



Human Rights for Foxes and Hedgehogs

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

2015 has proven to be a year full of new activities for SIM and continues to be so. We have added SIM fellows to our institute and we are intensifying ties with the Dutch national human rights institution. Next month, SIM will offer two brand new Summer Schools, one on **general human rights** and one on **gender and law**. Both are, to our joy, filled to the brink with students. After the summer, we will start to offer a new **human rights track** in the renewed LLM in Public International Law here in Utrecht.

One special event taking place during this period was my **inaugural lecture** as a professor, entitled "Human Rights for Foxes and Hedgehogs". There are two types of people, according to the liberal philosopher Isaiah Berlin: hedgehogs and foxes. Hedgehogs know one big thing: they are the system-builders, looking for coherence. Foxes know many things: they jump from one paradigm or method to another. I applied this metaphor to the study of human rights in my recent inaugural lecture here at Utrecht University, arguing that we need both types of academic animals to come to a better understanding of human rights. A multidisciplinary approach to human rights cannot exist without it.

Finally, I would like to announce that this year's SIM Peter Baehr lecture will be delivered by SIM fellow professor Barbara Oomen, dean of University College Roosevelt, on Friday 25 September. We are very much looking forward to it!



Professor Javier Couso presented his inaugural lecture on 18 May, in attendance was Her Majesty Queen Maxima.

Page 2



SIM and the Dutch National Human Rights Institute enhanced their co-operation.

Page 3



The annual General Assembly for the FRAME project was held in Brussels and Leuven from 1 - 3 June.

Page 3

Inaugural Lecture Professor Javier Couso

Professor Javier Couso, Prince Claus Chair of Development and Equity, based at SIM in 2014-2016, delivered his inaugural lecture on 18 May. The Patroness of the Prince Claus Chair, Her Majesty Queen Maxima, was in attendance. The lecture focused on the aspect of judicial independence which, as he argued, is a sine qua non element of the promotion and protection of Human Rights in democracies. Since judicial autonomy is a cultural achievement it requires a diverse set of strategies and its attainment should be gradual. While focusing on Latin America he concluded that human rights will remain to be systematically underdeveloped in democratic regimes if they lack the basic institutions of rule of law.



After the Inaugural lecture a number of SIM staff members had the opportunity to meet with the Queen, including Stefanie Lemke, a post-doctoral researcher assisting Professor Couso. SIM staff discussed human rights issues around the world with Her Majesty, including Australia's refugee policy and police brutality in the USA.

UPCOMING EVENTS

- **Conference on the impact of Transitional Justice Measures on Democratic Institution-building**

30-31 July 2015, Raadzaal, Achter Sint Pieter 200, Utrecht

Sandra Rios Oyola and Anja Mihr from the Netherlands Institute of Human Rights (SIM) and the ORA-NWO Project are organising a conference on the Impact of Transitional Justice Measures on Democratic Institution-building. The conference will be an interactive event including four panel discussions with a lot of time for debate and questions. Sign up by sending an e-mail to c.l.panhuyzen@uu.nl. There is a limited amount of seats available.

- **Peter Baehr Lecture on 'Human Rights Between Law and Politics', by Professor Barabara Oomen, dean of University College Roosevelt**

25 September 2015, 15h30, Raadzaal, Achter Sint Pieter 200, Utrecht

- **Symposium on Positive Obligations and the ECHR (in Dutch)**

23 October 2015, 12h00-17h30, Molengraaff Institute, Janskerkhof 12, Utrecht

- **Final Conference 'Assessing the Impact of Transitional Justice Mechanisms on Democratic Institution-Building'**

18-19 November 2015, Raadzaal, Achter Sint Pieter 200, Utrecht

The conference presents the results of the research project on 'the Impacts of Transitional Justice in Democratic Institution Building' (TJDI.org), funded by NWO and ESRC under the Open Research Area (ORA) and led by the principal investigators Anja Mihr, SIM, Utrecht University, and Chandra Lekha Sriram, University of East London. Additionally, experts in the field will comment on and discuss the results. We invite scholars, policymakers, NGO officials, students and those interested in attending the conference to register by sending an email to Sandra Rios Oyola, S.M.RiosOyola@uu.nl

General Assembly for the Frame Project

From 1 – 3 June, the annual General Assembly for the FRAME project was held in Brussels and Leuven, hosted by the Leuven Centre for Global Governance Studies. FRAME researchers from the many international institutions participating in the project, including Prof. Jenny Goldschmidt, Dr. Alexandra Timmer and Dr. Lorena Sosa from SIM, came together to discuss the preliminary results and ongoing research among each other, with members of the International Advisory Board and with policy makers. Prof. Dr. Marc Bossuyt, Honorary Commissioner General for Refugees and Stateless Persons, Former President of the Belgian Constitutional Court and Member of the UN Committee on the Elimination of Racial Discrimination, gave a keynote lecture entitled: 'Europe and the Asylum Crisis in the Mediterranean: Reflections from a Human Rights Perspective'.



