

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

Annual report 2018



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Annual report 2018

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



**Universiteit
Leiden**
Leiden Law School

Leiden University, March 2019
Editors: Titia Loenen, Anne Aagten

Introduction

Dear reader,

We are pleased to present the 2018 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 2018. 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 2018, including inaugural lectures, PhD defenses and conferences and seminars we organized.



*Titia Loenen,
EPFR Coordinator*

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Selection of highlights

Kristel van Kruisbergen selected for Meijers PhD position



Kristel van Kruisbergen, PhD researcher at the Europa Institute, has been selected for a Meijers PhD position. Her research proposal is entitled 'Mutual Trust in a Diverse Union - Seeking ways to give substance to the rule of law as a shared value'. Given the rise of populism and threats to the rule of

law in several European countries this is a highly important and topical issue to address from a fundamental rights perspective.

Kristel studied Dutch Law at Radboud University in Nijmegen. After completing her studies she worked in Cape Town, South Africa, and gained experience at a human rights office where she dealt with cases ranging from refugee law to criminal law. Subsequently she worked as a lecturer at the Department of International and European Law at Radboud University Nijmegen before coming to Leiden in 2016 as a teaching and research staff member. Her teaching activities are in the field of general and substantive European law and the European Convention on Human Rights.

The research will be supervised by Rick Lawson (Professor of European Law) and Jannemieke Ouwerkerk (Professor of European Criminal Law).

Maartje van der Woude wins Heineken Young Scientists Award



Professor of Law and Society at the Van Vollenhoven Institute Maartje van der Woude (37) is one of the four young scientists who have been awarded a 2018 Heineken Young Scientists Award. Van der Woude is receiving the award in the field of Humanities for her research on the interplay between law and the public

debate on such themes as terrorism, migration and cross-border criminality. The jury praises her as an exceptional and inspiring research talent, a unique, passionate scientist who also seeks to connect with the public, for example in debates and a blog.

The Heineken Young Scientists Awards are an incentive award for young researchers who have conducted excellent research and who can serve as an example for other young researchers. Each winner of a Heineken Young Scientists Award receives an artwork by Amsterdam artist Jeroen Henneman and a cash award of 10,000 euros.

<https://www.universiteitleiden.nl/en/news/2018/05/maartje-van-der-woude-wins-heineken-young-scientist-award>

Dissertation Yannick van den Brink awarded FJR prize 2018



Yannick van den Brink, Assistant Professor at the Department of Child Law, has won the FJR Prize 2018 with his PhD thesis titled ‘Pre-trial detention in the Dutch juvenile justice system.’ The FJR Prize is awarded by the Dutch Society of Family and Child Law (‘FJR’) for the best scientific publication by a young researcher (age <35) in the field of family and child law. The independent

jury substantiated its decision as follows:

“Yannick van den Brink’s PhD thesis is special and original, particularly because of the empirical part, in which he collected a wealth of information about the pre-trial detention of juvenile suspects, through observations at courts and interviews with relevant professionals. Moreover, he has approached the subject not only from a practical perspective, but also from a fundamental perspective – i.e. an international human rights and children’s rights perspective – which adds depth to the research.

His concrete recommendations have meanwhile been picked up politically, as they sparked questions in Parliament and an official response from Minister Dekker (Legal Protection). With this, his dissertation demonstrably has the societal impact

it deserves. After all, the reason for starting the research had been concerns about the use of pre-trial detention of juvenile suspects in the Netherlands. Van den Brink clearly analyses the problems with the current system and convincingly presents a new alternative model for pre-trial detention. This seems to be very valuable for practitioners and for future developments, particularly for the legislator.”

It is not the first time Yannick van den Brink has won the FJR Prize. Previously, his journal article ‘De onschuld voorbij?’ was awarded the FJR Prize in 2012.

<https://www.universiteitleiden.nl/en/news/2018/11/dissertation-yannick-van-den-brink-awarded-with-fjr-prize-2018>

Gineke Wiggers receives prize for paper on User-Focused Ranking in Legal Information Retrieval



PhD student Gineke Wiggers at eLaw, the Center for Law and Digital Technologies, has won the 2nd prize for her paper on User-Focused Ranking in Legal Information Retrieval in the PhD consortium of the 31st International Conference on

Legal Knowledge and Information Systems (JURIX).

In this paper Wiggers describes the three phases of her research: identifying which factors play a role in the perception of relevance of users of legal information

retrieval systems, improving ranking algorithms in legal information retrieval systems by using bibliometric information, and developing a tool that can evaluate changes in ranking algorithms from user perspective. With this research Wiggers hopes to contribute to the improvement of legal information retrieval systems, to help legal practitioners and scholars can find the information they need.

<https://www.universiteitleiden.nl/nieuws/2018/12/prijs-voorgineke-wiggers-voor-paper-user-focused-ranking-in-legal-information-retrieval>

Research Talent Grant NWO awarded to Eva Schmidt



Together with Ton Liefwaard, who is Professor of Children's Rights at the Child Law Department, Eva Schmidt (PhD researcher at the Child Law Department) was granted a prestigious scholarship from the Research Talent Programme of the Dutch Organization for Scientific Research (NWO).

The Research Talent Programme offers excellent students in the social and behavioral sciences the opportunity to do PhD research. The research will be conducted within the Department of Child Law under the supervision of prof. Ton Liefwaard and dr. Stephanie Rap.

