



NEW HOME OF NETHERLANDS INSTITUTE OF HUMAN RIGHTS (SIM) AT THE LAW SCHOOL

# SIM Newsletter

## Winter 2013

### IN THIS ISSUE

## A New Year, A New Place

by Jenny Goldschmidt, director of the Netherlands Institute of Human Rights



2013 brings many changes. One of them is that SIM has a new home. As of January our institute has joined our colleagues in the main building of Utrecht Law School at Achter Sint Pieter, still in the historical heart of Utrecht city. The move is part of the restructuring of the law school last year. As a result we will be in a better position to promote one of the goals of the new profile of the School of Law: the integration of Human Rights into all its research programs.

In the past year we have had to say goodbye to a number of very valued SIM colleagues who were part and parcel of our institute almost from the start. Leo Zwaak and Fried van Hoof have retired and Ineke Boerefijn was appointed as research policy coordinator at the newly established national human rights institution. We are happy that strong ties remain in place with all of them, both on the personal level, but also through their continued work for e.g. the Netherlands Quarterly of Human Rights and in (guest) teaching. In addition, we welcome a number of new colleagues, who will introduce

themselves in this newsletter, reflecting SIM's continuing position as a vibrant place for human rights research. Several new international projects will also contribute to this.

We are always welcoming visiting fellows and hope that at our new location in the city you will still find us. For 2013, we are looking forward to increased and continued co-operation with fellow human rights researchers within Utrecht Law School, within the network of researchers of the Netherlands School of Human Rights Research and with all those connected to SIM's research, education and information mission across the globe!



### Enroll now for our LL.M. 2013-14

Enrollment for the new academic year 2013-2014 for our LL.M. on International Human Rights and Criminal Justice is now open. *Page 6*



### New project on Transitional Justice

In cooperation with the University of London, SIM started an exciting new project on the Impact of Transitional Justice Measures on Democratic Institution-Building, led by dr. Anja Mihr. *Page 2*



### Peace of Utrecht Exhibition

This year the city of Utrecht celebrates the 300<sup>th</sup> anniversary of the Peace Treaty of Utrecht. SIM contributes, amongst others, by its participation in an interactive exhibition in the University Museum entitled 'Peace of Cake?', which will be open for visitors throughout the year. *Page 3*

# Transitional Justice and Democracy

by Anja Mihr



A new multi-disciplinary research project entitled 'The Impact of Transitional Justice Measures and of Democratic Institution-Building' started at SIM in January and will run

until December 2015. The project focuses on countries facing a myriad of challenges following their emergence from authoritarian rule and/or violent conflict. Chief among these problems is the demand for accountability for past abuses, and the need to build a new, stable democratic state. Scholars and practitioners continue to debate which of these take priority, or whether in fact one is a necessary precondition for the other. While some recent scholarship suggests that certain transitional justice measures are positively correlated with an improvement in the state of democracy and human rights in transitional states, other scholarship suggests that some transitional justice



measures are not linked to improved records of democracy and human rights.

This three-year, inter-disciplinary research project will be conducted by researchers at the University of London, SOAS, UK, and at Utrecht University in the Netherlands and will examine the experiences of eight countries: South Korea, Japan, Brazil, Chile, Sierra Leone, Burundi, Hungary, and East Germany, in four regions. All of these countries have experienced different types of violence and repression and undergone different types of transition, in different regional and international geopolitical circumstances. Using qualitative methods including field research, secondary research, and incorporating insights from quantitative research, this comparative project will develop new insights regarding the impact of transitional justice measures specifically on

democratic institution-building. The researchers aim at contributing to the wide scholarship on the effects of transitional justice and providing insights to practitioners regarding the role of various transitional justice measures.

## PROJECT TEAM

The project leaders are Anja Mihr, associate professor at SIM, and Chandra Lekha Sriram, professor at the School of Oriental and African Studies (SOAS) of the University of London. Two postdoctoral researchers also participate in the project: Filipa Raimundo (see below) at SIM and Valerie Arnould at SOAS.

PROJECT WEBSITE:

[www.tjdi.org](http://www.tjdi.org)

## New colleague at SIM (1)

As part of the new Transitional Justice Project, dr. Filipa Raimundo has joined SIM as of January for a period of three years as a postdoctoral researcher.

