



SIM PARTICIPATES IN A PROJECT ON HUMAN RIGHTS CITIES

SIM Newsletter

Summer 2013

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Utrecht University Wins Frits Kalshoven Moot Finals 2013

On 1st March 2013, Utrecht University won the moot court component of the Frits Kalshoven competition on international humanitarian law. The VU University Amsterdam won the role play component of the competition. The Utrecht team was coached by Katharine Fortin who is currently conducting a PhD at SIM.

The Frits Kalshoven competition on international humanitarian law is run by the Dutch and Belgian Red Cross and takes place every year in The Hague. Through role plays and moot courts, the week-long competition enables students to experience international humanitarian law applied in practice.

The Utrecht University team was made up of students Ane Sydnnes Egeland (Norway), Eliza George (Australia) and Allison O'Brien (United States).

The team did excellently in the first round of the moot court competition going on to beat Leiden University in the finals. The finals took place in the Netherlands Senate of the Parliament ("Eerste Kamer der Staten-Generaal"). The jury was composed of Judge Christopher Greenwood (International Court of Justice), commodore Peter Heblj (Head of



Katharine Fortin, Ane Sydnnes Egeland, Eliza George and Allison O'Brien

Military Legal Services at the Dutch Ministry of Defence) and Liesbeth Lijnzaad (Head of the International Law Division at the Dutch Ministry of Foreign Affairs).



Lecture by James W. Nickel

On 13 May 2013 James W. Nickel, professor of philosophy and law of the University of Miami, delivered a special lecture in Utrecht. Page 2



**Corte Interamericana
de Derechos Humanos**
Inter-American Court of Human Rights

Amicus Curiae brief to the Inter-American Court of Human Rights

SIM members are currently writing an amicus curiae in the case of *Allan R. Brewer Carías v. the Bolivarian Republic of Venezuela*. Page 3



PhD Defence Ramona Biholar

On 7 June 2013, SIM PhD candidate Ramona Biholar defended her dissertation on transforming discriminatory sex roles and gender stereotyping in Jamaica. Page 4

Lecture by James W. Nickel on 'Realising rights'

On Monday, 13 May 2013 James Nickel, professor of philosophy and law of the University of Miami, one of the leading thinkers about human rights, delivered a special lecture for Master students and staff of the Law School on the topic of 'Realising Human Rights: The General Guiding Aim of Human Rights Work'. SIM is particularly pleased to have welcomed Professor Nickel at the Law School.



Professor Nickel's presentation started with the background of his ideas about realising human rights: the concept of realisation offers a good way of formulating the general guiding aim of human rights work at the national and the international level. It refers to moving a right from paper to being a real right that operates with some significant degree of effectiveness within the political and legal system. He emphasised that it is important to bear in mind that realisation includes but is different from enforcement and implementation.

In Professor Nickel's view, achieving a high level of realisation of human rights worldwide is the general guiding aim of human rights work. Different levels of realisation of a right can be identified, ranging from perfect to non-existent. The main elements of realisation of a human right are: widespread acceptance of the right; widespread knowledge of and readiness to use the right; general compliance with the right; effective implementation of the right; and effective availability extended to (almost) all right holders (distributive dimension).

According to Professor Nickel, full realisation does not mean the total absence of human rights violations but rather a high level of realisation. Human rights violations are then

reduced through acceptance and deterred by law, while legal and other remedies are available after violations occur.

UPCOMING EVENTS

- SIM Peter Baehr lecture on Human Rights and the Rule of Law** This year's lecture will be given by G.J.M. Corstens, President of the Supreme Court of the Netherlands.
When? Thursday, 26 September 2013, 15.30-16.30. The lecture will be preceded by welcome drinks and followed by a small reception.
Where? Department of Law, Raadzaal, Achter Sint Pieter 200, Utrecht.
- Conference on Human Rights, Conflicts and Climate Change** This conference is organised in the context of the tercentenary of the Peace of Utrecht. For more information and registration please see [here](#).
When? Thursday, 10 October 2013, 10.00-17.30.
Where? Department of Law, Raadzaal, Achter Sint Pieter 200, Utrecht.

