

Research programme *Effective Protection of Fundamental Rights in a Pluralist World*

Annual report 2017



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Annual report 2017

**Research programme *Effective Protection of
Fundamental Rights in a Pluralist World***



**Universiteit
Leiden**
Leiden Law School

Leiden University, March 2018
Editors: Titia Loenen, Tjebbe Geldof, Marga Groothuis

Introduction

Dear reader,

We are pleased to present the 2017 Annual report of the research programme *Effective Protection of Fundamental Rights in a Pluralist World* (EPFR) of Leiden University, Faculty of Law.

The EPFR programme explores the dynamics of institutional and normative diversity regarding fundamental rights protection against the backdrop of the socio-cultural, political, and economic pluralism that is a prominent feature of today's world, both globally and locally. It investigates what opportunities and threats flow from the existence of this diversity for the effective protection of fundamental rights.

The EPFR research group consists of researchers from a variety of (sub)disciplinary backgrounds and from across departments and institutes of the faculty of law: Department of Constitutional and Administrative law; eLaw, Center

for Law and Digital Technologies; Department of Child Law; Van Vollenhoven Institute for Law, Governance and Society; Department of European Law; Grotius Centre for International legal studies; Institute of Immigration Law; Institute of Criminal Law and Criminology.

We hope this annual report will give you a good impression of this thriving community of researchers and their research activities in 2017. In addition to an overview of the scholarly output in this year we are pleased to present you a selection of significant events and highlights of 2017, including inaugural lectures, PhD defenses and conferences and seminars we organized.

*Titia Loenen,
EPFR Coordinator*



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Selection of highlights

Veni Scholarship for Stephanie Rap



Stephanie Rap, who is assistant professor at the Department of Child Law, has been awarded a VENI award by the national research organisation NWO. This award offers promising young scientists the opportunity to develop their own ideas over a period of three years. The

title of the research is: *Vulnerable and unheard: Refugee children and their right to effective participation in asylum procedures*. The study considers whether refugee children can participate effectively in asylum procedures in the Netherlands. Through critical analysis of legal instruments, this study will offer a nuanced understanding of the meaning of the right to participation for refugee children. In addition, qualitative methods will be used to study this right in Dutch practice, by collecting the opinions and experiences of professionals and children. The study intends to have a three-fold societal impact. The results of this study will be shared and discussed with practitioners, policymakers and academics in an expert meeting. In addition, guidelines on how to implement the right to participation will be formulated and disseminated through a training manual for professionals. Last but not least for refugee children entering the Netherlands, a child-friendly brochure will be developed providing information about their rights and the asylum procedures they face.

<https://www.universiteitleiden.nl/en/news/2017/08/veni-award-for-stephanie-rap>

Meijers Research Award for Helena Ursic



Helena Ursic has won the Meijers Award for the best article written by a PhD within the EPFR Research Program. The price is awarded once in every two years. Helena Ursic received the award for her article ‘The right to be forgotten or the duty to be remembered? Twitter data

reuse and implications for user privacy’, The Council for Big Data, Ethics and Society, October 2016. The jury held that the article not only offers strong argumentation but is also clear to non-specialists. It encourages readers to think about the problems involved. The article addresses a very topical and present-day theme. The author explores whether statements made by politicians on social media such as Twitter must be treated as private statements or not. This distinction can for example be relevant in case a politician requests permanent removal from certain statements on social media. Should the politician him or herself be able to decide, or should his or her statements be treated as ‘public speech’ which do not qualify as personal data?