She holds a PhD in Social and Political Sciences from the European University Institute. Her dissertation focused on transitional justice and the politics of the past in European consolidated democracies. After finishing her PhD she was a research assistant at the Robert Schuman Centre of Advanced Studies (EUI) where she has been collaborating on a project on Small States in EU Decision-Making. She was also a visiting

scholar at the University of California at Berkeley and the Juan March Institute in Madrid. Her work has been published by Palgrave Macmillan (forthcoming 2013), *Civilização Brasileira* (forthcoming 2013), Columbia University Press (2009), and the Portuguese Journal of Social Science (2009).

Her interests include: democratization, transitional justice, authoritarian legacies, political decision-making, and European studies.



## VISITING RESEARCHER

In January and February, Gunilla Ekberg from the Scottish Centre on Crime and Justice Research enjoyed a research stay at SIM. Ms Ekberg is the former Special Adviser to the Swedish Government on human trafficking and is currently in the process of writing a PhD in law at the University of Glasgow on human rights, prostitution, and trafficking in human beings.

## HUMAN RIGHTS RESEARCH SCHOOL

Since its inception, the Netherlands School of Human Rights Research, an inter-university network of human rights researchers in the Netherlands, is based at SIM. Amongst others, the School provides part of the training for PhD researchers in the field of human rights and organises conferences and seminars. A full agenda of academic human rights activities in the Netherlands can be found on the School's own website: [www.schoolofhumanrights.org](http://www.schoolofhumanrights.org)

## DOCUMENTATION HAS MOVED



## Move to University Library

The moving of SIM to new premises has also led to a new home for the books of SIM's famous documentation centre. These are currently being integrated into the University Library at its city centre location on Drift 27. More than 70 metres of books on human rights will be added to the University Library's own collection of human rights literature and will be given a new code: 'International Human Rights'.

The new location entails that the collection will benefit from the extensive opening hours of the library, even during the weekends. In addition, after summer it will also be possible to borrow these books.

The documentation specialists of SIM, Saskia Bal and Maaik Hogenkamp, will continue to make the monthly 'current contents' updates of new journal articles on human rights as well as SIM's databases. These can still be found at:

[sim.law.uu.nl/SIM/Dochome.nsf?Open](http://sim.law.uu.nl/SIM/Dochome.nsf?Open)

EU 7<sup>TH</sup> FRAMEWORK PROJECT

The European Union has given a large grant to a consortium of universities for a multi-year research project on human rights which will start to run this year. A number of researchers from SIM and from Utrecht Law School are participating in this consortium which is co-ordinated by our colleagues from Leuven University in Belgium.

## HONOURABLE MENTION

Brianne McGonigle Leyh was awarded an honourable mention at the end of 2012 at the annual Max Van der Stoel Awards for her dissertation 'Procedural Justice. Victim Participation in International Criminal Proceedings'.

## Peace of Cake?

by Antoine Buyse

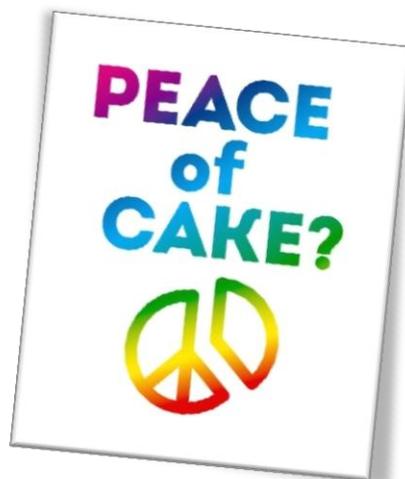


This year, the University Museum is organizing an exhibition about making peace entitled 'Peace of Cake?' in the context of the festivities of the 300th anniversary of the Peace of Utrecht. The exhibition has been developed in close cooperation with researchers from the Focus and Mass research area of Utrecht University on Conflicts and Human Rights, in which SIM is one of the core participating institutes. Rosemarie Buikema (art history), Antoine Buyse (human rights) and Lauren Gould (conflict studies) have co-developed the parts on South Africa, the former Yugoslavia and Uganda respectively.