SIM researcher visits Colombia

From 15-17 May, Marie Elske Gispén (PhD Candidate at SIM) attended the 7th annual conference of the [International Society for the Study of Drug Policy](#) (ISSDP) in Bogotá, Colombia. She presented her preliminary findings and met with international partners in this field.

The event was hosted and organised by Daniel Mejía and his team at the Universidad de Los Andes. This year's theme focused on "The collateral costs of illegal drugs and the war on drugs: violence, corruption, and institutional instability."

Marie Elske's work focuses on the interface of human rights and drug control, and in particular on enforcing access to controlled medicines in developing countries by

analysing a human rights-based model of drug control. Her presentation was well-received and attracted the attention of both human rights lawyers and others trying to incorporate human rights in their area of study.

In Bogotá Marie Elske also attended the post-conference workshop where the [OAS Report on the Drug Problem in the Americas](#) was presented. She also participated in a post-conference workshop organised by the [International Centre on Human Rights and Drug Policy](#) of which she is a research associate. This workshop included a debate with law students of the Universidad de Los Andes about the question whether the current drugs control system functions in

accordance with international human rights standards.



NEW WEBSITE

The Chair of the Board of the SIM Foundation, Ernst Hirsch Ballin, is involved in a project on democracy and the rule of law in the Netherlands. It provides an online platform for constitutional dialogue. For more information please see: www.nederlandrechtsstaat.nl.

PROJECT

Human Rights Cities

SIM is part of the consortium of a project on Human Rights Cities, funded by Platform 31, a Dutch institute for urban and regional research. Professor Barbara Oomen (University College Roosevelt) is leader of the project, Dr. Esther van den Berg postdoctoral researcher. On 22 May 2013 the first results of the project were presented in a seminar at University College Roosevelt in Middelburg with lectures of Professor Paul Gready (York) and Dr Klaus Starl (Graz). Jenny Goldschmidt represents SIM in the consortium and participated in the panel that reflected on the presentation of the student research on Human Rights Cities.

For the coming year, Esther van den Berg will be working for SIM for one to two days a week. She is a political scientist and wrote her dissertation on the influence of domestic NGOs on Dutch human rights policy at SIM. As of 2003, she worked for the Netherlands Institute for Social Research (SCP). She has published on

Europeanisation, citizenship, Dutch civil society and small-scale civic initiatives. More information on the Human Rights Cities Project:

<http://mensenrechten.verdus.nl>.



NEW HUMAN RIGHTS PHD CANDIDATE

Daphina Misiedjan is a new PhD candidate at Utrecht University and is associated with SIM. She specialises in issues concerning human rights, water and sustainability. In 2012, she interned at UNESCO-IHE, where she conducted research concerning the human right to water for indigenous communities. She also provided guest lectures on the subject. Daphina obtained her LL.M. in legal research from Utrecht University in 2013 where she also obtained her Bachelor. During her studies she was able to conduct research in New-Zealand, Curacao, Suriname and the Netherlands. In addition to legal research she is also interested in youth leadership and diversity.



Antoine Buyse in KNAW Education Jury



This month, the yearly education prizes of the Royal Netherlands Academy of Arts and Sciences (KNAW) were awarded for the fifth time.

Antoine Buyse, associate professor at SIM, was one of the jury members. The prizes are handed out to the very best research papers of secondary school students who have proven to be thorough and creative researchers. The winning papers presented topical issues, ranging from crowd sourcing to competition in the health sector and even the effect of first impressions in job interviews. Out of a total of 370 submissions from 165 different Dutch schools, the jury handed out awards to the 12 best papers. The prizes do not only reward the pupils themselves, but also the teachers who supervised their work as well as their schools.



HUMAN RIGHTS LITERATURE UPDATE

Every month SIM information and collection specialists Saskia Bal and Maaïke Hogenkamp prepare a 'current contents' selection available on the SIM website. It contains a list of articles in the field of human rights from journals accessible at Utrecht University Library. It can be accessed [here](#). Previous current contents selections are also available on this site.

Amicus curiae brief



Under the supervision of Leo Zwaak and Diana Contreras-Garduño, Annick Pijnenburg, Lubomira Kostova and Tomas Königs are currently writing an amicus curiae brief which will be presented before the Inter-

American Court of Human Rights in the case of *Allan R. Brewer Carías v. the Bolivarian Republic of Venezuela* later this year. The case was submitted to the Inter-American Commission on Human Rights in January 2007 by the legal representatives of Mr. Brewer: Pedro Nikken, Hélio Bicudo, Claudio Grossman, Juan E. Méndez, Douglas Cassel, and Héctor Faúndez Ledesma.



