



Eduard Nazarski

SIM Peter Baehr lecture 2017

The annual SIM Peter Baehr Lecture took place on 29 September in the Raadzaal and was delivered by the director of Amnesty International Netherlands, Eduard Nazarski.

Eduard Nazarski has been the director of Amnesty International Netherlands since 2006. His special fields of expertise include refugee policy and civil society. Eduard Nazarski has been serving as a board member of the SIM Foundation for many years.

In his lecture, Eduard Nazarski identified two core issues for the human rights movement. First, how can NGOs be independent, objective, nonpartisan while attempting to get results in a political world? And second, what are the lessons learnt when NGOs are being threatened by the shrinking space for civil society? What can we do against the trend of shrinking space? Eduard Nazarski focused on Hungary and Poland, clarying that in his view, the Polish and Hungarian governments' are steering away from European Union values. Eduard Nazarski identified several threats which contribute to growth of the phenomenon of shrinking space. These include

the refugee crisis, the rise of populist movements and the mainstreaming of hard-core right-wing ideologies across the globe, the economic crisis, the War on Terror, a US-initiated policy since the 9/11 attacks (which prompted and facilitated policies such as surveillance and data mining that restrain legal protection in areas of freedom of speech, freedom of religion, organizing independent organizations, privacy and more).

Eduard Nazarski's lecture will be published in the December issue of the Netherlands Quarterly of Human Rights.



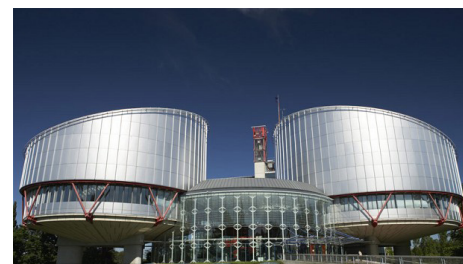
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Interview with the new Shelter City guest



Over the last few years, SIM has supported human rights defenders who are hosted by the City of Utrecht under the Shelter City [scheme](#). In September, the city welcomed its latest guest, Lottie Marie Cunningham, a human rights defender from Nicaragua. Lottie will be hosted in Utrecht, with the support of the Utrecht City Council, the University of Utrecht, and Peace Brigades International. In the interview below, SIM Assistant Professor Katharine Fortin asks Lottie some questions about her background.

What is your job in Nicaragua?

I am the founder of the NGO *Center for Justice and Human Rights of the Nicaraguan Coast* (CEJUDHCAN) and I advocate and fight for the rights of indigenous and afro-descendant peoples, working with the International Human Rights Law Group. I aim to defend the territories and natural resources of the indigenous peoples of Nicaragua's Caribbean coast. In 2001, together with the Indian Law Resource Center and International Human Rights Law Group, I managed to obtain a sentence in favour of the local community in the landmark case *Awas Tingi v. Nicaragua*, brought before the Inter-American Court of Human Rights.

Can you tell us a bit more about this case?

In 1995 the Nicaraguan government granted a foreign company logging concessions within Awas Tingni, an indigenous Mayagna community on the north Caribbean coast of Nicaragua. The government argued that these were "national lands". The Awas Tingni community repeatedly and unsuccessfully brought their case before national tribunals. In October 1995 the community presented its case before the Inter-American Commission on Human Rights. Eventually, on 31 August 2001, the Inter-American Court concluded that the State of Nicaragua had violated the rights of the community, by granting a concession for the exploitation of forest resources in their traditional territory without their prior consent, and by neglecting the constant demands of the Awas Tingni community for the demarcation of their territory. The case resulted in the clear demarcation of 23 indigenous territories, and ownership titles for 325 indigenous and afro-descendant communities. However, we are still waiting for the government to implement the last step of the process of demarcation.

What is the current situation in Nicaragua for indigenous people?