Seminar on Gender Registration

A seminar on gender registration by the state and the legal position of transgender persons was held on March 13th, organised by the Utrecht Centre for European Research into Family Law and the Nederlandse Vereniging voor Burgerzaken. In relation to the report for the Dutch Ministry for Security and Justice, written by dr. Marjolein van den Brink from SIM and Jet Tigchelaar (available on: www.wodc.nl), the future of sex-registration in the Netherlands was discussed and debated under the chairmanship of prof. Titia Loenen.

Following a presentation of the results from the report two speakers were invited to comment on the research, Carolien van de Lagemaat (Transgendernetwerk Nederland) on behalf of transgenders and Margreet de Boer (member of the Dutch Senate, GroenLinks) as a politician. Three panels followed with various speakers: Philip Tijsma (COC), dr. Machteld Vonk (Leiden University), Miriam van der Have (Nederlandse netwerk intersekse/DSD), Patrick Reijnen (municipality of Amsterdam), Titia Loenen (Leiden University) and Geertje Mak (Nijmegen University).

The overall opinion of most attendees and speakers was that in the long-term the elimination of gender registration should be strived for.

However, the afternoon showed a great diversity of opinions on how extensive the legal and social complications would be. Attendees and speakers did agree that in the short term it should be possible, considering the right to privacy, to ensure more restrictive use of gender data.



SIM enhances cooperation with Dutch National Human Rights Institute

On the 24th of April, the Molengraaff room in Janskerkhof 12 served as a platform for a discussion between the Netherlands Institute for Human Rights and SIM to enhance further cooperation. There was an enthusiastic atmosphere since everyone in the room saw this informal meeting as a way to bring like-minded people from separate institutions closer together. After a brief explanation from the Institute on the inner workings of their institution we turned our attention to the content of the College's Strategic Plan for this year. Guided by SIM's director, Antoine Buyse, members of the Institute and SIM touched upon subjects like the rights of people with disabilities, privacy and data protection, and more and better cooperation between both institutions. Enriched with new insights about the reality of human rights in the Netherlands, analyses of ways to influence government policies and innovative ideas like diverging some of the work of the Institute to Master students at the UU, the lecture ended with Friday afternoon drinks as a way to truly tighten the bonds between the Institute and SIM. It was very a fruitful afternoon.



SIM PARTICIPATES

ESIL Research Forum 2015 in Florence

On 14th and 15th May 2015, Katharine Fortin took part in the European Society of International Law's 2015 Research Forum at the European University Institute in Florence. The 2015 Research Forum was the first research forum in its smaller but more intensive format. It is designed to provide a unique opportunity for young academics to present their research and receive in-depth critical commentary from more senior academics.

Katharine Fortin presented a paper on the legal personality of armed groups under human rights law. Her panel was chaired by Professor Christina Binder from Vienna University and her commentator was Professor Martin Scheinin from the European University Institute.

The research Katharine presented was taken from a chapter in her PhD on the accountability of armed groups under human rights law which she will defend in October 2015.



Conference on Human Dignity and Human Rights

On 29 May dr. Brianne McGonigle Leyh spoke at a three-day Conference organized by the Ethics Institute of Utrecht University entitled 'The Future of Human Rights: History, Norms & Institutions' which formed part of the NWO Project 'Human Dignity as the Foundation of Human Rights'.



Brianne spoke on the use of human dignity by regulatory bodies in the context of gender stereotyping and the media.

Marcus Duwell at the Human Dignity Conference

PHD workshop on Justice for Victims

On 12 June dr. Brianne McGonigle Leyh took part in a PhD Workshop on Justice for Victims of Mass Atrocities at Queen's University Belfast. The Workshop was hosted by the Institute for the Study of Conflict Transformation and Social Justice as well as the Justice Hub.



