



Maastricht University

Maastricht Centre for Human Rights



Annual Report 2014

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About the Centre

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.



Membership

Director

Professor Fons Coomans



Board Members

Hans Nelen

Ria Wolleswinkel

Roland Moerland

Ingrid Westendorp

Dorris de Vocht

Benedicta Deogratias



Administrator

Chantal Kuypers



Mission

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

The Centre participates in several research networks and partnerships.

Member of the 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.

Partner of the European Inter-University Centre for Human Rights and Democratisation (EIUC).



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), 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**.

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 2014

Project: Shelter City Maastricht



Recently Maastricht's City Council decided to participate in the Shelter City programme, which is run by the human rights organisation Justice and Peace. The international city of Maastricht wants to facilitate the debate on both local and international human rights. Part of this is Maastricht Shelter City, a programme in which the municipality, in cooperation with Maastricht University and the human rights organisation Justice and Peace, will offer shelter to four defenders of human rights over the next two years.

Human rights defenders are people who, within an organisation or as individuals, stand up for fundamental rights and freedoms. They shed light on abuses by authorities, or are committed to the fight against impunity and human rights violations. Their activities are suppressed or restricted in their own countries and they are being harassed, threatened or even physically attacked in their daily lives. The Shelter City programme offers them hospitality and a safe place in a city where they can enjoy working on their international networks, provide information about the human rights situation in their countries and discuss these situations with citizens. After a three - month stay, they can return to their home countries and continue their work with new energy and knowledge, and a broader network.

The four human rights defenders will each be given shelter for three months in Maastricht. The municipality of Maastricht, in cooperation with Maastricht University (Faculty of Law and the University College Maastricht) and Justice and Peace, will house these people. Justice and Peace are responsible for the selection of the human rights defenders who will stay here, by order of the Ministry of Foreign Affairs. The other cities that have welcomed human rights defenders through this programme are The Hague, Utrecht, Middelburg and Nijmegen.

More information at <http://en.justiceandpeace.nl/>

Discussion Panel on the Sovereignty Dispute over the Falklands/Malvinas: Competing Claims and Pros

16 October 2014

Conveners: Dr Fabian Raimondo and Professor Jure Vidmar. Keynote speakers: Professor Marcelo Kohen (Graduate Institute, Geneva) and Mr Ivan Briscoe (Senior Research Fellow, Clingendael Institute).

Conference: Legal Aspects of Land Rights

19 – 20 October 2014

The theme of the conference, organized by the Maastricht Centre for Human Rights, was “Legal aspects of land rights and the use of land in Asia, Africa, and Europe”. The conference was an initiative of the faculties of law of Maastricht University and five Indonesian universities, i.e. University of Indonesia, Jakarta; Gadjah Mada University, Yogyakarta; Padjadjaran University, Bandung; Udayana University, Denpasar; and University of North Sumatra, Medan.

E.MA Program Participation

The Faculty of Law hosted several master students who chose to spend their second semester of the **E.MA Programme in Human Rights and Democratisation** in Maastricht. The one-year programme is organised by the EIUC Venice in cooperation with 41 European universities and the European Union.

Lunch Lectures

“Research on Genocide Prevention by Bystanders” held by Fred Grünfeld, Wessel N. Vermeulen and Jasper Krommendijk on 22 January 2014

“Marital Captivity” held by Benedicta Deogratias, Esther van Eijk and Pauline Kruiniger, 4 November 2014

“Business and Human Rights — Home State Obligations to Regulate Multinational Corporations Abroad” held by Liang Yu, 15 December 2014

“Rethinking obstacles to extradition” held by Miguel Joao Costa, 21 January 2015



5th Theo van Boven Lecture: Hina Jilani and Human Rights Defenders on the Front line

12 November 2014

The 5th Theo van Boven lecture was held at the Faculty of Law. This annual lecture is organized by the Maastricht Centre for Human Rights in honour of Theo van Boven, co-founder of the Centre. The event started with a short film about Theo van Boven's work as Director of the United Nations Division for Human Rights in Geneva from 1977-1982.

