



# SIM Newsletter

## WINTER 2015

### IN THIS ISSUE

## Branching Out

by Antoine Buyse, director of the Netherlands Institute of Human Rights (SIM)

The new year 2015 brings a wide range of activities and new initiatives from SIM which could be summarized under the heading “branching out.” First off, we are happy to more closely cooperate with human rights researchers within Utrecht Law School who are not directly part of SIM. A selected number of these, working in fields as diverse as private law and criminal law, will now be more closely connected to SIM and also become visible on our website as so-called ‘SIM fellows’. We are looking forward to working with all of them. Within SIM itself, we will welcome a number of new postdoctoral researchers this year, working on projects related to the EU, to transitional justice, and to judicial independence. The latter theme will be developed in close cooperation with this year’s Prince Claus professor, Javier Couso from Chile, whom SIM is happy to host.

Secondly, we are excited to launch two **summer schools** this summer, one on human rights in general, the other on gender, international law and human rights. The two one-week courses can be followed separately or in combination. These new SIM courses are part of Utrecht University’s summer school programme which is among the largest in Europe (see below in this Newsletter for more information).

As announced earlier, the famous **SIM human rights databases** have now been incorporated in the renewed webpages of the United Nations High Commissioner for Human Rights. The years of dedication put into these databases by SIM staff now live on and will be continuously updated in this most accessible and prestigious of (virtual) locations!

Finally, I would already like to flag that SIM will, also in celebration of its 35th anniversary and to mark the 50<sup>th</sup> anniversary of the two UN human rights covenants, host the big conference of the Association of Human Rights Institutes (AHRI) in the second half of 2016. We are looking forward to welcoming many of you in Utrecht by then!



### SIM Fellows

As of 2015, SIM will start to cooperate more closely with a selected number of researchers beyond our institute proper, but connected to Utrecht Law School.

Page 2



### SIM and FRAME workshop

On 22 January 2015 SIM together with FRAME organized a workshop on “inclusive approaches to EU human rights, democracy and rule of law”.

Page 4

### Sign up for the Summer Courses!



Start thinking about the Summer! You can now sign up for the SIM Summer Courses.

Page 8

## SIM FELLOWS

The aim of the cooperation is to solidify the links between human rights researchers in the School's diverse research programmes and to organize common activities. The SIM fellows initiative will also, by putting this expertise on our website, help to showcase this broader expertise to our external partners. Finally, we hope it will create new avenues for research. The first ten SIM fellow are:



- **Prof. dr. Sybe de Vries**  
*EU Fundamental Rights*  
<http://www.uu.nl/leg/staff/SAdeVries>



- **Prof. mr. Frans Pennings**  
*Social Rights*  
<http://www.uu.nl/leg/staff/FJLPennings>

- **Prof. dr. Cedric Ryngaert**

*Jurisdiction Issues in Relation to Human Rights*

<http://www.uu.nl/leg/staff/CMJRyngaert>



- **Mr. dr. Jessy Emaus (Assistant Professor)**

*Liability and Damages for Human Rights Violations*

<http://www.uu.nl/leg/staff/JMEmaus>



- **Mr. dr. Liesbeth Enneking (Assistant Professor)**  
*Business and Human Rights*  
<http://www.uu.nl/leg/staff/LFHEnneking>



- **Prof. dr. John Vervaele**  
*EU Criminal Justice, Human Rights, Inter-American System*  
<http://www.uu.nl/leg/staff/JAEVervaele>



- **Mr. Daphina Misiedjan (PhD candidate)**

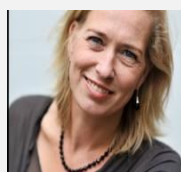
*Right to Water, Sustainability*

<http://www.uu.nl/leg/staff/DJEMisiedjan>

- **Mr. drs. Paulien de Morree (PhD candidate)**

*ECHR, Abuse of Rights*

<http://www.uu.nl/leg/staff/PEdeMorree>



- **Prof. dr. Barbara van Oomen (Dean UC Roosevelt)**  
*Sociology of Human Rights, Human Rights education*  
<http://www.ucr.nl/about-ucr/Faculty-and-Staff/Social-Science/Pages/Barbara-Oomen.aspx>



- **Dr. Susanne Burri (Associate Professor)**  
*Equal Treatment and Non-Discrimination*  
<http://www.uu.nl/leg/staff/SDBurri>

## \*\* NEWSFLASH \*\*

## Applications are now open for the E.MA programme

The European Master's Programme in Human Rights and Democratisation (E.MA) is a unique one year advanced Master's course developed by 10 pioneering universities that today counts on the participation of 41 prestigious universities and human rights centres from all member states of the European Union. It offers an outstanding mix of theory and practice and higher education, preparing students for careers in international organisations, field operations, governmental and non-governmental bodies and academia.

