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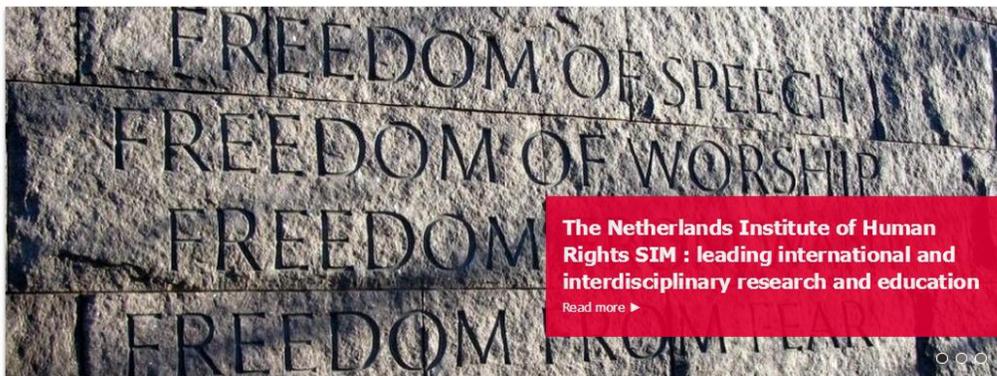


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of Human Rights



Universiteit Utrecht

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**SIM**  
Newsletter

Winter 2014

IN THIS ISSUE

## Conference: Words of Violence

What are the limits to freedom of expression when there is a risk of violent conflict escalation? And what role do the media play in such escalation? These were some of the key questions addressed at the conference 'Words of Violence' organized by Antoine Buyse at the end of October 2013.

The conference was the final part of his 3-year research project on the interlinkages between free speech, conflict escalation and the media, and brought together experts from Harvard, Oxford, Norwich, Amsterdam amongst others.

Buyse's own research and presentation at the conference focused on integrating insights from conflict studies on the mechanisms of the escalation of violence into legal argumentation and discourse. The research was funded by a Veni talent grant of the Dutch Organisation for Scientific Research.

## Upcoming Seminar: Thomas Hammarberg



On the 12th of March, SIM organizes a seminar entitled: 'The Role of the Council of Europe in the Protection of Human Rights in a Changing Context'. This seminar is held in honour of Thomas Hammarberg, Human Rights Commissioner of the European Council from 2006-2012, who will receive the Geuzenpenning 2014. The seminar will include a speech from Thomas Hammarberg, who has had a lifelong career in the field of human rights. The seminar also features speakers like professor Hirsch Ballin, professor Zwart and mr. Van Geel.

At this moment, Thomas Hammarberg is working for the United Nations as a senior expert on Human Rights in the Transnistrian region of the Republic of Moldova. He also acts as the EU special Advisor on Constitutional and Legal Reform and Human Rights in Georgia. For more information, see page 2 of this issue under 'upcoming events'.



### SIM Clinic Programme

On January 24, 2014 the SIM Clinic Programme travelled to The Hague in order to present their research at the Dutch Ministry of Security and Justice

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### Delegation from Yemen visits SIM

On 28 January 2014, members of a Yemen Mission to The Netherlands stopped by at SIM.

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### Publication Usta Kaitesi

In December 2013, Usta Kaitesi published her dissertation entitled 'Genocidal Gender and Sexual Violence: The Legacy of the ICTR, Rwanda's ordinary courts and gacaca courts'.

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## Clinic programme presents research in the Hague

On January 24<sup>th</sup> 2014, the participants of the SIM Clinic Programme at Utrecht University travelled to The Hague to present their research at the Dutch Ministry of Security and Justice.



The four LLM Human Rights and Criminal Justice students researched the Grand Chamber case of *Jaloud v. The Netherlands* before the European Court of Human Rights and presented their findings to Professor Martin Kuijer, senior counsel on human rights.

Erin Jackson, Giulia Lucchese, Jaquelyn Okui and Lucia Prados will now travel to the Strasbourg Court to attend the hearing of the case concerning extraterritorial jurisdiction.

