

Credits: Arnold Rog

SIM Newsletter

Summer 2014

IN THIS ISSUE

Afterthoughts

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

Leaving SIM after 10 years, even when it is not a final goodbye, is not an easy moment. Of course it is not easy to leave a high level, creative and committed team but it is also difficult to be aware of the fact that the urgency of the mission of SIM is still there.

According to the Statute of, as it then was, the Foundation SIM, the aim is to conduct research, collect and disseminate information and encourage interest in promotion and protection of human rights, both national and international. SIM was established by NGO members who felt that the human rights defenders and advocates needed accurate, reliable and innovative research and data to be successful. From this starting point SIM has always been working at the crossroads of theory and practice, and has always applied an interdisciplinary perspective. Human rights cannot be left to lawyers alone, even though a solid expert knowledge of the rapidly developing legal systems is necessary. During almost 35 years SIM has contributed to this by research, policy reports, training, education and documentation.

In the past 10 years I have become even more convinced of the persisting need for our institute. New themes, from Climate Change to the position of disabled people, from

transitional justice to the implications of multiple identities of citizens, affect states, societies and individuals and have important implications for human rights. This demands a solid theoretical rethinking of basic concepts and at the same time an open eye for practical implications in particular for the so-called vulnerable groups.



Times may be changing but human rights are never self-evident: this is a reality that is part of one's life and thus I am glad that the University allows me to continue part of my tasks as professor emerita and to be able to continue to learn from the wonderful SIM team and its network.



National Human Rights Institute Receives A-Status!

In May 2014, The Dutch National Institute for Human Rights has received an A-status from the International Coordinating Committee of National Human Rights Institutions. *Page 2*



Events at SIM: Impressions

Read about the presentation of the Book 'Mensenrechten in Beweging', a seminar on Cybersecurity and a seminar in honor of Thomas Hammarberg. *Page 3*



Amicus Brief lawsuit against the United Nations

Stephan Hollenberg, assistant professor at SIM, wrote an amicus brief in support of a class action lawsuit against the UN before the district court of New York, initiated by the Institute for Justice and Democracy in Haiti (IJDH). *Page 4*

National Institute for Human Rights gets A-status!

In May 2014, The Dutch National Institute for Human Rights has received an A-status from the International Coordinating Committee of National Human Rights Institutions. This status allows the Institute to provide written or verbal input at the relevant UN organs.



SIM has played a role in the founding of the National Institute for Human Rights, as part of a collaboration with the National Ombudsman, the Dutch Data Protection Authority and the Dutch Equal Treatment Commission. Between 2005 and 2007 some reports were published drafting the framework which finally was incorporated in the Law. The National Institute for Human Rights was established in October 2012. SIM is happy that the Netherlands finally meets the standard as incorporated in the UN Paris Principles and congratulates the Institute with its achievement!

UPCOMING EVENTS

- Farewell Lecture Jenny Goldschmidt: 'Waar bemoeien ze zich mee?' [In Dutch]**
 This lecture will highlight, using examples of the personal life of the speaker, certain aspects of human rights in a pluralist and international society.
When? Tuesday, 1 July 2014, 16.15-18.00
Where? Academiegebouw, Domplein, Utrecht
- Graduation Ceremony LLM Human Rights and Criminal Justice**
When? 26 August 2014
Where? Academiegebouw, Aula, Domplein Utrecht
- SIM Peter Baehr Lecture by Sir Nigel Rodley: 'Can Terrorists, Corporations or Individuals be Human Rights Violators?'**
 This year's lecture will be given by Sir Nigel Rodley, member of the UN Human Rights Committee. The lecture will challenge the seemingly appealing claim that such entities or people can or should be considered as human rights violators. It will defend that traditional doctrine that responsibility for respecting human rights vests primarily in the state.
When? Friday, 26 September 2014, 15.00-16.30. The lecture will be followed by a small reception.
Where? Department of Law, Raadzaal, Achter Sint Pieter 200, Utrecht.
- Koningsbergerlezing: Professor Martha Minow**
 This year's Koningsbergerlezing will be held by professor Martha Minow, dean of Harvard Law School. Professor Minow is an expert in human rights and advocacy for members of racial and religious minorities and for women, children, and persons with disabilities. She also writes and teaches about privatization, military justice, and ethnic and religious conflict. Martha Minow served on the Independent International Commission Kosovo and helped to launch Imagine Co-existence, a program of the U.N. High Commissioner for Refugees.
When? 15 December 2014, 17.30-19.00
Where? Academiegebouw, Aula, Domplein Utrecht

New Ph.D. Researcher at SIM: Patriani P. Mulia



Patriani P. Mulia's PhD research topic is the mutually reinforcing relationship between economic integration and human rights in the ASEAN region. She particularly focuses on the interaction between ASEAN single market and inequality of men and women and discrimination against women. This research is sponsored by O.C. Kaligis & Associates, an Indonesian law firm associated with the ASEAN Law Association.

