



SIM Newsletter

Fall 2014

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A Fresh Start Built on Solid Foundations

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



This year is a time of change at SIM. Our esteemed director Jenny Goldschmidt retired and at the end of September she formally handed over the baton of directorship to me at the occasion of the Annual SIM Peter Baehr Lecture. The lecture, in itself a festive event at which Sir Nigel Rodley spoke, was thus for me a very special moment. Having been just appointed as a full professor of human rights as of October, to follow in the footsteps of a series of renowned human rights experts at the helm of SIM is both a great honour and challenge for me. I am grateful that I can take this task upon me surrounded by a renewed and very committed team of talented researchers and lecturers. Together we will in the coming

year carry onwards the work of SIM.

Among new developments are the integration of our human rights LLM in a broader context: as of the next academic year, students will be able to pursue a human rights specialization within the broader Master of International Law. Simultaneously, we will continue our teaching in the Conflict Studies and Human Rights Master and in the Venice E.Ma programmes. We are proud to announce that the famous SIM databases will be taken over and continued by the United Nations. And our human rights research will take place within Utrecht University's new Focus research area 'Cultures, Citizenship, and Human Rights'.

The Autumn thus for SIM presents a fresh start with a new generation of enthusiastic researchers to continue SIM's mission of human rights research and education. In doing so, we will build on the solid foundations laid by our predecessors. In that context I am happy that Jenny will remain attached to and active within SIM in an emerita capacity. Thank you for all you did for SIM, Jenny!



SIM Databases to United Nations

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Prince Claus chair based at SIM

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Launch Focus Area 'Culture, Citizenship and Human Rights'

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** NEWSFLASH **

SIM Documentation and the UN

The famous SIM online databases of global human rights information will become part of an exciting new development. The Office of the High Commissioner on Human Rights of the UN will incorporate them in the UN's human rights website. In this way, the many years of work of SIM researchers and documentalists (first and foremost Ineke Boerefijn, Saskia Bal and Maaike Hogenkamp) will remain accessible to the public online in the best possible place: at the UN itself. The goal is to have it all up and running in 2015, when the UN will take care of the continuation and updating of the databases. SIM is proud to cooperate with the UN on this and in this way ascertain the future of what has through the years become known as one of the most widely-used human rights databases in the world.



Report on ESC Rights Protocol Public

The research report (in Dutch) on the legal consequences of potential ratification by the Netherlands of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights has been made public by the Ministry of Education and has been sent to the Dutch Parliament. The report was written by Alicia Dibbets, Antoine Buyse and Alexandra Timmer of SIM. Antoine presented the findings of the research at an international conference entitled 'Challenges of the Economic Crisis to Human Rights' in Vilnius, Lithuania on 11 October.

UPCOMING EVENTS

- **Seminar: 'Understanding Complementary Institutions in Human Rights Implementation'**

This seminar is organized with support from the Netherlands School of Human Rights Research (SHRR) and the Netherlands Institute of Human Rights (SIM) and seeks to bring together scholars from various backgrounds such as law, anthropology, sociology and political science in order to gain insights into both the efficacy and challenges facing international human rights globally. Through critically analyzing the existing institutions and best practices in human rights, we hope to explore potential complementary institutions that could assist in building a more comprehensive framework for the implementation of human rights worldwide. Based on the consensus of the universality of human rights, this seminar attaches great importance to seeking cross-cultural perspectives on human rights implementation.