### VISITING SCHOLAR HELEBA

This winter, Siyambonga Heleba from University of Johannesburg visited SIM for a month. During his time at SIM, he gave a Brown Bag talk concerning the topic of his PhD: 'The Public's Right to Participate in Law Making in South Africa.'

The following is what Siyambonga Heleba had to say about his stay at SIM:

*"I have always admired the rich academic environment at SIM, in which important legal and human rights issues are debated, since my days as Master's student during 2005 – 2006. I was only too happy to notice upon my recent visit, 8 Jan – 5 Feb 2014, that this tradition has grown from strength to strength. I would like to thank professor Goldschmidt and her amazing team for making my short stay at SIM a productive one."*

### ANNOUNCEMENT: SIM/PIL LECTURES

The SIM/PIL lectures have merged. The upcoming lectures will take place at the following dates, at 12.30 in the Toon Peterszaal:

26<sup>th</sup> of March  
15<sup>th</sup> of April  
27<sup>th</sup> of May  
17<sup>th</sup> of June

Feel free to join in and discuss your research!

### UPCOMING EVENTS

- Seminar: The Role of the Council of Europe in the Protection of Human Rights in a Changing Context** Seminar organized in honour of Thomas Hammarberg.  
**When?** Wednesday, 12 March 2014, 13.30-16.10.  
**Where?** Department of Law, Raadzaal, Achter Sint Pieter 200, Utrecht.  
Please sign up by sending an e-mail to [j.j.rippen@uu.nl](mailto:j.j.rippen@uu.nl)
- Mini-symposium: In search of Coherence: Fundamental Rights Protection under the Charter of Fundamental Rights of the EU.** The seminar will consist in 4 à 6 presentations concerning fundamental rights protection of citizens in the EU, in particular through the Charter of FR.  
**When?** Friday, 21 March 2014, 13.45-18.00  
**Where?** Department of Law, Raadzaal, Achter Sint Pieter 200, Utrecht.  
Please sign up by sending an e-mail to [a.tammer-neisingh@uu.nl](mailto:a.tammer-neisingh@uu.nl)
- Book presentation:** Presentation of a book written in relation to the focus area 'Conflicts and Human Rights'.  
**When?** Thursday, 19 June 2014, 19.30  
**Where?** Senaatszaal, Academiegebouw Domplein Utrecht  
More information will follow.

## Alexandra Timmer defends PhD Thesis

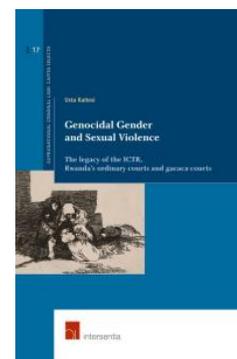
On 7 February, Alexandra Timmer defended her PhD thesis entitled "Strengthening the Equality Analysis of the European Court of Human Rights: the Potential of the Concepts of Stereotyping and Vulnerability" at the University of Ghent.



## Usta Kaitesi defends PhD Thesis

On 18 December another SIM member, Usta Kaitesi defended her PhD thesis entitled 'Genocidal Gender and Sexual Violence'. The dissertation focuses on how feminist theories can help to explain sexual violence as an element of genocide and on how these theories can contribute to the fight against such violence. Ms Kaitesi specifically studied the roles of the ICTR, Rwandese national courts and the gacaca court system.

For several years Usta Kaitesi, from Rwanda, was affiliated to SIM as an external PhD researcher, working under the supervision of professor Jenny Goldschmidt and dr Roelof Haveman. For more information, see the section 'publications' on page 4 of this issue.



## VISITS

## Delegation from Yemen visits SIM



On 28 January, members of a Yemen Mission to The Netherlands stopped by at SIM. The delegation consisted of members of the Technical Committee which deals with the creation of an independent human rights institute, members of civil society organizations and UNDP Yemen. They were interested in visiting several human rights related institutions in the Netherlands with the goal of gaining knowledge about organizing human rights institutions, how to gather and process information (electronically) relating to human rights violations in Yemen and how to establish cooperation with institutions outside of Yemen. The meeting was fruitful and the mission members hope to take this knowledge in setting up the structure and activities of their future human rights institute.