In addition to doing her PhD, she is also the Indonesia Delegate for the Association for the Prevention of Torture. As a delegate, Patriani conducts periodical anti-torture trainings for law enforcement agencies and OPCAT advocacy in Indonesia, among other things. She is currently working on two other publications: one on potential NPM- national torture prevention mechanism- for Indonesia; and another one on the Indonesian government in a society with multilevel governance and jurisdiction (joint project).

VISITING SCHOLAR

From June 4- 2nd of July SIM hosts a colleague from South Africa, professor Ignatius Rautenbach. He is visiting SIM on leave for research. His research interests include constitutional law and fundamental rights.

IN MEMORIAM: FRIED VAN HOOF



Last May, our SIM colleague emiritus professor Fried van Hoof passed away. It is with great sadness that we have processed this news. Fried was involved at SIM from its beginning and has since been an invaluable academic, teacher, but most of all, a friend. His publications, most notably the extensive handbook about the European Convention, which he wrote in collaboration with Pieter van Dijk, were of an outstanding quality. Fried always mentioned to us how important his family was to him, and our loss is not comparable to that of his family. The work he did and the inspiration he gave to us will continue to live on. For this, we are extremely grateful.

SIM EVENTS

Book presentation: 'Mensenrechten in Beweging'

On Thursday, the 19th of June the book 'Mensenrechten in Beweging' was presented to the mayor of Utrecht, Jan van Zanen out of the hands of Professor W.H. Gispen. The book was written by two journalists, Marjan Slob and Esmée Schilte, in lieu of the Focus & Massa on Human Rights and Conflicts.

The statements given about the book, the title of which translates to 'Human Rights in Motion', turned out to be as dynamic as the book itself. Each of the four themes in the book, human rights perspectives, privacy, climate change and transitional justice had its own speaker, who provided food for thought and discussed with the audience.



Loeky Drogen (consultant in human rights and gender) was the first to speak and argued for a pragmatic stance towards human rights. As she pointed out, human rights problems are universal, although there is a difference in degree. Next off was Simon Hania (privacy officer of TomTom). He urged the audience to take control of their own privacy, however hard this may be in modern times. Future generations were advocated by Jan van de Venis (member of World Connectors) who ended his talk by modifying Utrecht University's motto to: 'Sun of Justice, also shine upon our future generations'. Lastly, substitute-Ombudsman Addie Stehouwer talked about the Ombudsman in Uganda, a case which illustrates the importance of dialogue and facing your adversaries.

The evening was charismatically moderated by Professor Henk Kummeling, for whom many of the audience saw a career as a TV anchor, after he steps down as the head of the Law, Economics & Governance Department later this year.

Cyberspace Seminar

On June 11th 2014, SIM organized a symposium on the 'influence of cyberspace on the communication between citizens'. This symposium was organized as a farewell present for Dr. Anja Mihr, who became the head of the Rule of Law Program at the Hague Institute for Global Justice in January 2014 (and remains affiliated as an Associate Professor to SIM).

Jenny Goldschmidt started the seminar by thanking Anja for her large and influential contribution to the work of SIM. Thereafter, three speakers elaborated on the application of human rights in Cyberspace. Prof Dr. Marcus Duwell, philosophical ethics professor, spoke on the right to privacy. He argued that in order to take human rights seriously, we need to think about institutional settings that guarantee the dignity of all human beings. Jef Ausloos, PhD candidate at Leuven University, spoke on the right to be forgotten. He elaborated on the *Google Spain* case, explaining the balancing of the test that the court undertook regarding the various rights involved. Finally, Dr. Birgitte Kofod Olsen, head of the Danish Council for Digital Security, spoke on the challenges and opportunities that Cyberspace poses for vulnerable groups.