The research is titled 'Culpability in Development: Sentencing Adolescents as Juveniles or Adults' and aims to clarify the concepts of criminal culpability and responsibility of adolescents (juveniles and young adults). It will be investigated how these concepts should be understood from a legal, but also from a (neuro- and developmental) psychological perspective. In order to achieve this, a comparison will be made with Belgium and Germany, and interviews with the judiciary will be held.

<https://www.universiteitleiden.nl/nieuws/2018/07/onderzoekstalentbeurs-nwo-voor-eva-schmidt>

MSCA ('Marie Curie') Grant for Eduard Fosch-Villaronga and Bart Custers



Eduard Fosch-Villaronga, researcher at eLaw, the Center for Law and Digital Technologies, and his supervisor Bart Custers, associate professor at the same department, received a Marie Skłodowska-Curie Action (MSCA) fund for research on legal and

regulatory aspects of healthcare robot and artificial intelligence technologies.

The research project investigates the legal and regulatory implications of the growing interdependence and interactions



of tangible and virtual elements in cyber-physical systems for healthcare purposes. Typical examples of such cyber-physical systems are cognitive therapeutic robots, physical rehabilitation robots, assistant and surgery robots. These technological developments may raise different types of issues, ranging from the invasion of privacy, to autonomy suppression or human-human interaction decrease and may need (some forms of) regulation. The project will highlight specific problems and challenges in regulating complex and dynamic cyber-physical ecosystems in concrete healthcare applications and will explore potential solutions.

<https://www.universiteitleiden.nl/nieuws/2018/09/msca-beurs-voor-eduard-fosch-villaronga-en-bart-custers>

Funding of research on human trafficking and human smuggling in intra-Schengen border regions



Maartje van der Woude, who is professor of Law and Society at the Van Vollenhoven Institute has received funding from the National Police to carry out research on the extent to which, and how, human trafficking and human smuggling are intertwined phenomena in intra-

Schengen border areas.

By combining an ethnographic research in two border areas – Belgium/France and France/Spain – and two surveys, the

research aims to provide new insights on both phenomena. Maartje van der Woude will lead the project and will carry out the research together with two student-trainees - Hannah DeLacey and Thea Hickmann - and with [Roxane de Massol de Rebetz](#), a junior researcher at the [Van Vollenhoven](#)



[Institute](#). The latter will use the eighteen months project of the National Police as the start of a PhD project. The National Police's funding offers the opportunity to Maartje van der Woude to expand her NWO VIDI research, and in particular her ethnographic case studies.

<https://www.universiteitleiden.nl/en/news/2018/01/research-on-human-trafficking-and-human-smuggling-in-intra-schengen-border-regions-by-prof.-maartje-van-der-woude>

Toogdag research group EPFR and VVI annual lecture

On 17 May the annual Van Vollenhoven Institute lecture was combined with the annual conference of the research group EPFR 'Fundamental rights and the relational self: overcoming the limitations of an individualistic focus in human rights law?' The conference addressed some of the ways in which the classical notion of human rights, which is rooted in the western liberal tradition, has been challenged from various quarters for its one-sided focus on the autonomous, individuated self. More specifically Global South perspectives often criticize dominant human rights



discourse for neglecting the importance of the community and community values and interest. Critical Legal Studies and feminist perspectives have also challenged the individualistic focus of human rights discourse, emphasizing the need for a more relational approach. To what extent have such critiques and subsequent developments in human rights law affected the traditional,

individual focus of human rights law and discourse? How and where have they provided space for more relational, community based or collective approaches? These were some of the questions addressed at the conference. Speakers included Nick Huls (Professor Emeritus Sociology of Law at the VVI), Kees Waaldijk (Professor of Comparative Sexual Orientation Law at the Grotius Centre of International Legal Studies), Esther Keymolen (Guest Lecturer at eLaw) and Jerfi Uzman. Professor David Engel of the University at Buffalo School of Law delivered the key note speech and annual VVI-lecture 'Rights of the Relational Self: Law, Culture, and Injury in the Global North and South.'

Lecture International Human Rights Day

On Monday 10 December, the Polish Commissioner for Human Rights dr. Adam Bodnar delivered the eighth



Raymond and Beverly Sackler Distinguished Lecture on Human Rights at Leiden Law School. Adam Bodnar is the Commissioner for Human Rights of the Republic of Poland. He plays a very active role in the recent debates on the rule of law in his country, and tries to uphold judicial independence and fundamental freedoms. The event marked the annual celebration of International Human Rights Day, which was proclaimed to commemorate the adoption by the UN General Assembly, on 10 December 1948, of the Universal Declaration of Human Rights. The guest lecture was organized by Rick Lawson, professor of European Law. In his lecture, Adam Bodnar shared his experiences with the protection of human rights in Poland, and the reasons behind the decrease in consensus about liberal values and democracy. Furthermore, he elaborated on the factors behind the rise of populism, paying special attention to the particular situation in Central European states. He ended by discussing some strategies that had been effective in protecting the rule of law.

<https://www.universiteitleiden.nl/en/news/2018/12/when-human-rights-clash-with-politics-and-desire-for-power-reflections-on-the-current-status-of-liberal-democracy>

Valedictory lecture and farewell symposium Jan Michiel Otto

On 29 June 2018, Jan Michiel Otto, professor of Law and Governance in Developing Countries and director of the Van Vollenhoven Institute until 2018, delivered his valedictory lecture entitled ‘De ander als spiegel: reflecties over recht en bestuur in ontwikkelingslanden’ (‘The Other as a Mirror: Reflections on Law and Governance in Developing Countries’).

