



Maastricht University

Maastricht Centre for Human Rights



ANNUAL REPORT





Theo van Boven



Cees Flinterman

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.

Funding is provided by Maastricht University's Faculty of Law.

The Centre was established in 1993 by professors Theo van Boven and Cees Flinterman.



Menno Kamminga



Fons Coomans



Fred Grünfeld

Director

Professor Menno Kamminga

In charge of day-to-day running of the centre

Professor Fons Coomans

Board Members

Professor Fred Grünfeld,
Professor Hans Nelen, Dr. Ria
Wolleswinkel and PhD
Candidate Martine Boersma

Centre's Administrator

Chantal Kuijpers



Hans Nelen



Ria Wolleswinkel



Chantal Kuijpers



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



Membership and Partnership

Association of Human Rights Institutes (AHRI)

Member of the Netherlands School of Human Rights Research together with Erasmus University Rotterdam, Leiden University, Tilburg University, Utrecht University and the T.M.C. Asser Institute in The Hague.

Partners with the European Inter-University Centre for Human Rights and Democratisation (EIUC).

Several members of the Centre are professors at the European Inter-University Centre for Human Rights and Democratisation in Venice



Research Programmes

The Centre focuses on two areas:

Globalisation and Human Rights

Criminal Law in a Multinational Interplay of Forces

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 results of research conducted at the Centre are usually published by:

Intersentia Publishers in the Maastricht Series in Human Rights and

Dissertation Series of the Netherlands School of Human Rights Research.

Specific research 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 European Union and UNESCO and by Netherlands Government Ministries such as the Ministry of Justice and the Ministry of Foreign Affairs.

Activities in 2013

7th March 2013

The Right to Citizenship: Towards fuller implementation of Article 15 UDHR

As part of the programme of events to celebrate the European Year of the Citizen, on 7 March 2013 the Maastricht Centre for Human Rights hosted a seminar entitled The Right to Citizenship: Towards fuller implementation of Article 15 UDHR. With a diverse list of guest speakers and professors, the event aimed at analysing the current status of the right to citizenship under international law. This objective was pursued from a variety of different angles: Mark Manly, head of the UNHCR Statelessness Unit, gave an introduction on the pressing challenge of statelessness, the manifestation of the failure to fully implement Article 15 UDHR. Peter Spiro (Temple University) explained the increasing erosion of states' sovereignty in this domain. Laura van Waas, Director of the Statelessness Program (Tilburg University) represented the European Network on Statelessness with her presentation. The role of the International Law Commission in the development of norms relating to the right to citizenship was introduced by Liesbeth Lijnzaad (Maastricht University and Netherlands Ministry of Foreign Affairs). René de Groot (Maastricht University) gave an overview of the most recent case law on the right to citizenship under The European Court of Human Rights and the European Court of Justice.

Activities in 2013

10th December 2013

4TH Theo van Boven Lecture: Carlos Villan Duran on Human Right to Peace

Since the adoption of Universal Declaration of Human Rights in 1948 various additional human rights have been proposed. One of these is the human right to peace. In 2012 the UN Human Rights Council decided to establish a working group to negotiate a draft UN declaration on the right to peace. The human right to peace is the subject of the 4th Theo van Boven lecture was held on 10 December 2013, the 65th anniversary of the Universal Declaration of Human Rights. The lecturer was Carlos Villán Durán, President of the Spanish Society for International Human Rights Law and former staff member of the UN High Commissioner for Human Rights.

10th December 2013

Documentary: Theo van Boven and his role in protecting human rights at the United Nations

Title: The Confrontation

Length: 30 minutes

Set in the late '70s and '80s, it is the story of Theo van Boven and his team, a man appointed to become the Director of Human Rights at the United Nations, a scholar who just tried to do his job. In the process he came face to face with representatives of some of the most repressive regimes of the 20th century and ended up making considerable personal sacrifices. A down to earth man whose wife used to cut his hair before he went to meet heads of state Van Boven encountered suave diplomats who stopped at nothing to protect their careers and their country's reputation. Following a familiar pattern anyone who opposed their regimes was accused of being a terrorist - and considered a legitimate target.