At the end, Dr. Anja Mihr held a short speech, in which she argued that private companies, together with governments, should work in a multi-stakeholders-approach to ensure mechanisms that guarantee responsibility and accountability in cyberspace.

Seminar: Thomas Hammarberg on 'The Role of the Council of Europe in the Protection of Human Rights in a Changing Context'

On the 12th of March 2014 a seminar was organized by SIM in honor of Thomas Hammarberg, who has received the Geuzenpenning for his contribution to the protection of human rights.

Jenny Goldschmidt opened the afternoon, by highlighting the core tasks of the Council of Europe, which Hammarberg has fulfilled in an outstanding manner: promotion of democracy and the rule of law, protection of human rights and the preservation of the cultural values and diversity of Member States.

Hammarberg continued by stating the importance of learning from history, in the spirit of the Geuzen. His conclusion after six years of working at the Council of Europe is that its contribution by the combination of standard setting processes, assistance that is given by various experts on the implementation of standards and the monitoring that is done by Court and other Committees has been very important for democratic development.

However, he warned that the human rights protection possibilities of the Council are underrated, underutilized and certainly underfunded. Hammarberg also commented on the potential for further cooperation and coordination between human rights bodies, a point which, in his opinion, should be worked on in the future. Reactions to his statement were given by professor Ernst Hirsch Ballin, professor Tom Zwart and mr. Piet van Geel.



COLLABORATION WITH DURHAM

From Dom to Cathedral and Back: Facilitating Collaboration between Utrecht and Durham Universities

In October 2013, Marie Elske Gispen, LL.M. (Ph.D. candidate SIM) changed her view of the Dom Tower from behind her desk at Achter Sint Pieter 200, to a place at the newly built Palatine Centre – Law School of Durham University (DU).

For six months, she joined Durham Law School as a visiting scholar to work on the conceptual framework of her doctorate research and to act as a broker, ambassador, and facilitator in setting up a collaboration between Utrecht University (UU) and Durham University, together with Deryck Beyleveld (DU), Marcus Düwell (Ethics Institute, UU), Jenny Goldschmidt (Netherlands Institute of Human Rights SIM, UU), and Dascha During (Ethics Institute, UU).



At a series of meetings organized both in Durham and in Utrecht Marie Elske represented either of the universities. She mapped and introduced their strategic themes and research foci, and distinguished four thematic research pillars (transitional justice, health, climate change, global values) in which joint applications to highly competitive schemes such as HORIZON 2020 would be supported. As part of facilitating these applications, staff exchange— both senior and junior— is encouraged and the respective international offices are linked to enter into formal partnerships. In the different pillars, various research projects are shaping and institutional links are in the process of being established. As a key-partner in establishing links between Durham and Utrecht, SIM participates in various of the projects initiated.

For more information please contact: Marie Elske Gispen (m.e.c.gispen@uu.nl) or Dascha During (d.k.during1@uu.nl)

SIM PARTICIPATES

Workshop at International Institute for the Sociology of Law in Oñati, Spain

From 8-9 May, Brianne McGonigle Leyh participated in a workshop entitled 'Engagement, Legitimacy, Contestation: Transitional Justice and its Public Spheres' and held at the International Institute for the Sociology of Law in Oñati, Spain. Brianne presented on the role of the International Criminal Court in transitional justice processes, looking at the Libyan experience.



Round table at The Hague Institute for Global Justice

On 12 March, Brianne McGonigle Leyh took part in a roundtable on 'Challenges to Transitional Justice in Syria – Facing the Geopolitical Context'. The roundtable was jointly organized by the The Hague Institute for Global Justice, where Anja Mihr, Associate Professor with Utrecht University, is now head of their rule of law program, together with Impunity Watch, Pax Christi and Hivos. Brianne presented on sexual and gender-based violence in transitional justice accountability processes.

Amicus Brief lawsuit against the UN

Stephan Hollenberg, assistant professor at SIM, wrote an amicus brief in support of a class action lawsuit against the UN before the district court of New York, initiated by the Institute for Justice and Democracy in Haiti (IJDH). The complaint is brought by the victims of the cholera outbreak in Haiti allegedly caused by the presence of the UN peacekeeping mission MINUSTAH. Up until now the outbreak has caused the death of 8.500 people and sickened more than 700.000. The amicus brief, which is supported by 17 amici, argues that under certain circumstances UN's immunity should be restricted in order to arrive at a fair balance with individuals' right to access to court. More information and a copy of the brief click [here](#).

