



BARBARA OOMEN DELIVERING THE 2015 SIM PETER BAEHR LECTURE

SIM Newsletter

Fall 2015

IN THIS ISSUE

Annual Peter Baehr Lecture on 'Human Rights between Law and Politics'

On Friday 25th of September, the annual SIM Peter Baehr Lecture – which celebrates the founding of SIM in 1981 – was delivered by Professor Barbara Oomen, dean of University College Roosevelt and personal friend of the late Prof. Baehr.

The lecture, entitled "Human Rights Between Law and Politics: looking through the lens of legitimacy", took the form of an imaginary conversation with Peter Baehr on the challenges that scholars face today in relation to the theorization and realization of human rights. In a very engaging talk, Prof. Oomen described that human rights are no longer an issue of Dutch foreign policy only, but also a matter of internal affairs. In this 'homecoming' of the notion of human rights there has been a dual process of internalization and resistance. In understanding this process of domestic incorporation of human rights, it is crucial to look at legitimacy. What constitutes legitimacy? How can it be strengthened? Inspired by the 'spiral model' of Human Rights, Oomen highlighted three processes related to the legitimacy of human rights: mobilization, renegotiation and vernacularization.

Looking at human rights from the perspective of political sciences, and with the help of two case studies (on the discourse on human rights in the Dutch Parliament and on the rise of 'human rights cities'), Barbara Oomen argued that debate on the value and scope of human rights seldom takes place at the Parliament, while at the local level it is possible to see municipalities that politically commit to protect human rights (human rights cities). She concluded that in the struggle to realize human rights, adopting a political science understanding of human rights, if properly instrumentalized, can make a considerable contribution.



Together with Durham University, SIM organized a conference on 'Equitable access to controlled medicine' in Geneva.

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SIM and the Ethics Institute co-organized an interdisciplinary seminar on 'What is Open about Open societies?'

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SIM participated in the annual conference of the Association of Human Rights Institutes in Belgrade.

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UPCOMING EVENTS

• CONFERENCE ON POSITIVE OBLIGATIONS UNDER THE ECHR

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

This conference, which will be conducted in Dutch, aims at bringing together various scholars who take a particular interest in the topic of the developing of positive obligations by the ECtHR and their implications. A closer look is taken at different legal areas to examine what questions regarding positive obligations have been addressed by the ECtHR, which ones still require an answer and which direction is the development of positive obligations expected to take. See more [here](#). There are limited places, please register by sending an email to: e.c.gijselaar@uu.nl or m.beijer@jur.ru.nl.

• DEFENSE KATHARINE FORTIN ON THE 'ACCOUNTABILITY OF ARMED GROUPS UNDER HUMAN RIGHTS LAW'

23 October 2015, 16h15, Academiegebouw, Domplein 29, Utrecht

This October, Katharine Fortin will defend her PhD on the 'accountability of armed groups under Human Rights law'. Katharine's PhD research has been conducted at the Netherlands Institute of Human Rights and is sponsored by the Netherlands Organisation for Scientific Research.

• 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](#)' 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 those interested in attending the conference to register by sending an email before 13th of November to d.m.snaathorst@students.uu.nl.

• KEYNOTE ADDRESS ON 'JUDICIAL INDEPENDENCE, INDEPENDENT JUDGES AND JUDICIAL POWER: A PUZZLE?'

1 December 2015, 17h00 - 19h00, University Museum, Lange Nieuwstraat 106, Utrecht

The Prince Claus Chair in Development and Equity (Professor Javier Couso, 2014-2016), in cooperation with SIM and the Montaigne Centrum of Utrecht University, cordially invites you to the keynote address on "Judicial Independence, Independent Judges and Judicial Power: A puzzle?", delivered by Professor Carlo Guarnieri, Director of the Center for Judicial Studies (CeSROG) of the University of Bologna, Italy. If you wish to attend the keynote speech, please contact Dr. Stefanie Lemke, S.Lemke@uu.nl, by 31 October 2015.