Indigenous coast populations in Nicaragua face many challenges when it comes to enjoying full access to and use of their lands. Tree cutting and intensive farming from third parties contradict their traditional way of living and cultivation of their land with respect to the environment. So far, the State of Nicaragua has failed to provide indigenous territories with legal and effective security, and has not followed up on the Inter-American Court judgement. Since 2015, the violence between indigenous people and settlers has risen to an alarming level on the north Caribbean coast of Nicaragua. More than 50 indigenous communities are under the threat of murder, abduction, firearm attacks and the burning of crops, leaving more than 3000 displaced. In such contexts, indigenous rights defenders are particularly vulnerable and prone to violent attacks and killings. As the government often sides with businesses and companies, such crimes mostly go unpunished.

What do you hope to achieve during your stay in the Netherlands?

During my stay in the Netherlands, I want to acquire knowledge to improve my security and that of my organisation. It will also allow me to keep a low profile during the municipal elections of November by being physically away for a while. During this period, I would also like to learn about self-care and mentally recover, having worked tirelessly for twenty years. Lastly, I would like to raise awareness about the situation of indigenous peoples in Nicaragua and meet Dutch human rights and environmental organisations with whom to build partnerships.

Q&A on legal aid for the Coalition for the ICC

In August, Aurélie Roche-Mair, SIM PhD candidate and Programme Director of the International Bar Association's ICC & ICL Programme, answered questions for the Coalition on the legal aid system at the ICC and its impact on the Court's future. Amongst others, Aurélie focused on issues of fair trial and the IBA's view on the efficiency of the Court. You can read the full Q+A [here](#).



SIM presentation at Human Rights Council side event

On 13 September, Julie Fraser, SIM PhD candidate, presented at a side event to the recent session of the UN Human Rights Council in Geneva. The side event addressed building a shared future for humankind and the right to development, and was hosted by the China Society for Human Rights Studies and the Cross-Cultural Human Rights Centre at the Vrije Universiteit Amsterdam.

Final seminar of research focus CCHR

On 8 September, Julie Fraser, SIM PhD candidate, participated in the final conference of the research focus area Culture, Citizenship and Human Rights. Julie participated in a roundtable discussion on the future challenges for research in this area, including substantive topics like migration and climate change, as well as practical issues of university life.



Fellowship at Vanderbilt Law School

In August, Brianne McGonigle Leyh, Associate Professor at SIM, undertook a fellowship at Vanderbilt Law School in Nashville, Tennessee. Amongst other activities, Brianne worked with Professor Michael Newton (Senior Peace Fellow for the Public International Law & Policy Group) to develop a set of innovative transitional justice simulations, which were field-tested by Vanderbilt students.

I-CON Conference



On 5-7 July the annual I-CON conference of the International Society of Public Law took place in Copenhagen. This year's event was entitled *Courts, Power and Public Law*. A number of SIM researchers and fellows, including Professor Janneke Gerards and Leonie Huijbers, presented their work at the conference.

Antoine Buyse, Director of SIM, presented on *Reverse Transitions and European Human Rights Law* in a panel entitled Transitional Justice and Democratisation: Does International Law Make a Difference? His presentation addressed the current trend of 'reverse transitions'. Antoine also chaired a panel entitled *Complying, Creating and Contesting: The Multiple Roles of Domestic Courts in the Inter-American and European Human Rights Systems*.

ECPR Conference

From 6-9 September, Dr. Brianne McGonigle Leyh, Associate Professor at SIM, attended the annual conference of the European Consortium for Political Research hosted in Oslo, Norway. The conference welcomed thousands of academics engaged in the research and teaching of political science. Brianne spoke in their Human Rights and Transitional Justice Section on competing and expanding notions of justice within the field. Other panel members included Monica Aciru, Phanuel Kaapama, Padraig McAuliffe, Stephan Parmentier, and Jeremy Sarkin. All contributions have been recently published in a special issue on Critical Issues in Transitional Justice, published in the journal *Human Rights & International Legal Discourse*, available [here](#).