For publication: <http://bdes.datasociety.net/wp-content/uploads/2016/10/Ursic-politiwoops.pdf>

EU Grant for Bart Custers



Bart Custers has been granted budget for the project INFORM (Introduction of the data protection reform to the judicial system) by the European Commission. Bart Custers is associate professor and head of research at eLaw, the Center for Law and Digital Technologies and has written the proposal with nine

partner organizations for the Directorate-General Justice and Consumers of the European Commission. As of May 2018, the General Data Protection Regulation (GDPR) will come into force. At the same time, EU member states have to implement before that date EU Directive 2016-680 regarding the protection of personal data in criminal law. The main goal of INFORM is to train trainers in all member states, in order to ensure the effective and coherent application of data protection legislation in the judicial system. For this purpose, training materials and methodologies will be developed, information days and workshops will be organized and an e-learning program will be set up. In total 180 trainers will be educated. Within the project, different target groups are distinguished, such as the judiciary, legal practitioners and court staff. eLaw will mainly focus on the introduction of Directive 2016-680 and the judiciary. The project started in October 2017 in Sofia, Bulgaria, and will take one and a half years. Bart Custers coordinates the research proposals for eLaw. During the past year, he received three research grants, totaling approximately half a million euro.

<https://www.universiteitleiden.nl/en/news/2017/09/eu-grant-for-bart-custers>

Matra Rule of Law Training Programme launched



In 2017 the Matra Rule of Law programme was launched. Rick Lawson, professor of European Law, is the driving force behind the contribution of Leiden Law School to this four-year project, which is based on collaboration between the Netherlands Helsinki

Committee (NHC), the Leiden Law School and The Hague Academy for Local Governance. The programme aims to strengthen institutional capacity in the field of Rule of Law. Funded by the Netherlands Ministry of Foreign Affairs, participants are offered knowledge of best practices in a wide range of rule of law themes, including, of course, human rights. By theoretical and practical lectures, study visits and the introduction to policy advisors, members of the judiciary and other civil servants working in the government, participants are equipped with knowledge and skills, all meant to fuel necessary changes in their home countries. In addition, a large transnational network of alumni, lecturers and relevant government departments in the various countries is created during the training programme. This network serves as a fertile ground to continue exchange, learning and cooperation.

<https://www.nhc.nl/themes/building-up-rule-of-law/matrarolt/>

Research project ‘Everyday justice and security provision for displaced and residents in Bukavu, DR Congo’



A NWO/WOTRO funded project on ‘Everyday justice and security provision for displaced and residents in Bukavu, DR Congo’ was carried out by the Van Vollenhoven Institute between May and November 2017. Leading expert of this project is Caroline Jacobs,

assistant professor at the VVI. This project was built on a previous two-year research project in partnership with Congolese researchers. As a result of the first project, a special issue (in French) was published in the journal of the university partner of Congo. As part of the new project, several workshops with academics, policy makers and practitioners were organized to raise awareness about the subject. Six ‘multi-stakeholder justice and security consultations’ in the neighbourhoods of the research were also organized. These consultations brought together displaced, residents, state and non-state authorities (including police, military), and NGO representatives to discuss justice and security concerns in the neighbourhoods and how they could be addressed by the relevant actors. In addition to the workshops and consultations, individual exchanges with relevant actors in Kinshasa, Brussels, Geneva and the Netherlands took place to gather information about relevant policies but also to share the research results. On the basis of these exchanges and the research findings, four policy briefs were written that were distributed among the relevant actors.

<https://www.universiteitleiden.nl/en/research/research-projects/law/everyday-justice-and-security-provision-for-displaced-and-residents-in-bukavu-dr-congo>

Evaluation Modern Migration Policy Act awarded to Institute of Immigration Law



The Scientific Research and Documentation Centre (WODC) has commissioned the Institute of Immigration Law to evaluate the Modern Migration Policy Act. The purpose of this law was to develop a modern, selective and innovative admission policy for legal migration, which is welcoming for economically

desirable aliens and restrictive for others. The law introduced three major changes. Firstly, the procedures concerning admission and residence were combined. Secondly, the role of the referee during this procedure was enlarged. Thirdly, the system of control and enforcement was altered. The aim of the evaluation is to discover whether the objectives of the Act have been achieved. Gerrie Lodder, researcher and lecturer at the Institute of Immigration Law, will conduct the research.