Speakers include professor Cees Flinterman, professor Jenny Goldschmidt, dr. Jos Philips, professor Titia Loenen, professor Yvonne Donders and mr. Lionel Veer. Please register at secretariaat.ier@uu.nl

When? 17 November 2014, 09.15-17.30

Where? Raadzaal, Achter Sint Pieter 200, Utrecht

- **Seminar: 'Resolving Conflict in Periods of Transition: Top Down and Bottom Up Approaches'**

This conference, organized by the Montaigne Center and SIM, will examine various aspects of post-conflict transitions, which inevitably entail a certain amount of uncertainty, insecurity, fragility and challenges of legitimacy. It pays particular attention to top down and bottom up responses related to state engagement, transitional justice, and legitimacy concerns. The two panels will touch on these responses by addressing the relationship between the state and local communities in post-conflict societies, whether the responses fully address the needs of the communities they strive to serve, and the role played by law and legal institutions in the transitions. SIM member dr. Brianne McGonigle Leyh will speak on the question: Is Expansion of Transitional Justice Overrated? Please register by sending an e-mail to: j.j.rippen@uu.nl

When? 24 November 2014, 10.00-18.30

Where? Raadzaal, Achter Sint Pieter 200, Utrecht

- **Koningsberger Lecture: Professor Martha Minow**

This year's Utrecht University Koningsberger lecture 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? To be announced.

- **Inaugural Lecture Professor Antoine Buyse**

Antoine Buyse has been appointed full professor in human rights in a multidisciplinary perspective. He is also the new director of SIM. He will deliver his inaugural lecture in late Spring 2015

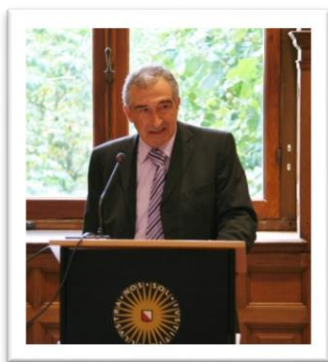
When? 16 June 2015, 16.15-17.00

Where? Academiegebouw, Aula, Domplein Utrecht

Annual SIM Peter Baehr Lecture Sir Nigel Rodley

On September 26 the annual SIM Peter Baehr lecture took place in the Raadzaal. The lecture was built around the question: Can terrorists, corporations or individuals be human rights violators? Sir Nigel Rodley, known to most as the 2013-2014 chair of the Human Rights Committee, proceeded to answer this question negatively, using (inter alia) an analogy with cats to illustrate his point.

In a brief introduction, SIM director Antoine Buyse commemorated the 33rd anniversary of SIM and the legacy and human rights activism of former SIM director Peter Baehr.



Sir Nigel Rodley then commenced his speech by underlining the original notion of human rights; the rights that individuals have vis à vis a common authority. He then argued that this notion has evolved to some extent by also giving the state positive obligations to prevent abuse human rights by individuals or groups. If the state fails to do so, it then violates human rights by failure to exercise due diligence. An interesting point made by Sir Nigel Rodley was about the added value of calling individuals and other entities human rights violators. He quoted Liesbeth Zegveld in this respect, by asking whether or there is any value added to calling motivated murderers as anything other than murders. In his opinion, the responsibility for human rights violations should lie with

the state, as those are part of the treaties and have a certain power and force (legislative, military) that is different, for instance, than that of corporations. In this respect any government which allows corporations to do what it itself would not be free to do, should reconsider its policy and any state that does not address individuals which violate human rights is itself violating human rights law.

Of course, Sir Nigel Rodley stated, international law recognizes non-state actors as having rights and duties. This is seen in the law relating to international organizations, but to equate inter-state entities with non-state actors would constitute a lapse in linear thinking as international organizations are a pooling of the power of states, and not reduction thereof. He then alluded to Philip Alston's 'not a cat syndrome', whereby it is clear that international organizations are not a cat, but that not all non-cats are the same, e.g. that individuals and corporations do not automatically fall in the same category as those organizations.

During the question and answer session, Sir Nigel Rodley summarized his feelings about the topic as follows: 'Essentially I am worried of losing meaning of something that is rather important, namely that original notion of human rights'. With respect to calling other non-state entities human rights violators, he then concluded, it might actually be more a question of what value is added by human rights than the value lost when using the term in relation to these non-state actors.