This year's lecture was delivered by Mrs. Hilani Jilani from Pakistan. The title of her address was "Defending Rights: Human Rights Defenders in the Front Line". Human rights defenders are persons, groups or organisations who stand up and speak out for respect and protection of human rights. They denounce human rights violations by states and non-state actors. In many cases human rights defenders have been subject to harassment, threats, arrest, detention, unfair trials, ill-treatment and sometimes killings. Mrs. Jilani was the first Special Representative of the United Nations Secretary-General on Human Rights Defenders from 2000-2008. This position performs an important protective function where human rights of defenders are at risk.

Lecture: Human Rights Crisis in Europe

8 December 2014

Nobel Peace Prize laureate Thomas Hammerberg gave a human rights crisis in Europe by highlighting the questions of justice and prominent realities basic freedoms are in danger: the response to the economic crisis on the part of the through hostile policies that undermine social and economic rights and

lecture on

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to the rights of minorities.



Conference: Denialism and Human Rights

22 & 23 January 2015

On 22 and 23 January 2015, in the follow up of the Research Seminar on Denialism and Human Rights, held on 18 June 2014, the Maastricht Centre of Human Rights hosted a multi-disciplinary conference on the same topic at the University of Maastricht, bringing together, scholars, experts and students from different disciplines. During two days the phenomenon of denialism was explored by various speakers each providing with insightful contributions to the definition, mechanisms, and implications of denialism in a several of contexts. Twenty-eight panels complemented further discussion and allowed for all participants to familiarize with the notion of denialism and explore its processes in a wide range of fields. The conference had three aims, respectively to foster the conception and definition of denialism, to identify the processes and implications of denialism in practice, and to stimulate discussion on how to respond to denialism.

As the conference was coming to an end, Professor Nelken summarised the findings of the panel sessions and the input of the various keynote speakers. He highlighted the characteristics of denialism as the denial of human rights, the denial of the holocaust, genocide denial, hate speech denial, and the individual and collective denial of information about human suffering. He then proceeded to identify the common threats that enables denialism to operate in society; these being the justification of denial, or re-interpretation of events whereby, whether in good or bad faith, human suffering is diluted or understated. As for the needed responses, human rights and the strengthening thereof was considered as a vital is the first step in responding to not only to human suffering but also to the process of denial of human suffering.

Conference: Equal Rights And Accessible Environments - The UN CRPD & EU Disability Law And Policy

3 – 4 April 2014

Andrea Broderick and Stelios Charitakis, Ph.D. candidates and Marie Curie Research Fellows at the Faculty of Law organised a conference at Maastricht University entitled “Equal Rights and Accessible Environments: The UN CRPD and EU Disability Law and Policy.” This event was facilitated by the Marie Curie Programme of the European Commission and took place within the framework of the DREAM (Disability Rights Expanding Accessible Markets) project, which is jointly hosted by Maastricht University. The conference was supported by Professor Lisa Waddington and many faculty staff who acted as Chairs at the conference. The event represented the culmination of the research efforts which Andrea and Stelios have undertaken thus far in the DREAM project. It also represented an opportunity to share this knowledge with others and to learn from the perspectives of others in order to enrich research in the field of disability rights. The conference benefited from the expertise of many high profile speakers in the areas of both international and EU law. It sought to explore the potential of the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD) as a facilitator of substantive change and also the prospective impact of the UN CRPD on EU disability law and policy.

The focus of the conference as a whole was on the equal rights of persons with disabilities and the accessibility obligations of States Parties to the Convention. The conference was well attended and it was a great success, provoking constructive dialogue amongst the participants.

Ph.D. Defenses

Arosemena, G. (2014, Oktober 17). Rights, scarcity, and justice : an analytical inquiry into the adjudication of the welfare aspects of human rights. Maastricht University. Prom./coprom.: Dr. A.P.M. Coomans.

