

**Maastricht University****Maastricht Centre for Human Rights**

NEWSLETTER NUMBER 2 (2021)

IN BRIEF: HUMAN RIGHTS CENTRE MEMBERS IN ACTION

Presentation on the UN Convention on the Rights of Persons with Disabilities

In May 2021, PhD candidate Hanxu Liu gave a presentation on the UN Convention on the Rights of Persons with Disabilities and the Sustainable Development Goals at an online event for the UN Student Association of Maastricht University.

Sender: Lisa Waddington

Online-Lecture by Professor Fons Coomans

On 29 June 2021, Professor Fons Coomans gave a lecture on the Protection of the Right to Education in the Thessaloniki Summer Course on Social Rights in International Law.

Sender: Fons Coomans

Presentation on ICT Accessibility Standards for Persons with Disabilities

Dr. Andrea Broderick was invited to give a presentation on Information and Communications Technology Accessibility Standards at the seminar on Global Standards and EU Law: Challenges for EU Administrative Law, which took place in the form of a webinar on 17 June 2021.

Sender: Andrea Broderick

Professor Lisa Waddington presented on Disability Rights Research

On 23 June 2021, Professor Lisa Waddington presented the disability rights research conducted at Maastricht University to the Annual Netherlands Network of Human Rights Research.

Sender: Lisa Waddington

European Disability Forum Workshop on Access to Health

On 15 June 2021, Professor Lisa Waddington gave an online plenary presentation on the prohibition of disability discrimination with regard to healthcare in the European Union during the European Disability Forum Workshop on Access to Health.

Sender: Lisa Waddington

Ph.D. Defence by Bart Kleine Deters and Thesis Supervision by Professor Fons Coomans

On 28 June 2021, Ph.D. candidate Bart Kleine Deters from the Maastricht School of Governance/UNU Merit defended his thesis on 'A Quantitative Approach to the Right to Education: Concept, Measurement and Effects'. The thesis was supervised by Prof. Fons Coomans, Dr. Zina Nimeh, Dr. Gustavo Arosemena Solorzano and Dr. Kaj Thomsson.

Sender: Fons Coomans

The Edited Volume *Myth or Lived Reality – On the (In)Effectiveness of Human Rights* will be translated into Arabic

Earlier this year Claire Boost, Dr. Andrea Broderick, Professor Fons Coomans and Dr. Roland Moerland published the edited volume *Myth or Lived Reality – On the (In)Effectiveness of Human Rights* with Asser Press/Springer. The book contains the papers that were presented at the Annual Research Day of the Netherlands Network for Human Rights Research, which took place in Maastricht in 2019. The editors have recently been informed by the publisher that the book will be translated into Arabic.

Sender: Fons Coomans

Appointment to Faculty Positions

In April 2021, Andrea Broderick was appointed as Programme Director for all of the European Law School Master programmes at Maastricht University. In 2021, Andrea was also appointed as a member of the Board of Admissions.

Sender: Andrea Broderick

Association of Human Rights Institutes Annual Conference 2021

Between 26-28 August 2021, the AHRI (Association of Human Rights Institutes) Annual Conference 2021 took place online, with keynote speaker Professor Michael Stein. This year's conference was organised by Dr. Ingrid Westendorp, Dr. Jennifer Sellin, Professor Fons Coomans, Professor Lisa Waddington, Dr. Gustavo Arosemena Solorzano, Dr. Laura Visser, Dr. Andrea Broderick and Felix Peerboom.

Sender: Lisa Waddington

Professor Lisa Waddington discussed the UN Convention on the Rights of Persons with Disabilities in Practice

In May 2021, Professor Lisa Waddington and Professor Anna Lawson discussed their edited version of the UN Convention on the Rights of Persons with Disabilities in Practice in the 'New Books Law' podcast, hosted by Jane Richards. The full podcast episode can be found at the following link: <https://newbooksnetwork.com/the-un-convention-on-the-rights-of-persons-with-disabilities-in-practice>

Sender: Lisa Waddington

Events of the European Master Programme in Human Rights and Democratisation

From 22-28 September 2021, Dr. Andrea Broderick was in Venice in order to examine students of the European Master Programme in Human Rights and Democratisation (EMA) in their oral thesis defence and to attend the graduation ceremonies of EMA students. While there, Andrea also took part in meetings of the EMA Executive Committee and those of the Global Campus of Human Rights. Andrea will travel to Venice again in mid-October to teach students of the European Master Programme in Human Rights and Democratisation.

