



Opening Session of the 2016 AHRI Human Rights Conference

SIM
Newsletter

Fall 2016

In this issue

Still Going Strong at 35

by Antoine Buyse, director of the Netherlands Institute of Human Rights



This year, SIM is celebrating its 35th anniversary. Created at the initiative of Dutch human rights NGOs to support their work with thorough research and documenta-

tion, SIM has since grown into a solid academic human rights institute as part of Utrecht University. To mark this anniversary, our plan to compile a book about the history of our institute finally came to fruition. The book is freely available on our website. The first paper copies were presented to one of SIM's founders, Pieter van Dijk, and the current chair of the SIM foundation, Egbert Myjer.

We were very honored to host, this past September, the large human rights conference of the Association of Human Rights Institutes (AHRI) of which SIM is an active member. The conference, the biggest so far, attracted over 240 participants attending more than 25 parallel panels on a wide range of themes. The overall theme of the conference was to take stock of the two global United Nations human rights Covenants which were created exactly 50 years ago. For a bit more than two

days Utrecht city centre vibrated with the presence of many human rights experts from across the globe, who also met up with local human rights organizations. The conference was closed with an impressive SIM Peter Baehr lecture by the UN High Commissioner for Human Rights, Mr Zeid Ra'ad Al Hussein. You will find more impressions of the conference in this Newsletter.

Building on the creative work and commitment of the many colleagues that worked at SIM before us, current SIM staff is working on the future of human rights research and education. We are, amongst others, launching a Massive Open Online Course (MOOC) entitled 'Human Rights for Open Societies' - an introduction into the European Convention on Human Rights. The course will be available on the Coursera platform as of November. And perhaps the best reflection of our hopes for the future are the upcoming PhD defenses of a number of SIM researchers. We hope they will carry onwards the torch that was lit at our creation in 1981!



AHRI Conference and Lecture by the UN High Commissioner

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2016 AHRI Conference: '50 Years of the Two UN Human Rights Covenants: Legacies and Prospects'

On 3-4 September, SIM hosted the Association of Human Rights Institutes' Conference 2016 which celebrated the fifty year anniversary of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. The title of the conference was "50 Years of the Two UN Human Rights Covenants: Legacies and Prospects". The conference commenced with a celebration of SIM's 35th birthday at the Winkel van Sinkel in Utrecht, where Antoine Buyse presented the book "A History of SIM: The Netherlands Institute of Human Rights since 1981" to Peter van Dijk, Founder of SIM, and Professor Egbert Myjer, President of the Board of the SIM Foundation.

The conference examined issues relating to six thematic tracks: (i) indivisibility and interactions of norms and regimes; (ii) citizenship, migrants

and refugees; (iii) non-state actors and human rights; (iv) EU and human rights; (v) the global economy and human rights; and (vi) new avenues in human rights research. The conference was attended by over 200 researchers from over eighty different universities and human rights institutes. To mark the end of the conference, Zeid Ra'ad Al Hussein, United Nations High Commissioner of Human Rights delivered SIM's annual Peter Baehr lecture. The full text of the High Commissioner's speech can be found [here](#) and will be published in the December issue of the Netherlands Quarterly of Human Rights.

The conference was possible thanks to the support of the Dutch Ministry of Foreign Affairs, the Municipality of Utrecht, Cultures, Citizenship and Human Rights, Intersentia, Utrecht University's School of Law. It was also supported by Cambridge University Press, Oxford University Press, Edward Elgar Publishing and Frame.



SIM Summer School

In July, SIM hosted two intensive 5-day summer schools, one providing an introduction to international human rights law, and one looking at international law through a gender lens.

Students from around the world travelled to the Netherlands in order to participate in these challenging and rewarding weeks. They gained expertise and insight through workshops not only provided by SIM staff, but also by a host of prestigious guest lecturers from a variety of fields, including academia, legal practice, and activism. Both summer schools were extremely well-received and SIM

looks forward to hosting another international group of students in the summer of 2017!



NQHR Call for Papers 2017

The Netherlands Quarterly of Human Rights (NQHR) is SIM's double blind, peer-reviewed journal published by Intersentia. It publishes high-quality academic articles on issues of international human rights. We highly welcome submissions from different academic disciplines, including law, political science, philosophy, and anthropology, as well as inter- and multidisciplinary ones.

