefully calibrated to respect institutional roles while remaining responsive to systemic rights violations.

The chapter then moves towards creating an analytical framework grounded in the rule of law and accountability to assess structural remedies. It extends the rule of law beyond the formal declaration of rights, ensuring that legal obligations are not merely symbolic but are translated into effective and accountable governance. By requiring public authorities to periodically report on compliance and justify their actions before a judicial forum, it renders executive power more transparent, reasoned, and responsive over time and creates an avenue for scrutiny and correction enabling courts to address the underlying conditions that produce and sustain systemic rights

violations. Thus, with the help of a coherent analytical framework, the chapter provides a foundation for assessing the procedure and the substance of structural remedies.

Triad 6 (Session 3, 16:10 – 16:35)

Author: **Yang Qiu**
Academic discussant: **Dr Moiz Tundawala**
Peer discussant: **Advait Tambe**
Title: ***Protection: Interaction Between Law and Collective Memory***

Abstract: This thesis belongs to the field of collective memory and law, which focuses on the legal governance of past knowledge and how communities remember historical events. Existing literature tends to focus on: a) mostly experiences of European and North American cases; b) the role of individual 'memory laws' that punish certain historical speech; and c) their relationship with freedom of expression. By bringing the examples of 'Socialist' states of Cuba and China and their governance over 'heroes and martyrs', this study argues that the interaction between law and collective memory far extends beyond freedom of expression and law's punitive powers. It shows that the interaction also has impact on the governance of economic production, commercial practices, and material distribution. In addition, the comparison between China and Cuba not merely demonstrates the divergences between 'Socialist' regimes, but it further questions the boundary of mnemonic practices between 'Democratic' and 'Socialist' states.

To do so, this thesis seeks to provide a new theoretical framework that captures the interaction between law and collective memory. First, 'destruction' – how collective memories empower law to destroy socio-political and economic structures, and in turn, how law erases memories of the past. Second, 'creation' – how collective memories enable law to create new structures, and how collective memories are being created through this process. Third, 'protection', which is the focus of this chapter.

This chapter analyzes how China and Cuba deploy law to shield the collective memory of heroes and martyrs from profanation. Drawing on Durkheimian notions of the sacred, it argues that legal protection operates along two dimensions: a) a punitive dimension, which collective memory propel law to criminalize and suppress challenges to the sanctity of heroes and martyrs; b) a celebratory dimension, which law actively constitutes and renews their sacred status through legally mandated commemoration to fend off competing historical interpretations. In the process, both states subordinate individual rights to the collective memory of their revolutionary pantheons. However, the substantive content and legal form of protection diverge significantly. Cuba's protective apparatus is existential and preservationist, which defends a permanently threatened revolutionary moment against US 'imperialist' interference and competing interpretations of José Martí. It is rooted in victimhood nationalism and expressed primarily through criminal law and executive decrees. In contrast, China's approach is teleological and institutional, which treats challenges to heroes and martyrs as symptoms of a previous developmental stage, and progressively legislating celebration and protection through expanding statutory frameworks. This divergence, the chapter argues, is ultimately explained by fundamentally different philosophies of revolutionary time embedded in each state's constitutional order.

The sanctity of collective memories constitutes a constitutional argument that justifies the utmost violence that is done to individuals and communities. The fact that these practices happen in China and Cuba should not fuel complacency of 'Democratic' states, where similar experiences have happened in places such as the US and France. The conclusion of this chapter serves as a bridgeway for the next chapter, which investigates the limits of such constitutional arguments.

Triad 7 (Session 3, 16:35 – 17:00)

Author: **Juan-Pablo Perez-Leon-Acevedo and Illia Chernohorenko**
Academic discussant: **Professor Başak Çalı**
Peer discussant: **Lara Ibrahim**

Title: ***The Role of International Courts in Shaping International Compensation Mechanisms: The European Court of Human Rights (ECtHR) and Ukraine***

Abstract: This paper examines the role of international courts, especially the ECtHR, in shaping and informing the design of international compensation mechanisms, using Ukraine as a timely and evolving case study. As scholarship has explored international claims commissions and human rights courts mostly in isolation, there remains a notable gap in understanding why human rights courts should contribute to the development of mass claims reparation schemes and what that contribution should entail. This paper aims to fill that gap by analysing the interface between the ECtHR and the emerging Ukraine compensation mechanism.