The lecture had a festive ending, when professor Jenny Goldschmidt officially handed over the 'baton' to Antoine, the new director of SIM (see cover picture)

PRINCE CLAUS CHAIR PROFESOR JAVIER A. COUSO BASED AT SIM

Professor Javier A. Couso, professor and director of the Constitutional Law programme at the Universidad Diego Portales in Santiago, Chile, has been appointed to the Prince Claus Chair of Development and Equity as from 1 September. Professor Couso will be at SIM in the period January – March/April 2015. The Prince Claus Chair is a rotating chair established alternately at Utrecht University and the Institute of Social Studies in The Hague (part of Erasmus University Rotterdam). Both institutions use the chair to promote research and education in the field of development cooperation, in accordance with the views and ideas of Prince Claus. Professor Couso will give his inaugural lecture on 18 May 2015 in the presence of Queen Maxima, the patron of the Prince Claus chair

Farewell Jenny Goldschmidt

On the 1st of July Jenny Goldschmidt had her official farewell as a professor at Utrecht University and director of SIM.

The program started with a surprise seminar on the "Jenny Factor", chaired by Marjolein van den Brink. Current and previous PhD candidates supervised by Jenny spoke about different topics and what they learned from her. The first panel, comprised of Diana Contreras-Garduno and Ellen-Rose Kambel, gave interesting presentations about substantive equality and reparations. In the second panel Marie-Elske Gispén talked about a disability perspective on health and Aart Hendriks concluded with some personal reflections on his professional and personal relationship with Jenny.



After a short break, in which everybody could enjoy the beautiful weather, Jenny gave her valedictory lecture, which was titled: 'Whose business is it anyway?' In this lecture she reflected on several subjects of her 40 years of academic work from the perspective of her personal experiences. Thereafter she was lauded by Henk Kummeling, Linda Senden, and Antoine Buyse (SIM). Antoine also presented to her a special *Libellum Amicorum*. This little book of friends does not consist of academic treatises, but rather of short contributions on the "Jenny Factor" from many different people that have worked with her in one of her various capacities. Luckily Jenny has not said goodbye to SIM completely, as she will be attached to SIM emerita professor.

OTHER NEWS

Launch Focus Area 'Culture, Citizenship and Human Rights'



On 27 May the new Utrecht University research focus area 'Culture, Citizenship and Human Rights' was launched in a festive manner. Researchers of the Humanities, Law and Governance and Social Sciences are invited in this focus area to meet each other and get inspired for future, interdisciplinary research projects. The programme will be directed by professor Antoine Buyse, professor Rosemarie Buikema and professor Ton Robben. For more information, see click [here](#)

Human Rights Dialogue in Dutch Parliament

In the Dutch Parliament a fundamental debate about the human rights situation in the Netherlands is lacking. A human rights approach to domestic politics in the Dutch Parliament could be very valuable in terms of providing a toolbox or (legal) framework to structurally address difficult moral and practical problems. It would help to facilitate a discussion beyond the level of incidents. Moreover, if the Dutch Parliament is able to discuss the domestic human rights situation, Dutch foreign policy and development cooperation win credibility and effectiveness. Together with Amnesty, Cordaid, NJCM, Open Society Foundation, the Netherlands School of Human Rights Research and Dietz, Dröge & Van Loo, SIM has therefore engaged in a new project called the Human Rights Dialogue. This project aims to set-up a mechanism in the Dutch Parliament that facilitates Members of Parliament to discuss relevant problems that can benefit from a human rights approach with academics, NGO-experts and (government) institutions. The Human Rights Dialogue is non-partisan. In addition, Parliamentary political advisors are offered human rights training. The first Dialogue meeting will be held in the Dutch Parliament in November. Those interested in attending the Dialogue discussion can contact Stephan Hollenberg at s.j.hollenberg@uu.nl.

The New Public International Law and Policy Group Research Associates



These associates are LLM students participating in the clinical program this year from October 2014 to July 2015. We wish them the best of luck in their endeavours!