Sender: Andrea Broderick

Annual Conference on Inequality in a Time of a Global Crisis at Berkeley Centre on Comparative Equality and Anti-Discrimination Law

On 14-16 July 2021, the Berkeley Centre on Comparative Equality and Anti-Discrimination Law organized an Annual Conference on Inequality in a Time of Global Crisis. The conference dealt with the question: what have we learned about effective and proportionate responses? The last day of the conference included a workshop on the promotion of the rights of persons with disabilities, and reflections on law and practice.

Sender: Lisa Waddington

Student Trainee Milena Franke has been nominated for the UM Student Award 2021

Milena Franke, Student Trainee at our Centre, has been nominated for the annual UM Student Award 2021. The award is a token appreciation for students who have been able to deliver remarkable social and/or cultural performances in addition to their studies. Founded in May 2020, Milena's project Cosmopolitan Talks has developed itself into a self-driven, international group of young people aiming to embrace peacebuilding through podcasting. As the team consists of members from all over the world, activities for the podcast have been conducted virtually but with a common goal: enhancing international peacebuilding and migration in times of COVID-19, and offering funding opportunities for asylum seekers in Europe. The most recent podcast episode on the effect of PTSD on migrants can be found at the following link: <https://www.linkedin.com/company/cosmopolitan-talks/>

Sender: Milena Franke

**NOTICE TO MEMBERS OF THE CENTRE REGARDING THE CREATION OF
THE MAASTRICHT BLOG ON TRANSITIONAL JUSTICE BY FABIÁN
RAIMONDO AND ANDREA TRIGOSO IBAÑEZ**

Dear colleagues,

We are very excited to announce the very recent creation of the Maastricht Blog on Transitional Justice (www.transitionaljustice.net).

The goal of this new website is to foster discussion on prosecution initiatives, reparations for victims, truth-seeking processes, and institutional reform, in order to cope with a legacy of large-scale human rights violations.

Blog posts, interviews and book reviews will be published in English, French or Spanish. Content will be constantly updated, with the help of an increasing number of correspondents from all over the world.

Like us on [Facebook](#) or follow us on [Twitter](#).

Thank You!

Fabián Raimondo, Editor-in-Chief

Andrea Trigoso, Editor

Renée de Geus, Editor

Sender: Andrea Trigoso Ibañez

NOTICE FROM THE DARE RESEARCHERS: PHD CANDIDATES ADRIANA CABALLERO-PÉREZ AND HANXU LIU PARTICIPATED IN THE VIRTUAL SUMMER SCHOOL 2021 OF BOCHUM'S PROTESTANT UNIVERSITY OF APPLIED SCIENCE IN GERMANY

On 16 June 2021, UM Ph.D. researchers, Hanxu Liu and Adriana Caballero, as well as other members of DARE (Disability Advocacy Research in Europe) participated in a virtual session of the 2021 Summer School at Bochum's Protestant University of Applied Science (Germany). The Summer School was coordinated by the former Chairperson of the UN Committee on the Rights of Persons with Disabilities, Professor Theresia Degener.

In the session, the UM researchers shared their thoughts and observations regarding discussions on the participation of persons with disabilities and disabled people's organisations (DPOs) in public and political life, as required by the UN Convention on the Rights of Persons with Disabilities (CRPD). They also shared with attendants at the Summer School some interesting and inspiring information about their past working experiences and current research projects.

During the discussion, Adriana presented her PhD study on the political participation of persons with disabilities in voting in Spain and the UK, while Hanxu introduced her PhD study dealing with the interactions between DPOs in European countries and the main UN human rights bodies for international monitoring of the CRPD.

Participants in the Summer School also shared their thoughts on DPOs' participation in different contexts and activities, such as shadow reporting. This was an interesting session for all attendants and a way to learn more about the relevant aspects of the right of persons with disabilities to participate in society.

If you are interested in the UM researchers' work in the DARE project, please visit the DARE research website (http://dareresearch.eu/?page_id=154) for more information!

#ResearchDARE

Sender: Adriana Caballero-Pérez

THE EMPRISE PROJECT HOLDS SUCCESSFUL WEBINARS

On 28-29 June 2021, two successful webinars were held, marking the end of the EmpRiSe project (Right to Silence and Related Rights in Pre-trial Suspects' Interrogations in the EU: Legal and Empirical Study and Promoting Best Practice). The EmpRiSe project is an international research project aimed at improving the policy discourse around the right to silence in criminal proceedings in the EU. The project was coordinated by Maastricht University, in collaboration with the Universities of Antwerp and Leuven, and Dublin City University, and is funded by the European Commission.