<https://www.universiteitleiden.nl/en/news/2017/12/evaluation-modern-migration-policy-act-awarded-to-institute-of-immigration-law>

Dies Lecture by Jan Michiel Otto



On 8 February Jan Michiel Otto, professor of Law and Governance in Developing Countries, delivered the dies lecture entitled: 'Unity in diversity. The topicality of professor C. van Vollenhoven'. Jan Michiel Otto emphasized

- following Van Vollenhoven
- the importance of scope and respect for the public sphere of state and law.

Officials, particularly those at the top, have to perform their duties honestly and free from self-interest; and everyday citizens must exercise self-control and treat one another with humanity. These are issues on which Asia and the West may learn from one another. The dies was marked by the opening of the university-wide Asia year. Therefore the speaker had derived the title of his lecture from the Indonesian national motto 'Unity in diversity' (*Bhinneka Tunggal Ika*). He showed that the rules of classical Sharia are incorporated only to a fairly limited extent in Indonesia's national legislation. He also explained how systematic research into the reality of law and governance has debunked the simplistic negative assumptions about sharia, law and the rule of law.

<https://www.universiteitleiden.nl/en/news/2017/02/unity-in-diversity---the-topicality-of-professor-c.-van-vollenhoven>

For publication: https://www.universiteitleiden.nl/binaries/content/assets/algemeen/plechtigheden/diesoratie-2017-jan-michiel-otto-engels_universiteit-leiden.pdf

Sackler Human Rights Lecture Wai Wai Nu

Human rights activist Ms. Wai Wai Nu delivered the seventh Raymond and Beverly Sackler Distinguished Lecture on Human Rights at Leiden Law School. This event, organized by Rick Lawson, marked the annual celebration of International Human Rights Day, which was proclaimed in 1950 by the United Nations to bring the Universal Declaration of Human Rights to the attention 'of the peoples of the world'. In her lecture Ms. Wai Wai Nu addressed the situation of Rohingya in Myanmar and shared her experiences and insights on

how the situation came about, and how can we overcome the current crisis. Which steps should



be taken at the national level, and what are the prospects for regional co-operation in the field of human rights? What can the international community do – and what about individuals? What lessons can we learn from the escalation of the situation in Myanmar, at a time that tensions occur in so many societies around the globe? A human rights activist from Myanmar, Ms. Wai Wai Nu has founded several NGOs including the Women's Peace Network - Arakan. Between 2005 (when she was 18) and 2012, she was incarcerated in Yangong's Insein Prison. She is currently based in Berkeley, pursuing a LLM. She became widely known after initiating the popular #MyFriend campaign, which sought to combat hate by urging social media users to post photos of themselves with friends of diverse ethnic and religious backgrounds. In March 2017 Ms. Wai Wai Nu was named as one of the 'next generation leaders' by TIME Magazine.

<https://www.universiteitleiden.nl/en/news/2017/12/human-rights-in-asia-overcoming-the-current-crisis-in-myanmar>

Inaugural lectures and PhD defenses

Inaugural Lecture Adriaan Bedner

On 13 October Adriaan Bedner delivered his inaugural lecture entitled: *Sempre rubato ma non a piacere: de voortdurende noodzaak van rechtsdifferentiatie in Indonesië*. In this lecture Bedner focused on different aspects of legal differentiation in Indonesia. One important form of differentiation is taking into account local law. Bedner cites the example of the woman who had stolen three cocoa fruits from a plantation. 'In this part of Central Java, according to the local population, using fruits belonging to someone else as seedlings is permitted on the grounds of common law, provided the amount in question is reasonable. And it goes even further: if someone asks you for some seedlings, you have to offer them a selection of your best seedlings.' Large companies such as those managing plantations pay little heed to local laws, and judges are often unaware of the local customs. 'If the judge had included this in his considerations,



the actions of the elderly woman would probably have been judged to be lawful, rather than illegal.' Another example is family law, where Islamic law plays an important role alongside locally rooted norms. Legal differentiation in this area is unavoidable in observing what is regarded in different parts of Indonesia as appropriate and fair. 'If the state fails to do that, it will lose its legitimacy and its influence over society.' But at the same time, since independence, Indonesia has wanted to unify family law, and it is obliged to bring it in line with international human rights conventions, including in the field of equal rights for women. In Indonesia, there is a constant balancing act between such different sources of law. Bedner wants to examine which social changes are brought about by national legislation at local level.

