

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

Annual report 2019



**Universiteit
Leiden**
Leiden Law School

Discover the world at Leiden University

Annual report 2019

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



**Universiteit
Leiden**
Leiden Law School

Leiden University, May 2020
Editors: Titia Loenen, Nina van Capelleveen

Introduction

Dear reader,

We are pleased to present the 2019 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 2019. 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 2019, including inaugural lectures, PhD defenses and conferences and seminars we organized.



*Titia Loenen,
EPFR Coordinator*

Contents

Selection of highlights	5
Inaugural lectures and PhD defenses	14
Selection of Conferences and Seminars	20
Highlighted publications	26
Miscellaneous	32
Scholarly publications.....	35

Selection of highlights

Nina van Capelleveen selected for a Meijers PhD position



Nina van Capelleveen, PhD researcher at the Child Law Department, has been selected for a Meijers PhD position. Her research proposal is entitled: “Preventing and tackling radicalisation of children: balancing fundamental rights, child protection and public safety” and concerns the legal aspects with regard to preventing and tackling radicalisation of children.

In her research, Nina will focus on the various legal instruments that can be employed to prevent and tackle radicalisation of children, based on child protection law, criminal law and administrative law. It will be examined to what extent the development of the child, public safety and, at the same time, the fundamental rights of the child are protected. In order to achieve this, traditional legal research methods and empirical legal research methods will be combined. The research will be conducted within the Department of Child Law under the supervision of Mariëlle Bruning (Professor of Children and the Law) and Yannick van den Brink (Assistant Professor).

The Meijers PhD positions are awarded every year by the Faculty to talented young scholars.

https://www.staff.universiteitleiden.nl/news/2019/07/winners-meijers-phd-position-2019?_ga=2.81998102.1413748367.1579163086-1343225566.1565859272&cf=law&cd=institute-of-private-law

Stephanie Rap wins KNAW Early Career Award 2019



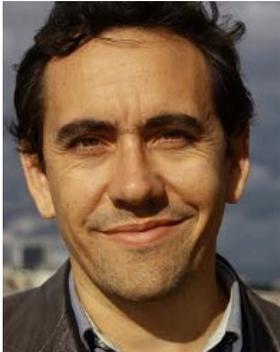
The KNAW Early Career Award 2019 has been awarded to lecturer in children’s rights Stephanie Rap. She receives the award for her research into international children’s rights.

In her research Rap combines various research methods to analyse and understand the importance of international children’s rights, particularly the right to participate in legal proceedings. ‘The implementation of children’s rights in practice brings about a number of dilemmas and areas of tension, for example between protection and participation; the interests of the child and other pressing interests; the role and position of parents and the role of children in legal proceedings. I am attempting to reveal these areas of tension by closely studying certain practices and using empirical research (for example interviews and observations). By understanding the importance of children’s rights in practice, I hope to achieve new insights that could provide professionals with tools on how to involve children in a child-friendly way in legal procedures and decisions.’

Through the KNAW Early Career Award, the KNAW aims to support young, talented PhD graduates. The award is intended for researchers at the start of their career who are capable of developing innovative and original research ideas.

[https://www.universiteitleiden.nl/en/news/2019/11/stephanie-
rap-wins-knaw-early-career-award-2019](https://www.universiteitleiden.nl/en/news/2019/11/stephanie-rap-wins-knaw-early-career-award-2019)

Eduardo Arenas Catalán awarded Theo van Boven Maastricht Research Prize on International Law



Dr. Eduardo Arenas Catalán, lecturer and Academic Coordinator of the Advanced Master's in European and International Human Rights Law at Leiden Law School, was awarded the Theo van Boven - Maastricht Research Prize 2018 for his doctoral thesis: "Solidarity and the right to health in the era of healthcare commercialisation".

The ceremony took place at Maastricht University on 8 February, 2019. The chair of the jury was Prof. dr. Liesbeth Lijnzaad, endowed Professor of the Practice of International Law at Maastricht University. She praised the way the book "challenges the reader to reconsider the thinking about the right to health and how an increased focus on the aspect of solidarity will be of relevance as political debates about the costs of healthcare insurance in times of scarcity and an increasingly elderly population develop". Lijnzaad, on behalf of the jury, described the approach of the book as "highly

innovative" and "likely to fundamentally affect the discourse on human rights". The work of Arenas Catalán was selected from a total of twelve PhD theses, submitted from Belgium, Germany, the United Kingdom and the Netherlands.

The Theo van Boven – Maastricht Research Prize is awarded to a PhD thesis in the area of international law including international humanitarian law, international criminal law and international human rights law. The prize consists of 3,000 euros for the winner, and a seminar on a subject chosen by the laureate, which will be organized together with the International Law Department and the Maastricht Centre for Human Rights of the Maastricht Faculty of Law.

[https://www.universiteitleiden.nl/en/news/2019/02/eduardo-
arenas-catalan-awarded-theo-van-boven-maastricht-
research-prize-on-international-law](https://www.universiteitleiden.nl/en/news/2019/02/eduardo-arenas-catalan-awarded-theo-van-boven-maastricht-research-prize-on-international-law)

VIDI project 'Living on the Other Side: A Multidisciplinary Analysis of Migration and Family Law in Morocco'

As of 1 January 2019, the Van Vollenhoven Institute welcomed Dr. Nadia Sonneveld as an Assistant Professor. Nadia Sonneveld will lead the VIDI project 'Living on the Other



Side: A Multidisciplinary Analysis of Migration and Family Law in Morocco'. The research project concerns the rights of migrants in Morocco and answers the question how receiving states and migrants deal with them in practice. Living on the Other Side provides answers through a legal-anthropological analysis of migrants' family life affairs in Morocco. PhD candidates Judith van Uden and Nada Heddane will be a part of the project.

<https://www.universiteitleiden.nl/en/research/research-projects/law/migration-and-family-law-in-morocco>

Yannick van den Brink awarded NWO Rubicon grant to conduct research at University of Cambridge



Dr Yannick van den Brink, Assistant Professor at the Department of Child Law, has been awarded a grant from the Rubicon programme of the Netherlands Organisation for Scientific Research (NWO) to conduct research for a period of eighteen months at the

University of Cambridge, Institute of Criminology, in the United Kingdom.

Van den Brink will study the implications of the principle of equality in juvenile criminal law. He will look at how the principle of equality can be safeguarded in decision making in relation to the pre-trial detention of juvenile suspects, without compromising the pursuit of individual arrangements that is

characteristic of juvenile criminal law. To this end he will also carry out empirical research at juvenile courts in England and the United States in order to explore to what extent British and American policy strategies aimed at reducing inequality could be applied in Dutch juvenile criminal law.

Van den Brink's supervisor throughout this period will be Dr Caroline Lanskey, Lecturer of Criminology and Criminal Justice, University of Cambridge, Institute of Criminology.

<https://www.universiteitleiden.nl/en/news/2019/04/yannick-van-den-brink-awarded-nwo-rubicon-grant-to-conduct-research-at-university-of-cambridge>

Mark Leiser receives Erasmus grant for research on fake news



Dr Mark Leiser, Assistant Professor in Law and Digital Technologies at eLaw - Center for Law and Digital Technologies at Leiden University, has won a grant for research on fake news.

The grant will result in eLaw joining a consortium made up of a number of European universities, funded by an Erasmus grant of €50,000, aiming to empower current and future media and media education professionals, to identify, prevent, and combat the spread of fake news over digital networks.

The spread of disinformation over digital social networks tends to undermine freedom of press and freedom of

expression. As highlighted in a report published by the European Commission's High-Level Expert Group (2018) tackling misinformation requires a multidimensional approach and strategy because of its technological, legal, political, economic and educational implications.

The Commission recognized the key role of emerging technologies and how they can change the way information is produced and disseminated, and can play a central role in tackling disinformation. The project will target students in media studies, current and future media professionals, public relation managers, and teachers in media education.

The project will last three years and will be hosted, in part, by eLaw at Leiden Law School, Leiden University.

<https://www.universiteitleiden.nl/en/news/2019/09/erasmus-grant-for-elaw-s-research-on-fake-news>

Eduard Fosch-Villaronga receives visiting grant for cybersecurity aspects of healthcare robot technology

Dr. Eduard Fosch-Villaronga, Marie Skłodowska-Curie Postdoctoral Researcher at eLaw, received a personal visiting researcher grant from the Research Council of Norway to spend five weeks visiting the University of Oslo.



Eduard will conduct research on the cybersecurity aspects of healthcare robot technology as a collaboration between his Marie Skłodowska-Curie Postdoctoral project on the Legal Aspects of Healthcare Robots and the ongoing Norwegian VIROS (“Vulnerability in the Robot Society”) Project at the University of Oslo (UiO).

During Eduard’s visit, he will learn and study aspects relating to information and cybersecurity that are essential to healthcare robot technologies together with Prof. Tobias Mahler. During Eduard’s stay at UiO, he will visit Dr. Roger Andre Sora currently working at the Department of Interdisciplinary Studies of Culture at the Norwegian University of Science and Technology (NTNU). Roger is working on Robotization of gerontechnologies, which will be very beneficial for Eduard’s project and the healthcare track of the VIROS Project.

<https://www.universiteitleiden.nl/en/news/2019/07/eduard-fosch-villaronga-receives-visiting-grant-for-cybersecurity-aspects-of-healthcare-robot-technology>

Participation of EPFR researchers in new Jean Monnet Centre of Excellence on comparative regional integration

Leiden University won a prestigious Jean Monnet grant for a Centre of Excellence. The Centre, called CompaRe, focusses on comparative regional integration. It will investigate how different regions in Europe, Asia, Latin-America and Africa organize their regional collaboration and what can be learnt from these different regions to make the EU leaner, smarter and more legitimate.

To this end, CompaRe unites Leiden expertise on integration, with regional expertise on Africa, Asia and Latin-America into a centre on comparative regional integration. For the first time, leading experts on EU integration and regional studies from different faculties and institutes will engage in a structured collaboration. This enables systematic, comparative and multidisciplinary research and teaching on regional integration, with a particular EU focus. By doing so, the centre aims to elevate current research and teaching on regional integration and to help find innovative solutions to problems shared by regional organizations, including the EU.

