

Maastricht University Faculty of Law	
Area of Research	Criminal Law, Criminal Procedure and Legal Psychology
Affiliated Research Institute	Maastricht Centre for Human Rights and Maastricht Institute for Criminal Sciences (MICS)
Team of possible Promotor(s) and reference publications	<p>Dr. D. de Vocht (dorris.devocht@maastrichtuniversity.nl) Dr. R. Horselenberg (robert.horselenberg@maastrichtuniversity.nl)</p> <ol style="list-style-type: none"> 1. A. Pivaty, A. Beazley, Y. Daly, L. Beckers, D. de Vocht and P. ter Vrugt, Opening Pandora's box: The right to silence in police interrogations and the Directive 2016/343/EU, <i>New Journal of European Criminal Law</i> 2021, vol. 12-3, p. 328-346 2. A. Pivaty, A. Beazley, Y. Daly, D. de Vocht and P. ter Vrugt, Strengthening the protection of the right to remain silent at the investigative stage. What role for the EU legislator?, <i>New Journal of European Criminal Law</i> 2021, vol. 12-3, p. 427-448 3. A. Pivaty, P. ter Vrugt, D. de Vocht, H. Hübner and R. Knehans, The right to silence in the Netherlands, <i>Boom Eleven</i> 2021 (forthcoming) 4. E.F.L. Maegherman, K. Ask, R. Horselenberg, & P.J. van Koppen, P. J. (2021). Test of the analysis of competing hypotheses in legal decision-making. <i>Applied Cognitive Psychology</i>, 35(1), 62-70. https://doi.org/10.1002/acp.3738 5. N.M. Adams-Quackenbush, A. Vrij, R. Horselenberg, L.P. Satchell, & P.J. van Koppen, (2020). Articulating guilt? The influence of guilt presumption on interviewer and interviewee behaviour. <i>Current Psychology</i>. https://doi.org/10.1007/s12144-020-00726-z 6. N. Anakwah, R. Horselenberg, L. Hope, M. Amankwah-Poku, & P.J. van Koppen, (2020). Cross-cultural differences in eyewitness memory reports. <i>Applied Cognitive Psychology</i>, 34(2), 504-515. https://doi.org/10.1002/acp.3637
Additional Supervisor(s)	Depending on the topic: dr. Anna Pivaty
Faculty Research Program(s) (more options possible)	X Global Justice X Cross-border Cooperation and Mobility
Applicable Chinese Government Sectors for Talent Development	<ul style="list-style-type: none"> • 三、人文与社会科学领域 / Humanities and Social Sciences
Proposed list of topics (non exhaustive)	<p>The embedding of the right of silence in the Chinese criminal procedure</p> <p>The right to silence is one of the most important procedural rights and a generally recognized international standard which lies at the heart of the notion of a fair trial. It is, however, also a controversial right. This is especially true for the Chinese context where, traditionally, there has</p>

	<p>always been a legal duty to provide evidence for those that have information on a criminal case. This obligation has clear links to Confucian principles relying heavily on protecting society above all. Over the last few years, some legal changes have been made – introducing the privilege against self-incrimination – but the current legal framework is still open for misinterpretation. As a result, the recognition of the right to silence – both in law and practice – remains unclear. This project will increase insight in the implementation of the right to silence in Chinese criminal procedure.</p> <p>Given the fact that the presumption of innocence and the privilege against self-incrimination – as the foundations of the right to silence – are more or less ‘absolute’ principles of western criminal procedure, the project will also focus on the importance of the cultural context in the promotion of due process rights. More specifically, the project will consider whether and how these western principles can be reconciled with the Chinese approach to criminal investigation.</p> <p>The project would be an Asian follow up of the current EmpRiSe project focusing on the right to silence in the law and practice of four European legal systems (see: www.empriseproject.org)</p>
Methodology	<p>The project will consist of two stands:</p> <ul style="list-style-type: none"> • A legal study focusing on the scope and meaning of the right to silence at the investigative stage in China (including consequences of full or partial silence, the legal definition of unlawful pressure during interrogation and the relationship between RTS and other procedural rights such as the right to information and the right to legal assistance) and • Empirical studies centering on how the right to silence is exercised in the investigative stage – focusing on both interviewer and interviewee – in practice and how this (potentially) impacts final decision-making. The findings of the legal study will be implemented in these empirical studies.