Meetup SIM and Dutch NHRI

On 4 February, SIM and the College voor de Rechten van de Mens, the Dutch national human rights institution (NHRI) had their annual meetup. In a series of short pitches by presenters from both the university and the NHRI the theme of backlash against and erosion of human rights was explored. The issues ranged from gender and intersectionality to the right to housing and duties for businesses, and included debates on civic space and new ways of communicating about human rights. Different levels of translating legal jargon into clear language and about conveying messages of human rights resilience were discussed. Since 2015, the NHRI and SIM have a formal cooperation agreement which includes student internships, visits and guest lectures.

Julie Fraser wins Max van der Stoel Award

Julie Fraser was awarded the Max van der Stoel Human Rights Award on 13 December for her PhD dissertation. The award is given to the best PhD in the field of human rights in 2018/2019 from across Dutch and Belgian universities. Julie’s PhD explored the role of social institutions in implementing human rights, with a case study of women’s reproductive rights in Indonesia. Julie’s PhD was defended in 2018 and will be published by Cambridge University Press in 2020.
Cities as Guardians of Fundamental Rights

As a part of a panel on “Cities as guardians of fundamental rights”, Moritz Baumgärtel spoke about the legal obligations resulting from, and other functions of human rights for local authorities. The EU Cities Forum 2020 was organised by the European Commission, Directorate-General for Regional and Urban Policy, and the City of Porto on 31 January to bring together key stakeholders from European, national and local levels to reflect on the future directions of urban development.

Dutch Embassy in Chile

On 26 November 2019, Javier Couso delivered the annual “Cleveringa Conference” at the Dutch Embassy in Santiago (Chile). The title of the conference was “Constitutional Change in Chile: A Historical and Comparative Perspective”. On December 10 2019, Javier Couso delivered a talk at the Dutch Embassy in Santiago (Chile) to 25 European Union’s ambassadors, on Chile’s social, political and constitutional crisis.

International Rule of Law Training

On 30 October 2019, Brianne McGonigle Leyh gave a training for the Hague Institute of Local Governance in their course on Conflict, Rule of Law, and Local Security. Her training focused on the legal frameworks around Rule of Law and Transitional Justice. Participants came from all over the world, working at all levels of government and civil society.

Council of Europe and Gender Equality

The European Committee on Legal Co-operation (CDCJ) organised an ad hoc meeting on gender mainstreaming in legislative reform on 12 November 2019. Alexandra Timmer was invited to give a presentation on gender mainstreaming in law reform, focusing on the relevance of gender stereotypes. Other participants included Prof. Christine Chinkin from the London School of Economics, Caterina Bolognese, head of the CoE’s Gender Equality Division, and several national delegates who shared best practices from their own countries. That same day Alexandra was invited to give a lecture on gender equality in the case law of the European Court of Human Rights for interested employees of the Council of Europe.

Book Presentation of ‘Demanding Rights’

On 20 January 2020, upon an invitation by the Human Rights Centre of Ghent University, Moritz Baumgärtel presented “Demanding Rights: Europe's Supranational Courts and the Dilemma of Migrant Vulnerability” focusing on three key take-aways from his book regarding the limited effectiveness of the ECtHR and the CJEU, potential directions of strategic litigation and the importance of revisiting human rights as existential commitments.

UU Commons Event

On 11 October 2019, Antoine Buyse delivered a short public lecture entitled Civic Space as Commons: People Claiming and Protecting their Rights’. The presentation was part of Utrecht University’s Common Event, organised in collaboration with the International Association for the Study of the Commons (IASC), as part of the World Commons Week. The Utrecht research hub ‘Future of Citizen-based Initiatives’ (FOCI) was the convener. A video of his lecture with powerpoint can be found here.

Lecture Katharine Fortin in Belfast

On 20 November 2019, Katharine Fortin gave a lecture for students and members of the public at Queen’s University Belfast. The title of the lecture was Non-State Armed Groups and International Law: Engaging on Values and Building Ownership. During her stay, Katharine made a podcast with Dr Luke Moffett on armed groups and international law which can be found here.