The call for applications for E.MA 2015/2016 is now open, the deadline for the final round is on 15 March 2015. You can find more information here:

<http://www.eiuc.org/education/ema.html>

## SIM PhD Candidate new President of ACSSNL-CSC

Qinxuan (Penny) Peng, one of our PhD candidates, has become President of the Association of Chinese Students and Scholars in the Netherlands (ACSSNL) at the beginning of this year. As a representative of PhDs relying on the Chinese Scholarship Council (CSC) in the Netherlands, Penny has to manage PhD affairs and organize academic activities. ACSSNL is a registered NGO that works for the benefits of Chinese students and scholars (roughly 8,000-10,000) in the Netherlands. ACSSNL has 13 local branches in big cities in the Netherlands, and also one branch called ACSSNL-CSC that works for almost 1200 scholars that rely on CSC scholarship throughout Netherlands. ACSSNL-CSC Committee is composed of 26 members, who are selected from 13 Dutch universities, and a secretariat. It cooperates with local ACSSNL branches when hosting academic experience communication workshops for CSC scholars.

## SIM DATA BASE

## OTHER NEWS

## SIM database incorporated in the new website of the UNHCHR



With great pleasure SIM announces that the famous SIM human rights databases, which could unfortunately no longer be sustained by the University, have now found a new and very prestigious home: they form the basis of the new human rights online database of the United Nations. They can be consulted at:

<http://juris.ohchr.org/> (at the bottom of that homepage you will see a reference to the original source: SIM / Utrecht University). We can be very proud of all the hard work that Saskia Bal, Maaïke Hogenkamp, Ineke Boerefijn and many others have put into the databases over all those years. Now their work lives on at the best possible place for human rights researchers and practitioners worldwide to consult.

### UPCOMING EVENTS

- **Seminar on the juridical position of Transgenders (in Dutch)**

Is it possible to change the current Dutch system for sex-registration in order to allow people to register neither as man nor woman? This was the research question which was answered in a recent WODC study conducted by Marjolein van den Brink from SIM, together with Jet Tigchelaar. The study was performed at the request of the Ministry of Security and Justice, and will be published at the end of February 2015. On the 13<sup>th</sup> of March the Utrecht Centre for European Research into Family Law (UCERF) and the Nederlandse Vereniging voor Burgerzaken (NVVB) will organize a meeting where the results of the report will be discussed and commented on from the perspectives of academics, politics and practice. The meeting will be held in Dutch. Please register by sending an email to: [secretariaat.privaatrecht@uu.nl](mailto:secretariaat.privaatrecht@uu.nl),

When? **13 March 2015**, 13.00 – 17.00 (with drinks until 18.00)

Where? Achter Sint Pieter 200, Utrecht, Raadzaal.

- **Inaugural Lecture Professor Javier Couso**

Javier Couso has been appointed as full professor on the Prins Claus Chair of Development and Equity.

When? **18 May 2015**

Where? Academiegebouw, Aula.

- **Inaugural Lecture Professor Antoine Buyse**

Antoine Buyse has been appointed as full professor in human rights in a multidisciplinary perspective.

When? **16 June 2015**, 16.15-17.00

Where? Academiegebouw, Aula.

## 'Max van der Stoel Award': UU student awarded honorary mention for MA thesis

Ms. Shalindra Dekker earned an honorary mention for her Master thesis on "Human Rights and Sport" in which she addressed the question: "Is there a human right to sport and if so, what does this right encompass?" Based on her research, done on the current state of the law, she found out that children are entitled to sport (as a human right), but there does not exist a human right to sport which is applicable for all. In general, there is no clarity on the meaning of a human right to sport, thus in relation to the implementation and realisation of the right to sport of the child, it is not clear what kind of actions and measures this right demands from the Government.