The application was spearheaded by Armin Cuyvers, associate professor of European law at the *Europa Instituut* and director of CompaRe. Participating researchers from the EPFR-programme include Adriaan Bedner, professor of Law and Society in Indonesia and Janine Ubink, professor of Law, Governance and Development.



<https://www.universiteitleiden.nl/en/news/2019/09/jeanmonnet-centre-of-excellence-on-comparative-regional-integration-awarded-to-leiden-university>

Toogdag research group EPFR on ‘Remedies and reparations for effectively protecting fundamental rights’

On 16 May the annual conference or *Toogdag* of the EPFR programme took place. The theme chosen was ‘Remedies and reparations for effectively protecting fundamental rights’. As human rights violations in individual cases often represent structural problems that need to be addressed, this raises the question to what extent remedies and reparations can or should address this more collective or structural level. It also raises the question which actors can or should be the driving force in providing reparations. And what is more specifically the role for judicial bodies in this respect?

The theme was addressed by researchers from across the EPFR programme, providing an inspiring variety of perspectives that have to be taken into account when reflecting on effectively protecting fundamental rights. In the first panel Mark Klaassen and Linda Louis provided input for the discussion which was led by Stephanie Rap.



In the second panel, moderated by Adriaan Bedner, Eduard Fosch Villaronga, Julia Sloth-Nielsen and Suliman Ibrahim gave a lot of food for thought.



By delivering the closing speech on *‘Remedies and reparations in the practice of the Dutch NHRI: the debate on sanctions in discrimination cases’*, Jan-Peter Loof, vice-president of the Netherlands Institute for Human Rights and EPFR researcher, rounded off a very fruitful and inspiring day.

Minister of Foreign affairs Stef Blok delivers Human Rights Day lecture

Minister of Foreign Affairs Stef Blok delivered the annual human rights lecture at the faculty of Law on 10 December 2019. The title of the lecture was *‘Mensenrechten raken iedereen: Een pleidooi voor een pragmatisch mensenrechtenbeleid’* (‘Human rights affect everyone: a plea for a pragmatic human rights policy’). The lecture hall in the Academy building was packed.

In his lecture Stef Blok emphasized the need for and importance of a pragmatic approach to human rights foreign policy as adopted by the current Government. According to Minister Blok, pragmatism is the best way to be effective in realizing human rights. Rather than theorizing or lecturing other countries on human rights, taking concrete action in cooperation with others and moving forward step by step is often much more successful in realizing changes for the better. In this context he emphasized the importance of cooperation and building coalitions in the context of the EU, the UN and the Council of Europe as well as bilateral initiatives to



promote human rights. Minister Blok illustrated his plea for a pragmatic approach with various examples.

In the Q&A following the lecture the Minister's approach was met with some very critical questions. Nevertheless, when it turned out that he was actually turning 55 on this very day, the meeting ended by the audience spontaneously starting to sing a birthday song.

The full lecture by Minister Stef Blok [in Dutch] can be found at www.universiteitleiden.nl/binaries/content/assets/rechtsgeleerdheid/mensenrechtenlezing-blok.pdf

The lecture was organized by Rick Lawson, professor of European Law.

Research on the interpretation and implementation of the EU Return Directive

In December 2019, the Institute of Immigration successfully participated in a tender of the Scientific Research Center of the Ministry of Justice and Security (WODC) for a study on "Interpretation and implementation of the EU Return Directive". The Institute for Immigration Law conducts the research in collaboration with the Europa Institute. The investigation into the EU Return Directive is based on the hypothesis formulated by the Ministry of Justice and Security that the implementation of the EU Return Directive and the case law of the Court of Justice of the European Union has had a negative influence on the effectiveness of the Dutch return policy. For the research, data on immigration detention and returns of the Repatriation and Departure Service (DT&V) will be analyzed, as well as national law and Union law and jurisprudence. The research is supplemented with interviews

with experts in the area of return and immigration detention. The awarded tender provides for potential follow-up research in the form of legal comparison on the interpretation and implementation of the EU Return Directive in various EU Member States. The research is being conducted by Dr. Mark Klaassen, supervised by Prof. Dr. Peter Rodrigues.



Strengthening Legal Education in Eastern Indonesia (SLEEI)

The Van Vollenhoven Institute has been awarded €50.000 by Nuffic for the project 'Strengthening Legal Education in Eastern Indonesia' (SLEEI). The SLEEI project aims at strengthening legal education, which is a crucial part of maintaining the rule of law in the country. Many Indonesian citizens cannot realise their rights and continue to face a lack of legal certainty: It is often unclear what laws apply in particular situations and it is hard to predict how the courts or the government will interpret them. SLEEI will focus on course development and teaching methods that will produce graduates who master key legal skills required by the labour market, and who are aware of the ethical and inequality/gender issues involved in the problems they address.

The project will be conducted by a consortium of four law faculties in Eastern Indonesia (Ambon, Kupang, Waingapu, Mataram), two law faculties on Java (UGM and Jentera), one in the Netherlands (VVI Leiden), and the Royal Tropical Institute (KIT). The consortium builds on existing collaboration between Indonesian partners and Leiden Law School, including guest lecturing, masterclasses, joint research, and project based collaboration. With a central role for experts who are alumni of LLS (PhD) and now work at top universities in Indonesia, this project aims to change the collaboration's focus from primarily Netherlands-Indonesia exchanges to structured interaction, sharing and support between and among Indonesian law faculties.

<https://www.universiteitleiden.nl/en/research/research-projects/law/strengthening-legal-education-in-eastern-indonesia>



Avoiding conflict after the cyclone: Land rights and environmental displacement in Central Mozambique

The Van Vollenhoven Institute has been awarded €15.000 by Knowledge Platform Security & Rule of Law to the research project 'Avoiding conflict after the cyclone: Land rights and environmental displacement in Central Mozambique - Leiden University'. In March 2019 cyclone Idai hit central Mozambique with unprecedented strength, affecting the lives of 1.8 million people and displacing thousands. Events such as this easily lead to land-related conflict, both in the areas directly affected by the storm, and in the locations where displaced victims seek shelter. The questions this raises will become ever more pertinent in light of ongoing climate change: How do people address land-related problems caused by environmental displacement, once the emergency aid organizations have left? What role do state institutions and legislation play in addressing these problems, and can their performance be improved? How do they deal with customary systems? And can a legal framework embrace a human rights-based approach to environmental displacement?



This socio-legal research focuses on the land-related impacts of environmental displacement in Mozambique in the aftermath of cyclone Idai, examining the effects of environmental displacement on land rights and conflict, and the role of the legal framework in addressing these land-related problems. It also intends to be the start of a larger comparative project on climate change, environmental displacement, and land-related conflict.

<https://www.universiteitleiden.nl/en/research/research-projects/law/land-rights-and-environmental-displacement-in-central-mozambique>

Inaugural lectures and PhD defenses

Inaugural lecture Janine Ubink: ‘Legal Pluralism, Capital and Democracy’

On 25 January 2019, Janine Ubink delivered her inaugural lecture as professor of Law, Governance and Development at the Van Vollenhoven institute. In her lecture Janine Ubink addressed the continued relevance of traditional rule systems and customary law for the regulation of the lives of citizens in the Global South, where the state legal system is often a much less direct instrument of governance in people’s lives. Though customary systems were expected to disappear with modernity, they are undergoing a resurgence in various regions of the world. In her research, Ubink investigates the governance challenges this continued relevance of non-state justice systems poses to sovereign states. How to effectively govern a country where each locality has its own norms, leadership structures and dispute settlement institutions; where many relations and rights are regulated by customary law? These questions are further complicated by the distortions wrought on traditional rule systems during the colonial and postcolonial period that have impacted negatively on traditional rule systems. They are now to function in very different contexts, as part of broader nation states with democratically elected leaders and often democratically elected local government.

This confluence of tradition and modernity leads to all kinds of pertinent questions: How do non-elected traditional authority structures relate to and coexist with elected, decentralized local government structures? Can male elderly leadership based on ethnicity – which is still the norm in

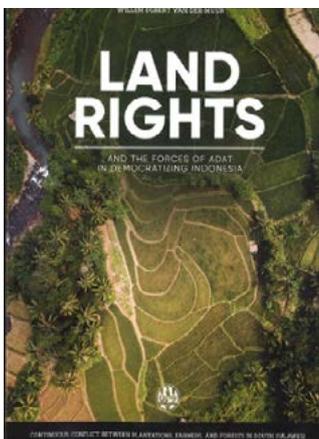
most traditional rule systems – be reconciled with the idea of inclusive democracy? How do customary justice systems that used to regulate communal resources in pre-capitalist societies operate in capitalist societies where access to land and natural resources provide huge money-making opportunities? What role do international entities and norms play in the regulation of customary justice systems? In her lecture Janine Ubink explored these questions for Africa, where most of her research has been focused.

See for the full text extensively <https://www.universiteitleiden.nl/en/news/2019/01/return-of-customary-law-often-a-let-down-for-local-people>



Willem van der Muur: ‘Land rights and the forces of adat in democratizing Indonesia’

On 9 January 2019, Willem van der Muur defended his thesis ‘Land rights and the forces of adat in democratizing Indonesia’. The doctoral research was supervised by Prof. dr. A.W. Bedner and Prof. dr. J.M. Otto.



At the heart of many of the current land conflicts in Indonesia lies the government's claim to more than 70 percent of all land. This research is focussed on long-term land conflicts, in which citizens claim that as a traditional community, or adat community, they are entitled to land that has been confiscated by government bodies or plantation businesses. Since the fall of Soeharto in 1998, claims to land rights are increasingly made in the form of an appeal to collective adat community rights. In the early 1990s a large social movement arose, the so-called adat movement, which strives for the recognition of adat community rights.

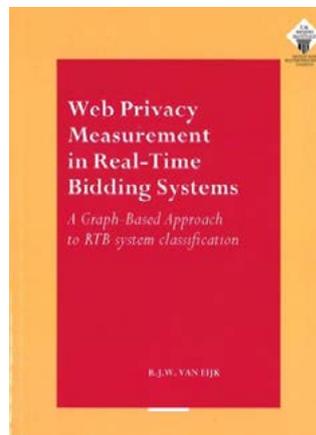
Although adat land rights are recognised by law, they are often not granted. The government has discretionary powers to exclude groups, with the argument that they are not traditional enough to be viewed as an adat community. In addition, claims to adat land rights have less chance in conflict situations where influential private or public actors are involved.

