

Nieuwe boeken en nieuwe edities vanaf 2012 , geselecteerd voor de praktijk

19) *EUROPEES RECHT & RECHTEN VAN DE MENS (EVRM)*

19 b: EVRM / EHRM

STAND 31-01-2019

NIEUW in 2019:

Freedom of Religion, Secularism, and Human Rights

Examines the relationship between secularism, freedom of religion and human rights in legal, theoretical, historical and political perspective. Brings together chapters on human rights, law and religion, political theory, religious studies and history, and provides insights into the state of the debate about the relationship between these concepts. Comparative in orientation, its chapters draw on constitutional and political discourses and experience not only from Western Europe and the United States, but also from India, the Arab world, and Malaysia.

N.Bhuta(ed.) (OUP-9780198812067) januari 2019 192 pag. geb. ca. € 82,00

Frontex and Human Rights - Responsibility in 'Multi-Actor Situations' under the ECHR and EU Public Liability Law

Analyses the allocation of responsibility for human rights violations that occur in the context of border control or return operations coordinated by Frontex. The first part examines the detailed roles and powers of Frontex and the states involved during joint operations, focussing on the decision-making processes and chains of command. The second and third parts develop general rules that govern the allocation of responsibility under public international law, ECHR law, and EU non-contractual liability law in order to apply them to Frontex operations.

Concludes that whilst responsibility for most human rights violations lies with the host state of an operation, it often shares this responsibility with participating states who contribute large assets as well as Frontex. Also exposes how difficult it is for individuals to find a place for bringing complaints against violations of their human rights suffered at the EU's external borders. Casts doubts on whether the current legal framework offers them effective remedy.

M.Fink(OUP-9780198835455) januari 2019 416 pag. geb. ca. € 108,00

the Horizontal Effect of Fundamental Rights in the European Union

Advances two main arguments: First, it argues that the horizontal effect of fundamental rights (i.e. their application to disputes between private parties) cannot be usefully discussed based on the existing EU horizontality doctrine, which associates horizontality with the exercise of horizontal direct effect only. That doctrine is characterised by a series of overly technical rules as to how the latter may be produced and has a case-specific nature that lacks overall constitutional coherence. Argues secondly that a substantive theory of horizontality is required in EU law and sketches its main parameters. In the fundamental rights context, horizontal effect has organisational implications for society, which go beyond specific intersubjective disputes. It is argued that its determination requires an explicit recognition of the public character of certain private platforms of will formation (e.g. the workplace) and a discussion of the role of fundamental rights therein. At the same time, a constitutionally adequate model of horizontality involves an acknowledgment of the supranational character of EU adjudication: the determination of horizontal applicability of a fundamental right within a type of private authority relationship falls upon the Court of Justice, but the precise manifestation of horizontal effect (e.g. direct, indirect or state-mediated effect) rests with national courts.

E.Frantziou (OUP-9780198837152) februari 2019 256 pag. geb. ca. € 112,00

Research Handbook on Human Rights and Digital Technology - Global Politics, Law and International Relations

Offers new insights into well-established debates surrounding digital technologies by framing them in terms of human rights. Explores the issues posed by the management of key Internet resources, governance of its architecture, role of different stakeholders, legitimacy of rule-making and rule-enforcement, and exercise of international public authority over users. Draws

on law, political science, and international relations, as well as computer science and science and technology studies in order to engage with human rights aspects of the digitally connected world. The chapters examine in depth current topics relating to human rights and security, internet access, surveillance, automation, trade, and freedom of expression.