The Jury was of the opinion that her study was highly original and innovative. She brought together the relevant human rights norms in relation to sport, in a comprehensive fashion. Furthermore, she showed great enthusiasm in unravelling her theme thanks to which it is a pleasure to read her thesis.



## SIM EVENTS

## Master Class and 5th annual Koningsberger lecture

Martha Minow, the Morgan and Helen Chu Dean and Professor of Law at Harvard Law School, visited SIM on 15<sup>th</sup> of December and offered a master class for 5 selected junior and senior scholars doing human rights research. With sharp insights and witty comments, Professor Minow is always to the point and engaging with the scholars, who reflected that the session was both beneficial and fruitful. On the same day, Professor Minow also delivered the 5<sup>th</sup> Koningsberger lecture on her perception of “up-standers”, through sharing true stories of 5 heroic figures who chose not to keep silent but to speak up in front of injustice. She argued that personal quality and commitment alone are not sufficient enough to nourish “up-standers”, and thus proposed peer support and social rewarding are powerful ties to keep people going forward.



## SIM and FRAME workshop

On the 22nd of January the SIM hosted a FRAME workshop entitled: *FRAM-ing inclusive approaches to EU human rights, democracy and rule of law.*

The EU actively seeks to promote human rights, democracy and rule of law. The FRAME workshop centered on the question of how to construct law and policy so that it affords effective empowerment, recognition and protection of the human rights of ‘vulnerable’ people, eg minorities, LGBTQI people and the disabled. The workshop brought academic experts and policy makers together with partners from the FRAME project. Both internal and external action of the EU was a topic of discussion.

## Seminar: Understanding Complementary Institutions in Human Rights Implementation



A seminar was hosted by SIM and the research focus area Culture, Citizenship and Human Rights at Utrecht University on 17 November 2014, bringing together scholars from various backgrounds to discuss challenges of human rights implementation. Through critically analyzing the existing institutions and mechanisms for human rights implementation, the aim was to

explore how to build a more comprehensive framework to protect human rights in diverse cultural settings around the world. The seminar was a very successful day comprised of two panel sessions, two keynote addresses and discussions with the audience.

Prof Cees Flinterman made the opening keynote address, reflecting on his extensive experience having worked for 35 years in human rights. The first panel was moderated by Stacey Links and included presentations by Vincent Vleugel, Seth Kaplan and Qiao Cong-rui, with Prof Jenny Goldschmidt and Dr Jos Philips acting as commentators. The second panel, moderated by Julie Fraser, included presentations by Qinxuan Peng, Annemarie Middleburg and Valentina Carraro, with Prof Titia Loenen and Prof Yvonne Donders as commentators. Ambassador Veer provided the closing keynote address, reflecting on Dutch foreign policy regarding human rights, and reiterating the need to engage in genuine and constructive dialogue across cultures. Prof. Antoine Buyse closed the whole-day event by thanking everyone presenting and organizing.



After an introduction to the project by Prof. Antoine Buyse and Dr. Alexandra Timmer, the day started with a keynote address by Prof. Sandra Fredman from Oxford University on the contemporary meaning of substantive equality. Naturally, this yielded a lively discussion with the audience. Next came three panel discussions on inclusive approaches of the EU to human rights; inclusive approaches to human rights of the EU in the relation to third countries; and on making the interaction between human rights, democracy and rule of law inclusive. The three panels provided many insights and managed to engage the audience in facing current problems that the EU deals with on a daily basis. The closing roundtable of the day left the audience with implications of the day’s discussions for the FRAME project and a hope for more inclusiveness in the future.