In his conclusion, the researcher calls for more flexible and inclusive ways of formal acknowledgement. If more communities want to be considered for formal recognition of their land rights, a broader interpretation of the concept adat community and adat law community is needed. Van der Muur suggests, for example, a system in which recognition

of land ownership would follow after having occupied or worked the land for a certain number of years.

<https://www.universiteitleiden.nl/en/research/research-output/law/land-rights-and-forces-of-adat-in-democratizing-indonesia>

Robbert van Eijk: 'Web Privacy Measurement in Real-Time Bidding Systems. A Graph- Based Approach to RTB system classification'



On 29 January 2019, Robbert van Eijk defended his thesis 'Web Privacy Measurement in Real-Time Bidding Systems, A Graph- Based Approach to RTB system classification'. The doctoral research was supervised by Prof. dr. H.J. van den Herik.

Web Privacy Measurement (WPM) has been established as an academic research field since 2012. WPM scholars observe websites and services to detect, characterize, and quantify privacy-impacting behaviors. The main goal of the research field is to increase transparency through measurement.

In the thesis, Robbert J. van Eijk investigated the advertisements online that seem to follow you. The technology enabling the advertisements is called Real-Time Bidding (RTB). An RTB system is defined as a network of partners enabling big data applications within the organizational field of marketing.

The system aims to improve sales by real-time data-driven marketing and personalized (behavioral) advertising. Robbert van Eijk applied network science algorithms to arrive at measuring the privacy component of RTB. In the thesis, it is shown that cluster-edge betweenness and node betweenness support us in understanding the partnerships of the ad-technology companies. From the research it transpires that the interconnection between partners in an RTB network is caused by the data flows of the companies themselves due to their specializations in ad technology. Furthermore, Robert van Eijk provides that a Graph-Based Methodological Approach (GBMA) controls the situation of differences in consent implementations in European countries. The GBMA is tested on a dataset of national and regional European news websites.

<https://www.universiteitleiden.nl/en/research/research-output/law/web-privacy-measurement-in-real-time-bidding-systems-a-graph--based-approach-to-rtb-system-classification>

Helena Ursic-Vrabec: ‘Uncontrollable: Data subject rights and the data- driven economy’



On 7 February 2019 Helena Ursic-Vrabec defended her PhD thesis ‘Uncontrollable: Data subject rights and the data-driven economy’. The research was supervised by Professor Simone van der Hof. The focus of the research are data subject rights – a set of data protection provisions that directly linked

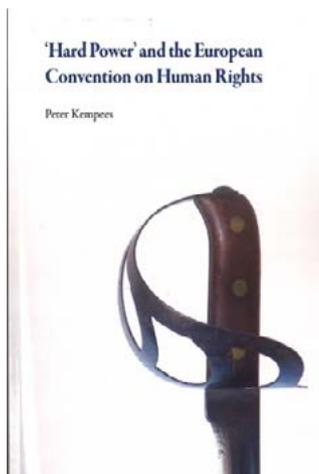
to the concept of individual control. In 2018, the European

Parliament adopted the Regulation on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (GDPR). The objective of the new law was to strengthen data protection and adapt it to the changed circumstances in the globalised and interconnected world. The amendments also introduced some substantial improvements in the section on data subject rights. However, in the light of the fast-changing economic and technological environment, the researcher noticed a gap between data subject rights when understood as law in the books and when applied in practice. By using the analysis of legal sources and academic literature, the thesis explores whether the data subject rights under the GDPR are effective in the data-driven economy, and if not, what are possible solutions to overcome the shortcomings.

The assessment confirms that the law in books appears promising but fails in action. The thesis suggests three (self-) regulatory approaches to enhance individual control over personal data beyond the system of data subject rights: a) introducing new technological solutions that promote values such as privacy, fairness, and control b) complementing data subject rights with the mechanisms from the duty side of data protection law such as privacy by design and c) leveraging on the overlaps between data protection and other legal areas such as consumer protection and competition law.

<https://www.medewerkers.universiteitleiden.nl/agenda/2019/02/uncontrollable-data-subject-rights-and-the-data--driven-economy?cf=rechtsgeleerdheid>

Peter Kempees: ‘Hard power and the European Convention on Human Rights’



On 18 June 2019, Peter Kempees defended his thesis ‘Hard power and the European Convention on Human Rights’. The doctoral research was supervised by Prof. R.A. Lawson and Prof. H. Duffy.

‘Hard power’ is a concept used in the field of international relations. In relation to this research,

the term is used for violence, and in particular military violence, in national or international armed conflict or law enforcement and economic sanctions.

The research investigated the possibilities for state parties that resort to using ‘hard power’ to avoid liability on the grounds of the European Convention on Human Rights (ECHR) in proceedings before the European Court of Human Rights (ECtHR). For instance, in relation to derogation of obligations in time of war or emergency (Art. 15 ECHR), jurisdiction in respect of obligation (Art. 1 ECHR) and imputation for potential violations of the Convention. The basic premise is that the ECHR remains applicable, even in cases of the use of ‘hard power’ outside the national borders.

The research required the study of the case law of the ECtHR and the former European Commission of Human Rights. Other areas of law besides the ECHR,

in particular humanitarian (war) law and general international law, are also considered in the research to the extent that overlap was established with the ECHR.

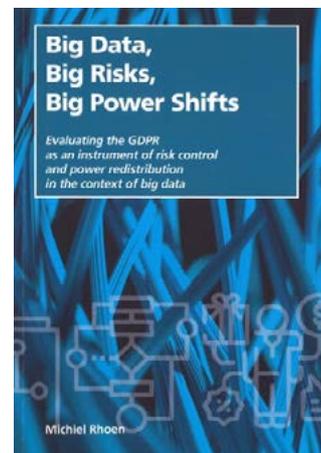
It is demonstrated that within the confines laid down by the ECHR as a human rights convention, state parties have been able to maintain sufficient room to pursue their legitimate policy objectives.

The research is relevant not only to classic war situations, but also to cases involving the use of ‘hard power’ which are more relevant in current international practice such as the war on international terrorism, UN peacekeeping operations, hybrid warfare, cyber-attacks and combatting piracy.

<https://www.universiteitleiden.nl/en/research/research-output/law/hard-power-and-the-european-convention-on-human-rights>

Michiel Rhoen: ‘Big Data, Big Risks, Big Power Shifts’

On 12 September 2019, Michiel Rhoen defended his doctoral thesis ‘Big Data, Big Risks, Big Power Shifts: Evaluating the General Data Protection Regulation as an instrument of risk control and power redistribution in the context of big data’. The research was supervised by professor Gerrit-Jan Zwenne and professor Aernout Schmidt.



The General Data Protection Regulation (GDPR) took effect mid-2018. The Regulation aims to protect the rights and freedoms of individual citizens against risks from the processing of personal data. It therefore necessitates measures to ensure that these risks are as small as possible. Citizens are also provided special rights, such as the ‘right to be forgotten’. The emergence of technologies such as ‘big data’ however lead to new questions: can the GDPR control the risks that arise from big data and sufficiently control corporate power?

To provide an answer to this question, Michiel Rhoen compared the GDPR with prior European regulations that were intended to regulate risks and power balances. In addition, he examined whether the special provisions on discrimination contained in the GDPR are sufficient to uncover and combat discrimination that arises from advanced analysis technologies (algorithms).

The research showed that the GDPR does not contain a proper analysis of the risks of big data. The GDPR provides consumers with few possibilities for involvement in decisions on their personal data. Existing methods which could protect consumers or the environment, were also not applied. As a result it is more difficult to assess whether the GDPR has achieved its goals and to further develop the legislation via case law. Rhoen also concluded that the GDPR can fall short in combatting discrimination through algorithms.

The dissertation, therefore, puts forward a number of guiding principles to be considered in the assessment of disputes between consumers and processors of personal data. These guiding principles could also be applied in the future evaluation of the GDPR.

<https://www.universiteitleiden.nl/en/research/research-output/law/big-data-big-risks-big-power-shifts-evaluating-the-general-data-protection-regulation-as-an-instrument-of-risk-control-and-power-redistribution-in-the-context-of-big-data>

Laure d’Hondt: ‘Addressing Industrial Pollution in Indonesia. The Nexus between Regulation and Redress seeking’



On 17 October Laure d’Hondt defended her doctoral thesis ‘Addressing Industrial Pollution in Indonesia. The Nexus between Regulation and Redress seeking’. The research was supervised by professor Adriaan Bedner.

The research explores the difficulties involved in tackling the vast pollution of rivers in Indonesia, on which many people depend for their water supply, and hold the perpetrators accountable. It involved extensive field work. Laure d’Hondt focused in particular on the role of victims of pollution and the opportunities provided by citizen participation and mediation to address the pollution. It turned out that a proper analysis engaged the much broader system of government standards and enforcement operating in Indonesia, as well as a more detailed investigation of the wide variety of interests and power relations involved. Laure d’Hondt concluded that citizen participation was not a successful tool in the case studied. At the end of the day, pollution was hardly addressed.

See more extensively <https://www.universiteitleiden.nl/en/news/2019/10/why-citizen-participation-is-not-helping-to-stop-environmental-pollution-in-indonesia>

Meda Couzens: ‘The application of the United Nations Convention on the Rights of the Child by national courts’

On 3 December 2019 Meda Couzens defended her doctoral thesis ‘The application of the United Nations Convention on the Rights of the Child by national courts’. The research was supervised by professor Ton Liefwaard and professor Julia Sloth-Nielsen of the department of Child Law.

The study addresses the application of the CRC by domestic courts, focusing on three jurisdictions with differing legal regimes regarding the relationship between international and domestic law: France, Australia and South Africa. It

seeks to enhance the understanding and conceptualization of the role of courts in giving effect to the CRC. The selection of jurisdictions provides an interesting sample to study the various ways in which the CRC is applied by domestic courts. The author shows that the formal legal regime regarding the reception of international law in the domestic system is not determining for the role the CRC standards actually play in the jurisdictions under study. Legal realities turn out to be much more complex and nuanced. By its detailed and thoughtful analysis of the various ways in which courts refer to the CRC in their decisions the thesis provides a welcome contribution to the understanding of the interplay between international and national law. As such the conclusions are of significant interest beyond the application of the CRC and are also relevant for understanding how other human rights treaties may impact domestic jurisdictions.