## Professor Guimei Bai visits Utrecht

Professor BAI, Guimei gave a lecture on Human Rights and Human Rights Education in China to scholars and journalists from Netherlands on 12 November 2013. Professor Bai is a leading human rights scholar specialized in the International Law, and directs the "Research Center for Human Rights and Humanitarian Law" at Peking University Law School.

She opened her lecture by sharing her own story to illustrate how "human rights" became accepted to the Chinese official discourse in the early 1990s and reflected upon opportunities and weakness of the human rights development in China. She

further argued that despite the fact that human rights are still deemed 'sensitive' in some areas, progress being made should not be biasedly neglected.

## Professor Titia Loenen's Farewell Symposium

on **Equality & Human Rights: Nothing but Trouble?**

After 25 years of rich contributions to the Utrecht University community, Professor Titia Loenen has been appointed Professor in Human Rights and Diversity at Leiden University. In order to help the UU community say a proper goodbye to their highly valued and respected colleague, Marjolein van den Brink (SIM/Legal Theory), Susanne Burri (Legal Theory), Ton Hol (Legal Theory) and Jenny Goldschmidt (SIM) rallied together to organize a Farewell Symposium. The theme and title for the symposium was "Equality and Human Rights: Nothing but Trouble?". The theme brings together many of the topics that inspired and will continue to inspire Titia Loenen.



The Symposium took place at Utrecht University on November 18<sup>th</sup> and was well attended. After a relaxed lunch professor Hol opened the symposium by reflecting on Titia Loenen's contribution to the law department for the last 25 years. Professor Lucy Vickers (Oxford Brookes University) was the first keynote speaker and presented her paper on "Equality and Human Rights: New Grounds for Concern", with the concern being that it is actually rather amazing that two such positive concepts can apparently be in conflict. Professor Janneke Gerards

(Radboud University Nijmegen) and Nik de Boer (Ph.D candidate University of Amsterdam) provided interesting and thoughtful commentaries about these concerns.

The second keynote on 'Equality Trouble in Multicultural Human Rights Claims' was given by Professor Eva Brems (Ghent University) and addressed the example of the Belgian 'Burqa Ban'. Armed with purposefully provoking responses, Professor Rob Widdershoven (Utrecht University) and Dr. Hana van Ooijen (Böhler Advocaten Amsterdam) proceeded to give their commentaries. After questions and discussion, co-chair Professor Goldschmidt gave some concluding remarks after stating that this was "a symposium we wish we didn't have to organize". Finally, on behalf of the organizers, Professor van den Brink presented the beginnings of the *liber amicorum* ('LiberT') in a printed bundle of paper abstracts to Titia Loenen. Over 30 contributions were made from colleagues from over a dozen different institutions and organizations, both from the Netherlands and abroad, relating to the conference theme. The Liber will be published in the SIM Special Series in the fall of 2014.

## Report: Assembly of States Parties to the Rome Statute (ASP)

By *Mistale Taylor, PhD Candidate at Utrecht University and Senior Research Associate with the Public International Law Policy Group.*

In November 2012, I had the pleasure of attending the Assembly of States Parties to the Rome Statute (ASP) in The Hague as part of the Public International Law and Policy Group clinic at SIM. It was fascinating to witness highly-skilled, often-diplomatic delegates debate the alteration of single words in, say, a draft resolution on victims. The ASP was a success for the Kenyan delegation, which secured amendments to the Court's Rules of Procedure and Evidence. Luckily for Kenya's President and Deputy President, certain defendants no longer have to be present for their whole trial. Overall, the ASP showed me how the ICC legal framework is changed through a marriage of law and politics in a most international setting.

## PROJECTS

## The Necessity of Compulsory Sex Registration

The Academic Research and Documentation Centre (WODC) of the Dutch Ministry of Security & Justice has commissioned Marjolein van den Brink and other colleagues from the UU to look into the issue of mandatory, binary (M/F) gender registration.



This research will set out the legal framework in the Netherlands, and identify national and international legal obstacles to the introduction of the possibility of changing an existing gender registration into an undetermined status, selecting a 'third box', or refraining from registration altogether, as well as the consequences. It is expected that the project will be finalized in the Autumn of 2014.