## SIM EVENTS

### SIM and URIOS seminar on Human Trafficking

On Monday the 19th of January the SIM and Urios jointly organised a seminar on human trafficking and prostitution. Invited to speak were Gert-Jan Segers, member of the Dutch House of Representatives (*Tweede Kamer*) for the *ChristenUnie*, and dr. Brenda Oude Breuil, assistant professor of Criminology for Utrecht University. Despite continuing national and international efforts, there were more than 1.437 reported victims of human trafficking in the Netherlands in 2013. In order to address this problem Gert-Jan Segers came up with a controversial proposal for a new law to criminalise visiting prostitutes who are doing forced labour. Segers mostly

spoke about the responsibility of a client to detect signals of forced labour in prostitutes. "If a client sees that the woman he's visiting has bruises on her arms, he has a responsibility to report this to the police, otherwise you could say he is complicit in the crime" is what Segers mentioned during his talk. In addition he proposed a prohibition on pandering. Dr. Brenda Oude Breuil provided the audience with a counter-narrative. She stated that the clients are the people closest to prostitutes thus important parties for detecting forced labour. In her opinion clients will likely report less on incidents and signals of human trafficking if they are afraid of prosecution.

Both standpoints were present in the audience and after this highly successful seminar we expect many more debates in the House of Representatives on the proposal.



### SIM and MONTAIGNE Seminar on Economic, Social and Cultural rights inclusion in Post-Conflict Transitions

On 24 November 2014 Dr. Brianne McGonigle Leyh, with the support of SIM and the Montaigne Research Centre, organized a seminar entitled *Resolving Conflict in Periods of Transition: Economic, Social and Cultural Rights Inclusion and Top Down / Bottom Up Approaches*. The interdisciplinary seminar included presentations by Dr. Jeroen Gunning (political science) and Prof. Jonathan Doak (law/criminology) from Durham University, Prof. Yvonne Donders (law) from the University of Amsterdam, Dr. Chris Lamont (law and political science), from the University of Groningen, Dr. Anja Mihr (social science) from the Hague Institute for Global Justice and Prof. Ton Robben (anthropology) and Dr. Brianne McGonigle Leyh (law) from Utrecht University. The seminar also screened portions of the free-online film *Beyond Right & Wrong: Stories of Justice and Forgiveness*. The seminar examined various aspects of post-conflict transitions, paying particular attention to the inclusion, or not, of economic, social and cultural rights as well as top down and bottom up responses related to state engagement, transitional justice, and legitimacy concerns. Panels touched on these responses by addressing the relationship between the state and local communities in post-conflict societies and whether the responses fully address the needs of the communities they strive to serve. Prof. Philip Langbroek, Co-Director of the Montaigne Research Centre, gave some closing remarks about the Centre and its focus on Judicial Administration and Conflict Resolution.

### SIM and RENFORCE round table discussion on accession EU to ECHR

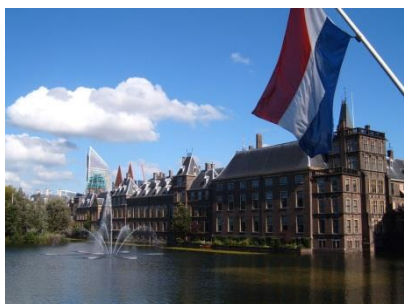
SIM and the Utrecht Centre for Regulation and Enforcement in Europe (RENFORCE) jointly organized a round table discussion on 7th of January 2015 about the opinion of the European Court of Justice (ECJ) on the accession of the EU to the ECHR. The seminar commenced by addressing the key points of the ruling dated 18th of December 2014. Hereafter different aspects and implications of this ruling were discussed by academics and experts. Through three discussion questions several issues were addressed, such as, the problems concerning the 'co-respondent procedure', the stand of the ECJ towards the parallel interpretation method and the role which the ECtHR could play with regard to the 'accountability vacuum' which would currently exist in the context of EU troops and human rights violations. The audience also actively participated and their interaction was lively. They also raised interesting issues in between the discussion rounds of the scholars. For instance, the changed attitudes of the ECtHR and the ECJ, and the role of the EU Charter of Human Rights in this development. The session was concluded with an attempt to answer the question, "how to proceed further?"



## SIM PARTICIPATES

## Human Rights Round table

On human rights day, 10 December 2014, Antoine Buyse delivered one of the keynote addresses at the Round Table Conference on Human Rights in the Netherlands, organized by the Ministry of the Interior in The Hague. The conference took stock of the first year of implementation of the Dutch human rights action plan. Antoine offered an external perspective, by discussing the successes and failures of human rights action plans in other countries and the lessons these might offer for the situation in the Netherlands.