Selection of Conferences and Seminars

eLaw hosted valorization workshop SCALES project

Is the General Data Protection Regulation (GDPR) adequate in ensuring responsible innovation using data analytics? What is the role of ethics with regard to placing limits on technological developments? Does innovation drive business and industry transformations, or does shareholder value maximization drive innovation? These questions were raised at the valorization workshop. It is intended that insights gained from academic research are made available and will be valuable for economic or societal application at private and public institutions.

The use of data analytics regularly sparks debate; among other things on the privacy of citizens and the security of data. The aim of the SCALES research project was to support private and public partners in designing an institutional framework with appropriate checks and balances. With this goal in mind, researchers from Leiden Law School conducted case studies, providing academic insights and perspectives to the internal discussions of the partners concerning the application of data analytics and its societal impact. At the valorization workshop on 22 August, these case studies were presented by the representatives of the project partners.

SCALES

Designing regulatory and institutional framework to balance public interest and individual liberties in the use of data analytics



The workshop concluded with a panel discussion, where presenters discussed ways to operationalize high-level ethical principles in the everyday business models of their organizations.

<https://www.universiteitleiden.nl/en/news/2019/10/elaw-hosted-valorization-workshop-scales-project>

Conference on Governance of International Courts and Tribunals

On September 20 and 21, a conference on the governance of international courts and tribunals took place at Leiden Law School. It was organized by Niels Blokker, Armin Cuyvers, EPFR-researcher Rick Lawson and former colleague Sergey Vasiliev (now at the UvA).



The conference brought together high-level authorities, scholars, practitioners and students. Keynote speeches were delivered – amongst others – by President Abdulqawi Yusuf of the International Court of Justice and by President O-Gon Kwon of the ICC Assembly of States Parties.

The conference inaugurated the International Judicial Governance project, devoted to the study of governance institutions of international courts and tribunals such as the

International Court of Justice, the International Criminal Court, the Appellate Body of the World Trade Organization, the European Court of Justice and the European Court of Human Rights. Many new international courts have been established since the 1990s. They have ‘judicialized’ international law and international relations. Their functioning has been studied extensively. However there has hardly been any legal research into their *governance*, despite the fundamental importance of competent, effective and accountable governance to the orderly functioning of international courts and tribunals. The objective of the conference was to delineate this new field of research and to map out the core theoretical issues and practical challenges in this domain.

The conference has been essential for the project’s research plan and will serve as a starting point for more in-depth research the coming years.

<https://www.universiteitleiden.nl/en/news/2019/09/conference-on-the-governance-of-international-courts-and-tribunals>

Hans Franken-lecture by Janneke Gerards

On 15 November 2019 Janneke Gerards held the second annual Hans Franken lecture at the Law Faculty of Leiden University. Janneke Gerards is professor of Fundamental Rights Law at Utrecht University. The title of the lecture was: ‘Fundamental rights challenges of algorithms’.

In her lecture Janneke Gerards addressed the relationship between algorithms and human rights. Algorithms have become increasingly important and will no doubt greatly influence the future. Though they are very useful, for instance

by greatly facilitating the detection of diseases or crime control, they also pose new problems and challenges. In this context Professor Gerards discussed some of these darker sides of algorithms, and how they may interfere with fundamental rights such as the right to privacy and non-discrimination. After the lecture and the Q&A professor Franken himself also briefly addressed the audience on this topic.

The lecture was organized by eLaw and also took place in the context of the university research programme SAILS (Society, Artificial Intelligence and Life Sciences).

<https://www.universiteitleiden.nl/en/news/2019/12/hans-franken-lecture-by-janneke-gerards>



NNHRR Working Group fireside chat on ‘Gender and media’ hosted by EPFR researchers



On 15 November 2019, EPFR researchers hosted a ‘fireside chat’ with Jennifer Adams at Leiden Law School organized by the Netherlands Network for Human Rights Research’s (NNHRR) Working Group on Human Rights in the Digital Age. The title of Jennifer Adams’ talk was ‘Gender and media - representation and

protection of women journalists online’. Jennifer Adams is currently working as an independent expert and consultant, having previously been Project Manager of the Safety of Female Journalists Online #SOFJO project that is run by the Office of the OSCE Representative on Freedom of the Media.

The Working Group on Human Rights in the Digital Age is running a series of “fireside chats” – candid exchanges between Working Group members and invited experts and

representatives of international human rights organisations, as part of a project funded by the Democracy and Media Foundation. The coordinators of the Working Group are EPFR researchers Tarlach McGonagle and Jenneke Evers, and Aviva de Groot and Silvia de Conca from Tilburg university.

Research colloquium of the EPFR research programme

On 25 November 2019, the yearly research colloquium of the research programme ‘Effective Protection of Fundamental Rights in a Pluralist World’ took place. This year, the aim of the research colloquium was to further explore the ‘common narrative’ of the research programme and to strengthen the sense of identity and community as a research group across departments and institutes. Therefore, speakers from all the corners of the research programme addressed three cross cutting themes:

-Effective protection of fundamental rights – what does ‘effective’ mean? This topic was addressed by Titia Loenen, Katrien Klep and Kees Waaldijk.



-*Families and migration*. Presentations were given by Simona Florescu, Nada Heddane, and Mark Klaassen.



-*AI and Human dignity*. This topic was discussed by a panel consisting of Egbert Koops, Bart Custers and Lexo Zardiashvili.



The various presentations led to interesting insights about our ‘common narrative’ and to possible new collaborations between researchers from the different departments and institutes.

Seminar ‘Interacting with Robots and AI’

On 28 November eLaw welcomed leading international scholars with interdisciplinary backgrounds addressing how humans interact with robots and AI-driven technologies. The seminar built a bridge between technical and social

science disciplines and promoted room for discussion on the consequences of the use and development of such technologies.

The development of robot and AI technologies may bring about unclear rules and areas of legal ambiguity. Robots process vast amounts of data that can learn from experience, and self-improve their performance, challenging this way, the applicability of existing regulations that were not designed for progressive, adaptive, and autonomous behavior. Moreover, these systems increasingly interact with children, older adults, and persons with disabilities in private, professional, or public settings, although it is not always clear what safeguards are needed to ensure a safe interaction.

<https://www.universiteitleiden.nl/en/news/2020/01/robots-at-the-school-of-law>



Symposium on ‘Constitutional children’s rights and the role of courts as a tool for domestication of the UN Convention on the Rights of the Child after 30 years’

The Department of Child Law organized the symposium on the occasion of the 30th anniversary of the UN Convention on the Rights of the Child.

The symposium addressed the international understanding of children’s rights domestication through constitutionalisation and provided a springboard for a more in depth and informed approach. Professor Julia Sloth-Nielsen, Professor of Children’s rights in the developing world and professor Ton Liefwaard, Vice-Dean for Education of Leiden Law School, Professor of Children’s Rights and holder of the UNICEF Chair in Children’s Rights, were the instigators of this symposium.

The symposium took place on 4 December 2019. Among the speakers were Ms. Meda Couzens, PhD candidate at Leiden University who is studying the enforcement of the CRC by national courts, Professor U. Kilkelly, Professor K. Sandberg, Professor A. Skelton, Professor J. Todres and Professor N. Espejo-Yaksic.

<https://www.universiteitleiden.nl/en/news/2019/11/symposium-on-constitutional-childrens-rights-and-the-role-of-courts-as-a-tool-for-domestication-of-the-un-convention-on-the-rights-of-the-child-after-30-years>

Seminar ‘The Freedom of Movement in Intra-Schengen Border Areas: Challenges & Opportunities’

On 10 and 11 December 2019 the seminar ‘The Freedom of Movement in Intra-Schengen Border Areas: Challenges & Opportunities’ was held at Leiden University’s Campus The Hague.

This two-day seminar was organised by Professor Maartje van de Woude (Van Vollenhoven Institute) as part of her NWO Vidi project *Getting to the Core of Crimmigration*. Invited practitioners and academic experts from countries where Van der Woude and her team are conducting research, came together at the seminar to discuss the various challenges but also opportunities that exist in the area of border mobility and its management in the Schengen Area.

Officials from the Netherlands, Germany, Poland, France, Belgium and Spain attended. They represented organisations and authorities that are involved in implementation and policy in the area of intra-Schengen mobility management,



for example border surveillance or policy and immigration checks. A number of round table sessions were held to discuss issues such as the dynamics between local, national and European interests and priorities, the use of technology and risk assessment instruments, the blurring of the line between immigration monitoring and fighting crime and human trafficking and smuggling. PhD candidates held poster presentations on their current research for the professional and academic experts present.

Van der Woude looks back on a successful event with much satisfaction. ‘Bringing together science and practice, not just by conducting research into that practice, but by actively talking with its representatives, is so valuable in our research. By doing so, the dialogue keeps



flowing - and this is needed to stimulate both sides to reflect critically about their own thinking and actions.’

The seminar was the third seminar in the series of four seminars organised by Maartje van der Woude as part of her Vidi.

<https://www.universiteitleiden.nl/en/news/2019/12/seminar-the-freedom-of-movement-in-intra-schengen-border-areas-challenges--opportunities>

Highlighted publications

New book out: Monitoring Children's Rights in the Netherlands

Ton Liefwaard, Stephanie Rap and Peter Rodrigues have edited the book 'Monitoring Children's Rights in the Netherlands. 30 Years of the UN Convention on the Rights of the Child' (Leiden University Press).

This book is the first volume of a new, bi-annual academic series on the monitoring of children's rights in the Kingdom of the Netherlands. The series provides insight into the state of children in the Netherlands, the implementation of children's rights as laid down in the UN Convention on the Rights of the Child (CRC) and developments in this regard over the years.

This first volume includes a report on the rights of children in the Netherlands, presenting key facts and figures relating to the rights of children (by Prof. Ton Liefwaard, Dr. Stephanie Rap and Prof. Peter Rodrigues and in collaboration with Dr. Francis van der Mooren (Statistics Netherlands, CBS)). The report shows that there are significant concerns relating to discrimination, exclusion and disparities in the implementation of children's rights in the Netherlands. It also shows that there are reasons for concern with regard to the protection of children against violence, including child abuse and neglect. Children living in poverty are disproportionately affected by this. Moreover, children's participation rights have increasingly received attention in the past years.

