

13<sup>th</sup>

# Trinity College Dublin Law School Colloquium

6<sup>th</sup> February 2021

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*The Committee wishes to extend  
our gratitude to the Friends of the  
Colloquium:*

*Mr Justice Brian Murray,  
Ms Marguerite Bolger SC,  
Ms Peggy O'Rourke SC,  
Mr Ciarán Toland SC*

*for their  
continued support.*

**Thursday, 4 February 2021**

**18.00** Irish Standard Time (IST)

The Brian Lenihan Memorial Address

[Please click here to register for the online event](#)

Introduction by Prof. Mark Bell, *Regius Professor of Laws,  
Head of the Law School*



## Brian Lenihan

(1959 — 2011)

The Brian Lenihan Memorial Address is held annually and marks Mr Lenihan's substantial contribution to Irish public life as well as his longstanding connection to the Law School as a student, scholar and later as a lecturer.

Mr Lenihan obtained a first class honours in his LL.B degree in Trinity, and was elected a foundation scholar during his time here. He was called to the bar in 1984 and that same year began lecturing in Trinity. He was called to the Inner Bar in 1997.

Mr Lenihan was elected to Dáil Éireann in 1996 and served in the House until his death in 2011. He held a variety ministerial portfolios including Minister of State for Children, He was made Minister for Justice in 2007 and was Minister for Finance from 2008 until 2011.



## Judge Siofra O'Leary

### *Democracy, Expression and the Law in our Digital Age*

This year's address will be delivered by the Judge Siofra O'Leary, President of the Fifth Section of the European Court of Human Rights.

Siofra O'Leary is also a Visiting Professor at the College of Europe, Bruges and a member of the Editorial Board of the Common Market Law Review. She has served as a référendaire at the Court of Justice for many years in the chambers of Judges Aindrias Ó Caoimh, Fidelma Macken and Federico Mancini.

Before working at the Court, Dr O'Leary was the Assistant Director for the Centre of European Legal Studies at the University of Cambridge and a Fellow of Emmanuel College. She was previously a Visiting Fellow at the Faculty of Law, University College Dublin, a Postdoctoral Fellow at the University of Cádiz, Spain and a Research Associate at the Institute for Public Policy Research in London.

She is the author of two books entitled *The Evolving Concept of Community Citizenship* (Kluwer, 1996) and *Employment Law at the European Court of Justice* (Hart Publishing, 2001) and has published extensively in academic journals and EU law monographs.



# Saturday, 6 February 2021

## TCD Law Student Colloquium

Please [click here](#) to register for the online event

**9.30 IST - Welcome Message**

**10.00 – 12.00 IST - Session One**

**Room 1** Constitutional Law,  
Fundamental Rights and Legal Theory  
**Chair:** Prof. Oran Doyle

**Sharon Galantino**

(University College Dublin)

*'European Regulation of Online Disinformation: Platform Tools, Due Diligence Proposals, and Fundamental Rights'*

**Cian Henry**

(The Honourable Society of King's Inns)

*'Beyond Principles and Policies: Re-theorising the Democratic Properties of the Irish Administrative State'*

**Franciszek Koszelnik**

(University of Warsaw)

*'Different paths to a common goal – comparative remarks on the judicial interpretations of equal protection clauses of the US Constitution and the European Convention on Human Rights'*

**Samuel Lemire**

(Trinity College Dublin)

*'British Legal and Political Constitutionalisms: Two Sides of a Same Coin'*

## **Room 2** Vulnerable Person's Rights

**Chair:** Dr Patricia Brazil

### **Keelin Barry**

(Irish Centre for Human Rights, National University of Ireland, Galway)

*'Disability in Direct Provision in the context of the European Communities (Reception Conditions) Regulation 2018'*

### **Nidhi Sahay**

(University of Edinburgh)

*'Interpretation of the Refugee Convention from a Children's Rights Perspective'*

### **Rebecca Wade**

(University of Limerick)