## SIM PhD candidate visiting scholar at Monash University

In December 2014, Julie Fraser, PhD Candidate at SIM, was a visiting scholar at the Castan Centre for Human Rights at Monash University in Melbourne, Australia. The Castan Centre focuses on the study of human rights law globally, regionally and in Australia and is reputed as one of the world's leading academic human rights centres. Julie worked with the Centre's Director, Professor Sarah Joseph, whose research interests include the intersections between human rights issues and terrorism laws, regulation of the global economy, pop culture, and the media. Julie assisted with research on a current project entitled "Have You Got That Right?", which is an innovative series of videos and legal resources answering important human rights questions quickly and clearly for the general public.

## First Human Rights Dialogue in Dutch Parliament

The first ever "Human Rights Dialogue" took place on Monday 26 January 2015. SIM participates in the organisation of this dialogue together with Amnesty, Cordaid, NJCM, Open Society Foundation, the Netherlands School of Human Rights Research and Dietz, Dröge & Van Loo. The aim of the Human Rights Dialogue is to exchange relevant information between political parties on the one hand and human rights scholars as well as practitioners in the field on the other hand. The central theme of the first dialogue was the role of the human rights framework for municipalities in the context of the decentralisation. In the first round three human rights experts, Prof Nicola Jägers (*College voor de Rechten van de Mens*), Prof. Gijsbert Vonk (professor social-security law at University of Groningen) and Mr. Joris Sprakel (lawyer at Fischer advocaten), shared their views. Thereafter members of different political parties could ask the panellist for further clarification and elaboration. The second round was structured in the same way but included members of three municipalities; the Mayor of Middelburg and aldermen from Utrecht and Heerlen. The most salient topics discussed were the fear of arbitrariness and unequal policies between several municipalities. In addition privacy rights and equal access to medical care were discussed. The next Human Rights Dialogue will take place in Parliament on the 2nd of March, and will focus on human rights education.

## Key Note address from SIM Professor at University of Leuven

On International Human Rights Day, the Flemish Interuniversity network on Law and Development organised a conference at Leuven University on *Development, Law and Human Rights*. SIM Professor Bas de Gaay Fortman of Utrecht University was invited to deliver the keynote address. Under the title *It is participation, stupid!* he presented a political economy approach to the conference's theme. Taking its starting point in the old legal principle *Quod omnes tangit debet ab omnibus approbari* ('What touches all, must be approved by all') the lecture discussed certain topical implications of articles 2(3) and 8(2) of the General Assembly Declaration on the Right to Development. The first clause defines the State's responsibility for national development through policies in which the population's 'free and meaningful participation in development' and in the 'fair distribution of the benefits resulting therefrom' are stipulated. Hence, in top-down development, public authorities have a duty to ensure free and meaningful participation of all those whose daily livelihoods are affected by such policies. To illustrate the need for people's protection through meaningful participation the suspicious phenomenon of 'development-induced displacement' came to the fore. The lecture concluded with celebratory praise to human rights as a spiritual, legal, and moral-political weaponry in the struggle for universal realization of people's human dignity. For the full text of the lecture please see: <http://sim.rebo.uu.nl/wp-content/uploads/2015/02/De-Gaay-Fortman-Leuven-Lecture-on-Development-Law-and-Human-Rights.pdf>



## Farewell Saskia Bal

Friday 6th of February we gathered in Café de Stad to have drinks and say “Goodbye but we will stay in touch and we hope to see you soon!” to our dear colleague Saskia Bal. Saskia has been with SIM for 23 years establishing, maintaining, and further developing its well-known documentation centre. Together with Maaik Hogenkamp she guarded for what was long time referred to as the heart of SIM and helped build SIM’s internationally renowned name. We cannot tell her enough how thankful we are for all her valuable help in finding documents which we thought were untraceable online, for all her help in reminding us of interesting pieces, defining search strategies, and in editing our work. Loving to wine and dine, colleagues organised a culinary joint gift and compiled the *SASKIA*. A one-off contemporary magazine reflecting the life of SIM’s institutional memory. Because we really owe a big thank you to Saskia, for sharing her valuable and refined information and documentation skills to help us write and finish many reports, articles, chapters, and monographs, but foremost for being such a great and reliable colleague for many years!