<https://www.universiteitleiden.nl/en/news/2019/12/new-book-out-monitoring-childrens-rights-in-the-netherlands>



UN Global Study on Children Deprived of Liberty released

On 8 October, the Independent Expert, Prof. Manfred Nowak, leading the UN Global Study on Children Deprived of Liberty presented his report to the UN General Assembly. The presentation of the final report took place on 19 November 2019, at the occasion of the 30th anniversary of the UN Convention on the Rights of the Child. Leiden University has played an active role in the study.

Some key findings

The Study has found that altogether, between 1.3 and 1.5 million children are deprived of their liberty per year. Of those, the largest number are in institutions (430,000 – 680,000). The most important reason for the large number of children in detention is the lack of adequate support for families, caregivers and communities to provide care to children. “Tough-on crime” policies also contribute to a large number of children being detained. Still, these numbers may be on the low side. The issue remains underreported in many States.

The Study emphasized that Article 37 (b) of the Convention on the Rights of the Child comprises a high standard applicable to all situations in which children are deprived of their liberty. It requires that no child shall be deprived of his or her liberty unlawfully or arbitrarily; and if so, only as a measure of last resort and for the shortest appropriate period of time. This standard requires States to reduce the detention of children to an absolute minimum by developing and applying appropriate non-custodial solutions.

Some recommendations

States are (amongst others) recommended to make all efforts to reduce the number of children in detention and prevent it before it occurs, including addressing the root causes and pathways leading to it. It further recommends that, if detention is unavoidable, it shall be applied only for the shortest appropriate period of time. Children’s right to be heard under article 12 of the Convention on the Rights of the Child should be observed, to enable them to influence decisions relating to their treatment and lodge complaints to an independent and impartial authority in any grievance related to their treatment.



Leiden University's contribution

The study was invited by the UN General Assembly in December 2014 by its resolution 69/157. Leiden University played an active role in the study. Among 21 other renowned experts Prof. Liefwaard was a member of its international advisory board. In addition, Dr. Yannick van de Brink and Prof. Liefwaard have contributed to the chapter on juvenile justice. Prof. Julia Sloth-Nielsen was involved in one of the regional consultations. In addition, the Department of Child Law hosted an international conference on this study in April 2018 in Leiden. You can find the GA report here.

<https://www.universiteitleiden.nl/en/news/2019/10/un-global-study-on-children-deprived-of-liberty-released-report>

Final report of the De Winter Committee: inadequate protection from violence for children in youth care since 1945

A significant percentage of children who have spent a period in youth care institutions or foster homes since 1945 received inadequate protection from physical, psychological and sexual violence. Interventions by supervisory authorities in cases involving violence were inadequate.

These are the conclusions of the final report of the Committee De Winter, entitled *Onvoldoende beschermd, geweld in de Nederlandse jeugdzorg van 1945 tot heden* (Inadequate protection, violence in Dutch youth care from 1945 to present) which was presented to Minister De Jonge (Health, Welfare and Sport) and Minister Dekker (Legal Protection). Professor Mariëlle Bruning was a member on the Committee. Over a four-year period, the Committee interviewed one thousand people who had stayed in a foster home or youth

care institution. In addition, it conducted an extensive study of archives and literature.

Many research groups at universities and research agencies conducted scientific research into violence against children who were placed in care in various sectors. The outcomes of these separate studies have provided much new information about the violence experienced by these children in the period 1945-2018.

<https://www.universiteitleiden.nl/en/news/2019/06/final-report-inadequate-protection-from-violence-for-children-in-youth-care-since-1945>



New book release: Robots, Healthcare, and the Law

Eduard Fosch-Villaronga, Marie Skłodowska-Curie Postdoctoral Researcher at eLaw- Center for Law and Digital Technologies, just published a book on Robots, Healthcare, and the Law. Regulating Automation in Personal Care.

The integration of robotic systems and artificial intelligence into healthcare settings is accelerating. As these technological developments interact socially with children, the elderly, or the disabled, they may raise concerns besides mere physical safety; concerns that include data protection, inappropriate use of emotions, invasion of privacy, autonomy suppression, decrease in human interaction, and cognitive safety. Given the novelty of these technologies and the uncertainties surrounding the impact of care automation, it is unclear how the law should respond.

This book investigates the legal and regulatory implications of the growing use of personal care robots for healthcare purposes. It explores the interplay between various aspects of the law, including safety, data protection, responsibility, transparency, autonomy, and dignity; and it examines different robotic and AI systems, such as social therapy robots, physical assistant robots for rehabilitation, and wheeled passenger carriers. Highlighting specific problems and challenges in regulating complex cyber-physical systems in concrete healthcare applications, it critically assesses the adequacy of current industry standards and emerging regulatory initiatives for robots and AI. After analyzing the potential legal and ethical issues associated with personal care robots, it concludes that the primarily principle-based approach of recent law and robotics studies is too abstract to be as effective as required by the personal care context. Instead, it recommends bridging the gap between general legal principles and their applicability in concrete robotic and AI technologies with a risk-based approach using impact assessments.

As the first book to compile both legal and regulatory aspects of personal care robots, this book will be a valuable addition to the literature on robotics, artificial intelligence, human-robot interaction, law, and philosophy of technology.



<https://www.universiteitleiden.nl/en/news/2019/11/new-book-release-robots-healthcare-and-the-law>

Sweetie 2.0—Using Artificial Intelligence to Fight Webcam Child Sex Tourism

In July 2019 Asser Press published the book ‘Sweetie 2.0—Using Artificial Intelligence to Fight Webcam Child Sex Tourism’ which was coedited by Simone van der Hof and Bart Schermer from the Center for Law and Digital Technologies, Bert-Jaap Koops from the Tilburg Institute for Law, Technology, and Society (TILT), Tilburg University, and Iliana Georgieva, LL.M. who works at the Faculty of Governance and Global Affairs at Leiden University.

This book centres on Webcam Child Sex Tourism and the Sweetie Project initiated by the children’s rights organization *Terre des Hommes* in 2013 in response to the exponential increase of online child abuse. Webcam child sex tourism is a growing international problem, which not only encourages the abuse and sexual exploitation of children and provides easy access to child-abuse images, but which is also a crime involving a relatively low risk for offenders as live-streamed webcam performances leave few traces that law enforcement can use. Moreover, webcam child sex



tourism often has a cross-border character, which leads to jurisdictional conflicts and makes it even harder to obtain evidence, launch investigations or prosecute suspects.

Terre des Hommes set out to actively tackle webcam child sex tourism by employing a virtual 10-year old Philippine girl named Sweetie, a so-called chatbot, to identify offenders in chatrooms. Sweetie 1.0 could be deployed only if police officers participated in chats, and thus was limited in dealing with the large number of offenders. With this in mind, a more pro-active and preventive approach was adopted to tackle the issue. Sweetie 2.0 was developed with an automated chat function to track, identify and deter individuals using the internet to sexually abuse children. Using chatbots allows the monitoring of larger parts of the internet to locate and identify (potential) offenders, and to send them messages to warn of the legal consequences should they proceed further.

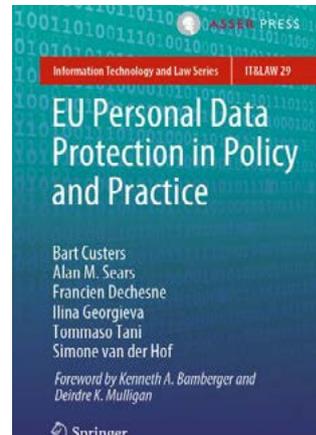
But using artificial intelligence raises serious legal questions. For instance, is sexually interacting with a virtual child actually a criminal offence? How do rules of criminal procedure apply to Sweetie as investigative software? Does

using Sweetie 2.0 constitute entrapment? This book, the outcome of a comparative law research initiative by Leiden University's Center for Law and Digital Technologies (eLaw) and the Tilburg Institute for Law, Technology, and Society (TILT), addresses the application of substantive criminal law and criminal procedure to Sweetie 2.0 within various jurisdictions around the world.

See this [website](#) for more information on the book.

<https://www.universiteitleiden.nl/en/news/2019/07/sweetie-2.0-using-artificial-intelligence-to-fight-webcam-child-sex-tourism>

EU Personal Data Protection in Policy and Practice



In 2019, a team of researchers of eLaw, the center for law and digital technologies, published a book on EU data protection law. In this book, the protection of personal data is compared for eight EU member states, namely France, Germany, the United Kingdom, 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. Although the General Data Protection Regulation

(GDPR) harmonizes the protection of personal data across the EU as of May 2018, its open norms in combination with cultural differences between countries result in differences in the practical implementation, interpretation and enforcement of personal data protection. With its focus on data protection law in practice, this book provides in depth insights into how different countries deal with data protection issues. The knowledge and best practices from these countries provide highly relevant material for legal professionals, data protection officers, policymakers, data protection authorities and academics across Europe. The authors are Bart Custers, Alan Sears, Francien Dechesne, Ilina Georgieva, Tommaso Tani and Simone van der Hof. The book was published by Springer.

AI and Ethics at the Dutch Police

eLaw in collaboration with the TU Delft Design for Values Institute finalized the research on “Artificial Intelligence and Ethics at the Dutch Police” by providing the whitepaper highlighting requirements for the responsible use of AI at the Police and the long-term research strategy.

Francien Dechesne (Assistant Professor) and Lexo Zardiashvili (Researcher) from eLaw – Center for the Law and Digital Technologies and Virginia Dignum (Associate Professor) and Jordi Bieger (Researcher) for the TU Delft Design for Values Institute worked on a research project commissioned by the Dutch Police since November 1,

2018. The research highlights that AI has many potentially beneficial applications in law enforcement including predictive policing, automated monitoring, (pre-) processing large amounts of data (e.g., image recognition from confiscated digital devices, police reports or digitized cold cases), finding case-relevant information to aid investigation and prosecution, providing more user-friendly services for civilians (e.g. with interactive forms or chatbots), and generally enhancing productivity and paperless workflows. The research found that AI can be used to promote core societal values central to police operations (human dignity, freedom, equality, solidarity, democracy, and the rule of law), but the use of AI may also challenge values carefully guarded in existing processes and procedures. It is impossible to anticipate all the effects of the use of AI in society, and more specifically, in the law enforcement domain. Therefore, the research found that it is essential that adoption and use of any application be continuously evaluated, for the Dutch Police to ensure policing practices in line with the values acknowledged by the Dutch state and the European Union.