B.Wagner e.a.(ed.)(E.Elgar-9781785367717) januari 2019 464 pag. geb. ca. € 250,00

Sexuality and Transsexuality Under the European Convention on Human Rights - A Queer Reading of Human Rights Law

Critical analysis of international human rights law through the lens of queer theory. Uses queer theory to illustrate that the field of human rights law is underpinned by several assumptions that determine a conception of the subject that is gendered and sexual in specific ways. This gives rise to multiple legal and social consequences, some of which challenge the very idea of universality of human rights. Proposes that human rights law can actually benefit from a better understanding of queer critiques, since queer insights can help it to overcome heteronormative beliefs currently held. Focuses on the case law of the European Court of Human Rights, the leading legal authority in the field of international human rights law. The use of queer theory as the theoretical approach for these tasks serves to deconstruct several aspects of the Court's jurisprudence dealing with gender, sexuality, and kinship, to later suggest potential paths to reconstruct such features in a queer(er) and more universal manner.

D.Gonzalez-Salzburg (HART- 9781509914937) februari 2019 248 pag. geb. ca. € 87,00

Verschenen in 2018

Algoritmes en Grondrechten

Dit onderzoek beschrijft en analyseert de impact die algoritme-gedreven technologieën als big data, het internet of things en artificial intelligence kunnen hebben op de uitoefening van grondrechten in Nederland. Het gaat daarbij in het bijzonder om de impact op privacyrechten, vrijheidsrechten, gelijke behandelingsrechten en procedurele rechten.

J.Gerards e.a.(U.U.) maart 2018 172 pag.

GRATIS OP PDF OP AANVRAAG

Collective Reparations

Aims to shed light on the legal framework, content and scope of collective reparations, and to the relationship between collective reparations and the individual right to reparations. Analyses specific case law from the Inter-American Court of Human Rights, the International Criminal Court and the Extraordinary Chambers in the Courts of Cambodia. Additionally, the practices of non-judicial mechanisms were examined, specifically those of the Peruvian and Moroccan Truth Commissions and of two mass claims compensation commissions (the United Nations Compensation Commission and the Eritrea-Ethiopia Claims Commission). Finally, it provides an overview of the challenges that collective reparations present to the fields of international human rights law and international criminal law, including in their implementation.

D.Odier-Contreras Garduno (I-9781780687056) oktober 2018 442 pag. € 85,00

Contemporary Issues of Human Rights Protection in International and National Settings

Analyses the effect of the ECHR and international human rights on the national and European legal order from different angles. Special emphasis is given on the Union's accession to the ECHR and the scrutiny of ECJ's opinion 2/13. The impact of the human rights provisions of the accession agreement with Ukraine is shown besides some more general issues of human rights protection in national jurisdictions, namely Germany, Poland, Slovenia and Turkey for providing a comparative overview of the various challenges countries with different backgrounds face in the implementation of human rights, including social human rights.

S.Lorenzmeier,e.a.(ed.)(Nomos-9783848721283) februari 2018 324 pag. geb. ca. €90,00

eveneens uitgegeven bij Hart (9781509921751) 352 pag. ca. € 140,00

Convergences and Divergences Between International Human Rights, International Humanitarian and International Criminal Law

Although rooted in a similar ideal, human rights (IHRL), international criminal law (ICL) and international humanitarian law (IHL) are separate fields of law, best represented as circles, each of which overlaps with the other two. However human rights often seems to absorb the other two, while in other situations, the lines between human rights law and its next door

neighbours are blurred or contested. This volume consists of three main parts. The first main part explores the convergences and divergences between IHL and/or IHRL on the one hand, and ICL *stricto sensu* on the other hand. The second part investigates the convergences and divergences between IHRL and transnational crimes, or ICL in the broader sense, which suppresses crimes such as drug trafficking, trafficking in human beings and corruption through international treaties providing for domestic enforcement. The last main part of this volume provides the reader with novel and original insights as to how IHRL and IHL converge and diverge by considering if and how the norms of other branches of international law come into play and how the European Court of Human Rights has engaged with the sometimes contradicting norms of IHL. It furthermore analyses the relationship between the specific IHL and IHRL norms which prohibit arbitrary displacement and maps their interaction. Finally, the effectiveness of States' investigations of war crimes committed by their armed forces is evaluated by emphasising attention to the relevant standards developed within IHRL, since IHL does not indicate specific criteria to evaluate the effectiveness of an investigation.
P.De Hert e.a.(ed.)(I-9781780686400) juni 2018 298 pag. € 75,00