The NQHR invites article submissions for its [four publications in 2017](#). Manuscripts may be submitted to our Managing Editor at NQHR@uu.nl or via www.editorialmanager.com/nqhr. Manuscripts should address human rights issues from an international perspective. Manuscripts must be no longer than 10,000 words in length (including footnotes). All manuscripts should be original, double-spaced with 1.5 inch margins and typed in 12-point font. Please submit your article in Microsoft Word format. Indicate your name and function in an accompanying file, as the articles will be reviewed anonymously. Submissions must be formatted according to the OSCOLA guidelines in order to be reviewed. More information for authors can be found on our website nqhr.net. The deadline for submissions is 20 November 2016.

Utrecht Declaration on Academic Freedom

During the AHRI Conference 2016, the Association of Human Rights Institutes adopted the Utrecht Declaration on Academic Freedom, in solidarity with oppressed and even persecuted colleagues and students across the globe.

The Declaration stresses that intimidation and oppression of researchers, teachers and students violates their human rights. This does not only endanger the independence of academic research and teaching, but also free and democratic societies as a whole. In a climate of fear, creative and critical thinking are being suffocated.

The Declaration calls upon fellow academics but also authorities at all levels to

take a clear stand against these practices and to assist scholars, teachers and students at risk. The Declaration is available online in many places now, including [here](#).



-bedreigde wetenschappers-

"Doesn't anyone understand how much trouble they cause us?! We just have to!"
- endangered scientists -

The cartoonist of Utrecht University's online news review DUB, Niels Bongers, made a cartoon, inspired by the Declaration.

Cultures, Citizenship and Human Rights



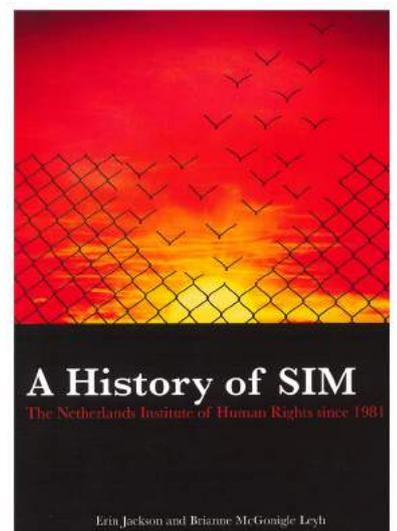
CCHR
Utrecht University

Cultures, Citizenship and Human Rights Blog

In September, the Utrecht University PhD candidates who find themselves united under the Cultures, Citizenship and Human Rights research theme established their own blog. Here they write short articles related to their research, which they open up to the public, addressing both the research process as well as the contents of it. The blog aims to respond to the news and to developments in politics, law, and culture. It can be viewed [here](#).

'A History of SIM: The Netherlands Institute of Human Rights since 1981'

In September 2016, SIM published 'A History of SIM: The Netherlands Institute of Human Rights since 1981' to mark the 35-year anniversary of the Institute. The book, co-authored by Erin Jackson and Brianne McGonigle Leyh, details the history of SIM since its inception and is based on interviews with SIM staff and archival research. The book was presented to Pieter van Dijk, founder of SIM, and Egbert Myjer, Chairman of the SIM board, at the opening of the AHRI conference on 1 September 2016. The digital version of the book is available via the [website](#).



SIM launches MOOC

On November 14, SIM will launch a new MOOC about 'Human Rights for Open Societies – An Introduction to the European Convention on Human Rights'. This MOOC (Massive Open Online Course) will be offered on Coursera. SIM director Antoine Buyse, Professor of Human Rights, and SIM fellows Janneke Gerards, Professor of Fundamental Rights Law, and Paulien de Morree, lecturer, have been developing this course over the past months. It will offer the participants an introduction to one of the world's most intricate human rights systems: the European Convention on Human Rights.

This human rights treaty is one of the most successful tools for protecting human dignity, and it is a crucial tool to achieving an open society. Human rights are under pressure in many plac-

es across the globe. Peaceful protests are violently quashed. Voting is tampered with. And often, minorities are excluded from decision-making. All of this threatens the ideal of an open society in which each of us can be free and participate equally. A solid protection of human rights is needed for an open society to exist and to flourish. But it often is an uphill battle to work towards that ideal.



The course will help participants equip themselves and learn more about what human rights are and how they work. They will learn when and how people

can turn to the European Court of Human Rights to complain about human rights violations. And they will learn when and how the Court tries to solve many of the difficult human rights dilemmas of today. The course looks at, amongst others, the freedom of expression and demonstration, the right to vote, and the prohibition of discrimination. The rights of migrants, refugees, and other vulnerable groups will also be addressed in this MOOC. Finally, the course will look into the question of whether it is possible to restrict rights and under what conditions. This course is open to everyone interested in the protection of human rights and the linkages with open and democratic societies.