<https://www.universiteitleiden.nl/en/news/2019/07/ai-and-ethics-at-the-dutch-police>

See for the publications <https://openaccess.leidenuniv.nl/handle/1887/85954> and <https://openaccess.leidenuniv.nl/handle/1887/85958>.

Artificial Intelligence and Ethics at the Police



Miscellaneous

Bart Custers appointed as the new chair Law and Data Science



As of 1 July 2019, Bart Custers was appointed as Professor of Law and Data Science at Leiden University. The chair is established at eLaw, the center for Law and Digital Technologies at the Faculty of Law. Bart Custers will focus on the intersection of law and digital technologies, on the one hand on regulating data

science and on the other hand at applying data science in legal research and practice.

Large amounts of data and the tools for analyzing such data play an increasingly important role in our society. Although this may create many opportunities, new digital technologies may also yield undesirable or unintended effects, raising a need for regulation. From a public law perspective, relevant legal areas include criminal law, administrative law and human rights law, most notable privacy and data protection law and non-discrimination law. From a private law perspective, relevant legal areas include company law, property law, liability/tort law, consumer law, competition law, and data protection law. However, the intersection of law and data science also comprises another important research area, which is that of data science in legal research. Typical examples here are quantitative legal predictions, accelerating legal research and improving regulation based on empirical

legal research. Data scientists are currently analyzing large amounts of legal data, such as legislation, case law, journal articles, policy documents, etc. to find novel patterns and insights that may contribute to legal research and practice.

Bart Custers studied both applied physics and law. He is an expert in the area of law and digital technologies, including topics like profiling, big data, privacy, discrimination, cybercrime, technology in policing and artificial intelligence. He is a seasoned researcher and project manager who acquired and executed research for the European Commission, NWO (the National Research Council in the Netherlands), the Dutch national government, local government agencies, large corporations and SMEs. Until 2016 he was the head of the research department on Crime, Law enforcement and Sanctions of the scientific research center (WODC) of the ministry of security and justice in the Netherlands. Before that, he worked for the national government as a senior policy advisor for consecutive ministers of justice (2009-2013) and for a large consultancy firm as a senior management consultant on information strategies (2005-2009).

On behalf of the Faculty of Law, dr. Custers is the coordinator of the [SAILS project](#). This project, funded by the Executive Board of Leiden University, deals with the societal and legal implications of Artificial Intelligence. All faculties and the Leiden University Medical Center are involved in this project. Dr. Custers is one of the SAILS professors.

<https://www.universiteitleiden.nl/en/news/2018/11/bart-custers-appointed-at-the-new-chair-law-and-data-science>

Tarlach McGonagle appointed as Professor of Media Law in the Information Society



Tarlach McGonagle has been appointed as Professor of Media Law in the Information Society as of 1 May 2019. The Chair is established by the Leiden University Fund (LUF) and is situated within the Department of Constitutional and Administrative Law.

“It is a great honour for me to have been appointed to the Chair and to join the Constitutional and Administrative Law Department at Leiden Law School. The focus of the Chair creates a coherent space in which to explore many of the key challenges that we face as an increasingly digitalized society. The media - old and new, offline and online, mass and individual - are influential shapers of public debate. How they are regulated (or not) can have far-reaching implications for democracy. I am looking forward to engaging with regulatory and policy aspects of these issues and their societal implications, together with my new colleagues and students.”

Dr Tarlach McGonagle is also a senior researcher/lecturer at the Institute for Information Law (IViR), Amsterdam Law School, University of Amsterdam. He specializes in a range of issues relating to media law and the information society: freedom of expression; the interface between information

and communication technologies and human rights; international and comparative media regulation and policy; the future of news and journalism; minority rights; the safety of journalists; hate speech and media pluralism.

He regularly advises and writes expert studies and policy texts for various branches of international organizations such as the Council of Europe and the Organization for Security and Co-operation in Europe (OSCE).

He is a member of the Council of Europe’s Committee of Experts on quality journalism in the digital age, having previously served as Rapporteur of both the Council of Europe’s Committee of Experts on media pluralism and transparency of media ownership (2016-17) and its Committee of Experts on protection of journalism and safety of journalists (2014-15). He was principal drafter of the Tallinn Guidelines on National Minorities and the Media in the Digital Age for the OSCE High Commissioner on National Minorities.

He is a member of the Euromedia Research Group and co-chair of the Working Group on human rights in the digital age in the Netherlands Network for Human Rights Research. He was voted Amsterdam Law School Lecturer of the Year for 2018.

<https://www.universiteitleiden.nl/en/news/2019/01/tarlach-mcgonagle-appointed-as-professor-of-media-law-in-the-information-society>

Ingrid Leijten guest professor at the Friedrich-Alexander-Universität Erlangen-Nürnberg in Germany



During the second semester of 2019, Ingrid Leijten was appointed as a guest professor at the Friedrich Alexander University Erlangen-Nürnberg (FAU).

This professorship was created by the FAU in an effort to strengthen the presence of talented female scientists setting an example for female students and young academics. The professorship rotates between the different faculties, focussing on fields in which female professors are still clearly the minority.

As a guest professor, Leijten was part of the Faculty of Business, Economics and Law (Rechts- und Wirtschaftswissenschaftliche Fakultät). As part of the law school curriculum, she lectured on international law (Völkerrecht II) in German. She also taught a seminar on Economic, Social and Cultural Rights that was offered to the students of the international and interdisciplinary Master programme in Human Rights. In addition to other activities she gave a lecture on 13 June with the title 'Fundamental Rights and Proportionality: A Broken Marriage?' ('Grundrechte und Verhältnismäßigkeit: eine gescheiterte Ehe?').

An interview (in German) with Leijten that was published on the homepage of the FAU can be found here.

<https://www.universiteitleiden.nl/en/news/2019/05/ingrid-leijten-guest-professor-at-the-friedrich-alexander-universitat-erlangen-nurnberg-in-germany>

Scholarly publications

- Afandi F. (2019), The Justice System Postman. In: Crouch M. (red.) The Politics of Court Reform: Judicial Change and Legal Culture in Indonesia. Cambridge: Cambridge University Press. 86-106.
- Almeida B. (2019), With or Without International Institutions? Acquisition of land rights for infrastructure projects in the weak legal framework of Timor-Leste. In: Price S., Singer J. (red.) Country Frameworks for Development Displacement and Resettlement: Reducing Risk, Building Resilience. Routledge studies in development, mobilities and migration London: Routledge. 269-287.
- Antonov M.V. (18 december 2019), Formalism, realism and conservatism in Russian law (Dissertatie. Institute for the Interdisciplinary Study of the Law, Faculty of Law, Leiden University) Meijers-reeks nr. MI-330. Promotor(en): Simons W.B.
- Arizona Y., Wicaksono M.T. & Vel J.A.C. (2019), The Role of Indigeneity NGOs in the Legal Recognition of Adat Communities and Customary Forests in Indonesia, The Asia Pacific Journal of Anthropology 20(5): 487-506.
- Aymerich-Franch L. & Fosch-Villaronga E. (2019), What We Learned from Mediated Embodiment Experiments and Why It Should Matter to Policymakers, PRESENCE: Virtual and Augmented Reality 27(1 - Winter 2018): 63-67.
- Badgett M.V.L., Waaldijk K. & Meulen Rodgers Y. van der (2019), The relationship between LGBT inclusion and economic development: Macro-level evidence, World Development 120(August): 1-14.
- Barkhuysen T. & Emmerik M. van (2019), Zorgplichten volgens de Hoge Raad en het Europees Hof voor de Rechten van de Mens: van Lindenbaum/Cohen via Kelderluik en Öneriyildiz naar Urgenda?, Rechtsgeleerd Magazijn Themis 2019(1): 43-54.
- Bedner A.W. & Arizona Y. (2019), Adat in Indonesian Land Law: A Promise for the Future or a Dead End?, The Asia Pacific Journal of Anthropology 20(5): 416-434.
- Bedner A.W. & Wiratraman H.P. (2019), The Administrative Courts: The Quest for Consistency. In: Crouch M. (red.) The Politics of Court Reform: Judicial Change and Legal Culture in Indonesia. Cambridge: Cambridge University Press. 133-148.
- Bemmelen S.T. van & Grijns M. (2019), Child marriage contested, from colonial to present Java: adat, religion and the state. Anything new under the sun?. In: Grijns M., Horii H., Irianto S., Saptandari P. (red.) Marrying Young in Indonesia: Voices, Laws and Practices. Jakarta: Yayasan Pustaka Obor Indonesia. 287-330.
- Bockel W.B. van & Tan F. (2019), “For a Camel to Go through the Eye of a Needle”: the Cumulation of Criminal