LGBTI seminar in Geneva

On 5 September, Dr. Marjolein van den Brink, Assistant Professor at SIM, attended the public seminar on the Women's Rights Convention and the Advancement of LGBTI rights as a speaker and panel member. The seminar was organised by the University of Geneva. Marjolein presented her lecture *Are women's rights LGBTI rights? Are LGBTI rights women's rights? A legal perspective*. Additional panel members included Ratna Kapur of Jindal Global University, India and Queen Mary University, London, and André du Plessis, who is the current Head of the UN Programme and Advocacy Manager of the International LGBTI Association.

Upcoming Events

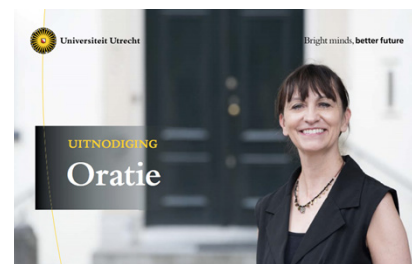
16 October: SIM seminar on gender and climate change

SIM will host a seminar, titled *Gender-related Dimensions of Disasters in a Changing Climate*. The seminar addresses climate change from a gender perspective, focusing on the UN CEDAW Committee's draft General Recommendation on the Gender-Related Dimensions of Disaster Risk Reduction in a Changing Climate. SIM will welcome as its keynote speaker Ms. Hilary Gbedemah from Ghana, who is currently serving as a member of the CEDAW Committee. For more information including details on how to register, see [here](#).



23 October: Inaugural lecture Felisa Tibbitts

Professor at SIM and Carla Atzema Chair in Human Rights Education Felisa Tibbitts will give her inaugural lecture *Human rights education: The good surf and reclaiming human rights*. The lecture will take place in the Auditorium (Aula) of the Academiegebouw, and will start at 16.15. Prof Tibbitts will address the evolution of human rights education within the international human rights movement and how current debates about human rights pedagogy address wider questions within the movement concerning the effectiveness and transformative potential of the human rights project.



3 November: PhD defence Daphina Misiedjan

SIM PhD candidate Daphina Misiedjan will defend her PhD thesis *Towards a Sustainable Human Right to Water: Supporting vulnerable people and protecting water resources*. The defence will take place in the Academiegebouw and will start at 16.15.

8 November: Book launch *The Accountability of Armed Groups under Human Rights Law*

The Geneva Academy of International Humanitarian Law and Human Rights will host a panel discussion to mark the launch of SIM Assistant Professor Katharine Fortin's new book *The Accountability of Armed Groups under Human Rights Law*. Katharine will be joined on the panel by Ezequiel Heffes and Professor Andrew Clapham.

10 November: Launch of the Netherlands Network for Human Rights Research

The T.M.C. Asser Institute in The Hague will host the launch of the Netherlands Network for Human Rights Research. The launch will commence at 13.00 and will include, amongst others, a PhD "meet and greet", and a masterclass and lecture by guest Professor Dr. Surya Subedi (Professor of International law, the University of Leeds). The launch will finish with a reception from 17.15-18.00. To register your attendance, please email nnhrr@asser.nl.



14 November: Seminar on Gender, Sexuality and Migration

Utrecht University will host a seminar to conclude the first phase of an interdisciplinary research project on Gender, Sexuality and Migration, coordinated by SIM Assistant Professor Marjolein van den Brink, Professor John de Wit (social sciences / public health), and Professor Berteke Waaldijk (humanities / history). The seminar will highlight several aspects of this theme, such as honour-related violence in Dutch refugee shelters affecting both women and men (Janine Jansen, Avans and National Police). Confirmed speakers include Mieke Verloo (Radboud University, comparative politics and equality issues), and Lourdes Peroni (Ghent University), who just concluded a research project focusing on the intersection of gender, race and culture from a critical race feminist perspective. The seminar will be held in the Raadzaal of Achter Sint Pieter 200, from 10.00-14.00.

21 September 2018: Workshop at the European Court of Human Rights in Strasbourg - Call for papers

SIM is co-organising a workshop *Responding to Legitimacy Challenges: Opportunities and Choices for the European Court of Human Rights - Researchers Meet the Court at the European Court of Human Rights*.