Confronted by refugees and torture survivors from across the world Van Boven decided to take drastic action - especially against the Argentinian junta. As pressures mounted at the United Nation Van Boven discovered his own life was at risk when he was informed by two survivors that he himself was on the junta's hit list. Another alleged terrorist, the famous Argentinian pianist Miguel Estrella informed Van Boven that the future Secretary-General of the United Nations lied about what he saw in prisons in Uruguay. Under growing pressure Van Boven decided to make his stand and thus pave the way for the human rights defenders of the future.

News for 2013

30 May 2013

Christine van den Wyngaert awarded an honorary doctorate

Friday 31 May Christine van den Wyngaert is awarded an honorary doctorate. Van den Wyngaert is currently a Judge at the International Criminal Court. Her nomination recognizes her valuable contribution to the development of the theory and practice of international criminal law, European criminal law and national criminal law and procedure.

They are common themes in her life and work: fighting injustice, and standing up for justice. During her student days, she sang protest songs against the Vietnam War and demonstrated against apartheid. These days, as a judge at the ICC, she seeks to bring perpetrators to justice before the eyes of the law and helping to administer the first dose of international criminal justice.

The interview with Christine van den Wyngaert can be found in the UM web magazine.

Light of Truth Award Presented to Professor Theo van Boven by Dalai Lama

On Saturday, 13 April 2013, The International Campaign for Tibet (ICT) honoured five individuals and organisations with the Light of Truth Award. His Holiness the Dalai Lama presented the awards during a ceremony in Fribourg, Switzerland.

The ICT grants the Light of Truth Award to individuals and institutions that have made important contributions to the public understanding of Tibet and the struggle for human rights and democratic freedoms for the Tibetan people.

We are proud to announce that one of the five people receiving this prestigious award is Professor Theo van Boven. Van Boven is professor emeritus in International law with Maastricht University's Faculty of Law, former director Human Rights of the United Nations and special UN rapporteur against torture. He will be granted the award for his dedication to the Tibetan cause within and beyond the United Nations.

Publications in 2013

Dissertatie intern (di)

Lewis, T.N. (2013, November 28). The universal periodic review mechanism of the United Nations Human Rights Council : transforming the human rights discourse. Maastricht University (190 pag.) (Maastricht: Maastricht University). Prom./coprom.: Prof. Dr M.T. Kamminga & Dr. A.P.M. Coomans.

Wetensch. publ. refereed

Arosemena, G. (2013). Conflicts of Rights in International Human Rights: A Meta-Rule Analysis. *Global Constitutionalism*, 2 (1), 6-36.

Boven, Th.C. van (2013). The justice agenda of the ICJ in the twenty-first century, keynote address ICJ 17th World congress. *NJCM Bulletin: Nederlands tijdschrift voor de mensenrechten*, 38 (2), 341-344.

Coomans, A.P.M. (2013). Sociale rechten: mensenrechten mét betekenis. *NJCM Bulletin: Nederlands tijdschrift voor de mensenrechten*, 38 (5), 603-608.

Krommendijk, J. (2013). De beperkte effectiviteit van de aanbevelingen van het VN-Mensenrechtencomité in Nederland nader bekeken en verklaard. *NJCM Bulletin: Nederlands tijdschrift voor de mensenrechten*, 38 (2), 212-228.

Wetensch. publ. non-refereed

Krommendijk, J. (2013). Just 'a little UN Committee' or important policy driver? The impact and effectiveness of the CEDAW Committee in New Zealand. *Tijdschrift voor Genderstudies*, 16 (1), 8-22.