Registration will start early November on [Coursera](#). A [video](#) can already be watched on youtube, to discover what the course will be about.

2016 AHRI Conference: Local NGOs Meet Academics



As one of the side events of the AHRI conference, Utrecht Municipality, the Utrecht Human Rights Coalition and SIM co-organised a meet-up in TivoliVredenburg music centre. The theme of the evening was human rights at the local level. A wide range of human rights organizations based in Utrecht met with the academic participants in the AHRI conference.

E.MA Graduation 2016



On 25th September, the graduation of the 2015-2016 class of the European Master's Degree in Human Rights and Democratisation (E.MA), in which SIM has been a participant for many years, took place in the Scuola Grande di San Rocco in Venice. SIM is very proud that two of the students who spent their second semester in Utrecht, Laura Lizzi and Olivia Perceval, received their diploma with excellent results. Olivia even graduated as one of the top-15 students. They received their diplomas from professor Antoine Buyse.

New PhDs at SIM (1)



Aurélie Roche-Mair, director of the International Bar Association (IBA) Hague Office, is an external Phd candidate at SIM and the Montaigne Centre as of 2016. Her research on 'The protection of children in transitional justice' looks at how transitional justice can better protect the human rights of children, in particular through two specific kinds of transitional justice: International Criminal Justice and national truth commissions. Aurélie will work under the supervision of professor Antoine Buyse and dr Brianne McGonigle Leyh.

New PhDs at SIM (2)



As of October 2016, Silke Vogelsang works at SIM as a PhD researcher on her research titled Bridging Wor(l)ds. For the rest of the time, Silke teaches German in a secondary school. The research is supported by the special teacher grant programme of the Netherlands Science Foundation (NWO). The research is supervised by Barbara Oomen and Marcin Sklad.

SIM Short News

- Daphina Misiedjan has been appointed as the Chair of the Economic, Social and Cultural Rights Working Group of the School of Human Rights Research
- On Thursday 20 October, Nobel Peace Prize Laureate Shirin Ebadi (Iran) held a public lecture, organized by Utrecht University College Alumni Association, with comments by SIM director Antoine Buyse
- On Friday 21 October Paulien de Morree defended her Ph.D. thesis "Rights and wrongs under the ECHR. The prohibition of abuse of rights in Article 17 of the European Convention on Human Rights"

Upcoming Events

Monday 28 November, 19h00, Filmtheater 't Hoogt: Utrecht University's Studium Generale organised a [movies and science series](#) on the links between freedom and violence in collaboration with SIM's focus area Cultures, Citizenship and Human Rights. Brianne McGonigle Leyh will give commentary on the movie E-Team. Tickets are available [here](#).

Friday 20 January 2017, 16h15, Academy Building, Utrecht University: Marie Elske Gispen will defend her Ph.D. thesis "Human Rights and Drugs Control"

Friday 7 April 2017, Utrecht University: The Institute for Jurisprudence, Constitutional and Administrative Law and SIM are co-organising the annual Article 1 lecture. Job Cohen, former Mayor of Amsterdam, and now professor in Leiden will give the Art. 1 lecture on decentralisation practices and unequal treatment. The lecture will be in Dutch. More information will follow.

19 and 20 May 2017, Utrecht University: SIM fellow Liesbeth Enneking and the Utrecht University Centre for Accountability and Liability Law will host an international conference on 'Accountability and International Business Operations: Providing Justice for Corporate Violations of Human Rights, Labor and Environmental Standards'. The Centre is currently accepting abstracts of no more than 500 words until 1 November – information regarding the conference themes can be found [here](#).

Human Rights in Business

On 8 September, UCALL-researcher and SIM fellow Liesbeth Enneking presented the results of a study that she conducted together with a team of researchers into 'Barriers to access to remedy for corporate related human rights abuse' at the international conference 'Human Rights in Business' held in Brussels.

The 'Human Rights in Business' project was funded by the EU's Civil Justice Program. An executive summary of the research findings as well as a handbook for practitioners can be found at the [project website](#). In early 2017, an e-book containing the full version of research findings will also become available at this site. The website also contains the [recordings](#) of the proceedings at the Brussels conference as well as at the other conferences that were organised in the course of this project.