Demonstreren: een Schurend Grondrecht

De essentie van het grondwettelijk demonstratierecht is dat de overheid zich tot het uiterste moet inspannen om demonstraties te faciliteren en te beschermen, zodat burgers in vrijheid hun mening—hoe impopulair ook—kunnen laten horen. Elke andere houding van de overheid doet afbreuk aan de kern van dit recht. De Nationale ombudsman stelt het burgerperspectief centraal en biedt een handelingskader voor zowel de overheid als demonstranten.
Nationale Ombudsman, maart 2018 63 pag. GRATIS OP PDF OP AANVRAAG

Environmental Rights in Europe and Beyond

The growing awareness of an impending environmental crisis coupled with a series of national and regional environmental disasters led, in the 1960s and 1970s, to the birth of the global environmental movement and the widespread recognition of the need to protect the environment for both current and future generations. Against this backdrop the concept of 'environmental rights' surfaced as a means by which claims relating to the environment could be formulated in legal terms and thereby safeguarded. In the decades that followed, this concept has come to encompass many different variations of legal rights, which this book seeks to investigate and assess.

S.Bogojevic,R.Rayfuse (ed.)(Hart-9781509911110) augustus 2018 320pag. geb. ca. € 98,00

EU Anti-Discrimination Law beyond Gender

Eighteen years after the adoption of the watershed Equality Directives, it seems timely to dedicate a book to their limits and prospects, to look at the progress made, and to revisit the rise of EU anti-discrimination law beyond gender. Sets out to capture the striking developments and shortcomings that have taken place in the interpretation of relevant EU secondary law. Unfolds an up-to-date systematic reappraisal of the five 'newer' grounds of discrimination, which have so far received mostly fragmented coverage. Captures how and to what extent the Equality Directives have enabled or prevented the Court of Justice of the European Union from developing even broader and more refined anti-discrimination jurisprudence. Offers a glimpse into the past, present and – it is hoped – future of EU anti-discrimination law as, despite all the flaws in the Union's 'Garden of Earthly Delights', it offers one of the highest standards of protection in comparative anti-discrimination law.

U.Belavusau,K.Henrard (Hart-9781509915019) november 2018 392 pag. geb. ca. € 80,00

the EU Bill of Rights' Diagonal Application to Member States - Comparative Perspectives of Europe's Human Rights Deficit

Addresses the EU's human rights problem from a comparative perspective and explores the constitutional and jurisprudential patterns addressing the question of inquiry in a multilevel constitutional architecture. In the last decade, the EU institutions have made several, benevolent but feeble, attempts to enforce rule of law and human rights requirements. Though EU law's approach might appear to be idiosyncratic, it is far from unprecedented and, as far as multilevel constitutionalism is concerned, EU law may draw on the experiences of various regimes where centralized human rights protection and national (state) constitutional identities coexist. Comparative federalism provides an array of experiences, solutions and techniques, which help the European integration to grasp and address the diagonal enforcement of human rights and to take stock of its solutions.

C.Nagy (B-9789462368699) oktober 2018 270 pag. € 75,00

the EU Charter of Fundamental Rights as a Binding Instrument - Five Years Old and Growing

The entry into force of the Treaty of Lisbon in 2009 caused the EU's Charter of Fundamental Rights to be granted binding effect. Would this transform the EU's commitment to fundamental rights? Should it transform that commitment? How, if at all, can we balance competing rights and principles? How deeply does the EU conception of fundamental rights reach into and bind national law and practice? How deeply does it affect private parties? How much flexibility has been left to the Court in making these interpretative choices? What is the likely effect of another of the reforms achieved by the Lisbon Treaty, the commitment of the EU to accede to the ECHR? This book addresses all of these questions in the light of five years of practice.