Wetensch. publicatie

Boven, Th.C. van (2013). Racism in Europe, current trends and threats. In M. Komori & M. Heto (Eds.), *Contemporary forms of racial discrimination. Reflections of our time (Peoples for Human Rights, 13)* (pp. 15-26). Tokyo: The International Movement Against All Forms of Discrimination and Racism (IMADR).

Boven, Th.C. van (2013). Victim-oriented perspectives, rights and realities. In Th. Bonacker & Chr. Safferling (Eds.), *Victims of international crimes: an interdisciplinary discourse* (pp. 17-27).

Claessen, J.A.A.C. & Zeles, G. (2013). Bemiddeling in strafzaken in Maastricht. De eerste onderzoeksresultaten. *Nederlands Juristenblad*, 1766-1772.

Claessen, J.A.A.C. (2013). Strafrecht en verlichting. Over het karakter van een waarlijk verlicht strafrechtssysteem. *Justitiële Verkenningen*, 39 (1), 121-136.

Roef, D. & Verkes, R.J. (2013). Medicijngebruik, agressie en strafrechtelijke verantwoordelijkheid. *Nederlands Juristenblad*, 88 (45), 3143-3147.

Spronken, T.N.B.M. (2013). Homo Monarchus anno 2013. *Nederlands Juristenblad*, 2013/17, 1109.

Spronken, T.N.B.M. (2013). Prejudiciële vragen bij de Hoge Raad: ook iets voor strafzaken! *Nederlands Juristenblad*, 2013/7, 407.

Wetensch. publ. non-refereed

Claessen, J.A.A.C. & Meijer, S. (2013). De levenslange gevangenisstraf: hoe lang nog? *Nieuwsbrief Strafrecht*, 17 (10), 1110-1123.

Claessen, J.A.A.C. (2013). Terugblik op een gemiste kans: elektronische detentie 'aan de voorkant'. *Nieuwsbrief Strafrecht*, 1452-1456.

Leeuw, H.B.M., Morawski, M & Leeuw, F.L. (2013). Internet en toezicht. *Tijdschrift voor Toezicht*, 4, 67-76.

Spronken, T.N.B.M. (2013). Het Handvest van de grondrechten van de EU en de rechten van de verdediging. In *Bijeenkomst Expertgroep Europees Strafrecht LOVS 18 Januari 2013 Utrecht*.

Vanderhallen, M., Vervaeke, G., Mulleners, F. & Michaux, E (2013). Experiences from training and supervision in real (video-recorded) suspect interviews in Belgium: pitfalls and opportunities. *II-RP Journal*, 5 (1), 36-45.

Wetensch. publicatie

Boksem, J. (2013). Gerard en Laura; op zoek naar het recht. In J.H. van Dijk, I. van de Meer & S. Smeets (Eds.), *Meesterlijk, Gerard Spong 40 jaar (cassatie)advocaat* (pp. 469-470). Deventer: Kluwer (ISBN 978-90-1311-774-5).

Boksem, J. (2013). Klaarblijkelijk onvoldoende belang; enkele gedachten naar aanleiding van het nieuwe artikel 80a RO. In M. Groenhuijsen, T. Kooijmans & J. Ouwerkerk (Eds.), *Roosachtig strafrecht; liber amicorum Theo de Roos* (pp. 1-15). Deventer: Kluwer (ISBN 978-90-1311-673-1).

Claessen, J.A.A.C., Ouwerkerk, J., Wit, Th. de, Jacobs, P. & Meijer, S. (2013). Inleiding. In *Hoe te reageren op misdaad? Op zoek naar de hedendaagse betekenis van preventie, vergelding en herstel* (pp. 13-18). Den Haag: SDU uitgevers.

Claessen, J.A.A.C. (2013). Misdaad en straf vanuit mystiek perspectief. Een alternatief voor reguliere vergelding en preventie. In R. van Steden & J. Hoogland (Eds.), *In vertrouwen leven. Tegendraadse beschouwingen over veiligheid* (pp. 134-147). Amsterdam: Buijten & Schipperheijn Motief (ISBN 9789058817051).