<https://www.universiteitleiden.nl/en/news/2017/10/inaugural-lecture-bedner-legal-differentiation>

PhD Jan-Jaap Oerlemans

Investigating cybercrime

On 10 January 2017 Jan-Jaap Oerlemans defended his dissertation '*Investigating Cybercrime*'. The supervisors were Jaap van den Herik, Pinar Ölcer and Bart Schermer. The study examines the following investigative methods that are commonly used in cybercrime

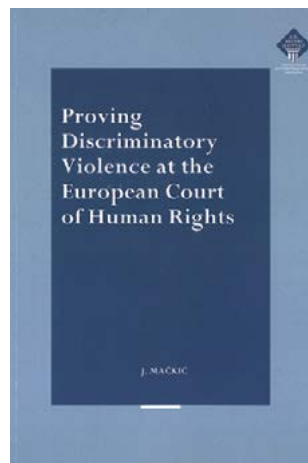


investigations: (1) the gathering of publicly available online information, (2) the issuing of data production orders to online service providers, (3) the use of online undercover investigative methods, and (4) performing hacking as an investigative method. For many of these investigative methods, the legal basis in Dutch law is ambiguous. However, a clear legal basis for investigative methods that indicates the scope of investigative methods and the manner in which they are applied must be available. It helps prevent arbitrary application of power by governmental authorities and is therefore essential for protecting the rule of law. The author examines how a foreseeable legal framework for the identified investigative methods can be created that meets the requirements that are derived from the right to privacy in art. 8 ECHR. The borderless nature of the Internet is also taken into account. The question is addressed to which extent digital investigative methods can be applied unilaterally across State borders. The analysis results in a list of recommendations to improve the regulations for digital investigative methods on both the domestic level and the international level.

For publication: <https://openaccess.leidenuniv.nl/handle/1887/44879>

PhD Jasmina Mackic

On 23 May 2017, Jasmina Mackic defended her doctoral thesis 'Proving discriminatory violence at the European Court of Human Rights'. The supervisor of the research was Vice Dean and Professor of Public International Law Larissa van den Herik. The thesis explores the engagement of a fundamental European institution, the European court of Human Rights, with the phenomenon of discriminatory violence motivated on such grounds as colour, association with a national minority, religion or sexual orientation, in



various European States. The main purpose of this thesis is to determine whether the evidentiary framework deployed by the European Court of Human Rights is adequate in discriminatory violence cases, and to offer suggestions for improvement where it is not. To reach that purpose, the study focuses on three evidentiary issues in cases of discriminatory violence. Firstly, it explores whether the Court's application of the standard of proof 'beyond reasonable doubt' forms an obstacle in establishing the occurrence of discriminatory violence. Secondly, it explores the circumstances in which the burden of proof may shift from the applicant to the respondent State. Thirdly, the study looks at the types of evidentiary materials that may be used by the Court in order to establish discriminatory violence.

