



Maastricht Centre for Human Rights

**Maastricht University,
the Netherlands**



Annual Report 2009

Maastricht Centre for Human Rights

Visiting address:

Bouillonstraat 3

6211 LH Maastricht

Postal address:

PO Box 616

6200 MD Maastricht

Telephone: (31)(0)43 388 35 14

Telefax: (31)(0)43 388 32 03

E-mail: humanrights@maastrichtuniversity.nl

Website: <http://www.rechten.unimaas.nl/humanrights>

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I. About us

The Maastricht Centre for Human Rights was formally established in 1993 by professors Theo van Boven and Cees Flinterman. The Centre's current Director is Professor Menno T. Kamminga. Professor Fons Coomans is in charge of the day-to-day running of the Centre. The other members of the Board of the Centre are Professor Fred Grünfeld, Professor Hans Nelen, Dr. Ria Wolleswinkel and PhD candidate Martine Boersma. Chantal Kuijpers is the Centre's administrator.

The Centre encompasses the research activities in the field of human rights of the staff members of Maastricht University's Faculty of Law. Most members of the Centre belong to the International and European Law Department and the Criminal Law Department but some belong to other departments..

The Centre is member of the [Association of Human Rights Institutes](#) (AHRI). It also is a member of the [Netherlands Research School for Human Rights](#), together with its sister institutes at Erasmus University Rotterdam, Leiden University, Tilburg University, Utrecht University and the T.M.C. Asser Institute in The Hague. The Centre is a partner of the [European Inter-University Centre for Human Rights and Democratisation](#) (EIUC). Several members of Maastricht Centre teach each year in the program for the European Master's Degree in Human Rights and Democratisation in Venice.

The Centre has two research programs: Globalisation and Human Rights; and Criminal Law in a Multinational Interplay of Forces. In these two areas, the Centre organises conferences, seminars and lectures, sponsors publications and assists in grant applications. Among its best known achievements are the Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights (1986) and the Maastricht Guidelines on Violations of Economic, Social and Cultural Rights (1997).

The Centre is funded by the Faculty of Law of Maastricht University. Specific activities have been supported by ad hoc grants from the Netherlands Organisation for Scientific Research (NWO) and the Royal Academy of Sciences (KNAW), by intergovernmental organisations, such as the ILO and UNESCO, and by Netherlands Government Ministries.

II. Mission Statement

Ambition.

The Centre aims to be at the **cutting edge** of global human rights research and to be **forward looking** into its choice of research themes.

Priorities.

The Centre favours research themes that **contribute to a better society** within the context of the process of globalisation and that raise **fundamental questions** about human rights (as opposed to mere technicalities).

Approach.

Research conducted within the Centre takes a **normative approach**, reflecting an **integrated view** of economic, social and cultural rights on the one hand and civil and political rights on the other, with close attention being given to **gender issues**.

Focus.

The research carried out within the Centre is **interdisciplinary**, with a particular focus on public international law, criminal law and social sciences.

III. Activities in 2009

Inaugural lectures:

13 February: Marjan Peeters, "*Met recht naar Klimaat-bescherming*"; *over de rol van het recht en de markt voor het klimaatbeleid*".

Defense of PhD dissertation:

13 February: Dorris de Vocht, "Verdediging in transitie: de positie van de advocaat in strafzaken in postcommunistisch Polen".

15 September: Michal Gondek, "The reach of human rights in a globalizing world: extraterritorial application of human rights treaties".

Conferences:

22-23 October: Corruption and Human Rights.

Luncheon lectures:

4 February: John Nakuta, The Right to Adequate Housing in Namibia.

18 February: Cees Flinterman, The CEDAW Committee and Treaty Bodies Reform in the United Nations.

12 March: Roland Moerland, His Experiences in Rwanda.

22 April: Kate Rose-Sender, The Experience of Women in the Afghan Legal System".

20 May: Theo van Boven, Racial Discrimination and Racism in General.

18 November: Miet Vanderhallen and Hans Nelen, Verhoor in het Kader van een Europees Project waarbij gewerkt wordt rond Verhoortraining aan Chinese Politieambtenaren.

IV. New PhD. Researchers

Gustavo Arosemena Solorzano

Gustavo Arosemena is a researcher and PhD. candidate at the Maastricht Centre for Human Rights and the School of Human Rights Research of the Netherlands. His research focuses on the application of the right to a remedy to economic, social and cultural rights.

Mr. Arosemena completed his law degree at the Catholic University of Santiago de Guayaquil (summa cum laude, 2005). Afterwards, he carried out master studies in international law at the University of Texas at Austin (Fulbright, 2007) and in human rights at Utrecht University (summa cum laude, 2009). He also did a summer internship at the Coalition for the International Criminal Court (2009). In between these activities, Mr. Arosemena worked for three years as an attorney in the area of public law in Guayaquil, Ecuador.