Javier Couso visits Myanmar

In October 2019, Javier Couso gave two workshops in Myanmar on ‘Chile’s Transition to Democracy Through its Constitution Building Process.’ The workshops were designed for Justices of Myanmar’s Constitutional Tribunal and Myanmar’s Union Joint Peace Dialogue Committee.

Antoine Buyse joins the Advisory Council on International Affairs

As of 1 December 2019, SIM director Antoine Buyse has been appointed, by the Dutch Minister of Foreign Affairs, to the Human Rights Committee of the Advisory Council International on Affairs (AIV), an independent body which advises the Dutch government and parliament on foreign policy. The Advisory Council is an independent body which advises the Dutch government and parliament on foreign policy. The AIV produces advisory reports about international affairs both on its own initiative and on request. Its main areas of expertise are European cooperation, human rights, development cooperation and security policy.
Call for Papers: Rule of Law from Below

On 29 October 2020, SIM, together with the Montaigne Centre, will host the conference The Rule of Law from Below. A conference on the role of individuals and civil society as protectors of the rule of law in troubled times. The purpose of the conference is to investigate the different ways in which individuals can be protectors and defenders of the rule of law, and also explore whether attention to this perspective may influence how the rule of law is defined and understood by States and other international actors. We invite scholars and practitioners working in this area to submit abstracts by 15 March 2020.

Kushtrim Istrefi joins editorial board ECLR

Kushtrim Istrefi has been appointed a member of the editorial board of the new journal called The European Convention on Human Rights Law Review (ECLR). ECLR is the first scholarly journal devoted exclusively to the legal regime of ECHR.

Fundamental Rights & Platform Economy

On 6 December 2019, the annual meeting of the Netherlands Association for Civil Law (Vereniging voor Burgerlijk Recht) was held in The Hague. At this occasion, Janneke Gerards presented her study (preadvies) into fundamental rights in the platform economy. In this study she analyses the notion of the platform economy and she explores the ways in which digital platforms can have an impact on fundamental rights such as the right to privacy, the right to information, the prohibition of discrimination and the right to a fair trial. In doing so, she not only identifies the possible adverse effects, but also shows what positive effects the platform economy can have on the enjoyment of fundamental rights. At the end of November 2019, Janneke also presented her research at an international expert seminar in Valencia on the regulation of the sub-economy.

How Cities shape International Law

How do cities shape international law, and how does international law shape cities? This are some of the main questions the Cities of Refuge team critically engages with. The researchers are contributing to a research handbook on Cities and International Law, edited by Janne Nijman and Helmut Aust. During a writing workshop, in December 2019, Moritz Baumgärtel discussed the role of cities in international dispute resolution. In addition, Barbara Oomen discussed the specific role of cities in shaping the international law of refugees and migration, arguing that cities are ‘breaking the bastion of international law’. These developments can add to international law’s legitimacy and efficiency but should also be considered critically. What, for instance, are the consequences of the fact that only certain, global, cities are active in shaping the global agenda? What if a larger global role for cities does not enable them to become cities of refuge, but also strengthens room for cities to refuse? Are cities, per definition, more benignant with states? It is with these questions that the Handbook, expected in 2020, will critically engage.

PhD Defenses

On 9 December 2019, Antoine Buyse was one of the two opponents, together with professor Başak Çalı (Hertie School of Governance, Berlin) at the European University Institute in Florence in the PhD defense of Leiry Cornejo Chavez. Her PhD dissertation is entitled ‘The Determination of Non-Pecuniary Reparations by Regional Human Rights Courts: A cross-regional comparative study’ and was supervised by EUI professor Martin Scheinin.