<https://www.universiteitleiden.nl/en/research/research-output/law/proving-discriminatory-violence-at-the-european-court-of-human-rights>

For publication: <https://openaccess.leidenuniv.nl/handle/1887/49011>

PhD Tess de Jong

On 13 September 2017, Tess de Jong defended her PhD Thesis: 'Procedurale waarborgen in materiële EVRM-rechten'. The supervisors are prof. mr. T. (Tom) Barkhuysen and prof. mr. Y.E. (Ymre) Schuurmans. The first goal of this study is to provide an overview of the procedural safeguards



which the European Court of Human Rights (ECtHR or Court) has recognised under the more substantive ECHR provisions. The second goal is to monitor the review of the Court in order to examine whether more indirect procedural requirements can

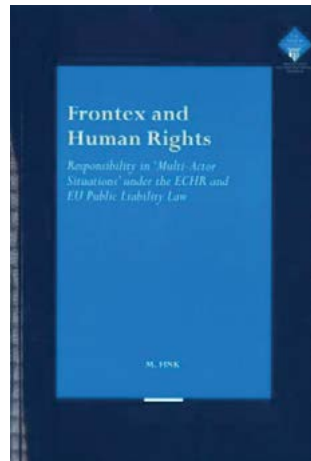
be derived thereof. In addition, the possible added value of these safeguards and the implications with regard to the procedural requirements of Articles 6 and 13 ECHR are considered for both the more explicit procedural safeguards as well as the indirect procedural implications.

<https://www.universiteitleiden.nl/en/research/research-output/law/procedurele-waarborgen-in-materiele-evrm-rechten>

For publication: <https://openaccess.leidenuniv.nl/handle/1887/52962>

PhD Melanie Fink

On 13 December, Melanie Fink defended her doctoral thesis 'Frontex and Human Rights: Responsibility in "Multi-Actor Situations" under the ECHR and EU Public Liability Law'. The supervisors were Rick Lawson and Jorrit Rijpma from Leiden, as well as Manfred Nowak, and Stephan Wittich from the University of Vienna – the thesis is written in the



context of a so-called 'cotutelle agreement'. In her thesis, Melanie examines the legal responsibility for human rights violations that may occur in the context of border control or return operations coordinated by Frontex. The analysis is particularly timely, given the recent reinforcement of Frontex' powers, but also the ongoing refugee 'crisis', which once more illustrates the serious human rights challenges border control may entail.

<https://www.universiteitleiden.nl/en/research/research-output/law/frontex-and-human-rights>

For publication: <https://openaccess.leidenuniv.nl/handle/1887/58101>

Selection of Conferences and Seminars

Annual meeting or *Toogdag* research programme EPFR & Annual lecture VVI



On 18 May 2017 the annual conference or *Toogdag* of the research programme EPFR was held and combined with the annual Van Vollenhoven lecture. The theme of the conference was ‘The judicialization of human rights law and policy’. Courts and other (semi-)judicial bodies play an increasingly important

role in developing, implementing and otherwise shaping legal standards and reviewing law and policies, especially in the field of human rights. The conference explored this phenomenon on the basis of several topics. The key note speech and VVI lecture was delivered by dr. Surya Tjandra of Atma Jaya Catholic University and Jentera Law School, Jakarta. In his Lecture Surya Tjandra analysed the current situation of labour dispute resolution and how this affects the position of workers in Indonesia. He demonstrated how for a fruitful analysis of such issues a mono-disciplinary approach is too limited, what we can learn from this for the future of socio-legal studies in Indonesia, and what this means for Indonesian-Dutch research agendas in the field of law. In addition, Ingrid Leijten en Adriaan Bedner discussed judicialization issues in the context of social and economic

rights, whereas Bart Custers and Jan-Peter Loof focused on such issues related to mass surveillance.

<https://www.universiteitleiden.nl/binaries/content/assets/rechtsgeleerdheid/instituut-voor-publiekrecht/staats--en--bestuursrecht/programme-conference-judicialization-18-may.pdf>

Research colloquium EPFR

On 22 November 2017 a EPFR research colloquium was organized to bring together researchers from across the programme. In their presentation ‘From Law, Governance & Development to Law, Governance



and Society: The new Van Vollenhoven Institute’ Adriaan Bedner and Maartje van der Woude presented the broadened VVI profile and discussed with the audience how this can contribute to the wider EPFR research programme. Jenneke Evers and Francien Dechesne talked about the NWO funded Scales project, which also has many links with other research topics within the EPFR programme. The project concerns Big Data and addresses the question how to strike a balance between the sometimes conflicting stakes of individual, public and private data-producers and data-processors.