Royal distinction

After his valedictory lecture Jan Michiel Otto received an award for his work that has had, and continues to have, a major influence on the development of the rule of law in Indonesia, North Africa/Middle East and Sub-Saharan Africa. Jan Michiel Otto has been appointed Officer in the Order of Orange Nassau. The Mayor of Leiden, Henri Lenferink, surprised him with this royal distinction.



Photo: Hielco Kuijpers

Book presentation

Furthermore the book *Real Legal Certainty and its Relevance. Essays in honour of Jan Michiel Otto* was presented. This book has been edited by Adriaan Bedner, Professor of Law and Society at the Van Vollenhoven Institute and Barbara Oomen, Professor of Law at University College Roosevelt, and published by Leiden University Press in the *Law, Governance and Development Research series*.

Farewell Symposium

The valedictory lecture was preceded by a farewell symposium from 10.00 – 14.45: *The role of law in development: steady beacon or mere sham?* It offered a varied impression of ongoing research on the role of law and governance in North Africa/Middle East, Indonesia and Sub-Saharan Africa.

<https://www.universiteitleiden.nl/en/news/2018/07/farewell-symposium-and-valedictory-lecture-jan-michiel-otto-29-june-2018>

Ton Liefwaard speaks on Children's Rights at the University of Curacao



On Friday 12 January 2018, the University of Curacao celebrated its 39 years of existence. Ton Liefwaard, Professor of Children's Rights

and UNICEF Chair in Children's Rights at the Child Law Department addressed the audience with a lecture entitled:

“20 years United Nations Convention on the Rights of the Child. Do we really take children seriously?”

Ton Liefwaard observed that the **United Nations Convention on the Rights of the Child** fundamentally changed our view on children. Nevertheless, challenges stand in the way of a complete implementation of children’s rights on the domestic level; 1) children are often addressed fragmentarily, without a clear understanding of which authority bears responsibility for the issues at stake; 2) children are not always treated as full bearers of rights, which is evidenced by the exclusion of certain groups of children and ongoing violence against children; 3) children are insufficiently empowered to participate in decision-making processes that are relevant for them.

<https://www.universiteitleiden.nl/en/news/2018/01/prof.-ton-liefwaard-speaks-on-children%E2%80%99s-rights-at-the-university-of-curacao>

Inaugural lectures and PhD defenses

Yannick van den Brink: Pre-trial detention in the Dutch juvenile justice system



On 25 January 2018, Yannick van den Brink defended his doctoral thesis titled 'Voorlopige hechtenis in het Nederlands jeugdstrafrecht' ('Pre-trial detention in the Dutch juvenile justice system'. The research was supervised by Professor Ton Liefwaard and Professor Mariëlle Bruning of the Child Law Department.

Van den Brink's doctoral research analyses the use of pre-trial detention in the Dutch juvenile justice system, through normative and empirical research methods, in light of the core international and European children's rights and human rights principle that prohibits unlawful and arbitrary detention.

The findings of the research show that pre-trial detention serves various functions and 'shadow functions' and thereby occupies an important position in the functioning of the Dutch juvenile justice system. However, the research also highlights that within this system the protection of juvenile suspects against unlawful and arbitrary pre-trial detention

is not optimally safeguarded. Based on the analyses of the legal and empirical research findings, the doctoral thesis concludes that revising the current framework for juvenile pre-trial detention decision making under Dutch law is required to better safeguard accordance with core children's rights and human rights standards.

Ultimately, Van den Brink's thesis introduces a new legislative framework for juvenile pre-trial detention decisions and provides recommendations for policymakers and judicial decision makers on how juvenile pre-trial detention can be applied in a manner which is in line with children's rights and human rights standards that aim to protect juveniles against unlawful and arbitrary detention, without disregarding the various other (e.g. societal) interests that may be at stake when pre-trial detention is considered.

<https://www.universiteitleiden.nl/en/news/2018/01/pre-trial-detention-in-the-dutch-juvenile-justice-system>

Claire Achmad: Children's Rights in International Commercial Surrogacy

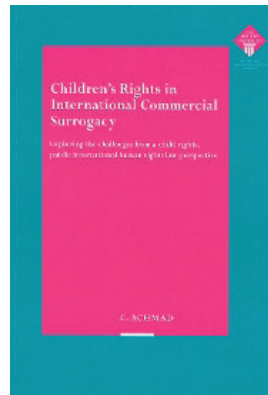
On 26 June 2018 Claire Achmad defended her PhD thesis 'Children's Rights in International Commercial Surrogacy'. The research was supervised by Mariëlle Bruning, Professor of Children and Law at the Child Law Department and Machteld Vonk. In her dissertation Claire Achmad states that International Commercial Surrogacy (ICS) has emerged over the past decade as a modern method of family formation that has remained largely unregulated



internationally and in domestic law. This may cause serious problems for the children who are at the center of every ICS arrangement. The author proposes approaches for balancing the competing rights and interests of the child and other parties in ICS.

Her work presents a framework for protecting the rights of children born through ICS, illustrating that this is achievable in practice, in the absence of international consensus on ICS as a phenomenon.