Global Justice Societal Impact Conference



On 26 September SIMmers Julie Fraser (PhD candidate) and Brianne McGonigle Leyh (Associate-Professor) presented at the Global Justice Societal Impact Conference, organised jointly by the Vrije Universiteit and the Public International Law & Policy Group. Julie participated in the panel "Life Sentencing in the Netherlands" and Brianne partici-

pated in the roundtable discussion "Civil Society Documentation of Serious Human Rights Violations". The conference focused on the collaboration between academia and civil society in the context of addressing human rights violations, and was attended by academics, representatives from NGOs, and US Ambassador-at-large for War Crimes Issues Stephen Rapp.



AsianSIL Regional Conference

At the AsianSIL Regional Conference: International Law and a Dynamic Asia held on 14 and 15 June, SIM PhD candidate Mita Mulia presented on how to balance the economic and social goals of ASEAN on the panel 'ASEAN and Human Rights'. Her presentation reflected the histor-

ical development of human rights in the European Union yet also remained grounded in the pragmatic approach taken in the ASEAN. Mita's topic complemented the other themes raised in the same panel, which included labour rights and the ASEAN Economic Community, migration and the ASEAN Community, and the development of an ASEAN human rights mechanism. The conference was attended by an international pool of scholars, researchers, and practitioners.



Asia Law and Economics Association Conference

Qiao Cong-rui, PhD candidate at SIM, presented her paper entitled "Jurisprudential shifts in modern China" at the 12th Annual Conference of the Asia Law and Economics Association held on 24-25 June at Seoul National University. During the presentation of her framework Qiao discussed the integration of formal institutions with public reception, which was well received at the cross-disciplinary discussions. The conference welcomed economists who examined the cost-benefit aspects of policy making, and lawyers who focused on the sources for and implementation of laws.



Expert Roundtable at Exeter University

On 22-23 September, Katharine Fortin took part in an Expert Roundtable that examined the impact of international humanitarian law on general public international law at Exeter University. Fifteen scholars and practitioners from eight countries gathered at Reed Hall to discuss topics ranging from the creation of international legal norms to consider-

ing challenges facing armed conflict in the 21st century. Katharine presented her research on what international humanitarian law can tell us about the methodology that should be employed when determining whether armed groups are bound by customary international human rights law.



2016 University of Pretoria International Consumer Law Conference

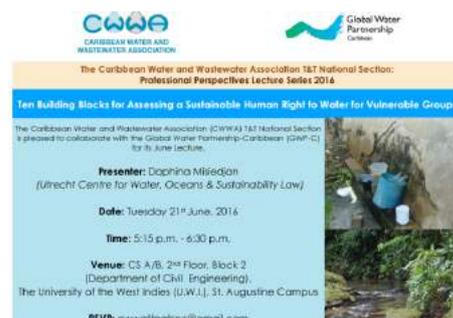
On 21 and 22 September SIM fellow Jessy Emaus participated in the '2016 University of Pretoria International Consumer Law Conference' and presented a paper, which she prepared as part of a project by Utrecht University's research group Ucall, on the accountability of powerful non-state actors. In her paper Emaus addresses the need

to study power imbalanced private relationships from the perspective of the powerful non-state actor. The legal responsibility of the powerful non-state actor will be explored on the basis of three questions: i. who is this powerful non-state actor? ii. why is a heavier burden of responsibility placed on the financial services provider? iii. how

is this responsibility implemented in private law? With regard to the third question, special attention be paid to the role of fundamental rights in private relationships.

Public Lecture on Assessing a Sustainable Human Right to Water for Vulnerable Groups

Each month, the Caribbean Water and Wastewater Association (CWWA) Trinidad and Tobago (T&T) National Section, hosts a public lecture in the area of water management under its 'Professional Perspectives' series. For the month of June, the CWWA T&T National Section collaborated with its Partner, the Global Water Partnership-Caribbean (GWP-C). The lecture was delivered by SIM fellow Daphina Misiedjan on 21 June at the University of the West Indies (U.W.I.), St. Augustine Campus in Trinidad. The lecture focused on her current research on finding sustainable solutions to provide access to water for domestic purposes for everyone, especially vulnerable groups.



Conference on Regulatory Governance

On 6 July, Jessy Emaus, together with colleagues of Utrecht University's research group Renforce, participated in the Sixth Biennial Conference of the European Consortium for Political Research Standing Group on Regulatory Governance. Jessy presented her paper on European co- and self-regulation and the protection of fundamental rights.