The webinars, attended by about 100 participants, brought together academics, policy-makers and practitioners to discuss issues around the protection of the right to silence in police interrogations from an interdisciplinary perspective and to investigate possibilities for EU action. The first webinar discussed the national findings on the law and practice around silence in police interrogation in four EU countries: Belgium, Ireland, Italy and the Netherlands. Each of these jurisdictions faces unique challenges with regard to ensuring effective protection of the right to silence in criminal proceedings in law and in practice. However some of the issues are similar, such as limited disclosure of case-related information to lawyers and suspects at the investigative stage; unclarity around the practice of drawing adverse inferences and probative value attached to silence; and the tendency to attach various kinds of negative consequences to suspects' silence interpreted as non-cooperation with the investigation and the proceedings (or, conversely, to attach benefits to cooperation). The second webinar addressed the possible solutions to the issues identified in the national reports, and the action to be taken at the EU level and domestically with a view to ensuring better protection of the right to silence and other procedural rights of suspects in criminal proceedings. Panelists in the second webinar included Dr Fabien Le Bot from the European Commission, Emmanuelle Debouverie from Fair Trials, Dr Dorris de Vocht from Maastricht University and Limburg District Court, Netherlands and Shalom Binchy from Binchy & Co. Solicitors, Ireland. Finally, Professor Yvonne Daly presented the experience of the training program for criminal defence lawyers organised by the EmpRiSe project in Ireland.

Participants agreed that legislating with a view to ensuring better protection of the right to remain silent is a perilous task. The right to silence is particularly theoretical, complex and intertwined with other fundamental principles of criminal procedure and procedural rights. Improving disclosure regimes, strengthening the right to legal assistance at the investigative stage, and developing better safeguards around the drawing of adverse inferences and remedies for breaches of the right to silence were named among possible legislative interventions. However, it was noted that improving legislation on the right to silence at the EU and national levels provides only partial solutions, because effective protection of the right depends on the attitudes, cultures and practices of the respective actors; and primarily judges, prosecutors and police. The centre of gravity of the respective action should rather lie in practical measures, such as developing better procedures and methods for interrogating suspects, and providing training aimed, *inter alia*, at raising awareness of the respective actors of the importance of the right to silence as a crucial element of the right to a fair trial. A full report and recordings of some presentations can be found at <https://empriseproject.org/>.

Sender: Dorris de Vocht

A MESSAGE OF SOLIDARITY FROM DR. ROLAND MOERLAND AND PROFESSOR THEO VAN BOVEN TO VICTIM-SURVIVORS OF THE JAPANESE WARTIME MILITARY SEXUAL SLAVERY

The 14th of August 2021 marked the 30th anniversary of Kim Hak-soon's public testimony, in which she openly spoke about the sexual crimes that the Japanese Imperial Forces committed against her and many other women during the Asia Pacific War. To raise attention to Kim Hak-Soon's courageous act, Professor Theo van Boven and Dr. Roland Moerland composed the following message for the International Conference that was organized to commemorate this historical event. Their message was presented among many other contributions from those involved in the longstanding fight for justice and who wished to express their solidarity with the victim-survivors of Japanese wartime military sexual slavery.

Message of solidarity: "Together with my university colleague Dr Roland Moerland, I recall a meeting I attended as UN Special Rapporteur, held on December 12, 1992, between Korean and Japanese scholars and the victims of sexual slavery. Without Kim Hak Soon's courageous public testimony one year earlier, such a meeting would not have been possible.

The testimonies of the victims at this meeting aimed: (1) to reveal the truth about what happened to them; (2) to restore their dignity and honour; (3) to serve as a compelling argument that the horrors of the second world war never be repeated. Where do we stand today at the 30th Anniversary of Kim Hak-soon's Public Testimony? Kim Hak-soon's testimony has been instrumental in revealing the truth about the crimes against humanity committed by the Japanese military forces. Her revelations triggered, to speak in Stanley Cohen's terms, 'a truth phase' empowering victims to break the silence and speak out about their experiences, which in turn motivated human rights activists and scholars to look into the matter. Despite the fact that the evidence of what happened to the victims is indisputable, restoring the dignity and honour of the victims has remained a serious challenge due to the glaring lack of accountability for the crimes perpetrated and the pervasive denial of the historical facts. Such impunity and negation have serious negative implications for the prevention of sexual crimes. Due to these challenges, the victimization of the women remains a continuing human rights concern that requires our utmost attention, especially given the fact that only few survivors remain. The crimes against humanity perpetrated against the victims continue to beleaguer our hearts and minds and we remain committed to the victims who still have not received any meaningful redress.