<https://www.universiteitleiden.nl/en/news/2018/06/children%E2%80%99s-rights-in-international-commercial-surrogacy>



Jingshu Zhu: Straightjacket: Same-Sex Orientation under Chinese Family Law — Marriage, Parenthood, Eldercare

On 21 february 2018 Jingshu Zhu defended her PhD thesis 'Straightjacket: Same-Sex Orientation under Chinese Family Law — Marriage, Parenthood, Eldercare'. The research was supervised by professor Kees Waaldijk of the Grotius Centre for International Legal Studies. In her study she



gives a panorama of both the official laws and the informal social norms that influence these people's family life. It discusses a wide range of issues, including de/criminalization (the change of the crime of hooliganism), de/pathologization (conversion therapy and the objection thereof),

homosexual representations (such as trademarks and films), same-sex weddings, the distribution of communal property of same-sex cohabitants, custody in divorce cases, official and de facto adoption, fostering, in vitro fertilization conducted by lesbian couples, transnational surrogacy by gay couples, inheritance between same-sex partners, medical decisions in an emergency, same-sex marriage campaigning, old-age planning, coming out to parents, etc. It also documents how ordinary people, lawyers and activists change the law via legislative proposals, impact litigation and transnational linkage.

Jingshu Zhu's study argues for an epistemology that avoids the binary of closeting and coming out. While acknowledging the uncomfortable restriction of the hetero-normative imperatives, her research also recognizes the seductive legal, economic and cultural benefits for sexual minorities to follow suit. Accordingly, it questions the condemnation of nondisclosure often seen in Chinese LGBT movements, especially with regard to the controversial issues of cooperative marriage (*xinghun*) and "fraudulent" marriage (*pianhun*). It argues that same-sex-oriented

people often face a double bind: compulsory hiding and compulsory confessing. Coming out challenges the former yet may reinforce the latter. Therefore, visibility and secrecy are both valuable tactics and should not be antagonized in LGBT movements.

<https://www.staff.universiteitleidennl/news/2018/02/straightjacket-same-sex-orientation-under-chinese-family-law>

Selection of Conferences and Seminars

Third annual conference of the Law and Development Research Network 19-21 September

From 19 to 21 September, the Third annual conference of the Law and Development Research Network took place at the National Museum of Ethnology (Museum Volkenkunde) Leiden. This three-day conference started on Wednesday 19 September and was organized and hosted by the Van Vollenhoven Institute for Law, Governance and Society of Leiden Law School. 128 scholars and practitioners from 29 different countries took part in the conference. The conference comprised a total of 77 paper presentations, six plenary sessions, and three working groups.

Like the previous two editions of the Law and Development Research Network (LDRN) annual conference, the

conference looked at the role of law in addressing problems of development and governance. This year's theme *Interfaces* addressed the breadth as well as the interdisciplinarity of the field of law and development. Here, black letter law met social science, human rights scholarship met political economy, legal anthropology met international law, and so on. While such interdisciplinarity creates problems it also generates synergies. The conference addressed both and has produced a set of insights and recommendations relevant to researchers and practitioners alike.

<https://www.universiteitleiden.nl/en/news/2018/09/third-annual-conference-of-the-law-and-development-research-network-19-to-21-september-2018>



Successful international conference on safeguarding children's rights in immigration law

On 22 and 23 November 2018, the international conference 'Safeguarding Children's Rights in Immigration Law' organized by the Institute of Immigration Law and the Department of Child Law took place at Leiden University. Currently, there exists tension between the idea that children deserve specific protection in line with the UN Children's Rights Convention and the increasing use of restrictive migration policies and the securitization of migration control. The conference aimed to bring together an international and inter-disciplinary group of scholars and practitioners to discuss the legal challenges of safeguarding children's rights in immigration law. Due to the high number of paper submissions for the conference, it was decided to organize a PhD/Early career scholar panel on Thursday 22 November 2018. The programme of the panel was divided into two workshops, covering 'Detention of minors' and 'Children and family life'. On Friday 23 November 2018, the main programme was started by Ton Liefwaard, Professor of Children's Rights at the Child Law Department and Joanne van der Leun, Dean of Leiden Law School. Then, the floor was given to the three keynote speakers: Ms. Andrea Vonkeman (Head UNHCR the Netherlands), Dr. Bina D'Costa (Australian National University, ANU College of Asia and the Pacific) and Prof. Peter Rodrigues (Chair of the Institute for Immigration Law, Leiden University). The Friday afternoon was reserved for workshops on 'The best interests of the child in immigration law', 'The Right to be heard', 'Forced Migration and trafficking', 'Access to justice' and 'Reception and immigration detention of children'. The conference was

closed by Mr George Moschos (Children's Ombudsman of Greece from 2003 until 2018).

<https://www.universiteitleiden.nl/en/news/2018/12/successful-international-conference-on-safeguarding-childrens-rights-in-immigration-law>



Borders and Mobility in the Focus

From 14 to 16 March 2018 Maartje van der Woude, Professor of Law and Society at the Van Vollenhoven Institute organized an international seminar and PhD masterclass on the topic of 'Transformative Borders and the Politics of Migration in Western Liberal Democracies.' Both events were organized as part of Maartje van der Woude's NWO VIDI Grant 'Getting to the Core of Crimmigration' and co-sponsored by a project from the LDE Centre for Safety and Security. Participants to the seminar were selected and invited based on the contribution to the scholarship on bordering in the context of migration



control. In so doing, it was ensured that scholars came from a variety of disciplines such as law, sociology, criminology, geography, anthropology, sociology of law, etc. According to van der Woude, the notion of bordering is not to be understood other than through an interdisciplinary lens. One of the main goals of the seminar was thus to build bridges between the various disciplines and their unique methodological and theoretical approaches.