Conference 100 years Adat Law

The international conference *Adat law 100 years on: towards a new interpretation?* was held in Leiden from 22 – 24 May. It was organized by The Van Vollenhoven Institute for Law, Governance and Society (VVI) and KITLV/Royal Netherlands Institute of Southeast Asian and Caribbean Studies. The conference focused on adat law in Indonesia a century after the Adat Law Foundation (*Adatrechtstichting*) was set up in Leiden by the famous professors Van Vollenhoven and Snouck Hurgronje. In the decades that followed the Adat Law Foundation published dozens of studies on adat law based on one of the largest research projects ever conducted from the Law Faculty of Leiden University. More than a hundred researchers, professionals, students and other interested people attended the conference. In national Indonesian policy there has been a move towards recognition of land rights of adat communities, but that policy is not without challenges. The conference themes included adat in relation to religion, land, representation, local politics, women, and family- and

inheritance law. The panels illustrated that analyzing the current use and meaning of adat requires an approach that also takes account of social, economic and political contexts. <https://www.universiteitleiden.nl/en/news/2018/01/conference-adat-law-100-years-on>



Regional School Frontier of Children's Rights in ASEAN

In January, the Department of Child Law and the Grotius Centre for International Legal Studies of Leiden Law School organized the first regional edition of the Leiden University Frontiers of Children's Rights Summer School. The Frontiers of Children's Rights in the ASEAN Region was set up under the supervision of Ton Liefwaard, UNICEF Chair in Children's Rights at Leiden Law School in cooperation with the Faculty of Law of the Universitas Indonesia and the Human Rights Center of Ateneo de Manila University. The Asian Pacific Council for Juvenile Justice acted as the School's partner in organizing a special day on children's rights and juvenile justice. Over 40 representatives of ASEAN bodies, researchers, government officials and professionals from Indonesia,

Myanmar, Bangladesh, Sri Lanka, the Philippines, Australia, Sweden and France participated in the course. During the first four days, held at the Faculty of Law of Universitas Indonesia, the participants were offered a wealth of lectures and workshops on international and regional children's rights issues affecting children, families and communities. The closing lecture, held in the *Erasmushuis* in Jakarta, was delivered by H.E. Dr. Seree Nonthasoot, Thai representative of the ASEAN Intergovernmental Commission on Human Rights.

<https://www.universiteitleiden.nl/en/news/2017/02/frontiers-of-childrens-rights-in-the-asean-region-indonesia>



Seminar on social rights compliance



In November 2017, Ingrid Leijten hosted an expert-seminar titled ‘Tailored Provisions, Social Rights Compliance?’ (‘Maatwerk als Mensenrecht?’). The seminar focused on the 2015 transitions in the Dutch welfare policy (the decentralizations in the social domain) and the effects of this shift in terms of social rights compliance and (inter)national fundamental rights standards. The central question was whether *maatwerk*, i.e. tailored social provisions, allows for complying with (minimum) social rights standards and non-discrimination requirements. With experts from different backgrounds, the seminar contributed to the further development of a research agenda that views developments in national social policy against the backdrop of the theory and practice of fundamental (social) rights. Ingrid Leijten gave an insightful introduction on the topic, after which three speakers shared their views on the issue at stake, all from their own perspectives and expertise. The speakers were Colm O’Cinneide of University College London (also former vice-chair of the European Committee of Social Rights), Gijsbert Vonk of Groningen University, and Ineke Boerefijn of the Netherlands Institute for Human Rights (College voor de Rechten van de Mens). It was concluded that a *maatwerk* approach only is to the benefit of the most needy when fundamental rights are taken into account, and that awareness needs to be raised about what this exactly entails.