Claessen, J.A.A.C. (2013). Misdaadconflicten, sanctiedoelen en mensbeelden. Een historisch overzicht in vogelvlucht. In *Hoe te reageren op misdaad? Op zoek naar de hedendaagse betekenis van preventie, vergelding en herstel* (pp. 19-49). Den Haag: SDU uitgevers.

Eliantonio, M., Backes, Ch.W., Rhee, C.H. van, Spronken, T.N.B.M. & Berlee, A. (2013). Standing up for your right(s) in Europe. A comparative study on legal standing (Locus Standi) before the EU and Member States' courts (*Ius Commune Europaeum*, 116). Antwerp-Oxford: Intersentia (ISBN 978-178-0681-56-6). (xiv + 594 p.)

Horselenberg, R., Bergen, S. van & Smeets, T. (2013). Taking the computer crash to prison. In *False confessions among prisoners*.

- Keiler, J. & Klip, A.H. (2013). Substantive Criminal law in the European Union. In M.J.C. de Visser & A.P. van der Mei (Eds.), *The Treaty on European Union 1993-2013: Reflections from Maastricht (Ius Commune Europaeum, 123)* (pp. 289-308). Antwerp-Cambridge: Intersentia (ISBN 978-1-78068-206-8).
- Leeuw, F.L.L. & Nelen, H. (2013). Evaluating Counterterrorism: The Case of the Netherlands. In J.E. Furubo, R.C. Rist & S. Speer (Eds.), *Evaluation and Turbulent Times. Reflections on a discipline in Disarray (Comparative Policy Evaluation, 20)* (pp. 179-196). New Brunswick: Transaction Publishers (ISBN 978-1-4128-5174-9).
- Nelen, H., Peters, M. & Vanderhallen, M. (2013). *Recherchesamenwerking in de Euregio Maas-Rijn. Knooppunten, knelpunten en kansen (Politiekunde, 50)*. Zeist: Politie en Wetenschap (ISBN 978-90-3524-664-5).
- Nelen, H. (2013). Corruption Dutch style. In S. Caneppele & F. Calderoni (Eds.), *Organized Crime, Corruption and Crime Prevention* (pp. 159-168). New York: Springer (ISBN 978-3-319-01838-6).
- Nelen, H. (2013). De bijzondere opsporingsdiensten. In F.C.M.A Michiels & E.R. Muller (Eds.), *Handhaving (Handboeken Veiligheid)* (pp. 291-308). Deventer: Kluwer (ISBN 978-90-13-09693-4).
- Nelen, H. & Leeuw, F.L. (2013). Evaluating Counterterrorism: The Case of the Netherlands. In *Evaluation and turbulent times. Comparative Policy Evaluation* (pp. 179-197). New Brunswick London: Transaction Publishers.
- Nelen, H. (2013). Life without Parole. In H. Nelen & J. Claessen (Eds.), *Beyond the Death Penalty. Reflections on Punishment (Maastricht Centre for Human Rights)* (pp. 241-251). Cambridge - Antwerpen - Portland: Intersentia (ISBN 978-1-78068-060-6).
- Nelen, H. & Huisman, W. (2013). Van sterke vrouwen tot slachtoffers. Reflectie op de ontwikkelingen in het Amsterdamse prostitutiebeleid. In C. Kelk, F. Koenraadt & D. Siegel (Eds.), *Veelzijdige gedachten (Pompe Reeks, 75)* (pp. 203-214). Den Haag: Boom/Lemma (ISBN 978-94-6236-027-3).
- Roef, D. (2013). Strafrechtelijke verantwoordelijkheid, bewustzijn en neuroreductie. Waarom schuld niet in het brein zit en hersenscans geen gedachten kunnen lezen. In M. Groenhuijsen (Ed.), *Roosachtig strafrecht - Liber Amicorum Theo de Roos* (pp. 527-550). Deventer: Kluwer (ISBN 978-90-13-11673-1).