*'An Examination of the Legislation that Governs the Use of Special Care in Ireland'*

### **Etienne Wain**

(Victoria University of Wellington)

*'From a Different Standpoint: Surveying the Rights of Māori Children to te Reo Māori Through the Oranga Moko-puna Framework'*



## Room 3 Environmental Law

**Chair:** Dr Suryapratim Roy

**Luke Gibbons**

(University of Oxford)

*'Corporate Criminal Liability for Environmental Wrongs'*

**Alexandru Gociu**

(Trinity College Dublin)

*'Conflicting Concerns of Development, Investment in Renewable Energy and Climate Goals in Greenpeace v. Norway Case'*

**Okwanuzor Nwaamaka Okuguni**

(Robert Gordon University, Aberdeen)

*'Enforcement and Compliance of Environmental Laws in the Oil and Gas Industry: Quo Vadis Nigeria?'*

**Virginie Maria Noëlle Rouillard Le Court de Billot**

(Bangor University)

*'Climate-Related Loss and Damage in Western Indian Ocean States: The Limitations of the Law of the Sea and Climate Change Law and Proposals for Change'*

**12.00 - 13.00 IST**

Lunch Break



**13.00 – 15.00 IST - Session Two**

**Room 1** International Law

**Chair:** Dr Donna Lyons

**Héloïse Guichardaz**

(University of Glasgow)

*'Accountability in the UN: Smoke and Mirrors?'*

**Maria Anna Iosifidou**

(Aristotle University of Thessaloniki)

*'The Legal Framework of Antiquities Protection and Repatriation'*

**Raghavi Viswanath**

(European University Institute, Florence)

*'Recalibrating reflexivity under international criminal justice using The Gambia v. Myanmar'*

**Karolina Wosik**

(University of Silesia, Katowice)

*'Forced marriage in the jurisprudence of the International Criminal Court'*

## **Room 2** Contemporary Issues in Irish Law

**Chair:** Prof. Gerard Whyte

### **Orla Doolin**

(University College Dublin)

*'A Constitutional Right to Housing: justiciable or just a gesture?'*

### **Kate Heffernan**

(Trinity College Dublin)

*'Regulating property rights by the principles of social justice: constitutional requirements for Irish housing policy under Art 43.2.1 °'*

### **Aoife McPartland**

(University College Dublin)

*'Better the Data You Know: A History of Ireland's Company Law Restriction Regime in Numbers'*

### **Daniel Mooney**

(Maynooth University)

*'A New Sheriff in Town: Enforcement of Judgment and Reforming Ireland's Sheriff System'*

## **Room 3** Financial Regulation

**Chair:** Dr Alexandros Seretakis

### **Celia Gálvez Alonso**

(University of Madrid)

*'The competences of the ECB in relation to Article 123(1)*

*TFEU – the prohibition of monetary financing – following the PEPP judgment of the German Constitutional Court'*

### **Christopher McMahon**

(Trinity College Dublin)

*'Competing Objectives: The Impact of Fiscal Aid Control on the Goals of EU State Aid Law'*

### **Prosscovia Nambatya**

(Trinity College Dublin)

*'The Capital Markets Union and Brexit: What Next for Financial Integration Arrangements?'*

### **Yvonne Shabangu**

(University of Johannesburg)

*'Financial Inclusion : A Comparative study of South Africa and The Republic of Ireland'*



## 15.00 – 17.00 IST - Session Three

### **Room 1** Contemporary Challenges and the Role of the Judiciary

**Chair:** Dr Conor Casey

**Małgorzata Biszczanik**

(University of Warsaw)

*'Is chilling effect a threat to the democratic rule of law?*

*Example of the Polish judiciary'*

**Saoirse Enright**

(University of Limerick)

*'Is Legal Realism a Reality? An Analysis of the Influence of  
Judicial Personalities on Decision-Making Trends within the  
Supreme Court of Ireland'*