## Research for Ministry of Education

In the past few months a small team of SIM researchers - Antoine Buyse, Alexandra Timmer and Alicia Dibbets - have undertaken research commissioned by the Dutch Ministry of Education. The research report analyses the legal consequences of potential ratification by the Netherlands of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. It looks at the interplay between the international individual complaints procedure the Protocol offers and national legal proceedings and the trend towards increasing justiciability.

The report also delves into the question how the Committee assesses policies of budget cuts and readjustments taken as a result of the economic crisis, when such policies affect socio-economic rights. It specifically goes into a number of cases studies in the context of the right to education. The report will feed into the Dutch decision-making process in this regard and is an example of SIM's practice-oriented contract research.

## New Publications

### Newest issue of the NHQR

In the newest issue of the Netherlands Quarterly of Human Rights (Vol. 31, No.4) features the following articles:

- A. Addis, 'The Role of Human Dignity in a World of Plural Values and Ethical Commitments'
- J.P. Mangubhai, 'Human Rights as Practice: Agency, Power and Strategies of Dalit Women in Rural South India'
- C.G. Ngwena, 'Human Right to Inclusive Education: Exploring a Double Discourse of Inclusive Education Using South Africa as a Case Study'

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

### Dissertation Usta Kaitesi

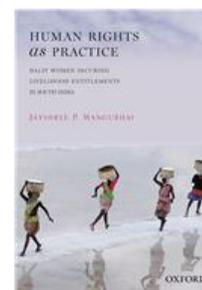
In December 2013, Usta Kaitesi published her dissertation entitled 'Genocidal Gender and Sexual Violence: The legacy of the ICTR, Rwanda's ordinary courts and gacaca courts'. Genocidal Gender and Sexual Violence tackles an important and highly topical issue. Kaitesi examines how the experiences of victims of genocidal gender and sexual violence have been addressed on a theoretical and practical level. The study investigates the contribution of feminist legal theories in naming and addressing gender and sexual violence. It questions the legacy of the ICTR and Rwanda's domestic judicial initiatives from the perspective of the complex realities of victims' experiences. For more information click [here](#).

### Dissertation Jayshree Manghubai

In January 2014, Jayshree Manghubai, who got her PhD at SIM in 2012, published her dissertation entitled 'Human Rights as Practice: Dalit Women Securing Livelihood Entitlements in South India'. Based on rich ethnographic fieldwork across three villages in the south Indian state of Tamil Nadu, Human Rights as Practice captures and examines the processes and struggles Dalit women engage in to secure or protect livelihood entitlements such as housing, land, and work. By focusing on the power dynamics between state and non-state actors and these women, the author brings

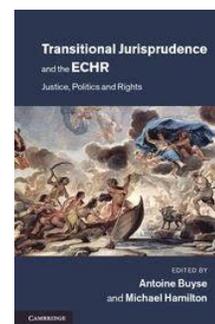
to the fore their strife and agency while negotiating social exclusion.

Jayshree P. Mangubhai emphasizes the need to factor issues of culture, status, identity, and unequal power relations into livelihood entitlement struggles. Straddling a broad canvas of socio-economic and civil-political rights, this book highlights the importance of linking human rights and the praxis of grassroots social movements. For more information click [here](#).



### Book Antoine Buyse

On January 2014, Antoine Buyse published his book entitled 'Transitional Jurisprudence and the ECHR: Justice, Politics and Rights' at Cambridge University Press. This book analyses the content, role and effects of the jurisprudence of the European Court relating to societies in transition. It features a wide range of transitional challenges, from killings by security forces in Northern Ireland to property restitution in East Central Europe, and from political upheaval in the Balkans to the position of religious minorities and Roma. Has the European Court developed a specific transitional jurisprudence? How do politics affect the ways in which the Court's judgments are implemented? Does the Court's case-law itself become woven into narratives of struggle in transitional societies? This book seeks to answer these questions by highlighting the unique role of Europe's main guardian of human rights, the Court in Strasbourg. For more information click [here](#).



Newsletter

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