In November 2019, 3 PhDs supervised by Barbara Oomen defended their work. David Ngira successfully defended his work on the role of informal systems of dispute resolution in child rights protection in Kenya. Naema Tahir defended her book on arranged marriages, which received a great deal of attention in the Dutch press, such as the Volkskrant and the Trouw. Niels Rijken, finally, successfully defended his work on identity-related policies at orthodox protestant schools in the Netherlands and their relationship with human rights. Here too there was a strong interest from the press, like the Reformatorisch Dagblad and the Nederlands Dagblad. In all three cases, these concerned external PhDs, who completed their work next to their day job!
Laura Henderson wins EJLS (Young Scholars) General Article Prize

The European Journal of Legal Studies awarded Laura Henderson the (Young Scholars) General Articles Prize 2018/19 for her article ‘Deciding to Repeat Differently: Iterability and Decision in Judicial Decision-Making’ (Volume 11, Issue 1). The prize-winning article can be read here. The selection committee was composed of faculty members from the Department of Law at the European University Institute. Laura presented her award-winning article at a special seminar organized by the European Journal of Legal Studies. She is pictured here together with the editor-in-chief of the journal, Anna Krisztian.

Laura Henderson joins EUI as Visiting Fellow

Laura Henderson was a visiting fellow at the Law Department of the European University Institute in the Fall of 2019. There she worked on research concerning the ethical responsibilities of professionals dealing with transnational legal issues. She presented her research at the Legal and Political Theory Working Group on 6 November 2019 in the form of a paper, co-authored with Laura van den Berg, on ‘The Post-modern Ethical Circle: A Practical Tool for Decision-Making in a Transnational World.’

Visiting Scholar Cities of Refuge

Paola Pannia is a visiting scholar at with the Cities of Refuge project for the next 3 months. She is a Post-doc research fellow in Comparative Public Law at the Department of Legal Sciences of the University of Florence, currently involved in two H2020 researches: "RESPOND: Multilevel Governance of Mass Migration in Europe and Beyond" and "SIRIUS: Skills and Integration of Migrants, Refugees and Asylum Applicatns in European Labour Markets". She holds a PhD in "Individual Person and Legal Protection" from the Scuola Superiore Sant’Anna, Pisa and can be contacted at paolapannia@gmail.com.

Sudan Peace Talks Support

In February 2020, Brianne McGonigle Leyh and Kushtrim Istrefi provided legal support for the ongoing Sudan peace talks in Juba. They commented draft agreements that aim to end conflicts in different parts of Sudan and ensure a durable peace in the region. Brianne and Kushtrim continue to provide legal support for the peace talks through Public International Law and Policy Group.

European Human Rights Cases is now EHRC Updates

For 20 years, European Human Rights Cases (EHRC) has been the Dutch language case-law journal for fundamental rights judgments of the Court of Justice of the EU and the European Court of Human Rights. Janneke Gerard has been involved in this journal from the very beginning, first as executive secretary and later as chair of the board of editors. Many SIM colleagues have written case-notes for this unique law journal. Since 1 January 2020, EHRC has been taken over by Boom Juridisch publishers and has become EHRC Updates. All alerts and case-notes can now be found via www.ehrc-updates.nl - a handy, publicly accessible internet portal on which all case-law alerts and case-notes are published (open access). Via the portal you can subscribe to an e-mail newsletter, so that you can find case-law alerts and information about new case-notes on your digital doormat every two weeks. It is also possible to take out a subscription to the Boom Updates series; such a subscription gives access to more extensive, Dutch-language summaries of the statements and to an easily accessible, keyword-based search structure. Over the coming months, EHRC Updates will be further expanded and embellished; (part of) EHRC’s archive will also be included. Case-notes that have previously appeared in EHRC also continue to be accessible via www.rechtsorde.nl and www.legalintelligence.nl.
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Litigating Mothers of Srebrenica before the Strasbourg Court

Kushtrim Istrefi is serving as a Legal Counsel in the Mothers of Srebrenica case before the European Court of Human Rights. The applicants allege violations of Articles 2, 3 and 6 ECHR by the Dutch State in the context of the worst atrocities committed in Europe since the adoption of the Convention, where thousands of men and boys perished in genocide action in and around a UN safe area in Srebrenica in July 1995. The case was filed before the European Court of Human Rights on 17 January 2020.