Krommendijk, J. (2014, Juli 03). The domestic impact and effectiveness of the process of state reporting under UN human rights treaties in the Netherlands, New Zealand and Finland: Paper-pushing or policy prompting? Maastricht University (461 pag.) (Cambridge: Intersentia) (ISBN 9781780682440). Prom./coprom.: Dr. A.P.M. Coomans & Prof. Dr. F. Grünfeld. - <http://pub.maastrichtuniversity.nl/74ba3351-4286-4259-848e-be3a65ceecc1>

Sellin, J.A. (2014, Juni 19). Access to medicines : the interface between patents and human rights. Does one size fit all? Maastricht University (493 pag.) (Cambridge: Intersentia) (ISBN 9781780682471). Prom./coprom.: Dr. A.P.M. Coomans & Mr. A.W.J. Kamperman Sanders. - <http://pub.maastrichtuniversity.nl/7aed664d-20ee-4e36-9bcf-396fee3c9cc1>

Publications, refereed

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Grünfeld, F. & Vermeulen, W. (2014). The Role of the Netherlands in the European Framework for an International Response on Darfur during its Presidency in 2004-2005. *Journal of Genocide Studies and Prevention*, 8 (2), 176-192.

Raimondo, F. (2014). Protegido: En busca de un método apropiado para solucionar la controversia sobre las Islas Malvinas. *Revista Latinoamericana de Derecho Internacional*, 1 (1):6. - <http://www.revistaladi.com.ar/numero1-raimondo/>

Publications, non-refereed

Waddington, L.B. & Toepke, C (2014). Maastricht Faculty of Law Working Papers, 2014/7, Moving Towards Inclusive Education as a Human Right, An analysis of international legal obligations to implement inclusive education in law and policy. Maastricht Faculty of Law Working Papers.

Scientific Publications

Arosemena, G. (2014). Human Rights. In J. Hage & B. Akkermans (Eds.), *Introduction to Law* (pp. 261-287). Cham Heidelberg New York Dordrecht London: Springer (ISBN 978-33-1906-910-4). - <http://dx.doi.org/10.1007/978-3-319-06910-4>

Coomans, A.P.M. (2014). Education and Work. In D. Moeckli & et al. (Eds.), *International Human Rights Law* (pp. 238-258). Oxford: Oxford University Press (ISBN 9780199654574).

Grünfeld, F. & Vermeulen, W.N. (2014). Failure to prevent gross human rights violations in Darfur. Warnings to and responses by international decision makers (2003-2005) (*International Criminal Law*, 6). Leiden-Boston: Brill-Nijhoff (ISBN 9789004260313 + 9789004260405). (272 p.)

Kamminga, M.T. (2014). *Challenges in International Human Rights Law*. London: Ashgate.

Kamminga, M.T. (2014). Introduction. In M.T. Kamminga (Ed.), *Challenges in International Human Rights Law* (pp. xvi-xxii). London: Ashgate.

Raimondo, F. (2014). Prosecutor v Lubanga: Organisation of Proceedings. In A. Klip (Ed.), *Annotated Leading Cases of International Criminal Tribunals, Volume XXXIX: International Criminal Court* (pp. 622-626). Antwerp: Intersentia.

Waddington, L.B., Quinn, G. & Flynn, E. (2014). The UNCRPD in Europe: Emerging Issues (Editorial). In L.B. Waddington, G. Quinn & E. Flynn (Eds.), *European Yearbook of Disability Law* (Volume 5) (pp. 1-5). Cambridge-Antwerp-Portland: Intersentia (ISBN 978-17-8068-288-4).

Professional Publications

Coomans, A.P.M. (2014). Boko Haram - Deprivation of the Right to Education. *Newsletter / School of Human Rights Research*, 18 (2), 1-2.

Kamminga, M.T. (2014). Internationaal recht. In F. Fernhout (Ed.), *Het Nederlandse recht. Een Maastrichtse inleiding* (pp. 203-223). Maastricht: Gianni.