Call for Papers: we invite abstracts of maximum 400-500 words together with a cover letter by **15 February 2018**. The abstract should go beyond the standard conference abstract and include the key steps of the argument to be presented. The cover letter should include a 1 paragraph CV and explain the context of the paper: e.g. whether it is part of a PhD project, whether it is based on undertaken empirical research or part of ongoing research etc. Accepted contributors will be asked to provide a 4-5 page position paper, to be presented at a panel of the workshop. Travel funds will be available upon request. More info can be found [here](#). Submit your papers [here](#) before 15 February 2018.

Clingendael Institute workshop

On 6 September, Julie Fraser, SIM PhD candidate, provided a workshop at the Clingendael Institute in The Hague for mid-career level diplomats from Southern and Eastern Africa. The workshop addressed restorative and retributive justice, focusing on victim participation before international and internationalised criminal courts.

Joint SIM-UGLOBE Symposium: Can human rights help schools?

On 23 June, over a dozen researchers and practitioners involved in efforts to promote human rights and co-existence in Dutch schools shared their perspectives on how to help ensure an inclusive, just and emancipatory education for Dutch students by applying the human rights framework. Organized by Dr. Felisa Tibbitts, Chair in Human Rights Education, suggestions that arose during the symposium included using human rights as a basis for common values and for analysing contemporary social issues, and using rights to help teachers address sensitive and controversial topics. 'Human rights' is a theme of the revised citizenship education curriculum that will be developed in the Netherlands in 2018.

A full **report** about the Symposium can be read [here](#).



Human Rights and Psychology

On 13 July, Dr. Felisa Tibbitts, Chair in Human Rights Education, presented at the 15th European Congress on Psychology hosted in Amsterdam. Felisa's presentation, which is related to the research in which she is currently engaged, was titled: *Integrating human rights into psychology: What can we learn from efforts in the field of social work?* She was joined by a number of practitioners, both based in the Netherlands and abroad, specialised in psychology.



Online Course about Mass Migration and Human Rights

SIM Director Professor Antoine Buyse contributed to the collaborative Massive Open Online Course (MOOC) of the Association of Human Rights Institutes on the topic of Mass Migration and Human Rights. The course, developed by the Norwegian Centre for Human Rights, includes mini lectures and interviews by and with some of the world's leading scholars in the fields of migration and international law. The MOOC takes the perspective of migrant children as the core approach to talk about the issue of mass migration and human rights. It was launched in September and if successful may run again in the future.



Training Judges

In June, Antoine Buyse delivered a full-day training on the European Convention on Human Rights at the Dutch Training Centre for the Judiciary (SSR).

Human Rights in Foreign Affairs

At the end of August, Antoine Buyse presented his views, from the perspective of academic research, at the human rights department of the Dutch Ministry of Foreign Affairs in a lunchtime discussion. This was part of the Ministry's on-going consultations in the process of developing a new human rights policy.





Daphina Misiedjan nominated for Black Achievement Award

SIM PhD candidate Daphina Misiedjan has been nominated for the Black Achievement Award. The prize is a part of the Black Achievement Month, and the winner will be announced on 29 October in the Tropenmuseum, Amsterdam.



VENI Grant for Alexandra Timmer

Alexandra Timmer, Assistant Professor at SIM, received a prestigious VENI grant from the Netherlands Organisation for Scientific Research for her research project entitled *Gender Injustice: Historical Development and Contemporary Challenges in European Human Rights Law*. This project uses an original combination of historical and legal analysis to assess why Europe continues to suffer from gender injustice. The main legal mechanisms seeking to achieve gender justice – human rights law and particularly equality law – fall short. The project will thus also advance proposals for change. The grant amounts to 250,000 Euros.

G.J. Wiarda Prize 2017

In September, Alexandra Timmer was also awarded the G.J. Wiarda Prize, which is instituted by the Utrecht School of Law to showcase excellent academic publications. The prize is awarded every three years, and the two runners up were SIMmers Katharine Fortin and Marjolein van den Brink. Alexandra won the prize for her article *Judging Stereotypes: what the European Court of Human rights can borrow from American and Canadian Equal protection law*, which is published in the American Journal of Comparative Law in 2015. The jury praised Alexandra in particular for her ability to explain in her article an extremely complex societal theme, and to analyse it in excellent legal fashion. Congratulations, Alexandra!



