

VACANCY FOR PHD POSITION IN HUMAN RIGHTS LAW

PRACTICAL INFORMATION

Deadline for applications	21 March 2021
Starting date	1 November 2021
Location	Faculty of Law – Hasselt University
Contract	Full-time, 4 years
Degree requirements	Master's degree in law
Vacancy Type	Academic research

JOB DESCRIPTION

We are seeking to fill one full-time, fully-funded PhD fellowship (4 years) on the iBOF project *Future-proofing human rights. Developing thicker forms of accountability* (see details below).

The selected candidate will investigate the extent to which process-based review by the European Court of Human Rights can ensure more legal accountability for human rights in Europe.

The selected candidate will be supervised by prof. dr. Stijn Smet at the Faculty of Law of Hasselt University. They will also collaborate closely (remotely) with other PhD students, postdoctoral researchers and professors based at the Flemish universities who participate in the iBOF project (Ghent University, University of Antwerp and Free University of Brussels).

We are looking for a mature PhD candidate with proven expertise in European human rights law, ideally with a research degree in law and/or experience with academic research on European human rights law and/or human rights accountability.

DESCRIPTION OF IBOF RESEARCH PROJECT

This position is one of seven open research positions on a new interuniversity and multidisciplinary research project on accountability for human rights violations. For more information about the other vacancies, see [this page](#).

The overall research project is funded by an inter-university Research Fund (iBOF) set up by all Flemish universities to fund cutting-edge fundamental research. Our project will conduct a multidisciplinary and multi-method study to identify new avenues for achieving better human rights protection. We look for these new avenues *within* human rights law, in *other* areas of law and *beyond* the law in order to propose a thicker conceptualization of human rights accountability so that it can face up to current societal challenges, such as COVID-19, corporate abuse and surveillance dilemmas.

Our particular concern is with the disconnect between the formal legal system and the lived experiences of those who suffer (what could be seen as) human rights violations. For that reason, we adopt an actor-

oriented perspective and study human rights accountability from the perspective of a variety of human rights users (including rights holders, lawmakers, policymakers, advocacy groups and judges).

The overarching research question of our project is: *How can thicker accountability for human rights violations be achieved, so as to ensure better human rights protection in line with the everyday experience of rights holders?* This question breaks down into three sub-questions:

1. What counts/should count, as a human rights violation, i.e. what types of substantive wrongs (do not) trigger accountability in practice?
2. Who can/should be held accountable (i.e. who is a duty-bearer), but now slips through the net?
3. How can the human rights framework be altered to accommodate this, i.e. what are good practices?

DESCRIPTION OF DOCTORAL RESEARCH

Within this broader project, the selected candidate for this position will conduct doctoral research to evaluate the impact of process-based review by the European Court of Human Rights (ECtHR) on substantive human rights accountability in Europe.

Inherent within the human rights law system is a subsidiarity dilemma: how can an international court protect human rights without states perceiving the court as being too interventionist or activist? In the last half decade or so, in response to this subsidiarity dilemma the ECtHR has moved from conducting substantive review of human rights complaints to increasingly engage in process-based review. This ‘procedural turn’ has been praised by some legal scholars for encouraging states to take seriously their primary responsibility of safeguarding human rights. The rationale is that the ECtHR is now giving clear(er) guidance to states on how they should proceed, thereby *increasing* human rights protection at the national level. However, the ‘procedural turn’ has also been regarded as risky by other legal scholars, in that it could encourage a ‘checkbox-approach’ under which procedural rights are enhanced *without* improving people’s access to substantive rights.

The selected candidate will conduct doctoral research to allow us to better understand the effect of this recent evolution in European human rights law (the ‘procedural turn’) in terms of accountability.

The aim of the PhD project is to analyse the extent to which the ‘procedural turn’ at the ECtHR can deliver on its theoretical promise of ensuring better human rights protection in Europe. The starting point is the question: *To what extent, and under which conditions, can the procedural turn by the ECtHR ensure more legal accountability for human rights within the European human rights law system?*

The selected doctoral candidate will use a mixed-method approach, combining in-depth doctrinal legal research with complementary methods to critically evaluate the potential and limits of process-based human rights review. For more information, see WP 1.1. in [this document](#).

The position must result in submission of a PhD dissertation within the contract period.

YOUR PROFILE

In order to be eligible, you must meet the following minimum requirements:

- hold a (research) master’s degree in law at the time of application **or** demonstrate that you will have the degree in hand by 1 August 2021
- have demonstrable knowledge of and/or research expertise in European human rights law

- be (near) fluent in English as your working language and publication language during the project
- be proficient in French (passive knowledge)
- be willing to spend time abroad to participate in international conferences and/or for research stays abroad.