• CONFERENCE ON THE FOUNDATIONS AND IMPLICATIONS OF HUMAN RIGHTS FRAGMENTATION AND INTEGRATION

9-11 December 2015, Ghent

The Human Rights Integration network, in which SIM-fellow prof. Oomen is a partner, is organizing a conference that aims at facilitating the dialogue among legal and socio-legal perspectives on human rights fragmentation and integration. More information can be found on www.hrintegration.be/conferences

• INTERNATIONAL HUMAN RIGHTS EDUCATION CONFERENCE ON 'TRANSLATING ROOSEVELT'S FOUR FREEDOMS TO TODAY'S WORLD'

17-19 December 2015, Former Town Hall, Markt 51, Middelburg

How to best educate about human rights? This is the central topic at the yearly International Human Rights Education Conference. The conference includes panels on themes such as human rights education in primary and secondary schools and also in vocational and higher education; human rights education in the arts and in the media; human rights education against radicalization and human rights of migrants and children. The full program and registration form can be found [here](#).

• SIM'S 35th ANNIVERSARY AND AHRI CONFERENCE ON THE THEME OF 50 YEARS ICCPR AND ICESCR

2-3 September 2016, Academiegebouw and Law School, Utrecht University

Seminar on Open Societies

On 14 September, SIM and the Ethics Institute co-organised an interdisciplinary seminar on 'Institutions for Open Societies', one of Utrecht University's four key research areas. The seminar aimed to foster reflection on the normative underpinnings of open societies. It was chaired by professors Marcus Düwell (Ethics Institute) and Antoine Buyse (SIM). A range of speakers discussed the assumptions and limits of open societies from their particular research perspective, from law to religion, from philosophy to psychology, and from history to economics.



Workshop on Transitional Justice

The workshop 'Achievements and Disillusions: How Transitional Justice changes society' was held on July 30-31, organized by the Utrecht team from the ORA-NWO Project on 'The Impact of Transitional Justice Measures on Democratic Institution-building'. From philosophical and ethical analysis to methodological inquiries and comparative case studies, the excellent quality of the papers and corresponding discussions contributed to the growing and rich debates in the field of TJ.

SIM's Stefanie Lemke presented a paper on "Transitional Justice and Judicial Independence: A Comparative Analysis of Transitional Justice and Judicial Independence in Argentina and Uruguay". Sandra Rios Oyola, co-organizer and postdoctoral researcher at SIM explored the role of secret files in the construction of civic trust in Germany and Hungary. Other participants were present from amongst others Ulster University, Åbo Akademi University and the Center for Transitional Justice and Development. Topics discussed were the inclusiveness of bottom up approaches, the role of victims' delegations in Colombia's peace talks, the role of international courts that issue reparations orders in TJ, truth commissions as means of ethical and institutional transformation and post-communist transition.



SIM and Durham University Conference in Geneva

Marie Elske Gispen, PhD candidate at SIM, co-organized a symposium in Geneva on 'Equitable access to controlled medicine: between drug control and human rights in post-market access in low- and middle income countries'. It was a joint effort with Durham University, sponsored and hosted by the **Brocher Foundation** in combination with the Dutch Medicines Evaluation Board. Marie Elske presented the preliminary conclusions of her PhD research on access to controlled medicines at this meeting. SIM researcher Brianne McGonigle-Leyh also took part in the symposium and presented on access to medicines in conflict situations.

The conference took place on 9-10 October, and was a follow-up to the expert meeting of 2012 which focussed on 'Human Rights and International Drug Control: Status quo, challenges, and interdisciplinary perspective'. The conference was divided in four sessions which all had a multi-disciplinary approach. After an introduction in the first session, the second session elaborated on international, regional and local perspectives. The third session addressed the mandates to advance access to controlled medicines under International Law. Amongst others, representatives of the Office of the High Commissioner of Human Rights and the World Health Organization elaborated on their mandate with regard to the access to controlled medicines. The final session focussed on the advancement of the research agenda, both theoretical and practical. During this last session a research agenda was drafted with 'key priorities for future research' based on the presentations and the discussions.

Because of the intricate nature of the discussion on access to controlled medicines the seminar did not end with one general conclusion. However, the seminar did illustrate that every discipline acknowledges the right to pain treatment as being a fundamental human right, which should have priority over efforts to control non-medical use of controlled substances.

