



# MAASTRICHT CENTRE FOR HUMAN RIGHTS

## ANNUAL REPORT

### 2011

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## ABOUT US

The Maastricht Centre for Human Rights facilitates and supports research in the field of human rights at Maastricht University's Faculty of Law.

The Centre 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 Jasper Krommendijk. Chantal Kuijpers is the Centre's administrator.

The Centre is a member of the Association of Human Rights Institutes (AHRI). It also is a member of the Netherlands School of Human Rights Research 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 the Centre teach each year in the program of the European Master's Degree in Human Rights and Democratisation in Venice.

The Centre maintains 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, lectures and training courses, 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), the Maastricht Guidelines on Violations of Economic, Social and Cultural Rights (1997), and the Maastricht Principles on the Extraterritorial Obligations of States in the Area of Economic, Social and Cultural Rights (2011).

The results of research conducted at the Centre are generally published by Intersentia Publishers in the Maastricht Series in Human Rights and the Dissertation Series of the Netherlands School of Human Rights Research.

The Centre is funded by the Faculty of Law of Maastricht University. Specific research activities have been supported by ad hoc grants from the Netherlands Organisation for Scientific Research (NWO), the Royal Academy of Sciences (KNAW), Universiteitsfonds Limburg/SWOL, intergovernmental organisations such as the European Union and UNESCO, and by Netherlands Government Ministries such as the Ministry of Justice and the Ministry of Foreign Affairs.

## **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.

## ACTIVITIES IN 2011

### International Conferences

- 26-28 September: Expert Meeting on the extra-territorial application of human rights treaties in the area of social, economic and cultural rights resulting in the adoption of the Maastricht Principles on Extra-Territorial Human Rights Obligations  
Project leader: Fons Coomans  
Funded and co-organised by Maastricht University and the International Commission of Jurists
- 25 November: The Universal Periodic Review Process and the Treaties Bodies: Constructive Cooperation or Deepening Divisions?  
Project leaders: Jasper Krommendijk and Tamara Lewis  
Funded by the Universiteitsfonds Limburg/ SWOL and the Faculty of Law, Maastricht University.

### Ph.D defences

- On 27 October, Maria Ventegodt Liisberg successfully defended her dissertation *Disability and Employment – A Contemporary Disability Human Rights Approach Applied to Danish, Swedish and EU Law and Policy*, written under the supervision of Prof. Lisa Waddington and published with Intersentia as No. 43 in the School of Human Rights Research Series.
- On 20 December, Karin Veegens successfully defended her dissertation *A Disrupted Balance? Prevention of Terrorism and Compliance with Fundamental Legal Rights and Principles of Law – the Dutch Anti-Terrorism Legislation*, written under the supervision of Prof. P.L. Bal and published with Intersentia as No. 48 in the School of Human Rights Research Series.
- On 20 December, Antenor Hallo de Wolf successfully defended his dissertation *Reconciling Privatization with Human Rights*, written under the supervision of Prof. Menno Kamminga and Prof. Wouter Devroe, and published with Intersentia as No. 49 in the School of Human Rights Research Series.

### Guest lectures

- 19 January: Prof. Philip Alston, on Dilemma's of Fact-Finding. Comments by Prof. Theo van Boven.

- 13 May: Olivier de Schutter, Second Theo van Boven Lecture, on Climate Change and Human Rights.

### **Lunch presentations**

- 27 January: Rob van de Westelaken, Positive obligations in the case law of the European Court of Human Rights.
- 24 May: Prof. Tom Zwart, The ECHR and the Rule of Law.
- 21 September: Liesbeth Lijnzaad, The International Conference of the Red Cross and the Red Crescent: Between consensus and ambition.
- 26 October: Phyllis Livaha, Female Circumcision.
- 23 November: Fabian Raimondo, The ICC at nine: A Court that grows up fast.