SIM student Elena Butti wins Award



University College Utrecht student Elena Butti won the Undergraduate Award with a paper written in the Transitional Justice course taught by SIM dr. Brianne McGonigle Leyh entitled: 'Children's Rites: Examining the Role of Local Justice in the Ugandan Transitional Justice Process through a Child Rights Approach'. The Undergraduate Awards is a pan-discipline international academic awards programme held yearly since 2012 under the patronage of the President of Ireland. This year, the programme received 4,792 undergraduate students submissions from 209 top universities from 27 different countries in the world.

SIM Part of Winning FRA Tender

Marjolein van den Brink and Antoine Buyse of SIM are part of the consortium which has been granted a long-running research tender of the EU's fundamental rights agency (FRANET Lot-29). The consortium will act as a research group which can be asked on short notice to undertake research on the EU and international level aspects of fundamental rights issues.



SIM PARTICIPATES

Citizenship 3.0

On 3 October Antoine Buyse co-organised and chaired a seminar on new forms of citizenship and participation at the Dutch Royal Academy of Arts and Sciences (KNAW) in Amsterdam. The day brought together a wide variety of disciplines, ranging from history to law and sociology, to analyse and discuss how citizens are finding new ways to participate in governance and how the state reacts to these initiatives. The seminar is part of a wider project entitled Citizenship 3.0, which is run together with Utrecht University colleagues from private law and from history.

FRAME Project Panel at AHRI Conference on EU Human Rights and Vulnerable Groups

As part of the EU FP7-funded FRAME project (click [here](#) for link), Jenny Goldschmidt and Alexandra Timmer organized a panel at the AHRI conference in Copenhagen on September 29. The topic of the panel was 'The EU and the Human Rights of Vulnerable Groups'. Jenny acted as panel chair and Alexandra presented a paper, alongside researchers from the Åbo Akademi University (Finland), the University of Deusto and the University of Seville (both from Spain). The EU increasingly uses the term 'vulnerable' persons in law and policy. The panel investigated what meanings this complex concept has, and what role it plays in EU human rights and democracy promotion. It triggered an animated discussion with the audience. The panel has provided valuable input for the next reports that are due in the FRAME project.



Workshop on Rule of Law at HIGJ

On 2 September professor Antoine Buyse and dr. Brianne McGonigle Leyh gave a one-day training organized by the Hague Institute for Global Justice and the Hague Academy for Local Governance on 'The Rule of Law in Transition'. This training was part of a two-week long course organized by these organizations entitled "Re-establishing Security, Governance and Rule of Law", which formed part of a series of courses on Rule of Law and Good Governance.

Publications



The newest issue of the Netherlands Quarterly of Human Rights (2014-3) features the following articles:

- Lourdes Peroni, 'On Religious and Cultural Equality in European Human Rights Convention Law'
- Linos-Alexander Sicilianos, 'The Involvement of the European Court of Human Rights in the Implementation of its Judgments: Recent Developments under Article 46 ECHR'
- Gauthier De Beco, 'The Right to Inclusive Education According to Article 24 of the UN Convention on the Rights of Persons with Disabilities: Background, Requirements and (Remaining) Questions'

- Hubert Smekal & Katarína Šipulová, 'DH v Czech Republic Six Years Later: On the Power of an International Human Rights Court to Push through Systemic Change'
- Jenny Goldschmidt, "'Whose Business Is It Anyway?'" – Valedictory Lecture delivered at Utrecht University, 1 July 2014'

Other Publications

Bas de Gaay Fortman: Equal dignity in international human rights, entry in Marcus Duenell et alia, *The Cambridge Handbook of Human Dignity*, Cambridge University Press 2014, pp. 355-362

Buyse, A.C., 'Dangerous Expressions: The ECHR, Violence and Free Speech', *International and Comparative Law Quarterly* vol. 63 (2014) pp. 491-503.



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