The exhibition will be a very interactive tour through peace and conflict dilemmas in these three countries/regions and will also feature artworks made by children of elementary schools in and around Utrecht, at which the researchers have delivered guest lectures.

It opens on 28th February and can be visited throughout 2013. The University Museum is located at Lange Nieuwstraat 106 in Utrecht.



## New Colleague at SIM (2)

Hye-Min Kim is a new PhD candidate at the Netherlands Institute of Human Rights (SIM). Her research focuses on adopting the municipal legal concept of 'joint responsibility' in the law of international responsibility for States and international organisations, particularly in the human rights context.

Hye-Min obtained her LL.M. degree in international human rights law from the University of Essex and her master's in international affairs from the Graduate Institute of International and Development Studies, Geneva. She worked for a Korean local NGO, the Beautiful Foundation, in Seoul, after she had finished her volunteer work at the humanitarian and emergency affairs unit of the World Vision Mongolia in Ulaanbaatar.



She has internship experience at the Office of High Commissioner for Human Rights in Geneva, as well as at the Public Interest Lawyers' Group and the International Organization for Migration in Seoul. Her interest includes: international responsibility, international and regional human rights systems, various entities in the human rights scene, and environmental issues and human rights.

# Conference on Human Rights, Conflicts and Climate Change

**Conference: 10 October 2013**

An international conference at the crossroads of three of the most topical issues of the 21<sup>st</sup> century

Anno 2013 conflicts and human rights are as closely linked as they were in 1713 when the Peace of Utrecht was concluded.

However, the scale and causes of conflict may differ. One of the more recent causes of possible conflict and human rights violations is climate change. Both the prevention and the remedying of these violations depend on the actions of a broad scale of actors: international organizations, states, (transnational) private corporations, NGOs, national and international human rights institutions. A conference organized by the Conflicts and Human Rights Programme in the context of the 300 years of the Peace of Utrecht celebrations will discuss these actors' roles and the dilemmas with which they struggle.



At this conference, well-known international speakers and respondents will address these issues. Ample room for discussion with the audience will be reserved.

The conference is organized by Prof dr. Cedric Ryngaert and Prof. dr. Jenny Goldschmidt. For more information and registration please see the draft [programme](#) or contact Ms Annick Pijnenburg: A.Pijnenburg@uu.nl.

**Master Class: 9 October 2013**

A unique opportunity to discuss your research and increase its quality and relevance

We are very proud that the speakers for the Conference on 'Climate Change, Conflicts and Human Rights' (10 October 2013) have agreed to participate in a master class on the day preceding the Conference, i.e., on 9 October 2013. The master class is open for all, but applications from those linked to the programmes participating in the Conflicts and Human Rights programme or the Dutch Research School of Human Rights get priority.

We invite PhD students and advanced (research) master students to present their research and receive critical feedback from the conference speakers. The research to be presented has to be related to either 'climate change and human rights', or to related relevant aspects of responsibility of various actors for human rights violations.

Each candidate will have to send a research proposal, elaborated research question or specific part of his/her research (10-15 pages) not later than 1 September 2013. This will be forwarded to the most relevant expert. In a closed meeting open only to the experts, presenting candidates, their supervisors and the organizers of the

Conference, a brief presentation by each candidate will be followed by a critical reflection by the expert and a discussion.

Only a limited number of presentations can be accommodated, so please send your application a.s.a.p., and the latest by June 2013! The selection of the proposals will be made by the organizers of the conference, Prof dr. Cedric Ryngaert and Prof. dr. Jenny Goldschmidt.

## SIM IN THE BLOGOSPHERE



### Armed Groups and International Law Blog

Katharine Fortin, PhD researcher at SIM, hosts a blog on armed groups and international law, together with Rogier Bartels of the Netherlands Defence Academy:



<http://armedgroups-internationallaw.org>



### ECHR Blog

Antoine Buyse, associate professor at SIM, host a blog on the European Convention of Human Rights, reporting on case-law from the European Court and on recent publications and events concerning the ECHR:



[www.echrblog.blogspot.com](http://www.echrblog.blogspot.com)



### Culture and Human Rights Blog

Ingrid Roestenburg-Morgan, PhD researcher at SIM, runs a blog on topical issues relating to culture, human rights, traditional values and international criminal justice:



[www.culture-human-rights.blogspot.com](http://www.culture-human-rights.blogspot.com)

# New Publications

## Newest Issue of the NQHR

The newest issue of our own Netherlands Quarterly of Human Rights (vol. 31, No. 1, 2013) will appear in March and will feature:

o Charles Ngweni, 'Developing Regional Abortion Jurisprudence: Comparative Lessons for African Charter Organs'.

o Barbara Oomen, 'The Rights for Others: the Contested Homecoming of Human Rights in the Netherlands.'

o Maya Sabatello, 'Are the Kids Allright? A Child-centred Approach to Assisted Reproductive technologies'.