The analysis first situates the inquiry within the unprecedented scale and complexity of harm resulting from Russia's aggression against Ukraine. The conflict has caused large numbers of victims and diverse international law violations spanning jus ad bellum, international humanitarian law, and international human rights law. Yet, the ECtHR and the Ukraine compensation mechanism do not address a coterminous set of claims. Their intersection is partial and shaped by jurisdictional limits and political compromise. The Register of Damage records harm only from 24 February 2022 onwards, while the ECtHR's jurisdiction over Russia ended on 16 September 2022. This creates a fragmented temporal landscape: identical harms fall under different mechanisms, depending solely on timing. A house destroyed in 2016 falls exclusively to the ECtHR; a house destroyed in October 2022 likely falls exclusively within the Register; only a July 2022 destruction could be addressed by both. Thus, there is an overlap and both institutions confront analogous challenges, creating a space for mutual reinforcement.

Against this background, the paper advances three core reasons why the ECtHR should contribute to the emerging international compensation architecture for Ukraine. First, greater coherence in the international law of compensation is necessary to avoid divergent standards on causation, valuation, and evidentiary thresholds across parallel processes. ECtHR jurisprudence, with its structured and victim-centred approach, shall offer stabilising principles for a mechanism still under construction. Second, victims' rights to prompt and proportionate reparations require coordinated institutional responses. The Court's experience with systemic violations and mass claims provides procedural and remedial insights that can enhance accessibility, predictability, and timeliness of reparations. Third, aligning the approaches of the ECtHR and the Ukraine mechanism supports better allocation of limited resources, including the avoidance of double recovery, which is an issue of particular relevance given the expected volume of claims and the financial pressures of long-term reconstruction.

The paper then considers how the ECtHR might engage, critically assessing two extreme models, namely, proactive judicial steering and strict deference, and arguing instead for a balanced form of engagement. Such an approach would allow the Court's jurisprudence to inform standards and methodologies relevant to mass claims. Ultimately, the paper demonstrates that the ECtHR has both an opportunity and a responsibility to contribute to a coherent and victim-centred international reparations framework if acting timely at a moment of significant importance.

Triad 8 (Session 4, 17:10 – 17:35)

Author: **Amy Hemsworth**
Academic discussant: **Dr Adam Perry**
Peer discussant: **Justin Winchester**
Title: ***Duties to Monitor the Operation of Administrative Systems***

Abstract: This chapter examines a series of recent English Administrative Court decisions in which claimants have argued that a public authority has unlawfully failed to monitor the operation of an administrative system for which it is responsible. Such arguments have been successful in only a few cases, namely R (DMA) v Home Secretary [2020] EWHC 3416 (Admin), R (NB) v Home Secretary [2021] EWHC 1489 (Admin), R (DXK) v Home Secretary [2024] EWHC 579 (Admin), and R (BLZ) v Home Secretary [2025] EWHC 153 (Admin). However, these developments are noteworthy because they have involved judges making declarations – and in the two more recent cases, mandatory orders – concerning the way that the administrative system in question ought to be operated. This raises questions about the legitimacy of judges evaluating the adequacy of the inner workings of public administration.

I argue, however, that the development of duties to monitor the operation of administrative systems is an appropriate step for judicial review courts to take. In each of the successful cases examined, the duty to monitor the system has arisen largely on the basis that proper monitoring is reasonably necessary for the system to fulfil a relevant statutory duty, and/or to comply with established legal principles such as the Public Sector Equality Duty and the Tameside duty of inquiry. Furthermore, the cases emphasise that the requirements of proper monitoring are a) context-dependent and b) largely for the public authority to determine. Duties to monitor the operation of systems therefore impose minimum standards of competence and rationality on systemic administration, without intruding inappropriately on the territory of the executive. This is a desirable development, as it is increasingly important to ensure that the large-scale routinisation of decision-making in contemporary administration, including via outsourcing and automation, does not produce perverse results.