Applicants who also meet the following desired qualities may be ranked higher during the assessment procedure:

- proven knowledge of human rights accountability, the case law of the European Court of Human Rights and/or process-based rights review (including at the national level)
- proven experience with doctrinal legal research, in particular quantitative, qualitative and/or critical analysis of case law
- proven experience with (academic) legal research (including academic publications)
- fluency in French and/or other languages spoken in Europe relevant to the research project
- have a pre-existing network relevant to the research project

The selected applicant will also:

- have a strong commitment to social justice and human rights
- be able to work both independently and as part of a multi-disciplinary and international team
- have excellent academic writing and presentation skills
- contribute to the well-functioning of the team and project
- take the initiative to (co-)organise activities (e.g. workshops, blogs, reading groups, podcasts, Twitter account) that benefit the project
- be respectful of diversity in all its forms
- be able to manage deadlines

WHAT WE OFFER

- A vibrant, inter-university and multidisciplinary research environment, stretching across four Flemish universities, in which you conduct your doctoral research as part of a broader cutting-edge research project.
- Concerted supervision of your doctoral research by a dedicated and committed supervisor (prof. dr. Stijn Smet) with an established academic track record on the case law of the ECtHR.
- An indicative starting salary of EUR 2,170 net per month (salary scale PhD candidates Flemish Universities). Several elements are factored into the calculation of the exact salary, including relevant prior experience and family situation.
- A desk in a shared office with all necessary facilities (including your own laptop, docking station and screen) at Hasselt University, where you will be part of a small research team working on related topics. You will also travel to and collaborate with the other members of the iBOF project on a regular basis.
- Hasselt University offers several social benefits to which the candidate has access, such as commuter allowances and access to university restaurants. More information on remuneration can be found [here](#), on working conditions [here](#) and on PhD research [here](#).
- The ability to enroll in relevant (training) courses offered by the Doctoral Schools of Hasselt University.

INSTITUTIONAL EMBEDDING

Hasselt University

[Hasselt University](#), ranked 46th among young universities in the world, is more than its seven faculties, four research institutes, three research centres, 6,500 students and 1,400 researchers and staff. As a civic university, we assume our responsibility and share our knowledge in ways that benefit society. Strong public engagement was, is and always will be at the core of who we are and what we do. We aim to make our society smarter, more agile and more just. We do so through education, research and technology transfer.

An honest and respectful attitude comes first in everything we do at Hasselt University. We act with impartiality – openly, ethically and independently – and with respect for one another and for our environment. We are determined to (help) solve problems and seize opportunities – whatever the circumstances. We believe that the future is sustainable and that solutions must be too. We believe that an open and critical spirit and broad-mindedness are essential for a well-functioning academic community. We put the truth first, embrace new ideas and welcome fresh insights. We dare to do things differently and to do different things.

Faculty of Law

The Faculty of Law provides problem-based education in law (Bachelor + Master), in collaboration with KU Leuven and Maastricht University. The academic research of Faculty staff, channeled through the Centre for Law and Government (CORE), aims to understand and improve the role of law in a rapidly evolving world. In doing so, CORE offers building blocks to improve our societies at the national and supranational level. The selected candidate will be based at the Constitutional Law Unit of CORE, which houses extensive expertise in – amongst others – human rights.

HOW TO APPLY

To apply, please send us:

- A **CV** (including possible professional experience, publications and academic presentations);
- A **cover letter** (maximum 500 words) in which you explain how your education, research experience and motivation make you a good candidate for this position;
- A **short research proposal** (maximum 500 words) in which you explain how you would approach the doctoral research (what you will research, why you will research it and how you will do so);
- A copy of your law degree(s) and transcripts of your grades
 - If you have (a) law degree(s) in a language other than Belgium's national languages (Dutch, French or German) or English, please add a translation in English;
- Contact details for **two academic references** (e.g. supervisor of Master thesis)
- A **writing sample** on a relevant topic (10.000 words maximum, if possible in English and ideally an academic publication, research paper or part of a Master thesis).

Applicants should submit these documents as **one pdf file** via **email** directly to stijn.smet@uhasselt.be. Please use subject line "Application iBOF PhD WP 1.1". We may not be able to process applications that do not include all necessary documents.

The deadline for applications is **21 March 2021**.

The foreseen starting date is **1 November 2021**.

Candidates with questions are encouraged to contact prof. dr. Stijn Smet at stijn.smet@uhasselt.be.

EVALUATION PROCEDURE

We will review all applications and will select, on the basis of the submitted dossier, a **longlist** of applicants who will be invited to do a home-based written assignment.

The written assignment will be given 2-3 weeks after the closing date of the vacancy. Longlisted candidates will have a limited time to complete the assignment, but will be contacted in advance to allow them to rearrange their schedule if needed. Candidates who need special facilities can indicate this, and we will try to accommodate their request.

On the basis of the assignment, a limited number of **shortlisted** applicants will be invited for an interview in Hasselt or through video conference, likely in the last week of April / first week of May. Video conferencing will in any event be available, upon request, for international applicants or those who prefer to use this option. During the interview, we will assess the relevance of your experience for this project, your suitability to conduct doctoral research as part of a broader team, and gauge the extent to which you meet the requirements listed above.

The evaluation will be carried out by the future supervisor (prof. dr. Stijn Smet), in collaboration with members of the research project's steering group. If we believe that your skills and expertise are better suited for one of the other vacancies on the project, we will be happy to pass this information on to the concerned supervisor. If you object to your application being considered for other positions, please state so in your cover letter.

DIVERSITY

We ensure equal opportunities, equal treatment and equal access to the vacancies for all who apply. We ensure an objective and non-biased assessment procedure. Origin, ethnicity, gender, age, employment disability, sexual orientation and other identity factors will not be a factor in assessing your competences. Candidates who self-identify as belonging to disadvantaged or minority groups are strongly encouraged to apply.

ADDITIONAL INFORMATION

For more information about this position, please write prof. dr. Stijn Smet at stijn.smet@uhasselt.be.

For more information about the project, click [here](#). For the other vacancies, click [here](#).