<https://www.universiteitleiden.nl/en/news/2017/11/seminar-%E2%80%98tailored-provisions-social-rights-compliance%E2%80%99>

Seminar on the EU Asylum Procedures Directive

In July the Institute for Immigration Law organised a seminar on the EU Asylum Procedures Directive. The speakers came from Leiden University (Peter Rodrigues, Stefan Kok, Ymre Schuurmans) and the Council of State (Jaap Polak and Nico Verheij). Together they brought a rich variety of perspectives to the discussion. Particular attention was paid to the difficulties involved in assessing the credibility of a request for asylum, the proposals of the European Commission to replace the Asylum Procedures Directive by a Regulation, and to the interaction of general administrative law and migration law.

<https://www.universiteitleiden.nl/nieuws/2017/06/verslag-studiemiddag-eu-asielprocedurerichtlijn>



Highlighted publications

Evaluation report *Wet Kinderombudsman*

In 2017 the Department of Child Law was selected by the Netherlands Organisation for Health Research and Development (ZonMw) to evaluate the Dutch Children's Ombudsman Act. The research, led by the Department of Child Law (Mariëlle Bruning and Stephanie Rap) was conducted by a multidisciplinary team from Leiden University (Department of Child Law, Institute of Private Law, Institute of Public Administration, and Leiden Institute of Education and Child Studies). The report presented both findings and detailed recommendations. In 2011, when the first Dutch Children's Ombudsman was installed, the question was asked whether a Children's Ombudsman would have added value in the field of children's rights? The study shows that the Children's Ombudsman has put children's rights and the institute on the map. The Children's Ombudsman has contributed to the promotion of respect for children's rights by governmental bodies and private organisations. In the years to come, the Dutch Children's Ombudsman should prioritise the participation of children and further develop the complaints procedure. A stronger autonomous position within the National Ombudsman organisation would further strengthen the promotion of children's rights in the Netherlands.

- M.R. Bruning, S.E. Rap, K.F.M. Klep, M. Bouterse, D.S. Verkroost, J. Mesman, A.K. Yesilkagit, A.G. Castermans, T. Liefwaard, C.M.M. van Leeuwen & V. Pattyn, *Evaluatie Wet Kinderombudsman*, Den Haag: ZonMw 2017

<https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/rapporten/2017/06/01/evaluatie-wet-kinderombudsman/evaluatie-wet-kinderombudsman.pdf>



Children's rights and Biomedicine report

Experts from Leiden Law School have prepared the study 'From Law to Practice: Towards a Roadmap to Strengthen Children's Rights in the Era of Biomedicine'. The study was commissioned by the Council of Europe's Committee on Bioethics and prepared by Ton Liefwaard, (UNICEF Chair in Children's Rights), Aart Hendriks, (professor of Health

<https://www.universiteitleiden.nl/en/news/2017/07/study-on-children%E2%80%99s-rights-and-biomedicine-for-council-of-europe%E2%80%99s-committee-on-bioethics>

- Ton Liefwaard, Aart Hendriks, Daniella Zlotnik (2017), *From Law to Practice: Towards a Roadmap to Strengthen Children's Rights in the Era of Biomedicine*

<https://rm.coe.int/leiden-university-report-biomedicine-final/168072fb46>



Law,) and Daniela Zlotnik, (researcher and lecturer at the Department of Child Law). It assesses the existing body of international and European legal standards in relation to children in biomedicine, and recommends actions that the Council of Europe could undertake to strengthen the protection of children's rights in this field. The study was presented at the plenary meeting of the Committee on Bioethics in July and during the international conference '20th Anniversary of the Oviedo Convention', held in Strasbourg in October 2017.

Book on European fundamental rights in Dutch administrative law by Tom Barkhuysen and Michiel van Emmerik



Tom Barkhuysen and Michiel van Emmerik authored the book 'Europese grondrechten en het Nederlandse bestuursrecht' (European fundamental rights and Dutch administrative law). In this book they address the impact of the European Convention for the protection of Human Rights (ECHR)

and the EU Charter of Fundamental Rights on Dutch administrative law. The reader gains insight into the importance of European fundamental rights for Dutch procedural and substantive administrative law. The book gives a clear view of the application of European fundamental rights in Dutch legal practice of administrative law. It discusses relevant case law of the European Court of Human Rights, the Court of Justice of the European Union and Dutch administrative law courts.