The case concerns the criminal proceedings started against Mr. Brewer, an internationally renowned constitutional law professor, for his alleged involvement in an attempted coup d'Etat in Venezuela in April 2002. It raises important issues in terms of the lack of judicial guarantees and judicial protection in the criminal proceedings brought against Mr. Brewer as well as the freedom of expression of legal professionals. The relevance of this case lies in the fact that violations of fair trial rights by any State pose grave threats to the protection of human rights because it prevents individuals to fully enjoy access to justice and hence of remedies. Additionally, freedom of expression has an important place in the case because individuals wishing to express their opinion, especially when such opinion is based on purely professional advice, should be able to do so without facing criminal charges.

A number of students enrolled in the LLM in Human Rights and Criminal Justice at Utrecht University carried out preparatory work and wrote a first draft of the amicus curiae brief: Sabuhi Aliyev, Nelson Mora, Sun Heyuan, and Jacqueline Atim. This provided them with practical experience in addition to theoretical knowledge as well as awareness of the challenges in applying specific international legal standards.



New Publications

Newest Issue of the NQHR

The newest issue of the Netherlands Quarterly of Human Rights (vol. 31, No. 2, June 2013) features the following articles:

- Elina Steinerte, 'The Changing Nature of the Relationship between the United Nations Subcommittee on Prevention of Torture and National Preventive Mechanisms: In Search for Equilibrium'
- Oswaldo R. Ruiz-Chiriboga, 'The American Convention and the Protocol of San Salvador: Two Intertwined Treaties. Non-Enforceability of Economic, Social and Cultural Rights in the Inter-American System'
- Arne Vandenbogaerde, 'The Right to Development in International Human Rights Law: A Call for Its Dissolution'

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 the United Nations, the Council of Europe, the European Union, the Organisation on Security and Cooperation in Europe, the Organisation of American States, and the International Criminal Court).

For more information on the Quarterly, please visit the website: www.nqhr.net



Dissertation Ramona Biholar

On 7 June 2013, SIM PhD candidate Ramona Biholar defended her dissertation entitled

'Transforming Discriminatory Sex Roles and Gender Stereotyping: The implementation of Article 5(a) CEDAW for the realisation of women's right to be free from gender-based violence in Jamaica'.



Gender-based violence against women is a stubborn problem worldwide. It still affects the everyday lives of many women around the world. This scourge has deep social and cultural roots, which foster a vicious cycle of gender violence. Embedded constructions of femininity and masculinity based on ascribed sex roles and consequent gender stereotyping hinder the elimination of gender-based violence and the implementation and full realisation of women's human rights. At the international level, Article 5(a) CEDAW provides for an agenda for social and cultural transformation: it imposes on States parties to CEDAW an obligation to modify sex roles and stereotypical social and cultural patterns of conduct, and thereby provides for the protection of women from violence stemming from such gender norms. Yet, the lived realities of women are frequently disconnected from this agenda. Nonetheless, it is the reality of the local that is crucial for the articulation, implementation and realisation of internationally set human rights norms. The research in this book has explored the transformation of sex roles and gender stereotyping, and interrogated, in the specific context of Jamaica, the implementation of Article 5(a) for a social and cultural transformation and the realisation of women's right to be free from gender-based violence.

Based on empirical, socio-legal research, this book advances a synergistic model, which illuminates the multiple actors, actions and strategies, and the organic, integrated interplay between and among them, that are instrumental, at the country level, in putting Article 5(a) in practice. An underlying component of the model is the individual

consciousness, where gender and gender constructions operate. Developing a consciousness of the meaning of Article 5(a) and of the gravity of the root-causes of gender-based violence against women is a key dimension to the process of putting this Article into practice. The synergistic model proposed in this book is not only to untangle the tension and mend the fissure between Article 5(a) on paper and the lived realities of women in Jamaica. It is also a model for the implementation of this Article, which contributes in practical ways to the ultimate universal goal of reducing gender-based violence against women and realising women's human right to a life free from violence.



Newsletter

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