<https://www.universiteitleiden.nl/en/news/2018/04/borders-and-mobility-in-the-focus-14-to-16-march-2018>

Roundtable on the Rule of Law in Poland



On Thursday 25 January 2018 the Europa Institute in Leiden hosted a round table session with the title ‘Securing the rule of law in Poland: which role for Europe?’ It was a small meeting organized by professor of European Law Rick Lawson bringing high-level experts together under Chatham House Rule.

In the last two years the Polish legislature has adopted a series of measures aimed at reforming the judiciary. This development has sparked great controversy, both within and outside Poland. Various international institutions, such as the Venice Commission and the Commissioner for Human Rights of the Council of Europe, have severely criticized the changes, arguing that the independence of the judiciary is at stake. These concerns met in turn with a strong reaction in Poland. By the end of December 2017, the European Commission has taken the view that there is a clear risk of a serious violation of the rule of law in Poland. In response the Commission announced various actions, the most remarkable one of which is that it activated, for the first time in history, the mechanism of Article 7(1) of the EU Treaty.

Speakers included Dr. Andrew Drzemczewski, (former Head of Legal Affairs & Human Rights Department, PACE, Council of Europe), Dr. Paweł Filipek, (lecturer of European law and International law at Uniwersytet Jagielloński, and Crakow University of Economics) and Mr. Marcin Warchoł, Warsaw (Deputy Minister, Ministry of Justice, Republic of Poland).

<https://www.universiteitleiden.nl/en/news/2018/01/leiden-law-exchange-on-the-rule-of-law-in-poland>

First evaluation of the Dutch Youth Act receives considerable attention

On Thursday 28 June 2018 the Department of Child Law organised a legal conference following the first evaluation of the Dutch Youth Act of 2015. At this conference, the legal outcomes of the evaluation were shared and further explained and discussed.

The conference, chaired by Prof. Mariëlle Bruning, was opened by the Leiden city council member for Health, Youth Care and Welfare, Mrs. Marleen Damen. The most important findings of the evaluation were outlined by Prof. Roland Friele (vice-director NIVEL, Netherlands institute for health services research) and the researchers who collaborated in the evaluation (Prof. Mariëlle Bruning, Mrs. Renske de Boer, Dr. Michiel van Emmerik and Dr. Geerten Boogaard).

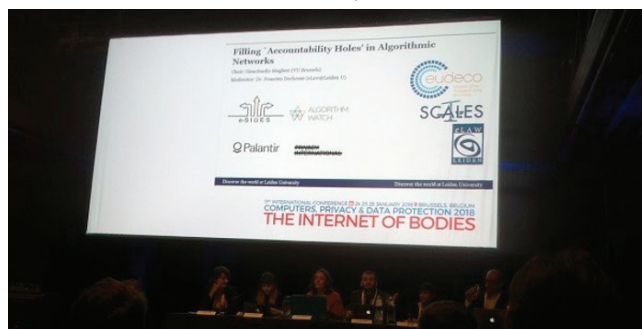
In the afternoon, various parallel sessions were held concerning different aspects of the Youth Act. During these sessions, discussions were held about the opportunities, challenges and bottlenecks of the Youth Act in practice. The tension of the Youth Act as administrative law in a decentralized system and the right of children to appropriate youth care was addressed several times during the conference. More research and collaboration between academia and practice is needed to further explore the issues discussed.

<https://www.universiteitleiden.nl/nieuws/2018/07/veel-aandacht-voor-eerste-evaluatie-jeugdwet>



EuDEco/eLaw panel on accountability in algorithmic networks at CPDP2018

As partner within the EuDEco-project, the Centre for Law and Digital Technologies (eLaw) organized a panel titled 'Filling accountability holes in algorithmic networks' as part of the 11th annual conference on Computers, Privacy and Data Protection (CPDP), January 24-26 2018 in Brussels.



The panel took place on Friday morning January the 26th with Francien Dechesne, Assistant Professor of eLaw involved in the research project SCALES as moderator, Gianclaudio Malgieri (VU Brussel) as chair, and panelists well spread across the domains of academia, policy and business: Karolina La Fors, Researcher at eLaw and involved in the research project e-SIDES, Lorena Jaume-Palasi (AlgorithmWatch), Frederike Kaltheuner (Privacy International) and Kyle Erickson (Palantir). The audience filled up the Petit Halle. The theme of the panel centered on **accountability mechanisms for algorithmic networks**. Short presentations by the panelists to lay out their different perspectives were followed by a lively interaction at the table first and then with the audience. Beyond the EuDEco-panel, eLaw was represented in several panels organized by others.

<https://www.universiteitleiden.nl/en/news/2018/02/eudeco-elaw-panel-on-accountability-in-algorithmic-networks-at-cdp2018>

Department of Child Law hosts successful international symposium on children deprived of liberty

On Friday 13 April 2018, the Department of Child Law of Leiden University was proud to host the international symposium ‘Deprivation of Liberty of Children in The Justice System – Towards A Global Research Agenda’, organized by Ton Liefwaard, Professor of Children’s Rights and Yannick van den Brink, Assistant Professor of Child Law and Criminal Law.

The Department of Child Law had the honour of welcoming close to one hundred participants from all over the world in the ‘Klein Auditorium’ at the Leiden University Academy Building. The aim of the international symposium was to exchange research and knowledge on the issue of deprivation of liberty of children in the justice system and



to develop an interdisciplinary research agenda that can be supportive to the United Nations Global Study on Children Deprived of Liberty and to governments in implementing international children’s rights standards.