S.de Vries e.a. (Hart-9781509921089) april 2018 416 pag. geb. ca. € 80,00

the European Convention on Human Rights and General International Law

Explores the interaction, including the problems arising in the context of human rights, between the European Convention on Human Rights and general international law. It contributes to ongoing debates on the fragmentation and convergence of international law from the perspective of international judges as well as academics. Some of the chapters suggest reconciling methods and convergence while others stress the danger of fragmentation. The focus is on specific topics which have posed special problems, namely sources, interpretation, jurisdiction, state responsibility and immunity.

A.v.Aaken,I.Motoc (ed.) (OUP-9780198830009) oktober 2018 352 pag. geb. ca. € 100,00

the European Convention on Human Rights as an Instrument of Tort Law

Examines the entanglement of public and private and national and transnational law in detail and argues that while the Court uses a different terminology, it applies principles that are very similar to those of national tort law and that the Court has developed a compensatory practice that can be described as a tort law system. An individual can appeal to the European Convention on Human Rights in order to challenge national tort law in two situations: where he is held accountable under national tort law for exercising his Conventions rights, and where national law does not provide effective compensation in accordance with Article 13. The second method is strongly connected with the practice of the European Court of Human Rights to award compensations itself on the basis of Article 41. A compensation in national tort law is considered to be effective according to Article 13 when it is comparatively in line with the compensations of the European Court of Human Rights granted on the basis of Article 41. This raises the important question as to how compensations under Article 41 are made by the European Court of Human Rights.

S.Somers (I-9781780686837) oktober 2018 400 pag. geb. € 95,00

European Yearbook on Human Rights 2018

Both in Europe and around the world, 2017 has been another difficult year for the protection of human rights. Examples of the increased pressure on the European human rights system are apparent: the attack on the independence of the judiciary in Poland, which was responded to by the first time initiation of the rule of law procedure by the European Commission; the increasing human rights issues arising from European migration policy; Russia's suspension of its financial contribution to the Council of Europe and Turkey's lowering of its contribution; and the difficulties in appointing key human rights positions in the Organization for Security and Cooperation in Europe. Split into its customary four parts and complemented by book reviews.

W.Benedek e.a. (ed.) (I-9781780687063) november 2018 626 pag. € 75,00

Freedom of Expression- the Media and Journalists – case law of the ECHR

Een mooi overzicht van recente EHRM-rechtspraak over media en vrijheid van meningsuiting.
T.McGonagle,D.Voorhoof (IRIS THEMES Vol.III) 4^e dr. dec. 2017 530 pag. GRATIS OP PDF

the Hidden Hands of Justice - NGOs, Human Rights, and International Courts

First comprehensive analysis of non-governmental organization (NGO) participation at international criminal and human rights courts. Drawing on original data, maps and explains the differences in NGO participatory roles, frequency, and impact at three judicial institutions: the European Court of Human Rights, the Inter-American Human Rights System, and the International Criminal Court. Demonstrates that courts can strategically choose to enhance their functionality by allowing NGOs to provide needed information, expertise, and services as

well as shame states for non-cooperation. Through participation, NGOs can profoundly shape the character of international human rights justice, but in doing so, may consolidate civil society representation and relinquish their roles as external monitors.

H.Nichols Haddad (CUP-9781108470926) augustus 2018 216 pag. geb. ca. € 106,00

Human Rights in a Global World - essays in honour of Luis López Guerra

The mandate of Luis López Guerra as a judge at the European Court of Human Rights is coming to an end. On the occasion of his departure, his colleagues and friends wish to pay tribute to the exceptional work he has accomplished during his ten-year tenure at the Court. In his duties, he distinguished himself in the dissemination of the fundamental rights and freedoms protected by the Convention and he was acknowledged for his humanist approach to European litigation. Elected as a judge of the Court in 2008, he was subsequently appointed by his peers as Vice-president and later President of the third Section of the Court. During his mandate, he participated in the spread of the Court in Europe and throughout the world through his work in the Court and his numerous conferences and articles, particularly on issues relating to justice and European integration. This work compiles numerous original works dealing with various topical subjects, written by judges of the Court, international and national judges, academics and members of the registry of the Court.