- Barkhuysen T. & Emmerik M.L. van (2017), *Europese grondrechten en het Nederlandse bestuursrecht*. De betekenis van het EVRM en het EU-Grondrechtenhandvest. Deventer: Wolters Kluwer

<https://www.universiteitleiden.nl/nieuws/2017/01/barkhuysen-van-emmerik-publiceren-nieuw-boek-over-europese-grondrechten-en-bestuursrecht>

Preadvies KNVIR on access to justice for children by Ton Liefwaard

Ton Liefwaard, Professor of Children's Rights at Leiden University and UNICEF Chair in Children's Rights, wrote a *preadvies* for the 2017 annual meeting of the Royal Netherlands Society of International Law (KNVIR). The meeting focused on 'Protecting the rights of families and children in a changing world.'

In his *preadvies* Ton Liefwaard elaborates on 'Access to Justice for Children'. He explores the meaning of access to justice for children, enabling them to seek effective remedies in case of unlawful treatment. He identifies the key requirements that ought to be considered when establishing such remedies for children at the domestic and international level, while taking into account the barriers children are confronted with. He also provides recommendations for a future academic research agenda.



- Liefwaard T. (2017), Access to Justice for Children - Preliminary Report (Preadvies) for the Royal Netherlands Society of International Law 'Protecting the Rights of Families and Children in a Changing World' Mededelingen van de Koninklijke Nederlandse Vereniging voor Internationaal Recht no. 144. The Hague: Asser Press - Royal Netherlands Society of International Law.

<https://www.universiteitleiden.nl/en/news/2017/10/prof.-ton-liefwaard-to-speak-about-access-to-justice-for-children-in-the-hague>

Bart Custers, Francien Dechesne, Ilna Georgieva and Simone van der Hof, De bescherming van persoonsgegevens: acht Europese landen vergeleken

In this research project, the protection of personal data is compared in eight EU member states: France, Germany, the UK, Ireland, Romania, Italy, Sweden and the Netherlands. The comparison of the countries is focused on government policies for the protection of personal data, the applicable laws and regulations, implementation of those laws and regulations, and supervision and enforcement.

For publication: <https://openaccess.leidenuniv.nl/handle/1887/57378>



Laws and families database

The 'LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples' was launched in April 2017. Same-sex families are gaining legal recognition. More and more countries are making marriage and partnership available to them. Or attaching (some) rights and benefits to their cohabitation. Just as rights and benefits are being attached to different-sex cohabitation. But laws of many countries continue to treat different types of couples differently. And their children too. The *LawsAndFamilies Database* aims to document, highlight and analyse these developments and diversities. It does so from three perspectives: law, statistics, sociology. This major database, edited by Kees Waaldijk and others, went online in 2017. It is available in open access at www.lawsandfamilies.eu. An analysis of the data has been published in the report: *More and more together: Legal family formats for same-sex and different-sex couples in European countries. Comparative analysis of data in the LawsAndFamilies Database* (edited by Kees Waaldijk, FamiliesAndSocieties Working Paper Series 75(2017), <http://www.familiesandsocieties.eu/wp-content/uploads/2017/04/WorkingPaper75.pdf>).

As part of the larger FamiliesAndSocieties project (www.familiesandsocieties.eu), this four year research project received funding from the European Union's Seventh Framework Programme (FP7/2007-2013). Kees Waaldijk worked on this project together with four junior legal researchers at Leiden University's Grotius Centre in The Hague, with more than 40 foreign legal experts, and with a team of demographers and sociologists led by Marie Digoix at the French national institute for demography INED in Paris.

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