Human Rights Dialogue in Dutch Parliament

The second 'Human Rights Dialogue' took place on Monday 30 March 2015, and focused on human rights and education. 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. SIM participated in the organisation of this dialogue. One of the findings was that education on the human rights situation in the Netherlands is underdeveloped at the moment. While education on human rights mainly focuses on foreign States, it was argued that it should also involve children's own rights and responsibilities in respect of human rights. This can foster mutual respect and enhance knowledge of, and participation in, the democratic constitutional State. In addition, structural education on the implementation of human rights can also benefit professionals. During the first round two human rights experts, Kirsja Oudshoorn (*Senior beleidsmedewerker Educatie Amnesty International*) and Marie Wernham (*Consultant Kinderrechteneducatie UNICEF Geneva*) contributed to the discussion on the importance and added value of human rights education. The second round focussed on the practical implementation of human rights in Dutch education and involved Fiona Ang (*Vormen Expertisecentrum Mensenrechten en Kinderrechten Educatie Vlaanderen*), Jeroen Bron (*Coördinator Maatschappelijke Thema's bij Stichting Leerplan Ontwikkeling*), and Aloys van Rest (*Director Defence for Children and End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes Nederland*).

SIM PARTICIPATES

State Reporting Project (SRP)

From the 21st of February to the 26th of March, Michael Odhiambo was in Senegal as part of the State Reporting Project (SRP) outreach to African countries. During this period, Michael was seconded to the Comité Sénégalais des Droits de l'Homme (CSDH) headquarters in Dakar.

The State Reporting Project co-ordinated by Michael seeks to engage with African states, civil society and grassroots organisations in order to highlight viable cultural resources in the promotion of human rights using the receptor approach, and also to offer assistance in the drafting of state reports to CEDAW.



As a result of Michael's stay at the CSDH, a roadmap for future co-operation between the SRP and the CSDH was established through the signature of a Memorandum of Understanding (MOU).

Conference on 'Human rights in Times of War'

On 6 June dr. Brianne McGonigle Leyh chaired a conference on 'Human Rights in Times of War' organized by CS Ubuntu, the study association of Conflict Studies and Human Rights. Speakers included Uri Rosenthal, former Minister of Foreign Affairs, Dr. Anthony Holslag, expert on Holocaust and Genocide studies, and Saya Abdullah, the Dutch Youth Representative of the UN.

Working paper on Corporate Responsibility

Dr. Stefanie Lemke presented a working paper on "The Promotion of Corporate Responsibility by Lawyers: the (Im)Possible Mission to Implement Legal Ethics on Business and Human Rights within Legal Professions?", at the conference "Corporate (Ir-)Responsibility and its Consequences in a Globalised World, Ruhr University of Bochum.

Prize Juries

Professor Antoine Buyse participated as member in two Prize Juries. The first was for a prize question of the cooperating Young Academies of Europe, concerning 'Who gets carried away by Europe?'. The winners are announced here: www.aquestionforeurope.eu. The second was the Human Rights Essay Award of the Academy on Human Rights and Humanitarian Law. The winning essays of the latter contest will be published in the American University International Law Review.

Conference organized by Dr. Anja Mihr

From 8-10 June, Associate Professor, dr. Anja Mihr organized a conference sponsored by the Human Rights Section, International Studies Association; Human Rights Section, American Political Science Association; Human Rights Research Committee, International Political Science Association; and the Standing Group on Human Rights and Transitional Justice, European Consortium for Political Research. The conference took place at The Hague Institute for Global Justice and dr. Brianne McGonigle Leyh presented on the inadequacy of the International Criminal Court as a human rights court and why that is a good thing.



Glasgow Human Rights Network

At a Graduate Conference on Human Rights in Glasgow, SIM member dr. Stefanie Lemke presented a working paper on Human Rights Due Diligence and the Legal Profession. It concerned the Power of Lawyers to Promote Corporate Social Responsibility.

OTHER NEWS

SIM article cited by the International Criminal Court

On 3 March the Appeals Chamber of the International Criminal Court handed down its Judgment on reparations in the Lubanga case. This is a very significant decision for the Court as it is the most definitive pronouncement on reparations for victims to date. SIM is very proud that the article on identification of victims and its impact on participation and reparation before the Inter-American Court of Human Rights and the ICC, co-written by SIM's own Diana Contreras-Garduño and Julie Fraser, is cited by the Court (in footnote 147). It is one of only a handful of scholarly articles referenced by the Court.