<https://www.universiteitleiden.nl/en/news/2018/04/department-of-child-law-hosts-successful-international-symposium-on-children-deprived-of-liberty>

Successful and interesting research colloquium of EPFR research programme

On Tuesday December the 11th, the yearly research colloquium of the research programme ‘Effective Protection of Fundamental Rights in a Pluralist World’ took place in the Faculty Room Law of the Academy Building.

This time, assistant professors at the departments of eLaw and Child Law Mark Leiser and Stephanie Rap presented their current research projects. Mark Leiser talked about the world of online propaganda and machine speech and the questions these developments pose as regards the right to freedom of expression under article 10 ECHR. Stephanie Rap spoke about her research into the right to participation of refugee children in the asylum procedure. Mr. Rasmus Wandall, who was this week invited to Leiden by the Child Law department, acted as a referent during



the research colloquium. After each presentation, he shared his insights and valuable suggestions on the research with the presenters. This led to sufficient food for thought and a lively discussion with the audience under the guidance of moderator Anne Aagten, research and teaching staff member at the Institute of Immigration Law. The discussion continued during the drinks provided afterwards.

<https://www.universiteitleiden.nl/en/news/2019/01/successful-and-interesting-research-colloquium-of-epfr-research-programme>

Lunch meeting with ‘our judge in Strassbourg’ Jolien Schukking



On 24 April 2018 researchers of the EPFR programme and other human rights researchers from the Netherlands met in the Academy Building of Leiden University for a research lunch with Jolien Schukking, the current Dutch judge of the European Court of Human Rights. Jolien Schukking gave a brief introduction

about her work and shared some of her thoughts on the functioning of the Court and the challenges it faces. This was followed by a lively exchange of views and comments covering both the developments in the case law of the European Court and Dutch developments and debates in the area of human rights.

Annual lectures series eLaw: Hans Franken-lecture by Corien Prins



The Centre for Law and Digital Technologies (eLaw) started an annual lecture series named after emeritus professor of information law Hans Franken. The first of these lectures was delivered on 19 October 2018 by Corien Prins, professor of Law and Informatisation at Tilburg University. It was entitled ‘Digitaal recht gesproken.

Recht gedaan?’ Some 100 people attended the lecture. In her address Corien Prins focused on digitalization in the justice system and the ways in which information technology can support the judiciary in performing its tasks.

<https://www.universiteitleiden.nl/nieuws/2018/10/elaw-organiseert-eerste-hans-franken-lezing>

Training on Human Rights and Children

From 9-12 April 2018, the Department of Child and the Grotius Centre for International Legal Studies have organized in cooperation with the Asia-Europe Foundation a training programme on Human Rights and Children.

The training provided a comprehensive children’s rights course of 3.5 days, which took a close look at contemporary children’s rights issues. Leading academic and professional experts in the field of children’s rights from Asia and



Europe offered inspiring and interactive lectures and workshops. Themes taught included issues relating to children and juvenile justice, migration, family and alternative care, business principles and digital realities. Eighteen representatives from governments and civil society organizations from 14 different Asian and European countries attended the training.

The training programme is a follow-up on the 17th Informal ASEM Seminar on Human Rights, dedicated to the rights of children, which took place in November 2017 in Sofia, Bulgaria. Ton Liefwaard, Professor of Children's Rights at the Child Law Department, was one of the main rapporteurs at the seminar and organized together with Stephanie Rap, Assistant Professor at the Child Law Department, the training component.

On the final day, the participants visited the Gender and Children Unit of the Office of the Prosecutor of the

International Criminal Court in The Hague. The training was concluded with a festive award ceremony and lecture at the Dutch Ministry of Foreign Affairs.

<https://www.universiteitleiden.nl/en/news/2018/04/training-on-human-rights-and-children-organised-by-department-of-child-law>

INFORM Day on EU Data Protection Law in Leiden

On Friday November 2nd 2018, eLaw, the Center for Law and Digital Technologies at Leiden University, hosted a one-day conference on the new EU Data Protection Law that came into force earlier this year.

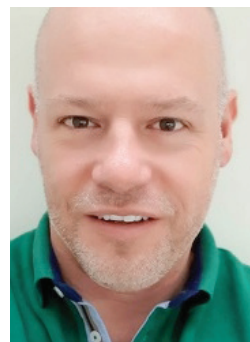
The focus of the conference was on the EU General Data Protection Regulation (GDPR) and Law Enforcement Directive 2016/680 (LED) for the processing of criminal law data.



The conference, moderated by Simone van der Hof, Professor of Law and Digital Technologies at eLaw, attracted approximately one hundred participants interested in the EU data protection reform. The program consisted of four in-depth sessions dealing with the GDPR and the LED. The first presentation by Gerrit-Jan Zwenne, Professor of Law and Digital Technologies at eLaw, discussed the background, scope and basic terminology of the GDPR; the second presentation by Bart Schermer, Associate Professor at eLaw, set forth the principles for the fair processing of personal

data and supervision of the GDPR; the third presentation by Bart Custers, Associate Professor at eLaw, discussed the data subject rights and data controller obligations of the GDPR; and the fourth presentation by Assistant Professor at eLaw, Mark Leiser, projected the state of personal data in law enforcement under Directive 2016/680.

<https://www.universiteitleiden.nl/en/news/2018/11/inform-day-on-eu-data-protection-law-in-leiden>



Expert meeting ‘Equality, children’s rights and digital technologies’ organized by the Child Law Department

On 12 December 2018, the department of Child Law, on the initiative of Assistant Professor Yannick van den Brink, Assistant Professor Stephanie Rap and Professor of Children’s Rights Ton Liefwaard, organized an expert meeting on ‘Equality, children’s rights and digital technologies’. The objective of the meeting was an in-depth exchange of ideas between the participants, resulting in a draft research agenda.