FRAME

Yearly FRAME Meeting in Brussels

SIM is one of 19 international partners in the EU FP7-funded [FRAME](#) project. FRAME is an ambitious and large-scale project which analyses the EU's internal and external human rights policies. On June 12 and 13, Antoine Buyse, Jenny Goldschmidt and Alexandra Timmer traveled to Brussels to participate in the yearly FRAME General Assembly meeting. This meeting provided a perfect opportunity to liaise with the other partners, and to exchange experiences with the research. SIM's first FRAME report is now online, click [here](#) for its content.



Presentation Liber Amicorum Leo Zwaak

Leo Zwaak has been part of SIM almost from the moment of its founding. SIM has warmly thanked Leo for all his work, by offering him a Liber Amicorum: *The Realisation of Human Rights: When Theory Meets Practic. Studies in Honour of Leo Zwaak*. The book, edited by Yves Haeck, Brianne McGonigle Leyh, Clara Burbano-Herrera and Diana Contreras-Garduño is now available! See the section 'Publications' for more information.



New Publications

Newest issue of the NHQR

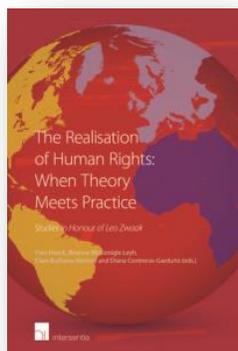
The newest issues of the Netherlands Quarterly of Human Rights (2014-2) features the following articles:

- [Column] A.M. van Kalmthout 'CPT, OPCAT and the Dutch Caribbean'
- F. Seatzu and A. Ubeda de Torres 'The Social Charter of the OAS: A Step Forward in the Enforcement of Socio-Economic Rights in the Americas?'
- E. Howard 'Protecting Freedom to Manifest One's Religion or Belief: Strasbourg or Luxembourg?'
- A. Cahill-Ripley 'Foregrounding Socio-Economic Rights in Transitional Justice: Realising Justice for Violations of Economic and Social Rights'
- [Lecture] T. Hammarberg 'Council of Europe as an instrument for Human Rights' Seminar at Utrecht University, 13 March 2014'

For more information on the Quarterly, please visit the [website](#).

Liber Amoricum Leo Zwaak

Human rights are not aspirational, rather they are meant to be realised. Since the adoption of the Universal Declaration of Human Rights, a growing number of treaties, declarations, resolutions and other materials has been produced and a wide array of international institutions have been created to monitor the implementation of human rights. Through these documents and institutions the realisation of human rights begins.



However, the struggle to ensure the rights and freedoms of individuals is never an easy one. It requires the commitment of those who believe in the core nature of human rights. One such person has been Leo Zwaak. The idea behind *The Realization of Human Rights: When Theory Meets Practice* is that throughout Leo Zwaak's professional life he dedicated himself to the realisation of human rights. Whether acting as an encyclopaedia of knowledge when teaching human rights at the university or providing judicial trainings on the five continents, Leo Zwaak has impacted the world of human rights in many ways.

This book is organised into six parts: International Human Rights Law in General; European Human Rights Law; Inter-American and African Human Rights Law; International Human Rights Law, International Criminal Law and International Humanitarian Law; International Human Rights Law, Extraordinary Rendition and Forced Disappearances; and the International and National Protection of Human Rights.

As the book reflects, Leo Zwaak's work has touched on a wide range of fields, spanning the universal, regional and national levels. The book was edited by edited by Yves Haeck, Brianne McGonigle Leyh, Clara Burbano-Herrera and Diana Contreras-Garduño and published by Intersentia. Click [here](#) for a complete table of contents.

Mensenrechten in Beweging

In connection to the Focus Area Human Rights and Conflicts, of which SIM professor Jenny Goldschmidt has been one of the coordinators, this book has been written [in Dutch] by two journalists, Esmée Schilte and Marjan Slob. It deals with the changing perspectives on human rights by incorporating the views many different experts, from academia and from practice.

It talks about issues such as the changing dynamics between what is private and what is public, and the role of the digital revolution on privacy. It also asks the question whether the Universal Declaration on Human Rights gives room to sue for global warming, because it threatens the right to a healthy environment. And how can human rights be used to rebuild post-conflict states?



The book has been published by Nieuw Amsterdam and is also available as ebook. For more information, click [here](#).