We call upon the international community to show solidarity with the victims and take action so that the victims can receive justice for the crimes committed against them."

Sender: Roland Moerland

NO TO IMPUNITY, YES TO ACCOUNTABILITY

On 27 August 2021, the Alliance for Public Awareness, an organization having the support of Amnesty International and a good deal of academic and political experts, convened a panel to recall the 1988 massacre of many thousands of political prisoners in Iran. The Alliance, in solidarity with the families of the victims of the 1988 massacre, envisages an independent inquiry under United Nations auspices into the 1988 massacre, with due regard to the role played over the years by Mr Ebrahim Raisi, currently the President of Iran.

The panel convened on 27 August 2021, counted among its participants a large number of European human rights experts, among them Theo van Boven, honorary Professor of international law at Maastricht University, former Director of the UN Division of Human Rights and former UN Special Rapporteur on Torture.

The present note, in line with the mantra “No to Impunity, Yes to Accountability” reproduces below the summary of the presentation that Professor Theo van Boven delivered on 27 August 2021:

- Recollection of being among the more than 150 former United Nations officials and international human rights experts who in the month of May 2021 called on the UN High Commissioner for Human Rights for a UN Inquiry into the 1988 massacre.
- The inalienable right to truth about past events concerning the perpetration of crimes against humanity and the reasons that led, through massive and systemic violations, to the perpetration of these crimes.
- The recent taking office by Ebrahim Raisi as President of Iran involved, while holding previous functions and exercising authority, large scale killings occurring across the country, among these the 1988 massacre of many thousands of political prisoners, thus putting into serious question the role and the accountability of Ebrahim Raisi.
- A call for an independent inquiry, under the auspices of the United Nations, into the 1988 massacre with due regard to the role – and, most pertinently, the accountability – of the current President of Iran.

Sender: Marie-Louise van Thoor-Coninx

PHD DEFENSE OF LIZ AYRE ON CHILDREN AFFECTED BY PARENTAL IMPRISONMENT

On the 5 July, Liz Ayre defended successfully her Ph.D. thesis at Maastricht University. Her interdisciplinary study on children affected by parental imprisonment has been supervised by Professor Tannelie Blom (Faculty of Arts and Social Studies) and Dr. Ria Wolleswinkel (Faculty of Law), both emeriti. The title of the thesis is: "From Glass Walls to 'Windows of Opportunity': Framing and Policy Processes for Children affected by Parental Imprisonment." Liz chose an interdisciplinary and strong empirical approach to her Ph.D. research by using a well-constructed analytical framework. Her case study was on Ireland.

Liz is currently living in Paris and working there as Director of Children of Prisoners Europe (COPE). She is one of the founders of European network. While she was doing her Ph.D. research at Maastricht University, she already published and participated at academic level in the COPING network, in the drafting of the Recommendation for children affected by parental imprisonment for the Council of Europe and in the UN study on children deprived of their liberty. It is admirable that she managed to achieve the highest academic degree at her Ph.D. defense, as well as continuing her role in her demanding job.



Sender: Maria Wolleswinkel

WISSELPEN: MEMBERS' PROFILE

In this column, a member of the Centre talks about themselves, related to their areas of expertise, interests/hobbies, etc. The 'Wisselpen' will subsequently be passed on to another member of the Centre. In this edition, Hanxu Liu tells us something about herself:



Where is home? Maastricht or China.

Age: 32

Current position: PhD researcher

Brief overview of professional career: My current P.h.D research focuses on the interactions between national Disabled People's Organisations in Europe and the UN human rights mechanisms with a view to monitoring the implementation of the UN Convention on the Rights of

Persons with Disabilities (UNCRPD). Before my Ph.D. began, I had nearly six years of experience working in NGOs and a university, having experience in management, human rights education and research on disability rights, as well as UNCRPD implementation in China and other East Asian countries.

Areas of expertise: The UN Convention on the Rights of Persons with Disabilities, disability rights advocacy, human rights implementation and monitoring.