C.Morte Gomes (W-9789462404298) april 2018 ca. 400 pag. € 59,95

Human Rights Tectonics - Global Dynamics of Integration and Fragmentation

Bringing together international, European and national perspectives and focusing on select subject areas such as non-discrimination, accommodation of cultural identity and socio-economic rights, the book examines the difficulties faced by human rights lawyers in their day-to-day work. Through the implementation of a methodology applying both theoretical inquiry and case study examples, the book analyses the impact of the fragmentation of international and regional human rights and how this can cause failures in effective legal protection or, on certain occasions, strengthen it. The imagery of plate tectonics aims to portray the extent to which human rights law is in perpetual construction and constant renewal with lines of convergence and divergence. Entangled into battles, shocks, jolts or clashes, human rights find themselves today 'on trial'.

E.Bribosia, I.Rorive (ed.) (I-9781780686134) november 2018 332 pag. € 89,00

the International Convention on the Elimination of All Forms of Racial Discrimination *a Commentary*

oorspronkelijk uit juli 2016, nu in paperback editie

Against the background of international human rights standards and mechanisms to counter racial and ethnic discrimination, this book provides the first comprehensive legal analysis of the provisions of the Convention on an article-by article basis. Addresses the place of the Convention within the broader framework of international action against discrimination. The different chapters analyse and discuss broad topics of race, ethnicity, and international law, the genesis and drafting of the Convention, the aims and objectives of the Convention in light of its preamble, and principles of non-discrimination and equality. Includes a critical appraisal of the contribution of the Convention to the eradication of racial discrimination.

P.Thornberry (OUP-9780198827405) april 2018 576 pag. ca. € 57,00

Law of the European Convention on Human Rights

The new edition builds on the strengths of previous editions, providing an up-to-date, clear, and comprehensive account of Strasbourg case law and its underlying principles. It sets out and critically analyses each Convention article (including those addressed by relevant Protocols), and thoroughly examines the system of supervision. The book also addresses the pressures and challenges facing the Strasbourg system in the twenty-first century.

D.Harris e.a. (OUP-9780198785163) 4^e dr. september 2018 1056 pag. ca. € 54,00

Must We Defend Nazis? - *Why the First Amendment Should Not Protect Hate Speech and White Supremacy !!!*

Swirling in the midst of the resurgence of neo-Nazi demonstrations, hate speech, and acts of domestic terrorism are uncomfortable questions about the limits of free speech. The United States stands apart from many other countries in that citizens have the power to say virtually anything without legal repercussions. But, in the case of white supremacy, does the First Amendment demand that we defend Nazis? Legal experts Richard Delgado and Jean Stefancic

argue that it should not. Updated to consider the white supremacy demonstrations and counter-protests in Charlottesville and debates about hate speech on campus and on the internet, the book offers a concise argument against total, unchecked freedom of speech. Calls for a system of free speech that takes into account the harms that hate speech can inflict upon disempowered, marginalized people. Examines the prevailing arguments against regulating speech, and show that they all have answers. Also shows how limiting free speech would work in a legal framework and offers suggestions for activist lawyers and judges interested in approaching the hate speech controversy intelligently. As citizens are confronting free speech in contention with equal dignity, access, and respect, this publication puts aside clichés that clutter First Amendment thinking, and presents a nuanced position that recognizes the needs of our increasingly diverse society and should influence a generation of scholars and students. *R.Delgado,J,Stefanic (NewYork UP-9781479857838) januari 2018 176 pag. ca. € 16,00*

Mutual Trust under Pressure, the Transferring of Sentenced Persons in the EU -

Transfer of Judgments of Conviction in the European Union and the Respect for Individual's Fundamental Rights