SIM EVENTS

Workshop on 'Judicial Independence in New Democracies'

On Wednesday 7 October 2015, the Prince Claus Chair in Development and Equity, in cooperation with SIM and the Institutions Research Group on Citizens, Trust and Democracy of Utrecht University organised a seminar by Professor Javier Couso entitled 'Adjudicatory Autonomy in New Democracies: Understanding the Determinants of Independent Institutions of Accountability'. After a presentation by Professor Couso, researchers from different disciplines at Utrecht University presented their views based on their expertise with regard to this topic. The goal of this workshop was to discuss the role of institutions, especially an independent judiciary, in new democracies. Institutions of accountability, such as courts, play a crucial role in upholding the rule of law and checking the exercise of power of the government between elections, both key factors in the protection of human rights. The seminar gave an interesting perspective on the current situation of new democracies.



NEWS

Prof. Goldschmidt New Chair Dutch Coalition For Inclusion

Prof. Jenny Goldschmidt has been appointed the new Chair of the Dutch Coalition for Inclusion. This is a very broad movement of persons and organisations involved in disability policies, promoting the ratification and implementation and monitoring of the Disability Convention. See announcement in Dutch on their [website](#).



MOOC on EU and Human Rights

As part of the [FRAME Project](#), SIM's Alexandra Timmer and Lorena Sosa are engaged in a MOOC (Massive Open Online Course), entitled "The EU and Human Rights", organized by KU Leuven. The Course, which starts on October 17th and is free of charge, has a duration of six weeks and a time dedication of 4 hours per week. Find more information and enroll [here](#).

Honours Programme

Marie Elske Gispen has been selected as one of the participants in the Dutch Royal Academy's Arts/Science – Academy honours programme for young artists and scientists 2015-2016.

SIM Summer Schools

In July 2015, SIM organized two one-week summer schools. The first week was an Introduction to International Human Rights Law. The second was on International Law from a Gender Perspective. Participants could also opt to take both courses as a specialty track entitled 'Gender and Human Rights'. Participants came from all over the world, bringing with them a passion and dedication to human rights. They took full advantage of all that Utrecht University and SIM have to offer, including high level lectures and discussions, working group activities and excursions to the National Human Rights Institute of the Netherlands and Amsterdam. SIM will be organizing the same summer schools in July 2016 so be sure to spread the word!



SIM PARTICIPATES

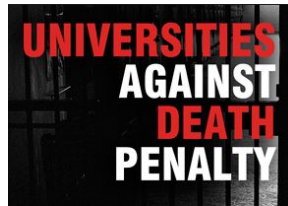
Annual Conference of the Association of Human Rights Institutes

Antoine Buyse, Director of SIM, and Julie Fraser, PhD Candidate, attended the annual conference of the Association of Human Rights Institutes (AHRI) on 21-22 September 2015 hosted by the Belgrade Centre for Human Rights in Serbia. The theme of the conference this year was "Human Rights and Universality". Julie presented part of her doctoral research at the conference, in a paper entitled: 'Culture and Women's Rights: Building Bridges via Women's Associations'. Antoine participated in the executive functions of the conference, and was re-elected to the Executive Committee of AHRI for a three-year term. The conference also addressed the current refugee crisis in Europe, and adopted a Declaration directed towards European Union policy-makers. The **Belgrade Declaration** refers to a number of legal obligations applicable to the refugee situation in Europe, and advises that the EU adopt a fundamental rights-based framework in its response. SIM will host the next annual AHRI conference on 2-3 September 2016.



University Against Death Penalty Network

In September Utrecht University joined the Universities Against the Death Penalty Network. This global network is the voice of academic institutions speaking out against the use of the death penalty and is hosted by Oslo University. SIM is the contact institution within Utrecht of this network.



Freedom of Expression in Transitions

Antoine Buyse presented a paper 'Oblique Promotion of Transitions? The Role of the ECtHR's Case-Law on Freedom of Expression and Information', at the conference 'The European Court of Human Rights: Promoter or Predator of Democratic Transitions', organized by Koç University and Oslo University, in Istanbul on 19-20 September.