Interests and hobbies: Critic movies and trying to grow plants.

Unforgettable book: *Far from the Tree: Parents, Children and the Search for Identity* by Andrew Solomon; and *Taipei People* by Pai Hsien-yung (in Chinese).

Unforgettable record: What a Wonderful World by Louis Armstrong.

Most amazing city: Berlin.

Most memorable journey: To Reykjavik, Iceland. I was amazed by the unique architecture, landscape, animals and seeing the midnight sun there.

I hand the Wisselpen to: Adriana Caballero Perez

SELECTED PUBLICATIONS

- Andrea Broderick and Silvia Favalli, ‘The Transition from Institutional Care to Community Living in the EU: Lessons Learned in the Shadows of the Covid-19 Pandemic’ *European Yearbook on Human Rights* (2021).
- Andrea Broderick, ‘Positive Action’ in Christina Binder, Manfred Nowak, Jane Hofbauer and Philip Janig (eds.), *Edgar Encyclopedia of Human Rights* (Edward Elgar Publishing, 2021).
- Andrea Broderick, ‘Prohibition of Discrimination’ in Christina Binder, Manfred Nowak, Jane Hofbauer and Philip Janig (eds.), *Edgar Encyclopedia of Human Rights* (Edward Elgar Publishing, 2021).
- Andrea Broderick and Delia Ferri, ‘Kargakis v. Greece: Protection in Substance for Detainees with Disabilities but a Web of Missed Opportunities’ (Blog Post, Strasbourg Observers, March 12 2021), <https://strasbourgobservers.com/2021/03/12/kargakis-v-greece-protection-in-substance-for-detainees-with-disabilities-but-a-web-of-missed-opportunities/>
- Claire Boost, Andrea Broderick, Fons Coomans and Roland Moerland (eds.), *Myth or Lived Reality: On the (In)Effectiveness of Human Rights* (Asser Press - Springer, 2021).
- Fons Coomans and Miguel Ruiz Díaz-Reixa. 2021. ‘Effectiveness of the ICESCR Complaint Mechanism – An Analysis and Discussion of the Spanish Housing Rights Cases’, in *Myth or Lived Reality – On the (In)Effectiveness of Human Rights*, The Hague, 2021, edited by Claire Boost, Andrea Broderick, Fons Coomans and Roland Moerland (eds.) (Asser Press/Springer, 2021).
- Fons Coomans. 2021. ‘The Impact of COVID-19 on the Development Rights of Children: A Human Rights Perspective’, <https://www.childrensrightsresearch.com/stories/27-children-s-rights-in-unrecognized-states-theory#story29july2021>
- Roberta Haar, ‘Foreign Policy Change from an Advocacy Coalition Framework Perspective’ *International Studies Review* (2021), <https://doi.org/10.1093/isr/viab044>.
- Marieke Hopman, ‘Wait, what are we fighting about? – Kelsen, Ehrlich and the reconciliation of normative jurisprudence and sociology of law’, *Journal of Legal Pluralism* (2021).
- Marieke Hopman, ‘Report on child’s rights to freedom of expression in the Western Sahara’ *Children’s Rights Research* (2021) <https://childrensrightsresearch.com/stories/27-children-s-rights-in-unrecognized-states-theory#story29july2021>

UPCOMING EVENTS

- Professor Roberta Haar will present at the Riga Conference on International Security on 15-16 October 2021.
- Dr. Andrea Broderick, Professor Fons Coomans and Dr. Vanessa Tünsmeier will host several workshops at the upcoming Netherlands Network of Human Rights Research on 5 November 2021.
- On 18 & 19 November, Loevestein castle, in collaboration with Maastricht University and Lab Toekomstige Generaties (Lab Future Generations), will organise a symposium on the human rights of future generations. This symposium is part of the Hugo de Groot (Grotius) year, in which Grotius' work is commemorated 400 years after his escape from Loevestein Castle in 1621. During the symposium, international speakers will discuss the question how our legacy will be judged in 400 years from now, in 2421? A very contemporary idea in this respect is Grotius' personal motto which may inspire us: Ruit hora, time is running away! More info, including tickets, can be found [here](#).

EDITORS' MESSAGE

You are more than welcome to deliver input for our newsletter! If you have something you would like to share with the other members of the Centre, please submit your information to the editors (see below). Please do not hesitate to contact us if you have any questions or suggestions.

You can also follow the Centre on Twitter!

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