### **Other activities**

- 10-14 January: Beirut Visit by Birsan Erdogan, Seminar on Human Rights Education for University Teachers from the Middle East and North Africa, organised by the Raoul Wallenberg Institute of Sweden and hosted by Beirut Arab University. The seminar is one of the activities proposed by the Raoul Wallenberg Institute in a project called 'Building Human Rights Knowledge and Resources in the Middle East and North Africa.' Maastricht Centre for Human Rights has taken up a role in this project and had hosted a group of guests from MENA region in Maastricht in October 2010.
- 20 January: Prof. Philip Alston was awarded an honorary doctorate by Maastricht University. Supervisor: Prof. Menno Kamminga.
- 17 November: Anniversary of the Convention of the Rights of the Child: Children of Incarcerated Parent, organised by the Maastricht Graduate School of Governance (as part of UNU-Merit) and Maastricht University. Keynote lecture by Cees Flinterman followed by panel discussions with members from COPING, NIACRO, Storybook dads, MGSOG, the Faculty of Law and Eurochip.

## PUBLICATIONS IN 2011

### Dissertations

Ventegodt Liisberg, M. *Disability and employment: a contemporary disability human rights approach applied to Danish, Swedish and EU law and policy*. UM Universiteit Maastricht (xv + 414 pag.) (Antwerp: Intersentia). Prom./coprom.: Dr. L.B. Waddington & Prof. R. Nielsen.

Veegens, K., *A disrupted balance? Prevention of terrorism and compliance with fundamental legal rights and principles of law - the Dutch anti-terrorism legislation*. UM Universiteit Maastricht (660 pag.) (Antwerp: Intersentia). Prom./coprom.: Prof. A.H. Klip.

Hallo de Wolf, A., *Reconciling Privatization with Human Rights*. UM Universiteit Maastricht (750 pages) (Antwerp: Intersentia). Prom/coprom.: Prof. M.T. Kamminga & Prof. W. Devroe.

### Books

Smeulers, A.L. & Grünfeld, F. (2011). *International Crimes and other Gross Human Rights Violations, a Multi- and Interdisciplinary Textbook* (International and Comparative Criminal Law Series, 32). Leiden/Boston: Martinus Nijhoff Publishers. (xxi + 530 p.)

Klip, A.H. (2011). *Substantive Criminal Law in the European Union*. Antwerp: Maklu. (254 p.)

Klip, A.H. & Sluiter, G.K. (Eds.). (2011). *Annotated Leading Cases of International Criminal Tribunals, Volume XXVI: The International Criminal Tribunal for the former Yugoslavia 2004-2005*. Antwerp: Intersentia. (933 p.)

Klip, A.H. & Sluiter, G.K. (Eds.). (2011). *Annotated Leading Cases of International Criminal Tribunals, Volume XXVII: The International Criminal Tribunal for the former Yugoslavia 2005*. Antwerp: Intersentia. (822 p.)

Klip, A.H. & Sluiter, G.K. (Eds.). (2011). *Annotated Leading Cases of International Criminal Tribunals, Volume XXXI: The International Criminal Tribunal for Rwanda 2007-2008*. Antwerp: Intersentia. (934 p.)

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Koenraadt, F. & Wolleswinkel, M.W. (Eds.). (2011). *Homo ludens en humaan strafrecht, funderen-vergelijken-onderwijzen*. Den Haag: Boom/Lemma. (364 p.)

## Book Contributions

Blomsma, J.H. (2011). Fault Elements in EU Criminal Law: the Case for Recklessness. In A.H. Klip (Ed.), *Substantive Criminal Law of the European Union* (pp. 135-160). Antwerp: Maklu.

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Boven, Th.C. van (2011). Perspectives for raising the legal Status of the Basic Principles of Lawyers. In *Building on Basic Principles; 25 Years Lawyers for Lawyers* (pp. 43-49). Leiden: Stichting NJCM Boekerij 52.

Coomans, A.P.M. (2011). Dealing with Segregation in Education. In *Festschrift in Honour of Katarina Tomasevski* (pp. 1-7). Lund: Raoul Wallenberg Institute, University of Lund.

Frielink, P. (2011). Commentaar op art. 510 en 511 Sv. In *Sdu @ommentaar Strafvordering - Eindonderzoek: paragraaf 11.2 Vervolging en berechting van rechterlijke ambtenaren* (pp. 1389-1396). Den Haag: Sdu.