Equality is a fundamental human rights principle, also when it concerns children. This gives rise to the question how equal protection can be safeguarded in different fields of law, such as juvenile justice, child protection and immigration law. Moreover, the potential rise of digital technologies in decision-making practices in these particular fields of law can impose new opportunities and challenges when it comes to safeguarding equal protection of children.

Experts on the fields of interest were invited and asked to prepare a brief intervention on the basis of their expertise. These preparations formed the basis for reflection and discussion during the meeting.

Among those present was international legal scholar [dr. Rasmus H. Wandall](#), currently working at Lund University, Sweden. The other participants came from Leiden University and were, besides from the ones mentioned above: prof. dr. Titia Loenen, professor of Human Rights

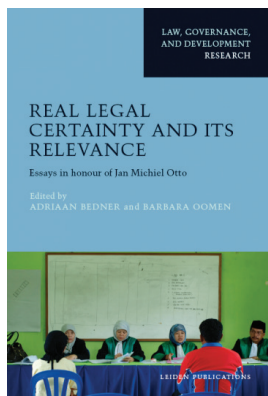
and Diversity, Jenneke Evers, PhD candidate at the Center for Law and Digital Technologies and Isabelle Kornelis, teacher and researcher at the Child Law Department.

<https://www.universiteitleiden.nl/en/news/2018/12/expert-meeting-equality-childrens-rights-and-digital-technologies-organized-by-the-child-law-department>



Highlighted publications

Essays in honour of Jan Michiel Otto edited by Adriaan Bedner and Barbara Oomen



The concept of ‘real legal certainty’ provides a much-needed corrective to the general attention for legal certainty in this day and age. It emphasizes relations between citizens, adds socio-legal insight, provides a ‘view from below,’ and thus leads to more realistic insights on how to build state institutions. The concept was introduced

by Leiden University’s professor of Law and Governance in Developing countries Jan Michiel Otto, and can be considered a central pillar of his work. Against the backdrop of an ever-increasing interest in ‘legal certainty’ in policy making and academia, friends and colleagues of Jan Michiel Otto engage with the concept and provide a wide variety of examples of its relevance.

<https://www.lup.nl/product/real-legal-certainty-and-its-relevance/>

International Human Rights of Children

This book explores the meaning and implementation of international children’s rights law, as laid down in the United Nations Convention on the Rights of the Child and related international and regional human

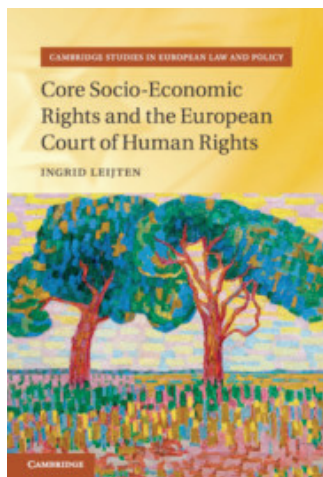
rights instruments. It considers the application of international children’s rights at the national level and addresses key procedural and institutional matters concerning children’s rights implementation, including monitoring, complaints mechanisms, effective remedies, advocacy and international agenda-setting. The book breaks new ground by analysing a wide range of international children’s rights issues from a legal perspective. It incorporates a comparative perspective on children’s rights law at the international, regional and domestic level and contains information on evidence-based strategies towards the implementation and enforcement of international children’s rights law.

Ton Liefwaard (Professor Children’s Rights), Julia Sloth-Nielsen (Professor of Children’s Rights in the Developing World) and Stephanie Rap (Assistant Professor) of the Child Law Department have contributed to this book by (co)-writing a chapter. Besides that, Ton Liefwaard was one of the editors of the book.

<https://link.springer.com/referencework/10.1007/978-981-10-3182-3#about>



Core Socio-Economic Rights and the European Court of Human Rights



This book written by Ingrid Leijten, assistant professor at the Department of Constitutional and Administrative Law, deals with socio-economic rights in the context of the jurisprudence of the European Court of Human Rights (ECtHR). The book connects the ECtHR's socio-economic case law to an understanding of the Court's responsibility

to recognize the limitations of supranational rights adjudication while protecting the most needy. By exploring the idea of core rights protection in constitutional and international law, a new perspective is developed that offers suggestions for improving the ECtHR's reasoning in socio-economic cases as well as contributing to the debate on indivisible rights adjudication in an age of 'rights inflation' and proportionality review. Core Socio-Economic Rights and the European Court of Human Rights will interest scholars and practitioners dealing with fundamental rights and



especially those interested in judicial reasoning, socio-economic and supranational rights protection.

<https://www.universiteitleiden.nl/en/staffmembers/ingrid-leijten#tab-1>

Report 'Eerste evaluatie Jeugdwet' ('First evaluation of the Youth Care Act') presented to the ministers De Jonge and Dekker



On 30 January 2018 the first evaluation of the 'Jeugdwet' was presented to the ministers of Public Health, Welfare and Sports and of Justice and Security.

The act entered into force in 2015 and made local governments responsible for youth care. The evaluation seeks to assess its effectiveness in practice. A multidisciplinary group of researchers worked together on this project.