The Netherlands Quarterly of Human Rights is an academic peer-reviewed publication which contains scholarly articles on human rights issues and the promotion and protection of human rights in international law from authors from around the world. It carries human-rights related contributions by acknowledged correspondents on recent developments in the field of human rights in Africa, Asia, Europe and the Americas, as well as the various intergovernmental organisations (such as United Nations, the Council of Europe, the European Union, the Organisation on Security and Cooperation in Europe, the Organisation of American States, the continent of Africa and the International Criminal Court).

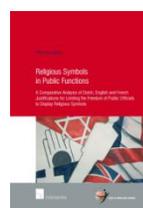
For more information on the Quarterly, please visit the website: [www.nqhr.net](http://www.nqhr.net)

## Liber Amicorum Fried van Hoof

The Netherlands Institute of Human rights (SIM) celebrated its 30th anniversary together with the valedictory lecture of one of its pioneers, Fried van Hoof. In 30 years the role of the regional human rights instruments and institutions has changed: their impact increased and thus more debate on their roles takes place. As the instruments and institutions are never a goal as such, but tools to increase social justice, the question has been raised what is, or should be their contribution to social justice? The speakers



of the Conference on the occasion of the 30th anniversary of SIM and some of Fried van Hoof's former Ph.D candidates shed their light on various aspects of this question in the book '[Defending Human Rights: Tools for Social Justice](#)', edited by Ida Lintel, Antoine Buyse and Brianne McGonigle Leyh.



## Dissertation Hana van Ooijen

On 23rd November 2012, SIM PhD Hana van Ooijen defended her dissertation entitled '[Religious Symbols in Public Functions: Unveiling State Neutrality. A Comparative Analysis of Dutch, English and French Justifications for Limiting the Freedom of Public Officials to Display Religious Symbols](#)'.

Religious symbols are loaded with meaning, not only for those who display them. They have generated controversy in many circles, be they religious or secular, public or private, and within or outside academia. Debate has taken place throughout Europe and beyond, at times leading to limitations or bans of religious symbols. While this debate might seem whimsical in occasional flare-ups, it merits closer scrutiny, precisely because it is part of a long-running debate, it crosses boundaries and because it touches upon larger underlying questions.

This book singles out a particularly contentious issue: religious symbols in public functions and it focuses on the judiciary, the police and public education. It is often argued that public officials in these functions should be 'neutral' which consequently implies that they cannot display religious symbols. This book aims to unravel this line of thought to the core.

It disentangles the debate as it has been conducted in the Netherlands and studies the concept of state neutrality in depth. Furthermore, it appraises the arguments put forward against the background of three contexts: the European Convention on Human Rights, France and England. It critically questions whether state neutrality can necessitate and/or even justify limitations on the freedom of public officials to display religious symbols. Although this book is the result of an academic legal study, it can be read by students, academics,

professionals, or anyone interested in the issue of religious symbols in public functions.



## Dissertation Sarah-Haverkort Speekenbrink

On 16th November 2012, SIM PhD Sarah Haverkort-Speekenbrink defended her dissertation entitled '[European Non-Discrimination Law. A Comparison of EU Law and the ECHR in the Field of Non-Discrimination and Freedom of Religion in Public Employment with an Emphasis on the Islamic Headscarf Issue](#)'.

Contemporary multicultural issues in Europe raise the question whether the overlap between the non-discrimination regimes of the European Union (EU) and the Council of Europe in the field of public employment may lead to conflicting case law. Would the Court of Justice of the European Union (ECJ) and the European Court of Human Rights (ECtHR) address potential sex, race and religious discrimination in a similar manner or would the Courts take a different approach?