Addresses the question of how, in the post-trial context, respect for fundamental rights affects mutual recognition and mutual trust in EU criminal law. Analyses to what extent not only the right guaranteed by Article 3 ECHR is protected, but also whether the principle of mutual trust and mutual recognition can be affected by the rights to family life and the right to a fair trial. Concerning the latter right, special attention is paid to Directive 2012/13/EU on the right to information in criminal proceedings, Directive 2013/48/EU on the right of access to a lawyer in criminal proceedings and Directive 2010/64/EU on the right to interpretation and translation. *T.Marguery e.a. (W-9789462404991) april 2018 462 pag. € 59,95*

Overview of the Case-Law of the European Court of Human Rights 2017

Every year, the European Court of Human Rights delivers a large number of judgments and an even greater number of decisions. This can make it difficult for people outside the Court to know which cases break new ground or address new issues. An increasingly important aspect of the Court's work has thus become to identify such cases and to disseminate them in a convenient and accessible format. All the cases are selected by the Court's Jurisconsult's Directorate on the basis of their jurisprudential interest. They may raise issues of general interest, establish new principles, or develop or clarify the case-law.

Registry of the E.C.H.R.(W-9789462405226) april 2018 ca.140 pag. € 34,95

Prevention of Gross Human Rights Violations Under International Human Rights Law

Systematic assessment of the content and scope of obligations to prevent gross human rights violations. There has been a great deal of attention for concepts aiming to prevent gross human rights violations, but it has remained unclear what legal obligations states have to prevent gross human rights violations under international human rights law. The focus is on three specific types of injury prohibited under international human rights law: torture, arbitrary death and genocide. Further distinctions are made between four temporal phases (long-term prevention, short-term prevention, preventing continuation, preventing recurrence) and territorial and extraterritorial obligations. Offers an overview of positive law, but also explores solutions for lacunas and possible future developments.

N.v.d.Have (T.M.C.Asser Press-9789462652309) februari 2018 230 pag. geb. € 121,90

Protecting Children in Armed Conflict

Reviews the position of children in armed conflict by reference to the 'six grave violations' as identified by the UN Security Council. Analyses the protection offered by international humanitarian law, international criminal law and international human rights law, and also assesses the related adjudicative accountability mechanisms. The analysis concludes with a number of recommendations and proposals for reform, with a view to enhancing accountability and deterring future violations. Written as part of the Inquiry on Protecting Children in Conflict. *S.Fatima (ed.) (Hart-9781509923038) september2018 600 pag.geb. ca. € 162,00*

Realisering van Grondrechten - de rechtsplicht van de overheid tot verwerkelijking van grondrechten

Grondrechten dragen in steeds belangrijker mate bij aan de individuele rechtsbescherming en de staatkundige ordening van het moderne leven door de wijze waarop zij de relaties tussen overheidsambten en burgers reguleren. Er heeft zich een hecht en complex grondrechten-

systeem ontwikkeld waarin vele actoren vanuit verschillende taken en bevoegdheden bijdragen aan de nakoming van de rechtsplicht van de overheid tot de realisering van grondrechten.
P.v.Sasse v.IJsselt (VU), januari 2018 262 pag. (incl. samenv.) GRATIS PDF OP AANVRAAG

the Right to a Fair Trial in International Criminal Proceedings

Examines the right to a fair trial in international criminal proceedings from a human right perspective drawing mainly from General Comments, Individual Communications to the Human Right Committee and the jurisprudence of international criminal tribunals and courts. Shows the extent to which international and hybrid criminal courts specifically ICTY and ICTR uphold human rights standards as lay down in the ICCPR. Even though these ad hoc tribunals have been criticized for lengthy trials, they have generously granted accused individuals enormous privileges such as the right to self-representation which is not possible in the ECtHR. To reconcile this situation, the author proposed that the ad hoc tribunals could adopt the approach of the ECtHR with regards to length of proceedings while the ECtHR can learn from the ad hoc tribunals with regards to self-representation.