**Eponine Howarth**

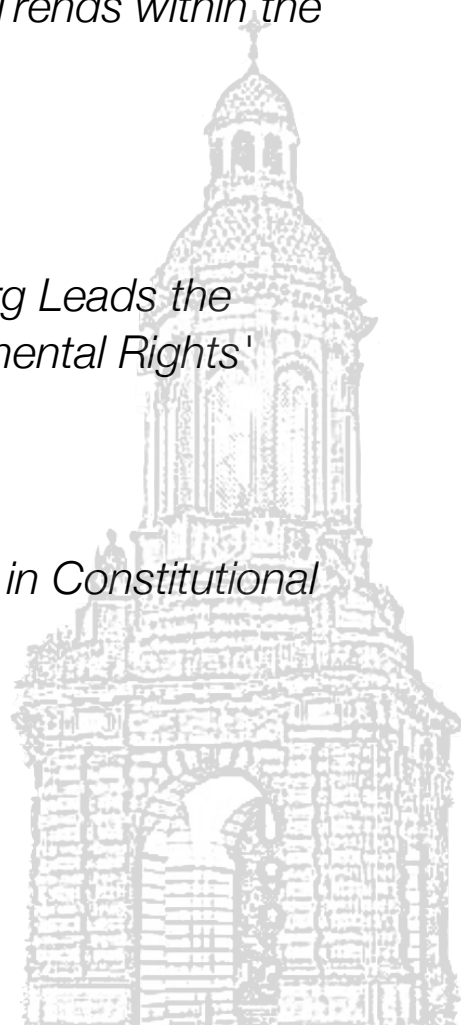
(London School of Economics)

*'A Grimm Tale of 'Mutual Trust': Strasbourg Leads the  
Way for Luxembourg in Protecting Fundamental Rights'*

**Davy Lalor**

(Dublin City University)

*'The Case for Remedial Judicial Discretion in Constitutional  
Review'*



## **Room 2** Information Technology and Privacy Law

**Chair:** Dr Maria Grazia Porcedda

### **Sinead Day**

(The Honourable Society of King's Inns)

*'Enforcement of Intellectual Property Rights in the EU Digital Single Market'*

### **Anastasia Christina Kalantzi**

(London School of Economics)

*'Artificial Intelligence (AI) Arbitrators: can AI systems achieve a legitimate and fair arbitration process'*

### **Virgilio Emanuel Lobato Cervantes**

(University of Reading)

*'Privacy and Data Protection: Some Considerations Concerning Equal Opportunities Monitoring and Ethnicity Pay Gap Reporting in the UK'*

### **William James Page**

(University of Reading)

*'Privacy in Public Space: Reassessing the use of Live Automatic Facial Recognition Technology'*



## **Room 3 Criminal Justice**

**Chair:** Prof. Ivana Bacik

### **Pamela Gubbins**

(University of Limerick)

*'Trial Waivers in the Irish Criminal Justice System – A Rights Based Approach in Protecting the Interests of the Accused'*

### **Favour Offia**

(National University of Ireland, Galway)

*'Examining the implementation of Uganda's Labour Externalisation Policy as a response to transnational human trafficking for labour exploitation along the Uganda – GCC migration corridor'*

### **Ashley Perry**

(Irish Centre of Human Rights, National University of Ireland, Galway)

*'From Force to Consent: Shifting the Narrative on Rape in Europe'*

### **Daniela Travaglia**

(University of Birmingham)

*'Impartiality as a shield? A feminist perspective'*

**17.30 – 18.00 IST**

**Best Paper Prize Announcement**





### Committee Members of the 13<sup>th</sup> Colloquium:

Marta Lasek-Markey  
Lucia Della Ventura  
Rachel Brady  
Ian Fanning  
Samuel Lemire

Sadhbh McGrath  
Zara Anne Murphy  
Blánaid Ní Chearnaigh  
Ursula Ní Choill  
Katherine O'Reilly  
Jessica Tully