## Grant and new postdoctoral assistant for Prof. Couso

Prof. Javier Couso, holder of the Prins Claus Chair for the period 2014-2016, was awarded a grant by the Netherlands Organisation for Scientific Research (NWO), in order to appoint a postdoctoral assistant. After a competitive process, Stefanie Lemke (who was working as a Senior Research Fellow in the Rule of Law at University of Cologne’s Law School) was appointed at the postdoctoral position for the period of one year. She will be based at SIM starting on February 16 2015, and her main responsibility will be to support Prof. Couso’s research on *the relationship between judicial independence and human rights in new democracies, with an emphasis in Latin America*.



## Tender: European network of legal experts in gender equality and non-discrimination



In a consortium together with Human European Consultancy and Migration Policy Group, Utrecht University has won a contract with the EU Commission to coordinate the European network of legal experts in gender equality and non-discrimination. The UU will be responsible for coordinating the gender equality stream of the network, which consists of experts from 35 European countries. The team from Utrecht is led by Dr. Susanne Burri, who is assisted by SIM’s own dr. Alexandra Timmer and Alice Welland LL.M.



## PUBLICATIONS



### NHRQ

The newest issue of the Netherlands Quarterly of Human Rights (2014-4) features the following articles:

- L. van Waas, 'Are We There Yet? The Emergence of Statelessness on the International Human Rights Agenda'
- D. McGrogan, 'On the Interpretation of Human Rights Treaties and Subsequent Practice'
- N. Higgins, 'Advancing the Rights of Minorities and Indigenous Peoples: Getting UN Attention via the Universal Periodic Review'
- M. Jonker, S. Halrynjo, 'Multidimensional Discrimination in Judicial Practice: A Legal Comparison Between Denmark, Norway, Sweden and the Netherlands'

### Articles

- A. Buyse, 'Words of Violence: "Fear Speech," or How Violent Conflict Escalation Relates to the Freedom of Expression' (2014) *Human Rights Quarterly* vol. 36-4, pp. 779-797.
- B. de Gaay Fortman, 'Between Principles and Practice: Grotius' Commitment to Religious Peace in a Contemporary Context', (2013) in *Grotiana (Annual Journal with Brill)* Vol. 34, pp. 25-40.
- S.J. Hollenberg 'The Security Council's 1267/1989 Targeted Sanctions Regime and the Use of Confidential Information: A Proposal for Decentralization of Review' (2015) *Leiden Journal of International Law* Vol. 28, pp. 49-71.

### Books

- A. Mihr, M. Gibney, *The SAGE Handbook of Human Rights* (two volume set), California: SAGE Publications, 2014.

The SAGE Handbook of Human Rights will comprise a two volume set consisting of more than 50 original chapters that clarify and analyze human rights issues of both contemporary and future importance with an inter-disciplinary approach. Furthermore, not only will the Handbook provide an analysis of the discipline that addresses the history and development of human rights standards and its movements, mechanisms and institutions, but it will seek to go beyond this and produce a book that will help lead to prospective thinking.



## 2015 SIM SUMMER SCHOOL ON HUMAN RIGHTS AND GENDER



Do you or someone you know want to learn more about human rights or human rights and gender? SIM is organizing two, one-week summer courses from 13 – 24 July. The first is an introduction course focusing on the major features of international human rights law. It begins by examining the philosophical and political bases of human rights and then explores human rights documents and mechanisms for the promotion and protection of human rights at the international and regional levels. Human rights-based approaches for analyzing conflict and attempts to promote peace and justice will also be explored. The second week looks at law from a gender perspective, encompassing cis, gay, trans and intersex perspectives. The focus is primarily on human rights but will cut across other areas of international law, such as refugee law. Through lectures, excursion(s), and group assignments, both weeks will explore and analyze topical issues, linking theory and practice.

More information can be found here:

- **International Human Rights Law: an Introduction (one week, 750 EUR):**  
<http://www.utrechtsummerschool.nl/courses/law-economics/international-human-rights-law-an-introduction>
- **International Law from a Gender Perspective (one week, 750 EUR):**  
<http://www.utrechtsummerschool.nl/courses/law-economics/international-law-from-a-gender-perspective>
- **Human Rights and Gender (combined, two weeks, 1300 EUR):**  
<http://www.utrechtsummerschool.nl/courses/law-economics/human-rights-and-gender>