UGlobe Café on Global Protest

On 13 January, Antoine Buyse participated in the UGlobe Café, a public event at music hall TivoliVredenburg on the recent global protest wave. The evening was organized by students connected to the Utrecht Centre for Global Challenges and included experts Kathleen Ferrier on Hong Kong and Max Bader on Russia. Buyse briefly sketched an overview of the current protest wave and its (possible) causes. For example, the fact that there are currently many young people who are willing to take action (the median age worldwide is 30), growing inequality, the faltering democracy in many countries, and technology and social media. According to Buyse, all these factors play a role, but it is often a concrete trigger that causes people to take to the streets. Especially in situations where things seemed to be going a little better, and yet another disappointment follows. Like the protests in Chile that flared up after the price of the subway tickets was raised. He also pointed out the many creative and mediagenic ways of the current protest: from eating ice cream in Belarus as a silent protest against the government and the umbrellas in Hong Kong, to organising a ‘running contest against the regime’ in Thailand where protests are forbidden. A full report can be found here.

ICC Assembly of State Parties

Julie Fraser and Brianne McGonigle Leyh participated in the 18th session of the International Criminal Court’s Assembly of States Parties in The Hague from 2-7 December 2019. Debate addressed, among other things, the up-coming election of the Court’s next Prosecutor in 2020, as well as six new judges, and the independent expert review of the Court also being performed in 2020. The intention is to address the criticism the Court is facing, including for its lengthy and expensive trials, limited success rate, and allegations of politicisation.

ESC Rights in an Age of Exits

Julie Fraser presented at a conference in The Hague on 22 November 2019 on ‘Economic Social and Cultural Rights in an Age of Exits’. The conference was a collaboration between the Hague University of Applied Sciences and the Indonesian Constitutional Court. Julie’s presentation was entitled: Promoting the Role of Individuals and other Non-State Actors in Realising ESC Rights in the Age of Exits.

Constitution Building in Asia and the Pacific


Civil Society Documentation

From left to right: Brianne, prof. Paul Williams and Dr. Marieke de Hoon.

On 7 November 2019, Brianne McGonigle Leyh, joined as an expert, the Global Initiative for Justice, Truth, and Reconciliation event on civil society documentation of serious human rights violations. Hosted by the Public International Law & Policy Group at Leiden University, civil society organizations met with accountability experts from courts and fact-finding bodies to discuss issues around documentation and prosecution.

Panel discussion in Edinburgh

On 15 October, Katharine Fortin took part in a panel discussion at Edinburgh University entitled ‘Foreign Fighters, Terrorists and Anyone Caught in the Between – Guantanamo Military Commissions and the Distinction Principle’. The panel was chaired by Kasey McCall-Smith and the other panelists were James Connell, Dylan Craig and Benjamin R. Farley. The panel explored the obligations of non-state actors in armed conflict, the prosecution of different actors through military commissions, how the distinction principle has changed since the US War on Terror began and the application of international humanitarian law by the military commissions.
UCALL Conference on Reparations

On 8 November, Brianne McGonigle Leyh spoke at an event hosted by UCALL, the Utrech Centre for Accountability and Liability Law. She discussed cases of state-led sterilizations and attempts by victims to receive reparations for their harms suffered. She also tied this into work on reparations for slavery and her recent research into transformative reparations.

Seminar on the Urgenda Judgment

On 24 January, the Dutch Association for Environmental Law (Vereniging voor Milieurecht) organised a thematic event on the judgment of the Netherlands Supreme Court in the Urgenda case. During this event, Leonard Besselink, Tim Bleekert, Alex Geert Castermans and Janneke Gerards discussed various legal aspects of the judgment. Janneke Gerards specifically analysed the Supreme Court’s refusal to reject an advisory opinion of the ECtHR under Protocol 16 and explored the Supreme Court’s approach to Articles 2 and 8 ECHR. A shortened version of Janneke Gerards’ lecture can be found on the Montaigne blog.