Human Rights in the Extractive Industries

On 22 July, Liesbeth Enneking presented at the conference 'Human Rights in the Extractive Industries – Conflicts and Regulatory Responses', organised at the Goethe Universität Frankfurt am Main by the Centre for Human Rights Erlangen-Nürnberg of the Friedrich-Alexander Universität Erlangen-Nürnberg.

2016 AHRI Conference:

SIM Researchers Presented at the AHRI Conference

Alexandra Timmer - 'Vulnerable Groups in EU's Area of Freedom, Security and Justice'

Janneke Gerards - 'The ECtHR's Response to Fundamental Rights Issues Related to Financial and Economic Difficulties'

Marjolein van den Brink and Elif Erken - 'Ideals and Ideas: Local Challenges to the Binary Conception of Sex'

Eduardo Salvador Arenas Catalán - 'Are Wealth Inequalities a Human Rights Issue?'

Brianne McGonigle Leyh - 'The Socialization of Transitional Justice: Attempts to Recognize the Indivisibility, Interdependence and Interrelatedness of Human Rights'

Cedric Ryngaert - 'Non-State Actors and Human Rights - Emancipation from a State-Centric Model?'

Netherlands Quarterly of Human Rights

The newest issues of the NQHR features the following articles:

NQHR, 2016-3

- B. McGonigle Leyh and E. Jackson, 'The Netherlands Institute of Human Rights (SIM) at 35: Ready to Take on New Challenges'
- B. Lewis, 'Human Rights Duties Towards Future Generations and the Potential for Achieving Climate Justice'
- I. Jordan Nugraha, 'Embryonic Stem Cells in an International Human Rights Framework citation manager'
- H. Morten Haugen, 'The Right to Veto or Emphasising Adequate Decision-Making Processes? Clarifying the Scope of the Free, Prior and Informed Consent (FPIC) Requirement'



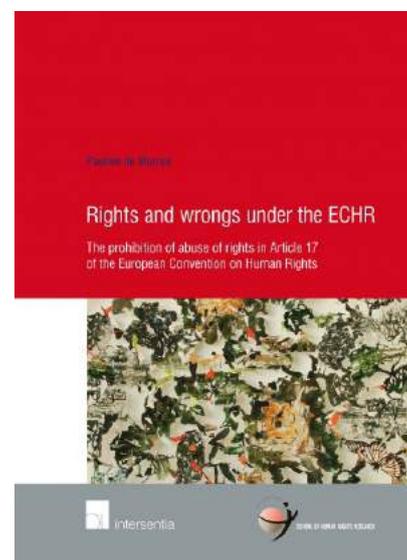
Articles

- K. Fortin, 'The Application of Human Rights Law to Everyday Civilian Life Under Rebel Control' *Netherlands International Law Review* (2016) 63: 161.
- B.M. Oomen, 'A serious case of Strasbourg-bashing? An evaluation of the debates on the legitimacy of the European Court of Human Rights in the Netherlands' *The International Journal of Human Rights* (2016) 20:407.
- J. Emaus, 'Aansprakelijkheid voor schade door politiegeweld (in Dutch). Civil liability for police violence. Case note to ECtHR (Grand Chamber) 28 September 2015, nr. 23380/09 pp. 18' *NTBR (Dutch Journal for Civil Law)* (2016) 26:181.

Paulien de Morree - *Rights and Wrongs under the ECHR* (Intersentia, 2016)

The prohibition of abuse of rights in Article 17 of the European Convention on Human Rights (ECHR or Convention) embodies one of the Convention's main principles: its commitment to democracy and democratic values. The provision aims to prevent groups and individuals from successfully invoking fundamental rights and freedoms to justify anti-democratic activities. At the same time it is also one of the Convention's most controversial provisions. There exists a certain tension between human rights protection and the concept of abuse of rights. While human rights essentially aim to promote free-

dom by affirming the basic rights and freedoms citizens enjoy vis-à-vis state authorities, the abuse clause primarily aims to protect the democratic organisation of the state against groups and individuals invoking these rights with the aim of undermining it. This study seeks to shed light on the prohibition of abuse of rights in Article 17 ECHR in order to contribute to a more coherent interpretation of this provision. Based on the insights obtained from a variety of different perspectives, this study puts forward a proposal on how Article 17 ECHR can best be applied in the future. You can order Paulien's book [here](#).



Interested in Human Rights?
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