C.Mbuayang (B-9789462368576) juli 2018 400 pag. € 135,00

Strategic Human Rights Litigation St - Understanding and Maximising Impact

Around the globe, advocates increasingly resort to national, regional and international courts and bodies 'strategically' to protect and advance human rights. Provides a framework for understanding SHRL and its contribution to various forms of personal, legal, social, political and cultural change, as well as the many tensions and challenges it gives rise to. Suggests a reframing of how we view the impact of SHRL in its multiple dimensions, both positive and negative. Five detailed case studies, drawn predominantly from the author's own experience, explore litigation in a broad range of contexts (genocide in Guatemala; slavery in Niger; forced disappearance in Argentina; torture and detention in the 'war on terror'; and Palestinian land rights) to reveal the complexity of the role of SHRL in the real world. Considers how impact analysis might influence the development of more effective litigation strategies in the future.

H.Duffy (Hart-9781509921973) september 2018 328 pag. geb. ca. € 42,00

Theory and Practice of the European Covention on Human Rights Hét HANDBOEK

Since the first edition of Theory and Practice of the European Convention on Human Rights forty years ago, this book has become the leading reference in the field of human rights in Europe. It provides a systematic and comprehensive overview of the functioning of the European Convention for the Protection of Human Rights and Fundamental Freedoms and its application by the European Court of Human Rights. With Protocol No. 14 entering into force on 1 June 2010, the protection of human rights in Europe and the case law of the Court have seen a dynamic development during the last decade. A completely new edition of Theory and Practice of the European Convention on Human Rights was thus very much needed.

P.van Dijk e.a.(ed.) (I-9781780684932) 5^e dr. januari 2018 1230 pag.geb. € 175,00

Transformative Justice - Remediating Human Rights Violations Beyond Transition

Highlights the significance of structural violence in producing and reproducing rights violations. Argues that, in order to remedy structural violations of human rights, there is a need to utilise a different toolkit from that typically employed in transitional justice contexts. Sets out and applies a definition of transformative justice as expanding upon, and providing an alternative to, transitional justice. Focusing on a comparative study of social movements, nongovernmental organisations and trade unions working on land and housing rights in South Africa, and their network relationships, the book argues that networks of this kind make an important contribution to processes advancing transformative justice. Providing an opportunity for affected communities to articulate their concerns over socioeconomic rights issues, such networks provide a vital means by which existing structures and practices may be contested.

M.Evans (Routledge-9780815375623) juli 2018 176 pag. geb. ca. € 157,00

UN Convention on the Rights of Persons with Disabilities - A Commentary

Detailed article-by-article examination of the United Nations Convention on the Rights of Persons with Disabilities (CRPD). Each article of the CRPD contains a methodical analysis of the preparatory works, followed by an exhaustive examination of the contents of each article based on case law and concluding observations from the CRPD Committee, judgments from national and international courts and tribunals, pertinent UN and other reports, the key literature on the article under review. Features commentary from a broad range of scholars

across a variety of disciplines in order to provide a comprehensive study of the legal, psychological, education, sociological, and other aspects of the CPRD. This encyclopaedic commentary on the CRPD effectively covers all the issues arising from international disability law and practice, and will be an ideal resource.

I.Bantekas e.a.(ed.) (OUP-9780198810667) november 2018 1376 pag. geb. ca. € 345,00

UN Convention on the Rights of Persons with Disabilities in Practice - A Comparative Analysis of the Role of Courts

Introduced in 2008, the UN Convention on the Rights of Persons with Disabilities has existed for nearly a decade. Examines how courts in *thirteen different jurisdictions* make use of the Convention. The first sustained comparative international law analysis of the CRPD, illuminates the intersection between human rights law, disability law and international law through an examination of the role of courts. The first part of the book contains chapters specific to each jurisdiction. The second part consists of comparative chapters which draw on the rich analysis of the jurisdiction-specific chapters. These chapters reflect on emerging patterns of judicial usage and interpretation of the CRPD and on the wider implications for human rights theory and the nascent field of international comparative human rights law.