Supervision of derogations

On 8 November 2019, Kushtrim Istrefi presented at a workshop on ‘International Law in Times of Transformation’ at St Andrews University. Istrefi looked at the recent initiative of the Council of Europe (CoE) to empower the Secretary General of the CoE to supervise States during the state of emergency, including through inquiry procedures. In his presentation, Istrefi explored to what extent international law is adaptable to change and whether current crises can enhance rather than undermine human rights.

Dialogue on Civil Documentation in Syria

On 30 January 2020, Katharine Fortin took part in a Dialogue on Civil Documentation in Syria that was hosted by the International Legal Assistance Consortium and took place in Sida, Sweden. The purpose of the dialogue was to identify key lessons learned that can be drawn from support to civil documentation in Syria; the main challenges and the needs on the ground in Syria with regard to lack of access to adequate services for registering life events; possible immediate and longer-term actions to address the issue; how the international community could best contribute to such efforts in a way that puts the Syrian people at the forefront. Katharine Fortin presented her research on this issue at the dialogue which has been conducted as part of her research project together with Melbourne and Gothenburg Universities. The network’s aim is to ‘decouple’ local from national citizenship; human rights are a logical basis.

The Prosecution of Foreign Fighters

On 6 November, Katharine Fortin took part in the 27th meeting of the European Network for the Investigation and Prosecution of Genocide, Crimes against Humanity and War Crimes. The network’s 27th meeting was attended by national contact points from competent national authorities, such as prosecutors, investigators and mutual legal assistance authorities that deal with the investigation and prosecution of core international crimes at national level. It focused on the possibilities and opportunities for prosecuting foreign fighters for war crimes, crimes against humanity and genocide to combat impunity. Katharine Fortin gave a presentation on the application of international humanitarian law to foreign fighters in Syria and Iraq. In December 2019, her presentation – and that of fellow panellists – was published as a joint policy brief for the International Centre for Counter-Terrorism entitled: The Prosecution of Foreign Fighters under International Humanitarian Law: Misconceptions and Opportunities.

Emancipating urban city-zenship?

Barbara Oomen participated in an online discussion forum initiated by Rainer Bauböck of the Global Governance Program. The discussion explored whether urban citizenship be emancipated from nationality? On the basis of recent work from the Cities of Refuge team Barbara Oomen argued that, if one is to ‘decouple’ local from national citizenship, human rights are a logical basis.

Power-sharing Agreements and the ECHR

In November 2019, Kushtrim Istrefi presented at a workshop entitled ‘The Integration of the Republic of Kosovo into the EU: Perspectives and Challenges’. Istrefi analysed the EU facilitated agreements between Kosovo and Serbia and warned of instances where power sharing arrangements in ethnic lines may be in breach of the right to non-discrimination under ECHR.

ETHOS Conference on Justice and Fairness

Sybe de Vries participated in the Horizon 2020 project ETHOS Conference on Justice and Fairness October 2019 in Graz. He was responsible for the co-ordination of the work on Struggles for Justice and particularly on the impact of the EU Charter of Fundamental Rights and the Social Charter on the protection of social rights of vulnerable citizens.
Netherlands Quarterly of Human Rights

The newest issue of NQHR of December 2019 features the following articles:

- Column by Maud de Boer-Buquichio, ‘All rights for surrogacy-born children full scale’.
- Eva Brems, Lourdes Peroni and Ellen Desmet, ‘Migration and human rights: The law as a reinforcer of gendered borders’.
- Natalie Sedacca, ‘Migrant domestic workers and the right to a private and family life’.
- Janna Wessels, ‘The boundaries of universality - migrant women and domestic violence before the Strasbourg Court’.
- Carmelo Danisi, ‘Crossing borders between International Refugee Law and International Human Rights Law in the European context: Can human rights enhance protection against persecution based on sexual orientation (and beyond)?’
- Christel Querton, ‘Gender and the boundaries of international refugee law: Beyond the category of ‘gender-related asylum claims’.
- SIM Peter Baehr lecture by Dunja Mijatović, ‘From hostility to reconnection: How to make human rights relevant for all’.
- Recent publications on international human rights.