SIM Summer School 2017

In July, SIM once more opened its doors to a new group of international students, who arrived in Utrecht for the one week summer school *International Human Rights Law: An Introduction*, coordinated by SIM Lecturer Alice Welland. The course focused on the major features of international human rights law. It began by examining the philosophical and political bases of human rights, and then moved onto exploring human rights documents and mechanisms for the promotion and protection of human rights at the international and regional levels. Students attended lectures and participated in workshops provided by, amongst others, SIM Director Antoine Buyse, Professor and Chair in Human Rights Education Felisa Tibbitts, and Professor Emeritus and former UN Human Rights Committee and CEDAW Committee member Kees Flinterman.



'Cities of Refuge' research project officially launched

On 30 August the Dutch Minister of Foreign Affairs Bert Koenders visited Middelburg and officially opened the Cities of Refuge VICI research project. In the next 5 years, Prof. Dr. Barbara Oomen, SIM fellow and her research team (one post-doctoral researcher and three PhD candidates) will be examining the relevance of international human rights as law, praxis and discourse, to examine how local governments in 24 cities across 6 different countries welcome and integrate refugees.

Cities of Refuge project combines legal, sociological and anthropological research paradigms, aiming at developing a novel localised understanding of human rights whilst simultaneously answering the question of why some cities welcome refugees, while others are reluctant to do so. The project has both theoretical and practical value, strengthening and advancing human rights research in general, but also contributing to a sustainable long-term solution to the refugee crisis in Europe, by explicating legal obligations of local governments and exploring local practices. To find out more about Cities of Refuge and the research team, visit the project's [website](#).



New SIM fellows



Moritz Baumgärtel joins the Cities of Refuge project as a senior researcher for the project. Moritz obtained his PhD in 2016 from the Université libre de Bruxelles (Free University Brussels), where he examined the protection of migrant rights by the supranational European courts.



Elif Durmus joins the Cities of Refuge project as a PhD candidate who will focus on Turkey and Switzerland as part of the six-country project. Elif recently graduated with an Advanced Master in Public International Law from the University of Leiden.



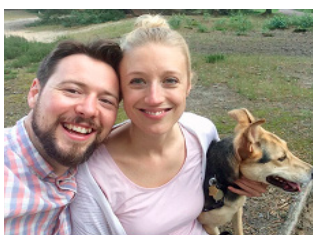
Tihomir Sabchev joins the Cities of Refuge project as a PhD candidate who will focus on Italy and Greece as part of the six-country project. Tihomir has a varied and international background, and obtained his Master in Comparative Public Policy and Welfare Studies from the University of Southern Denmark.



Sara Miellet joins as a PhD candidate who will focus on Dutch and German municipalities. Sara graduated in 2016 from Utrecht University with a Research Master in Human Geography and Planning and has previously worked as a junior lecturer at Utrecht.

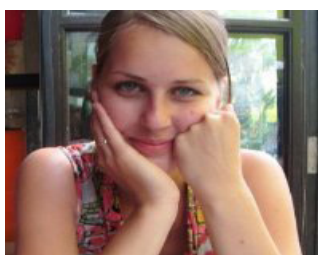
Evaluation of Dutch 'Transgender Law'

Marjolein van den Brink, Assistant Professor at SIM and member of the Utrecht Centre for European Research into Family Law (UCERF), has been asked by the research and documentation department of the Dutch Ministry of Security and Justice to undertake an evaluation of the Dutch 'Transgender Law'. With the introduction of this Law three years ago, the requirements for changing one's legal sex of physical adjustment and sterilisation were dropped. Main points of attention are the requirement of an expert declaration, and the minimum age of 16. The research includes an exploration of experiences abroad in Malta, Ireland, Norway and Argentina. The research team includes Danielle Snaathorst (junior researcher and former student-assistant at SIM), Professor Wendy Schrama (head of UCERF), and SIM fellow Lorena Sosa, who will contribute to the part on Argentina. The evaluation will be completed by mid-November.