PUBLICATIONS



NQHR

The newest issues of the NQHR features the following articles:

NQHR, 2015-1

- C. Flinterman, 'The United Nations Human Rights Committee: Some Reflections of a Former Member'
- D. Cubie, M. Hesselman, 'Accountability for the Human Rights Implications of Natural Disasters: A Proposal for Systemic International Oversight'
- M-T, Gil-Bazo, 'The Safe Third Country Concept in International Agreements on Refugee Protection: Assessing State Practice'
- A. Dyer, 'Freedom of Expression and the Advocacy of Violence: Which Test Should the European Court of Human Rights Adopt?'

NQHR, 2015-2

- Column: C. Medina Quiroga, 'The Inter-American Court of Human Rights: 35 years'
- F. Viljoen and C. Burbano Herrera, 'Danger and fear in prison: protecting the most vulnerable persons in Africa and the Americas by regional human rights bodies through interim measures'
- J. Krommendijk, 'The (in)effectiveness of UN Human Rights treaty body recommendations'
- A. Wolman, 'Sub-national Human Rights institutions and the domestication of International Human Rights norms'
- O. de Schutter, 'Welfare State reform and Social Rights'
- Prins Claus Lecture: J. Couso, 'Sine qua non: On the role of judicial independence for the protection of human rights in Latin America'

Articles

- Lemke, Stefanie (2015). 'Wirtschaft, Menschenrechte und die Anwaltschaft: Was nicht passt, wird passend gemacht?' (on human rights due diligence and the role of the legal profession to implement the UN Guiding Principles on Business and Human Rights), *Anwaltsblatt*, vol. 2 , pp. 110-114.
- Hollenberg, Stephan (2015). 'The Diverging Approaches of the European Court of Human Rights in the Cases of Nada and al-Dulimi', *International and Comparative Law Quarterly*, vol. 64(2), pp. 445-460.
- Fraser, Julie (2015). 'Book Review: Cultural Heritage in Transit: Intangible Rights as Human Rights' (Deborah Kapchan ed., University of Pennsylvania Press, 2014), *Human rights quarterly*, vol. 37 (2), pp. 556- 561.

NEW AT SIM: THREE POSTDOCS

Dr. Lorena Sosa

Since February 2015, Lorena Sosa has joined SIM as postdoc researcher in the context of the FP-7 funded project on Fostering Human Rights Among European Policies ("FRAME"). Born in Argentina, Lorena holds a law degree from the National University of Cordoba, and an LLM in International and European Public Law with a specialization in Human Rights from the University of Tilburg. She received her PhD from Tilburg Law School. She has previously worked as a researcher and lecturer at the International Victimology Institute Tilburg (INTERVICT) and has participated in a number of European Union projects in the areas of violence against women (including domestic violence and stalking), violence against children and LGBT.

Dr. Stefanie Lemke

With the Prince Claus Chair in Development and Equity, Stefanie Lemke explores the relationship between judicial independence and human rights in Latin America. Previously, she worked as a senior research fellow in the rule of law at Cologne University, Germany, and was a visiting fellow at University of Oxford and University of London. Her PhD thesis focuses on human rights lawyering and access to justice in Europe. She also practiced with the ECCHR (International Crimes and Accountability programme) and with the German government (Department for Governance, the Rule of Law and Democracy). Besides, she worked as a lecturer with the University of Bonn, Germany, and with various law firms across the globe.

Dr. Sandra Rios Oyola

Sandra M. Rios Oyola is a postdoctoral research fellow at SIM. She is member of the NWO-ORA research group on the Impact of Transitional Justice Measures on Democratic Institution-building (tjdi.org). Her participation in the TJDJ project includes a comparative study of the impacts of transitional justice in democratic institution-building in Hungary, Japan, East Germany and South Korea. She obtained her PhD in Sociology at the University of Aberdeen. She holds an MA in Religious Studies from Florida International University and a BA in Sociology from the Universidad Nacional de Colombia. Sandra is author of the book entitled 'Religion, Memory and Conflict. The case of the Massacre of Bojayá in Colombia' to be published by Palgrave Macmillan in June 2015.



Dr. Lorena Sosa, Dr. Stefanie Lemke and Dr. Sandra Rios