Publications

Books

Rosemarie Buikema, Antoine Buyse and Antonius C.M.G. Robben (eds.), Cultures, Citizenship and Human Rights (Routledge 2020). In Cultures, Citizenship and Human Rights the combined analytical efforts of the fields of human rights law, conflict studies, anthropology, history, media studies, gender studies, and critical race and postcolonial studies raise a comprehensive understanding of the discursive and visual mediation of migration and manifestations of belonging and citizenship [open access].

Janneke Gerards, Bas van Bockel, Yves Haecck, Joachim Meese and Ingrid Leijten (eds.), Sdu Commentaar Grondrechten. Deel I en Deel II [Sdu ECHR Commentary] (Sdu 2020). This two-part commentary, which counts over 3000 pages, contains extensive case law analyses for each provision of the ECHR. The commentaries concern both the provisions in which substantive fundamental rights are laid down and the provisions on the procedure before the ECHR. All commentaries can be viewed online via the university subscription to the database OpMaat. You can also order the books via the Sdu website.

Toomas Kotkas, Ingrid Leijten and Frans Pennings (eds.) Specifying and Securing a Social Minimum in the Battle Against Poverty (Hart 2019). This book addresses a topic that is currently high on the agenda in many fora: how to specify and secure a social minimum. The term ‘social minimum’ has different meanings, depending on the context. These contexts are examined in this book from different perspectives, including law, sociology, philosophy, politics and economics.

Ulf Bernitz, Xavier Groussot, Jaan Paju and Sybe A. de Vries, General Principles of EU Law and the EU Digital Order (Wolters Kluwer, 2020). General Principles of EU Law and the EU Digital Order addresses the role of general principles in the era of digitalization and the (potential) impact of digitalization on the theory of general principles of union law. Digitalization of societies has important ramifications for citizens and businesses. The digital landscape is rapidly changing, whereas at the same time there are growing concerns about how market access in the European Union’s (EU’s) digital market as well as fundamental rights can be sufficiently safeguarded in the shadow of ‘big data’ and algorithms.

Book Chapters and Articles

- Barbara Oomen, ‘Decoupling and Teaming up: The Rise and Proliferation of Transnational Municipal Networks in the Field of Migration’ (2019) International Migration Review.
Blogs and Policy Briefs

- Julie Fraser, ‘The International Criminal Court at 18 years: Things to Watch in 2020’ (29 January 2020).

SIM Summer School 2020

International Human Rights Law: An Introduction

Interested in learning about human rights? You can now apply for the SIM Summer School [here](#)! This one-week introduction course focuses on the major features of international human rights law. It begins by examining the philosophical and political bases of human rights and then explores human rights documents and mechanisms for the promotion and protection of human rights at the international and regional levels. Particular attention will be paid to issues of equality and discrimination, including on grounds of sex and race. Through lectures, interactive working groups, expert panels and excursion(s), participants will gain an understanding of the various elements - and their interplay - involved in this field.

Upcoming SIM Events

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<tr>
<th>Event</th>
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<tr>
<td>Feminisation of Human rights</td>
<td>13 March 15:00</td>
<td>Janskerkhof 2-3 room 0.13</td>
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<tr>
<td>Artikel 1 Lezing</td>
<td>24 April, 15:00</td>
<td>Academiegebouw Utrecht</td>
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<td>NNHRR PhD Training</td>
<td>11 and 12 May, Utrecht</td>
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<td>The Legacy of Mothers of Srebrenica</td>
<td>4 June, Utrecht</td>
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<td>SIM Summer School</td>
<td>6-10 July, Utrecht</td>
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<td>Conference ‘The Rule of Law from Below’</td>
<td>29-30 October, Utrecht</td>
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