Workshop on the Inter-American Human Rights system

On 10 October 2015, Stefanie Lemke was invited to speak on her research outcomes by the Inter-American Human Rights Network (IAHRN), Institute of Americas, University College London (UCL) UK, which was sponsored by the Leverhulme Trust. She held a talk on "One Step Forward, Two Steps Back? Domestic Courts under Scrutiny: The Crucial Impact of National Courts in Latin America on the Inter-American Human Rights System" at their workshop, entitled "The Inter-American Human Rights System: The Law and Politics of Institutional Change"

Beijing Human Rights Conferences

Professor Tom Zwart and four SIM PhD candidates, Stacey Links, Qiao Congrui, Ming Niu and Julie Fraser, recently attended two conferences in Beijing, China from 14 – 17 September 2015. The first was a two day seminar on the topic of Highlighting Chinese and African human rights ideas and concepts, and was hosted by the China University of Political Science and Law. Numerous human rights scholars from China, South Africa and Europe attended, and Tom, Stacey, Qiao and Julie presented well-received papers. The second conference was the annual Beijing Forum on Human Rights, hosted by the China Society for Human Rights Studies and the China Foundation for Human Rights Development. The Forum commemorated the 70th anniversary of the end of World War II, as well as the establishment of the United Nations. The theme of the two day Forum focused on the right to peace and development.



NEW AT SIM

Hanne Cuyckens (PhD, LL.M) studied law at the Université de Louvain (Louvain-la-Neuve), European Pluridisciplinary Studies at the Université Libre de Bruxelles and EU International Relations and Diplomacy at the College of Europe in Bruges. Before joining UCILS and SIM in Utrecht, she worked for the last six years at the Institute for international law of the University of Leuven as an academic assistant and PhD candidate and was also a junior member of the Leuven Centre for Global Governance Studies. Her main areas of specialization are international humanitarian law, international human rights law, international criminal law and EU external relations. She defended her PhD on the law of military occupation in Leuven on the 3rd of October 2015. She has been appointed from September onwards as a lecturer of international law and human rights law and is, amongst others, involved in the bachelor course introduction to Public International Law and the General Course on Public International law as well as courses of the human rights special track, the International Law Moot Court and the Capital Selecta module on IHL. She will furthermore also coach Jessup and the Frits Kalshoven Competition.



PUBLICATIONS



Netherlands Quarterly of Human Rights

The newest issues of the NQHR features the following articles:

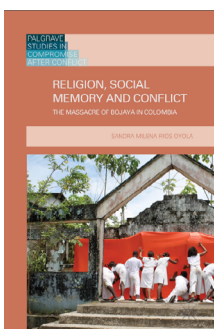
NQHR, 2015-3

- N. Jägers, 'Access to Justice for Victims of Corporate-Related Human Rights Abuse: An Echternach-Procession?'
- J. Gerards, 'The ECtHR's Response to Fundamental Rights Issues Related to Financial and Economic Difficulties: The Problem of Compartmentalisation.'
- L. Lavrysen, 'Strengthening the Protection of Human Rights of Persons Living in Poverty under the ECHR citation manager.'
- C. Lougarre, 'What Does the Right to Health Mean? The Interpretation of Article 11 of the European Social Charter by the European Committee of Social Rights.'
- A. Buyse, 'Human Rights for Foxes and Hedgehogs.'

Articles

- B. De Gaay Fortman & M. Marcatelli, (2015), 'Between Soft Legality and Strong Legitimacy: A Political Economy Approach to the Struggle for Basic Entitlements to Safe Water and Sanitation', *Human Rights Quarterly*, vol. 37, pp. 941-976
- D. Misiedjan & M. van Rijswijk & A. Tjen A Kwoei, (2015). 'A human right to water while the well runs dry: analysing the legal and regulatory framework of Yemen water law', *The Journal of Water Law*, vol. 24(5/6), pp.199 – 206
- A. Timmer, (2015). 'Judging Stereotypes: What the European Court of Human Rights Can Borrow from American and Canadian Equal Protection Law', *American Journal of Comparative Law*, vol. 63(1), pp. 239-284.

Book



Dr. Sandra Rios Oyola published a book with Palgrave on 'Religion, Social Memory and Conflict - The massacre of Bojayá in Colombia'

The field of transitional justice (TJ) and reconciliation considers social memory to be an important mechanism for acknowledging the violation of victims' rights and a step toward building peace. Drawing on original ethnographical research, Rios analyses strategies of memorialization after the massacre of Bojayá, Colombia, as an arena of political contention but also of grassroots resistance to persistent and diverse forms of violence. The book focuses on the work of the local grassroots Catholic Church and of the victims' association ten years after the massacre of Bojayá. It explores the role of religion in the management of victims' emotions and in supporting claims of TJ from a grassroots perspective in a context of thin political transition.

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