This study includes, first, an analysis is presented of the EU non-discrimination Directives 2006/54, 2000/43 and 2000/78, and the ECJ's assessment in cases of alleged sex, race and religious discrimination in the public workplace. Secondly, the non-discrimination provisions of the European Convention on Human Rights (ECHR) and the right to freedom of religion are studied. Further, the ECtHR's assessment in cases involving potential discrimination in the public workplace based on sex, race and religion are examined. In the final part a comparison is made between the provisions and the assessment of the ECJ and the ECtHR.

Besides an examination of European legislation, case law and academic literature, this research also uses a legal case study to explore the similarities and differences between the non-discrimination regimes. Accordingly, the theory is again discussed, but now in light of a much debated issue in Europe: the wearing of the Islamic headscarf in public employment. The result of the study is a detailed explanation of the relevant similarities and differences between the approaches of the two Courts to claims of discrimination.

# LLM in Human Rights and Criminal Justice 2013-14



You can now apply for the upcoming academic year's LL.M. Increasingly, human rights and criminal justice are subjects of heated public debate, placed high on countries' political agendas. This LLM reflects on the many questions raised by the current societal and legal developments in this area. Each year, a group of students from around the world comes to Utrecht to take part in the programme, giving it a small-scale, intimate feel with a unique international flavour that is ideal for learning about the views and perspectives of other cultures. Our aim is that by the time you graduate, you will have combined a thorough knowledge of your subject with the skills, knowledge and flexibility that you need to work anywhere you want, whether you choose to practice law, go on to study for a PhD, work for an NGO or follow a different career path.

## Expert teaching and experience-based learning

The LLM puts emphasis on both theory and practice. You are taught by expert professionals from the Netherlands Institute of Human Rights (SIM), the Willem Pompe Institute for Criminal Law and Criminology and other organisations. Thanks to Utrecht's central location in the Netherlands, it is easy to visit many of the institutions and organisations based in the surrounding area, including the International Criminal Court, the International Criminal Tribunal for the former Yugoslavia, Special Tribunal for Lebanon, the International Court of Justice, and Europol in The Hague, as well as the headquarters of NATO in Brussels, and even the headquarters of the UN in Geneva. It is a fantastic opportunity to build up contacts and get an inside view of how the law is put into action.

The programme is designed with flexibility in mind, enabling you to pursue your own interests and ideas. We provide two different study tracks, each of which offers a wide

range of optional English language-taught courses:

### International Law of Human Rights track

This track examines human rights both from the perspective of international law and from a broader political and social perspective. You study European and international human rights law, look at key examples of case law and discuss the role that supervisory bodies such as the UN and the European Court of Human Rights play. This track offers the possibility to follow the Clinical Programme with the Inter-American Court of Human Rights in San José, Costa Rica. You will also have the opportunity to participate in the Public International Law & Policy Group Programme or Externship Programme in the Netherlands.

### Internationalisation of Crime and Criminal Justice track

This track focuses on the most important aspects of international and transnational criminal law. You will not only explore how legislation is created and implemented, but you will also study the historical, cultural and legal contexts in which legislation was formed, and how it applies to genuine cases. You will have the opportunity to participate in the Clinical Programme on Conflict, Human Rights and International Justice. You will also have the chance to participate in the Public International Law & Policy Group Programme or Externship Programme.

### How to Apply?

You can apply for this LLM through its page on the [UU website](#).

Acceptance is based on:

- A valid law degree or a BA in liberal arts with at least some courses in law
- Your academic record as an undergraduate
- Any relevant professional experience
- Your personal motivation
- Your reference
- A good knowledge of English
- Sufficient funds to finance studies

Please note the following application deadlines:

- International students requiring a visa: **1 April**
- International students who do not require a visa and/or residence permit: **1 June**
- Students who obtained their bachelor's degree in the Netherlands: **1 June**



*This year's LLM students in the programme*

### More information

Student Services/International Office

Email: [llm@uu.nl](mailto:llm@uu.nl)

Phone: +31.30.253.70.00

# SIM



## Newsletter

**New Address:**

Achter Sint Pieter 200  
3512 HT Utrecht  
Netherlands

[www.uu.nl/sim](http://www.uu.nl/sim)