Frielink, P. (2011). Commentaar op art. 56 Sv, art. 195 Sv en art. 8 Politiewet 1993. In *Sdu @ommentaar Strafvordering - Vooronderzoek: paragraaf 2.3 Uitwendig en inwendig onderzoek van de persoon* (pp. 856-869). Den Haag: Sdu.

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Klip, A.H. (2011). The Future of International and European Criminal Law. In S. Muller, S. Zovrides, M. Frishman & L. Kistemaker (Eds.), *The Law of the Future and the Future of Law* (pp. 673-682). Oslo: Torkel opsahl Academic EPublisher.



Klip, A.H. (2011). Towards a General Part of Criminal Law in the European Union. In A. Klip (Ed.), *Substantive Criminal Law in the European Union* (pp. 15-33). Antwerp: Maklu.

Letschert, R. & Boven, Th.C. van (2011). Providing Reparation in Situations of Mass Victimization; Key Challenges Involved. In R. Letschert, R. Haverman, A.-M. de Brouwer & A. Pemberton (Eds.), *Victimological Approaches to International Crimes: Africa* (pp. 153-184). Antwerp: Intersentia.

Lewis, T.N. & Vega, C. de la (2011). Peer review in the mix: How the UPR transforms human rights discourse. In M.C. Bassiouni & W.A. Schabas (Eds.), *New challenges for the UN human rights machinery* (pp. 353-386). Cambridge: Intersentia.

Ritzen, L. & Nelen, H. (2011). Criminological analysis. In B. Unger & J. Ferwerda (Eds.), *Money Laundering in the real estate sector; suspicious properties* (pp. 89-132). Cheltenham: Edward Elgar Publishing.

Nelen, H. (2011). Ranking the Scholars; De gevolgen van evidence-based principes voor het academische klimaat. In F. Koenraadt & R. Wolleswinkel (Eds.), *Homo ludens en humaan strafrecht; funderen-vergelijken-onderwijzen. Gedenkbundel dr. Peter Bal* (pp. 111-120). Den Haag: Boom/Lemma.

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Spronken, T.N.B.M. (2011). Verschoningsrecht onder toezicht. Bepiegelingen over de aanpassing van de advocatenwet. In W. Kernkamp (Ed.), *Stof tot overpeinzing. Liber amicorum Floris Bannier* (pp. 133-141). Den Haag: Sdu.

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Claessen, J.A.A.C. (2011). Tegen de bestaande opvattingen omtrent Misdaad en Straf: l'histoire se répète. *Nederlands Juristenblad*, 2720-2723.

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Frielink, P. (2011). Het toegenomen aantal vrijspraken. *Strafblad*, 2, 59-60.

Frielink, P. (2011). Positie en rol van de advocaat-generaal in appelzaken. *Strafblad*, 2, 42-47.

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Frielink, P. & Kruis, P.W. van der (2011). Redactioneel: De rechtsstaat in de 21ste eeuw. *Strafblad*, 3, 2.

Frielink, P. (2011). Riskante strafoverwegingen. Rechter blijf bij uw zaak. *Strafblad*, 3, 7-9.