New post-doc: Laura Henderson

In October, Laura Henderson joined SIM as a post-doc with UGlobe: the Utrecht Centre for Global Challenges. Laura is not new to SIM – she previously worked as a student assistant and then as a junior lecturer before moving on to obtain her PhD from the Vrije Universiteit, Amsterdam, where she focused on judicial decision-making in times of crisis. At UGlobe Laura will address questions related to rethinking the notion of citizenship in a non-national manner. Welcome (back), Laura!

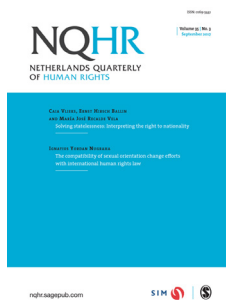


New SIM Fellow: Leonie Huijbers

Leonie Huijbers joins as a PhD candidate, whose research will focus on a theoretical and conceptual analysis of courts' procedural reasoning. Leonie holds two Master degrees, one in Philosophical Ethics and one in European Law, both from the University of Nijmegen. Leonie has also taken on the role of new Managing Editor of the Netherlands Quarterly of Human Rights.

Netherlands Quarterly of Human Rights

The newest issue of the NQHR (Vol. 35(3)) features the following articles:



- T. Degener '10 years of Convention on the Rights of Persons with Disabilities'
- C. Vlieks, Ernst Hirsch Ballin and Maria José Recalde Vela 'Solving Statelessness: Interpreting the right to nationality'
- Y. Nugraha, 'The compatibility of sexual orientation change efforts with international human rights law'
- 'Recent publications on international human rights'

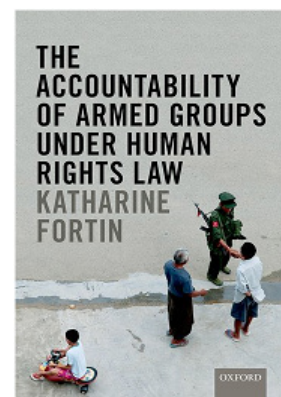
Articles

- Tibbitts, F. and Weldon, G. (2017). History curriculum and teacher training: shaping a democratic future in post-apartheid South Africa? *Comparative Education*, 53(3), pp. 442-461.
- Fraser, J.A. & David Contreras, V.M. (2017). A Legal Pluralist Approach to the Use of Cultural Perspectives in the Implementation and Adjudication of Human Rights Norms. *Buffalo Human Rights Law Review*, 23 (75), (pp. 75-118).
- Fraser, J.A. & Prudon, H.H.M. (2017). Integrating Human Rights with Local Norms: Ebola, Burial Practices and the Right to Health in West Africa. *Intercultural Human Rights Law Review*, (pp. 71-114).
- L.M. Huijbers, 'Procedural-type Review: A More Neutral Approach to Human Rights Protection by the European Court of Human Rights?', 9 *ESIL Conference Paper Series* 6/2017, pp. 1-23.

Book

The Accountability of Armed Groups under Human Rights Law – Katharine Fortin, OUP (August 2017)

In August 2017, Dr. Katharine Fortin, Assistant Professor at SIM, published her book with Oxford University Press. Katharine's book addresses the controversial question of whether, when and how armed groups may have obligations under human rights law. The book contributes to the debate on this topic by employing a theoretical, historical, and comparative analysis that spans international humanitarian law, international criminal law, and international human rights law. The book sets out the different international legal frameworks that apply during and after armed conflict and synthesises the various approaches to the obligations of armed groups. It also provides recommendations for lawyers working on the accountability of armed groups. In the words of Professor Andrew Clapham, who provided the foreword, Dr Fortin's 'theories..... represent a significant contribution to the knowledge in this field and have taken us considerably forward in our understanding of how to achieve greater accountability for human rights violations committed by armed groups'. The book is available to order through the website of [Oxford University Press](http://OxfordUniversityPress).



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