Kamminga, M.T. (2014). International Law. In J. Hage & B. Akkermans (Eds.), *Introduction to Law* (pp. 241-259). Heidelberg: Springer.

Miscellaneous Publications

Willems, J.C.M. (2014). Een verstandige, integere en aardige man: Fred Grünfeld, genocide-onderzoeker. In Ch. Kuypers & I. Westendorp (Eds.), *The Fred Triangle* (CBS, 10232) (pp. 44-45). Maastricht: Canon Business Services.

Willems, J.C.M. (2014, September 04). Miller no longer put parents on a pedestal. *Observant*, pp. 2. - <http://www.observantonline.nl/English/Home/Articles/tabid/128/articleType/ArticleView/articleId/2790/Miller-no-longer-put-parents-on-a-pedestal.aspx>

Fernhout, F.J. (Ed.). (2014). *Het Nederlandse recht. Een Maastrichtse inleiding*. Maastricht: Gianni (ISBN 978-90-7797-018-8). (421 p.)

Grünfeld, F., Vermeulen, W. & Krommendijk, J. (2014). The failures of bystanders to prevent or stop the genocide in Rwanda. (online artikel). E-International Relations Publishing. (available: 08 may 2008). - <http://www.e-ir.info/2014/05/08/the-failures-of-bystanders-to-prevent-or-stop-the-genocide-in-rwanda/>

Haar, R. (2014). "A Reassessment of Transatlantic Security: Europe, The United States and NATO." (With Simon Duke). In *Europe Today*. Edited

by Ronald Tiersky and Erik Jones. Rowman & Littlefield Publishers, Inc.; 5th Edition. - <https://rowman.com/ISBN/9781442221109>.

Haar, R. (2014). "A Reassessment of Transatlantic Security: Europe, the United States and NATO." Paper presented at *Transatlantic Studies Association 13th Annual Conference*, University of Ghent, Belgium 7-10 July 2014.

Haar, R. (2014). "Anti-McGovernism in American Foreign Policy." Paper presented at *60th European Association for American Studies Conference*, in the workshop: War and Peace in America's Forays into the World, 3-6 April 2014, The Hague.

Lijnzaad, L. (2014). Declarations of competence in the law of the sea, a very European affair. In: Michael W.Lodge, Myron H. Nordquist, *Peaceful Order in the World's Oceans, essays in honor of Satya N.Nandan*; Brill – Nijhof, Leiden - Boston 2014, at 186 - 207.

Raimondo, F. (2014, juni 23). Immunities from Jurisdiction and Amnesty Laws. Asser Institute, The Hague, Summer Law Programme on International Criminal Law and International Legal Approaches to Terrorism.

Raimondo, F. (2014, december 09). The International Criminal Court for the Standpoint of a Practitioner. Zuyd Hogeschool, Guest Lecture in the Minor Human Rights, European Studies.

Raimondo, F. (2014). Course on International Law. Admission course: Diplomatic Academy of the Ministry of Foreign Affairs, Yerevan, Armenia (2014, maart 10 - 2014, maart 21).

Raimondo, F. (2014). The Sovereignty Dispute over the Falklands / Malvinas: Competing Claims and Prospects of Settlement. Discussion panel: Stayokay Hotel, Maastricht (2014, oktober 16 - 2014, oktober 16).

Raimondo, F. (2014). Gaza and the International Criminal Court. (blog). Maastricht: Maastricht University, Faculty of Law. (available: 03 sep 2001). - <http://law.maastrichtuniversity.nl/newsandviews/>

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- <http://kindermishandeling.net/deelsessies>

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Willems, J.C.M. (2014). Nog meer ontkenning, of onwetendheid? (blog). Maastricht: Universiteit Maastricht. (available: 26 aug 2014).

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Willems, J.C.M. (2014). Pedagogische tik of kindisme. (blog). Maastricht: Universiteit Maastricht. (available: 27 aug 2014).

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