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- Klip, A.H. (2011). In memoriam A.H.J. Swart (1941-2011). *Delikt en Delinkwent*, 327-334.
- Krommendijk, J. (2011). The effectiveness of non-judicial mechanisms for the implementation of human rights. *Human Rights & International Legal Discourse*, 5(2), 264-293.
- Nelen, H. & Moerings, M. (2011). Bespiegelingen over straffen (redactioneel). *Justitiële Verkenningen*, 37(1), 5-9.
- Raimondo, F. (2011). For Further Research on the Relationship Between Cultural Diversity and International Criminal Law. *International Criminal Law Review*, 11(2), 299-314.
- Roef, D. (2011). Strafvervolgving van overheden: stand van zaken. *Verkeersrecht*, 218-221.
- Spronken, T.N.B.M. (2011). De communicatieve strafrechter (bespreking preadvies M. Borgers NJV 2011). *Nederlands Juristenblad*, 1437-1440.
- Spronken, T.N.B.M. (2011). EU policy to guarantee procedural rights in criminal proceedings: an analysis of the first steps and a plea for a holistic approach. *European Criminal Law Review*, 212-233.
- Spronken, T.N.B.M. (2011). Kroniek Straf(proces)recht. *Nederlands Juristenblad*, 924-935.
- Spronken, T.N.B.M. (2011). Advocaten onder toezicht. *Delikt en Delinkwent*, 1076-1077.
- Spronken, T.N.B.M. (2011). Afluisteren in spreekkamers PI's. *Delikt en Delinkwent*, 1078-1079.
- Spronken, T.N.B.M. (2011). De doodstraf. *Nederlands Juristenblad*, 407.
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- Spronken, T.N.B.M. (2011). De rechterlijke vrijheid van meningsuiting en reputatieschade. *Nederlands Juristenblad*, 1941.
- Spronken, T.N.B.M. (2011). Effektieve Strafverteidiging in Europa. *StrafRechtsReport*, 129-130.
- Spronken, T.N.B.M. (2011). Eindvonnis in de zaak Wilders. *Nieuwsbrief Strafrecht*, 621-623.
- Spronken, T.N.B.M. (2011). Het wetsvoorstel rechtsbijstand en politieverhoor en de EU concept-richtlijn inzake het recht op toegang tot een advocaat. *Delikt en Delinkwent*, 1079-1082.
- Spronken, T.N.B.M. (2011). Naming and shaming. *Delikt en Delinkwent*, 433.
- Spronken, T.N.B.M. (2011). Onafhankelijkheid advocatuur in gevaar. *Nederlands Juristenblad*, 2495.

- Spronken, T.N.B.M. (2011). Politisering van het recht. *Nederlands Juristenblad*, 407.
- Spronken, T.N.B.M. (2011). Recht als luxe. *Nederlands Juristenblad*, 855.
- Spronken, T.N.B.M. (2011). Spreekrecht. *Nederlands Juristenblad*, 2911.
- Spronken, T.N.B.M. (2011). Standpunt NOvA over toezicht in het algemeen en in het kader van de Wwft in het bijzonder. *Delikt en Delinkwent*, 431-433.
- Spronken, T.N.B.M. (2011). Streep door het 'landelijk aanhoudingenprotocol'? *Nieuwsbrief Strafrecht*, 261-264.
- Spronken, T.N.B.M. (2011). Touwtrekken in de EU over rechtsbijstand. *Nieuwsbrief Strafrecht*, 1034-1036.
- Spronken, T.N.B.M. (2011). Verschoningsrecht onder toezicht. Voorgestelde wijzigingen van de Advocatenwet in Nederland. *Panopticon. Tijdschrift voor strafrecht, criminologie en forensisch welzijnwerk.*, 63-68.
- Spronken, T.N.B.M. (2011). Noot bij: EHRM Grand Chamber. (01-06-2010), *Tijdschrift voor Strafrecht* 2011-, 22978/05, p.46-50.
- Monsieurs, A., Vanderhallen, M. & Rozie, J. (2011). Towards greater consistency in sentencing: Findings from a survey of Belgian magistrates. *European Journal of Criminology*, 8(1), 6-16.
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- Vocht, D.L.F. de & Spronken, T.N.B.M. (2011). EU Policy to Guarantee Procedural Rights in Criminal Proceedings: "Step by Step". *North Carolina Journal of International Law and Commercial Regulation*, 37, 436-488.
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Willems, J.C.M. (2011). Prikpil of prenatale aanpak: pleidooi voor een minimumstandaard. *Tijdschrift voor Familie- en Jeugdrecht*, 161-163.

### **Other Academic Publications**

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Kamminga, M.T. (2011). Noot bij: EHRM. (02-12-2010), *M&R* 2011-38, (Atanasov tegen Bulgarije). p.445-449.

Kamminga, M.T. (2011). Noot bij: EHRM. (02-05-2011), *M&R* 2011-38, (Dubetska et al. tegen Ukraine). p.514-517.

Klip, A.H. (2011). Noot bij: HvJ. (16-12-2010), *NJ* 2011-, p.290.

Klip, A.H. (2011). Noot bij: HR. (20-04-2010), *NJ* 2011-, p.576.

Klip, A.H. (2011). Noot bij: HR. (08-07-2008), *NJ* 2011-, p.91.

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Waddington, L.B. (2011). Noot bij: EHRM. (21-12-2010), *EHRC* 2011-4, 45744/08, p.556-567.