Emily Den

Emily Den is a PhD candidate at the Department of International and European Law, which she joined in September 2009. Her research, under the supervision of Prof. dr. Menno Kamminga, is in the area of business and human rights and focuses on the content of binding international human rights obligations of companies as interpreted by domestic courts.

She obtained her Bachelor of Arts degree in History at the University of Pennsylvania, her Master of Arts in East Asian Studies at Yale University, her Juris Doctor at Boston University School of Law and her Master of Laws in International and European Law (cum laude) at the University of Amsterdam. Prior to coming to The Netherlands, she was a practicing attorney in the United States for more than 10 years.

Jasper Krommendijk

Jasper Krommendijk holds an LLM degree in International Law and Law of International Organisations from the University of Groningen Faculty of Law, The Netherlands. His LLM-thesis dealt with balancing international investment law and human rights. He previously completed bachelor degrees in International Relations and International and European Law at the same university. After his studies, Jasper did an internship at the Dutch Ministry of

Economic Affairs, working on issues relating to the EC Services Directive. In addition, he worked at the Ministry of Justice in the field of European criminal law and monitoring and evaluation mechanisms. As of 1 November 2009, Jasper is employed as a PhD researcher at the Maastricht Centre for Human Rights.

Tamara Lewis

Tamara Lewis is a jurist from the United States of America holding a Bachelor of Science in Foreign Service (B.S.F.S) from Georgetown University's Edmund A. Walsh School of Foreign Service with a specialization in International Politics: International Politics, Law and Organizations, a Juris Doctor (J.D.) from Columbia University School of Law and a Master of Laws (LL.M.) in International Criminal Law and the Law of Human Rights from Universiteit Utrecht, in the Netherlands. In 2008, Miss Lewis was awarded the prestigious Fulbright Scholarship by the Netherlands Fulbright Commission. She conducted research and wrote a thesis entitled "Fair Trial Guarantees of the Iraqi High Tribunal Statute." Miss Lewis became affiliated with the Faculty of Law at Universiteit Maastricht in September 2009 as a researcher in the Department of European and International Law. Her doctoral research focuses on the Universal Periodic Review mechanism of the United Nations Human Rights Council. More specifically, Miss Lewis will examine how a peer review approach to monitoring human rights obligations adds value to the supervisory aspect of the UN Human Rights machinery and to the international discourse on human rights.

Luuk Ritzen

Luuk Ritzen is currently working as a criminological researcher and lecturer at the University of Maastricht. He is specialized in organized and organizational crime. His current PhD-research focuses on the entwinement between real estate and (serious forms of) crime. The goal of this research is threefold, following: to determine the extent of the problem and creating more in depth knowledge about its nature; to study the real estate sector from within – in light of situational crime prevention – in order to find out what characteristics function as incentives for crime and; to undertake a pre-evaluative study in order to assess the potential of a – to be installed – (public) external supervisory body. He is also participating in a research – by order of the departments of Finance, Foreign Affairs and Justice – to assess the nature and extent of money laundering activities in the real estate sector. In the past he has

been actively involved in an evaluative study of the Bureau for Screening and Auditing in Amsterdam. Furthermore he is also involved with the Regional Intelligence and Expertise Center (RIEC) South-Limburg and with the national Real Estate Intelligence Center (VIC) as a scientific consultant.

VI. Relevant Publications by staff members in 2009

Gustavo Arosemena

Arosemena, G. (2009). *Rodrigo Uprimny Yepes on the dilemma of restorative versus corrective justice*, to be published in the December 2009 issue of the Newsletter of the School of Human Rights Research.

Arosemena, G. (2009). *Conflicto entre Derechos de Propiedad Intelectual y (otros) Derechos Humanos: Una Breve Esquemmatización*, Revista Jurídica de Propiedad Intelectual, Universidad Católica de Santiago de Guayaquil (Intellectual Property Law Journal of the Catholic University of Santiago de Guayaquil), Volume II, September 2009.

Peter Bal

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Jeroen Bloosma

Bloosma, J.H. & Klip, A.H. (2009). Noodweer en noodweerecscs. *Delikt en Delinkwent*, 2, 156-174.

Martine Boersma

Boersma, M. (2009). Corruption as a Violation of Economic, Social and Cultural Rights: Reflections of the Right to Education, to be published in *Corruption and Human Rights*, (Intersentia, summer/fall 2010).

Peter van de Bossche

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Theo van Boven

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Jacques Claessen

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Fons Coomans

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Melanie de Groof

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Gerard de Jonge

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André Klip

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Tamara Lewis

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Hans Nelen

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Christina Peristeridou

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