The legal part was conducted by researchers from Leiden University, including several researchers participating in the EPFR programme: prof. Mariëlle Bruning, prof. Ton Liefwaard, Denise Verkroost LL.M., dr. Michiel van Emmerik and dr. Geerten Boogaard. The report concludes that the transformation envisaged has not been achieved yet and that realization of its goals will require more time.

Friele R.D., Bruning M.R., Bastiaanssen I.L.W., Boer R. de, Bucx A.J.E.H., Groot J.F. de, Pehlivan T., Rutjes L., Sondejker F., Yperen T.A. van & Hageraats R. (2018), Eerste evaluatie Jeugdwet: na de transitie nu de transformatie Reeks evaluatie regelgeving nr. 43. Den Haag: ZonMw.



Miscellaneous

Janine Ubink appointed as professor of Law, Governance and Development



Since March 2018, Janine Ubink is professor of law, governance and development at the Van Vollenhoven Institute for law, governance and society. Her research centers around African law and governance, with a primary focus on customary law and its relation to

state law, traditional authorities, land law and policy, gender, transitional justice, rule of law reforms and legal empowerment. Her regional focus is on Africa, but she has also been involved in comparative research in Asia and Latin America.

Janine Ubink's research examines the interaction of state law and government with customary law and traditional leadership. The research questions how state law and institutions can best respond to customary institutions, seeking to inform academics as well as justice reformers in these countries. In addition, she investigates how customary justice systems respond and adapt to large-scale changes in an increasingly globalized world. Colonialism, land commodification, changes in gender roles, conflict and post-conflict situations, and the activities of large foreign

companies on customary land, are all examples of large societal and economic transitions that impact on customary justice systems and their relation with state legal systems. She studies these processes through a combination of qualitative and quantitative methods, comparatively across the African continent, particularly in Ghana, Namibia, Malawi, Somalia and South Africa.

<https://www.universiteitleiden.nl/en/staffmembers/janine-ubink#tab-2>

Valerie Frissen appointed as Extraordinary Professor Digital Technologies and Social Change

In October 2018 Valerie Frissen was appointed as endowed professor Digital Technologies and Social Change at eLaw, Center for Law and Digital Technologies. This chair is supported by SIDN (Stichting Internet Domeinnamen Registratie), the organisation behind the .nl domain.



Valerie is director of the SIDN fund, which supports projects that contribute to “a strong internet for all” (www.sidnfonds.nl).

This fund aims at ensuring digital rights of citizens and empowering internet users, for instance in terms of data protection, digital skills and data autonomy. These issues are also very high on the agenda of eLaw, and for this reason in 2018 the chair Valerie holds moved from Erasmus University to Leiden University/eLaw. The results of the innovative projects SIDN fund supports, provide Valerie with rich insights and data about the development of the internet and the implications this has for society. The fund strongly supports the development of ‘responsible’ innovations in the internet domain, which will also be the key theme leading Valerie’s research in Leiden in the coming years.

<https://www.universiteitleiden.nl/en/staffmembers/valerie-frissen#tab-1>

Professor Mariëlle Bruning elected Member of the Expert Group Violence Against Children of the Council of Europe (2018-2019)

Mariëlle Bruning, Professor of Child Law, is elected Member of the Expert Group on Responses to violence against children (CAHENF-VAC), which is established to assist the Ad Hoc Committee for the Rights of the Child (CAHENF) of the Council of Europe.

The CAHENF-VAC is composed of Committee members from up to 16 member States, having a thorough knowledge of law, policy and practice in the field of children’s rights, with established expertise in preventing and combating



violence against children. The Group will hold two working meetings in Strasbourg per year in the period 2018-2019.

[https://www.universiteitleiden.nl/en/news/2018/02/professor-marielle-bruning-elected-member-of-the-expert-group-](https://www.universiteitleiden.nl/en/news/2018/02/professor-marielle-bruning-elected-member-of-the-expert-group-violence-against-children-of-the-council-of-europe-2018-2019)

[violence-against-children-of-the-council-of-europe-2018-2019](https://www.universiteitleiden.nl/en/news/2018/02/professor-marielle-bruning-elected-member-of-the-expert-group-violence-against-children-of-the-council-of-europe-2018-2019)

Ton Liefwaard Elected Member Steering Committee Children’s Rights European Academic Network

Ton Liefwaard, Professor of Children’s Rights at the Child Law Department, has been elected as member of the Steering Committee of the Children’s Rights European Academic Network (CREAN).

CREAN was created in 2015 to enhance the exchange of information on scientific research and foster research collaboration amongst academic institutions of children’s rights in Europe. The network comprises more than 30 European higher education institutions that work together to support the development of education, research and outreach activities in the field of children’s rights.



The Steering Committee is composed of 5 members who are elected by the General Assembly of CREAN for a period of two years and guides the Coordination Office at the Centre for Children's Rights Studies at the University of Geneva in managing the network and further enhancing the academic field of children's rights as an interdisciplinary field of studies.

<https://www.universiteitleiden.nl/en/news/2018/05/ton-liefaard-elected-member-steering-committee-children%E2%80%99s-rights-european-academic-network>

Mark Klaassen appointed in the Advisory Committee on Migration Affairs



Mark Klaassen, assistant professor at the Institute of Immigration Law, has been appointed as a committee member in the Advisory Committee on Migration Affairs (Adviescommissie voor vreemdelingenzaken). The Advisory committee is an independent body consisting of experts in the

field of migration. The appointment starts on 1 July 2018 and will last for four years.

<https://www.universiteitleiden.nl/en/news/2018/06/mark-klaassen-appointed-in-the-advisory-committee-on-migration-affairs>

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