- and Administrative Penalties in the Case Law of the ECJ and the ECtHR on the ne bis in idem Principle. In: Pahladsingh A., Grimbergen R. (red.) *The Charter and the Court of Justice of the European Union - Notable Cases from 2016-2018. Fundamental Rights Protection in Europe* Tilburg: Wolf Legal Publishers. 417-434.
- Capelleveen N.U. van (2019), De positie van ouders in het nieuwe Wetboek van Strafvordering vanuit Europese wetgeving bezien, *Tijdschrift Modernisering Strafvordering* 2019(1): 75-81.
 - Couzens M.M. (3 december 2019), The application of the United Nations Convention on the Rights of the Child by national courts (Dissertatie. Institute of Private Law, Department of Child Law, Law, Leiden). Promotor(en): Liefwaard T., Sloth-Nielsen J.J.
 - Creemers R.J.E.H. (2019), The International and Foreign Policy Impact of China's Artificial Intelligence and Big-Data Strategies. In: Wright N. (red.) *Artificial Intelligence, China, Russia, and the Global Order: Technological, Political, Global, and Creative Perspectives. Fairchild Series Alabama: Air University Press-Muir S. Fairchild Research Information Center-Maxwell Air Force Base.* 129-135.
 - Custers B.H.M. & Leiser M.R. (2019), Persoonsgegevens in het strafrecht: Weeffouten in EU-Richtlijn 2016/680 leiden tot praktische problemen, *Nederlands Juristenblad* 94(34): 2490-2497.
 - Custers B.H.M. & Overwater L.J. (2019), Regulating Initial Coin Offerings and Cryptocurrencies: A Comparison of Different Approaches in Nine Jurisdictions Worldwide, *European Journal of Law and Technology* 10(3): 1-29.
 - Custers B.H.M. (2019), Nieuwe digitale (grond)rechten, *Nederlands Juristenblad* 94(44): 3288-3295.
 - Custers B.H.M., Sears A.M., Dechesne F., Georgieva I.N., Tani T. & Hof S. van der (2019), *EU Personal Data Protection in Policy and Practice. Information technology & law series nr. 29.* Heidelberg: Asser/Springer.
 - Custers B.H.M., Ursic Vrabec H. & Friedewald M. (2019), Assessing the Legal and Ethical Impact of Data Reuse: Developing a Tool for Data Reuse Impact Assessments (DRIA), *European Data Protection Law Review* 5(3): 317-337.
 - D'Hondt L.Y. (17 oktober 2019), Addressing industrial pollution in Indonesia: The nexus between regulation and redress seeking (Dissertatie. Institute for the Interdisciplinary Study of the Law, Leiden Law School, Leiden University) Meijers-reeks nr. MI-327. Promotor(en) en Copromotor(en): Bedner A.W., Vel J.A.C.
 - Eck B.M.A. van (2019), Computerbesluiten, kunstmatige intelligentie en de bestuursrechter, *Tijdschrift voor Formeel Belastingrecht* 20(2 / 8): 17-20.
 - Eijk R.J. van (29 januari 2019), Web privacy measurement in real-time bidding systems. A graph-based approach to RTB system classification (Dissertatie. Instituut voor Metajuridica, Law, Leiden University). Promotor(en) en Copromotor(en): Herik H.J. van den, Dechesne M.

- Eijk R.J.W. van & Herik H.J. van den (2019), Privacy en real-time bidding – In hoeverre kunnen we de privacycomponent meten?. In: Berg L.R. van den, Geldermans S., Heeres A.A., Noort N.W., Riet J.T.J. van de, Vonk S.E.C., Weijers H.J. (red.) *Recht en technologie. Vraagstukken van de digitale revolutie*. Den Haag: Boom Juridisch. 91-102.
- Eijk R.J.W. van & Herik H.J. van den (2019), Web Privacy Measurement. Can WPM withstand the power of online tracking technologies?, *Ars Aequi* 68(7/8): 592-602.
- Evers G.H., Pierik R.H.M. & Verweij M.F. (2019), De registratie van vaccinatiegegevens in de kinderopvang binnen het regime van de Algemene verordening gegevensbescherming, *Privacy & Informatie* 2019(4): 130-136.
- Felzmann H., Fosch-Villaronga E., Lutz C. & Tamò-Larrieux A. (2019), Robots and Transparency: The Multiple Dimensions of Transparency in the Context of Robot Technologies, *IEEE Robotics & Automation Magazine* 26(2): 71-78.
- Felzmann H., Fosch-Villaronga E., Lutz C. & Tamò-Larrieux A. (2019), Transparency you can trust: Transparency requirements for artificial intelligence between legal norms and contextual concerns, *Big Data & Society* : 1-14.
- Felzmann H., Kapeller A., Hughes A.M. & Fosch-Villaronga E. (2019), Ethical, legal and social issues in wearable robotics: Perspectives from the work of the COST Action on Wearable Robots. In: Pons-Rovira J.L. (red.) *Inclusive Robotics for a Better Society. Selected Papers from INBOTS Conference 2018, 16-18 October, 2018, Pisa, Italy*. Biosystems & Biorobotics nr. 25 Cham: Springer. 92-97.
- Fosch-Villaronga E. & Albo-Canals J. (2019), “I’ll take care of you,” said the robot: Reflecting upon the Legal and Ethical Aspects of the Use and Development of Social Robots for Therapy, *Paladyn: Journal of Behavioral Robotics* 10(1): 77-93.
- Fosch-Villaronga E. & Golia A. Jr. (2019), Robots, Standards and the Law. Rivalries between private standards and public policymaking for robot governance, *Computer Law & Security Review* 35(2): 129-144.
- Fosch-Villaronga E. & Golia A. Jr. (2019), The Intricate Relationships between Private Standards and Public Policymaking in the Case of Personal Care Robots. Who Cares More?. In: Barattini P., Vicentini F., Virk G.S. & Haidegger T. (red.) *Human-Robot Interaction: Safety, Standardization, and Benchmarking*. Boca Raton: CRC Press (Taylor & Francis Group). 9-18.
- Fosch-Villaronga E. & Grau Ruiz M.A. (2019), Expert considerations for the regulation of assistive robotics. A European Robotics Forum Echo, *DILEMATA : Revista Internacional de Éticas Aplicadas* 11(30): 149-169.
- Fosch-Villaronga E. & Millard C. (2019), Cloud robotics law and regulation: Challenges in the governance of complex and dynamic cyber-physical ecosystems,

Robotics and Autonomous Systems 119: 77-91.

- Fosch-Villaronga E. (2019), “I Love You,” Said the Robot: Boundaries of the Use of Emotions in Human-Robot Interactions. In: Ayanoglu H. & Duarte E. (red.) Emotional Design in Human Robot Interaction: Theory, Methods and Applications. Human-Computer Interaction Series Heidelberg: Springer. 93-110.
- Fosch-Villaronga E. (2019), Robots, Healthcare, and the Law: Regulating Automation in Personal Care. Routledge Research in the Law of Emerging Technologies. London-New York: Routledge.
- Gombeer K.C.N., Ulusoy O. & Basilien-Gainche M.-L. (2019), Understanding the Causes of Border Deaths: A Mapping Exercise. In: Cuttitta P., Last T. (red.) Border Deaths. Causes, Dynamics and Consequences of Migration-related Mortality. Amsterdam: Amsterdam University Press. 131-148.
- Hirsch Ballin E.M.H., Cleiren C.P.M., Arts K.C.J.M., Berger M.S., Donders Y.M., Gerards J.H., Hamburger A.P., Heerts A.J.M., Hoeven R.E. van der, Jägers N.M.C.P., Lawson R.A., Monteiro M., Myjer B.E.P., Opschoor J.B., Schermer B.W., Tahir N. & Verrijn Stuart H.M. (2019), Duurzame ontwikkelingsdoelen en mensenrechten. Een noodzakelijk verbond Adviesraad Internationale Vraagstukken-rapporten nr. 110. Den Haag: Adviesraad Internationale Vraagstukken.
- Hof S. van der, Lievens E. & Milkaite I. (2019), The protection of children’s personal data in a data-driven world. A closer look at the GDPR from a children’s rights perspective. In: Liefwaard T., Rap S., Rodrigues P. (red.) Monitoring Children’s Rights in the Netherlands. 30 Years of the UN Convention on the Rights of the Child. Leiden: Leiden University Press.
- Horii H. & Grijns M. (2019), Introduction. In: Grijns M., Horii H., Irianto S., Saptandari P. (red.) Marrying Young in Indonesia: Voices, Laws and Practices. Jakarta: Yayasan Pustaka Obor Indonesia. 1-36.
- Horii H. (2019), Pluralistic legal system, pluralistic human rights?: teenage pregnancy, child marriage and legal institutions in Bali, Journal of legal pluralism and unofficial law 51(3): 292-319.
- Ienca M. & Fosch-Villaronga E. (2019), Privacy and Security Issues in Assistive Technologies for Dementia: The Case of Ambient Assisted Living, Wearables, and Service Robotics. In: Jotterand F, Ienca M., Wangmo T. & Elger B. (red.) Intelligent Assistive Technologies for Dementia: Clinical, Ethical, Social, and Regulatory Implications. Oxford: Oxford University Press. 221-239.
- Jacobs C., Ruhamy Mugenzi J., Lubala Kubiha S. & Assumani I. (2019), Towards becoming a property owner in the city: From being displaced to becoming a citizen in urban DR Congo, Land Use Policy 85(June 2019): 350-356.
- Katell M., Dechesne F., Koops E.J. & Meessen P. (2019), Seeing the Whole Picture: Visualising Socio-Spatial Power Shifts through Augmented Reality, Law, Innovation and

- Technology 11(2): 279-310.
- Kempees P.M. (18 juni 2019), 'Hard power' and the European Convention on Human Rights (Dissertatie. Institute of Private Law, Faculty of Law, Leiden University). Promotor(en): Lawson R.A., Duffy H.
 - Keymolen E.L.O. & Hof S. van der (2019), Can I still trust you, my dear doll? A philosophical and legal exploration of smart toys and trust, *Journal of Cyber Policy* 4(2): 143-159.
 - Kilkelly U. & Liefwaard T. (2019), Legal implementation of the UNCRC: lessons to be learned from the constitutional experience of South Africa, *De Jure Law Journal* 52(1): 521-539.
 - Kindt E.J. (2019), Chapter 21. A legal perspective on the relevance of biometric presentation attack detection (PAD) for payment services under PSDII and the GDPR. In: Marcel S., Nixon M.S., Fierrez J., Evans N. (red.) *Handbook of Biometric Anti-Spoofing: Presentation Attack Detection*, Second edition. *Advances in Computer Vision and Pattern Recognition* Cham: Springer. 481-501.
 - Klaassen M.A.K. (2019), Between facts and norms: Testing compliance with Article 8 ECHR in immigration cases, *Netherlands Quarterly of Human Rights* 37(2): 157-177.
 - Koops B.J. & Oerlemans J.J. (2019), Formeel strafrecht en ICT. In: Koops B.J., Oerlemans J.J. (red.) *Strafrecht en ICT. Monografieën recht en informatietechnologie nr. 1* Den Haag: Sdu. 117-208.
 - La Fors K., Custers B. & Keymolen E. (2019), Reassessing values for emerging big data technologies: integrating design-based and application-based approaches, *Ethics and Information Technology* 21(3): 209-226.
 - Lawson R.A. (2019), Access to justice in cases of dismissal from public service – A growing role for the European Convention on Human Rights. In: Ahrens H., Fischer H., Gómez V., Nowak M. (red.) *Equal Access to Justice for All and Goal 16 of the Sustainable Development Agenda: Challenges for Latin America and Europe. Studies on Effective Multilateralism for Sustainable Development nr. 22* Zürich: Lit Verlag. 137-154.
 - Lawson R.A. (2019), Council of Europe - Cooperation in the field of human rights, democracy and the rule of law. In: Wessel R.A., Odermatt J. (red.) *Research Handbook on the European Union and International Organizations. Research handbooks in international law* Cheltenham: Edward Elgar. 507-528.
 - Leiser M.R. & Custers B.H.M. (2019), The Law Enforcement Directive: Conceptual Challenges of EU Directive 2016/680, *European Data Protection Law Review* 5(3): 367-378.
 - Leiser M.R. (2019), Legal personality: its consequences and limitations. In: Birds J., Attenborough D., Leiser M.R., Solinas M., Varney M., Zhang Z. (red.) *Boyle and Birds' Company Law (Tenth Edition)*. London: Jordan Publishing. 57-88.

- Leiser M.R. (2019), *Regulating Computational Propaganda: Lessons from International Law*, Cambridge International Law Journal 8(2): 218-240.
- Leiser M.R. (2019), *Rights and Liabilities Attached to Shares: Reorganisations of Capital*. In: Birds J., Attenborough D., Leiser M.R., Solinas M., Varney M., Zhang Z. (red.) *Boyle and Birds' Company Law* (Tenth Edition). London: Jordan Publishing. 237-265.
- Leiser M.R. (2019), *Share Capital – Allotment and Maintenance*. In: Birds J., Attenborough D., Leiser M.R., Solinas M., Varney M., Zhang Z. (red.) *Boyle and Birds' Company Law* (Tenth Edition). London: Jordan Publishing. 189-236.
- Leiser M.R. (2019), *Shareholder Remedies*. In: Birds J., Attenborough D., Leiser M.R., Solinas M., Varney M., Zhang Z. (red.) *Boyle and Birds' Company Law* (Tenth Edition). London: Jordan Publishing. 627-682.
- Liefwaard T. (2019), *Access to Justice for Children: Towards a Specific Research and Implementation Agenda*, The International Journal of Children's Rights 27(2): 195-227.
- Liefwaard T. (2019), *El derecho procesal familiar y los derechos de la infancia en Europa y los Países Bajos*. In: Espejo Yaksic N., Ibarra Olguín A.M. (red.) *La constitucionalización del derecho de familia. Perspectivas comparadas*. Mexico: El Centro de Estudios Constitucionales / Suprema Corte de Justicia de la Nación. 321-349.
- Liefwaard T., Rap S.E. & Rodrigues P.R. (2019), *Report on the rights of children in the Netherlands 2016-2018*. In: Liefwaard T., Rap S.E., Rodrigues P.R. (red.) *Monitoring Children's Rights in the Netherlands. 30 Years of the UN Convention on the Rights of the Child*. Leiden: Leiden University Press. 21-76.
- Lodder G.G. (2019), *Selectief naast restrictief. Evaluatie van de Wet modern migratiebeleid* (. Public Law, Law, Leiden), . Den Haag: WODC/Universiteit Leiden.
- Loenen M.L.P. (2019), *The impact of Anti-Discrimination Law in the Netherlands. A Case Study of Discrimination on Grounds of Religion in Employment*. In: Havelková B., Möschel M. (red.) *Anti-Discrimination Law in Civil Law Jurisdictions*. Oxford: Oxford University Press.
- Loenen M.L.P. (2019), *Vijf jaar klachtrecht onder het Verdrag inzake Economische, Sociale en Culturele Rechten. Een analyse van de jurisprudentie in het licht van het debat over rechterlijke toetsing aan sociale rechten* [NTM/NJCM-bull. 2019/8], *Nederlands Tijdschrift voor de Mensenrechten: NJCM-Bulletin* 2019(2): 103-128.
- Muur W.E. van der (9 januari 2019), *Land rights and the forces of adat in democratizing Indonesia : continuous conflict between plantations, farmers, and forests in South Sulawesi* (Dissertatie. Institute for the Interdisciplinary Study of the Law, Faculty of Law, Leiden University). Promotor(en): Bedner A.W., Otto J.M.
- Muur W.E. van der, Vel J.A.C., Fisher M.R. & Robinson K. (2019), *Changing Indigeneity Politics in Indonesia*:

- From Revival to Projects, *The Asia Pacific Journal of Anthropology* 20(5): 379-396.
- Oerlemans J.J. & Schuurmans Y.E. (2019), Internetonderzoek door bestuursorganen, *Nederlands Juristenblad* 94(20): 1458-1466.
 - Rap S.E., Verkroost D.S. & Bruning M.R. (2019), Children's participation in Dutch youth care practice: an exploratory study into the opportunities for child participation in youth care from professionals' perspective, *Child Care in Practice* 25(1): 37-50.
 - Rhoen M.H.C. (12 september 2019), Big data, big risks, big power shifts: Evaluating the General Data Protection Regulation as an instrument of risk control and power redistribution in the context of big data (Dissertatie. Institute for the Interdisciplinary Study of the Law, Leiden Law School, Leiden University). Promotor(en) en Copromotor(en): Zwenne G.J., Schmidt A.H.J., Linden-Smith M. van der.
 - Rodrigues P.R. (2019), Gelijke behandeling en het College voor de Rechten van de Mens (2018), *Tijdschrift voor consumentenrecht & handelspraktijken* 2019(5): 222-227.
 - Sandelowsky C.M. & Liefwaard T. (2019), De verantwoordelijkheden van Nederland voor kinderen met een Nederlandse link in voormalige IS-strijdgebieden bezien vanuit het internationale kinderrechtenspectief, *Nederlands Tijdschrift voor de Mensenrechten: NJCM-Bulletin* 44(3): 306-325.
 - Schermer B.W., Georgieva I., Hof S. van der & Koops B.J. (2019), Legal aspects of Sweetie 2.0. In: Hof S. van der, Georgieva I., Schermer B.W., Koops B.J. (red.) *Sweetie 2.0. Using artificial intelligence to fight webcam child sex tourism. Information technology & law series nr. 31* The Hague: Asser Press/Springer Press. 1-94.
 - Schermer B.W., Koops B.J. & Hof S. van der (2019), Substantive and Procedural Legislation in The Netherlands to Combat Webcam-Related Child Sexual Abuse. In: Hof S. van der, Georgieva I., Schermer B.W., Koops B.J. (red.) *Sweetie 2.0. Using artificial intelligence to fight webcam child sex tourism. Information technology & law series nr. 31* The Hague: Asser Press/Springer Press. 425-454.
 - Schuurmans Y.E. (2019), Bestuursrecht en bewijs [CRvB 27 juni 2013, ECLI:NL:CRVB:2013:770; «JB» 2013/177 (Entamoeba histolytica of entamoeba dispar)]. In: Schlössels R.J.N., Peters J.A.F., Albers C.L.G.F.H., Beijen B.A., Kole S.D.P. (red.) *Jurisprudentie Bestuursrecht Select. JB select Den Haag: Sdu. 339-353.*
 - Sloth-Nielsen J.J. (2019), KOS v Minister of Home Affairs and its relevance to the law of marriage in South Africa, *South African Journal on Human Rights* 35(3): 298-310.
 - Sloth-Nielsen J.J. (2019), Surrogacy in South Africa. In: Scherpe J.M., Fenton-Glynn C., Kaan T. (red.) *Eastern and Western Perspectives on Surrogacy. Intersentia Studies in Comparative Family Law* Cambridge: Intersentia. 185-202.

- Sloth-Nielsen J.J. (2019), Towards a new juvenile justice system in Namibia. In: Brinig M. (red.) *International Survey of Family Law 2019*. Cambridge: Intersentia. 205-218.
- Sonneveld N. & Stiles E. (2019), *KhulḫLocal Contours of a Global Phenomenon*, *Islamic Law and Society* 26(1-2): 1-11.
- Sonneveld N. (2019), *Divorce Reform in Egypt and Morocco: Men and Women Navigating Rights and Duties*, *Islamic Law and Society* 26(1-2): 149-178.
- Stolk R., Schuurmans Y.E. & Esser J.E (2019), *De amicus curiae: een instrument voor rechtsvorming of ook voor rechtsbescherming?*, *Ars Aequi* 68(1): 9-19.
- Tan F. (2019), *The Dawn of Article 18 ECHR - A Safeguard Against European Rule of Law Backsliding?*. In: Holterhus T.P. (red.) *The Law Behind Rule of Law Transfers. On Rule Based Interactions of Legal Orders in a Globalized World*. Baden-Baden: Nomos. 113-146.
- Ursic H. (7 februari 2019), *Uncontrollable: Data subject rights and the data-driven economy* (Dissertatie. Institute for the Interdisciplinary Study of the Law, Faculty of Law, Leiden University). Promotor(en) en Copromotor(en): Hof S. van der, Custers B.M.H.
- Vel J.A.C. & Makambombu S. (2019), *Strategic Framing of Adat in Land-Acquisition Politics in East Sumba*, *The Asia Pacific Journal of Anthropology* 20(5): 435-452.
- Wiggers G. & Verberne S. (2019), *Citation Metrics for Legal Information Retrieval Systems*. In: Cabanac G., Frommholz I., Mayr P. (red.) *Proceedings of the 8th International Workshop on Bibliometric-enhanced Information Retrieval (BIR)*, co-located with the 41st European Conference on Information Retrieval (ECIR 2019), Cologne, Germany, April 14th, 2019. CEUR Workshop proceedings nr. 2345. 39-50.
- Zardiashvili L., Bieger J., Dechesne F. & Dignum V. (2019), *AI Ethics for Law Enforcement: A Study into Requirements for Responsible Use of AI at the Dutch Police*, *Delphi - Interdisciplinary Review of Emerging Technologies* 2(4): 179-185.
- Zouridis S., Eck B.M.A. van & Bovens M. (2019), *Automated discretion*. In: Evans T., Hupe P. (red.) *Discretion and the Quest for Controlled Freedom*. Cham: Palgrave Macmillan. 313-329.
- Zwenne G.-J. (2019), *Het vergeetrecht vijf jaar later*, *Ars Aequi* 68(7): 607-613.



Universiteit
Leiden

Leiden Law School