L.Waddington,A.Lawson (OUP-9780198786627) juni 2018 672 pag. geb. ca. € 130,00

Verschenen in 2017:

College voor de Rechten van de Mens - Jaarverslag 2016

Steeds meer mensen melden discriminatie vanwege hun afkomst. Dat concludeert het College voor de Rechten van de Mens op basis van de jaarcijfers over 2016. Het College kreeg hier het afgelopen jaar meer dan 600 meldingen over. Een kleine 100 mensen vroegen om een uitspraak en daarop volgden ruim 30 oordelen. In alle opzichten zijn de aantallen toegenomen vergeleken met 2015.

Jaarverslag 2016 60pag.

GRATIS OP PDF OP AANVRAAG

Monitor discriminatiezaken 2016 28 pag.

GRATIS OP PDF OP AANVRAAG

The Concept of Equality of Arms in Criminal Proceedings under Article 6 of the European Convention on Human Rights

Inherent to and at the very core of the right to a fair criminal trial under Article 6 of the European Convention on Human Rights is the concept of equality of arms (procedural equality) between the parties, the construct given detailed and innovative treatment in this book. As a contextual prelude to more specific analysis of this concept under Article 6, certain influential historical developments in trial safeguards which mark a centuries-long evolution in standards of, and the value attributed to, procedural fairness are identified to establish a background to Article 6 before its inception. Thereafter, the book offers a thorough theoretical insight into equality of arms, investigating its multi-faceted value, identifying its contemporary legal basis in Article 6 and in international law, and defining its fundamental constituent elements to elucidate its nature, including its underpinning relationship with Article 6(3). The book argues that the most important of these constituent elements--the requirement of 'disadvantage'--is not equated by the European Court of Human Rights with inequality in itself, which would be a dignitarian interpretation, but with inequality that gives rise to actual or, in some circumstances, inevitable prejudice. This proposition is the golden thread running through the analytical heart of the book's survey of case-law in which the Court's approach to procedural equality in practice is demonstrated and assessed within the context of the Article 6(3) rights to challenge and call witness evidence, to adequate time and facilities, and to legal assistance.

O.Sidhu (I-9781780681641) maart 2017 350 pag. € 69,00

Digital Evidence Changing the Paradigm of Human Rights Protection

the core of this work revolves around the pivotal question of legal sufficiency of the digital means employed in recording human rights abuses and the consolidation of standards and procedures regulating the admissibility of collected evidence in the court of law. The purpose is to provide an answer from a tri-folded point of view. The U.S. legal system leads in the regulation of the requirements for digital evidence to be admitted at trial; nonetheless, also International courts like ICC, ICTY and ICTR follow rules and procedure for that purpose, based on authenticity, protection of privacy, chain of possession and reliability of

the electronic evidence. At the European level, instead, the lack of a common legislation relevant to the admissibility of d-evidence at trial required a comparative study of the respective provisions contained in many Europeans countries' procedural law. For these three levels a special attention is reserved to the analysis of the lifecycle of digital evidence, from the creation and use of digital digital human rights documentation for immediate purpose to its later admission as evidence in Legal proceedings, as well as to the authentication issue. At the last stage a collection of the most relevant case law form the principal U.S. courts and International courts is provided.

S.Di Cerbo (W-9789462403048) februari 2017 292 pag. € 34,95

de Digitale Schandpaal - en wat we er tegen kunnen doen

De winnaar van de internetscriptieprijs nam als uitgangspunt van zijn scriptie: hoe zou het recht bescherming kunnen bieden aan de slachtoffers van online *shaming*? Op basis van voorbeelden en communicatiewetenschappelijk onderzoek definieert hij wat de 'digitale schandpaal' precies inhoudt. Vervolgens onderzoekt hij hoe de rechter daarover zou oordelen op basis van jurisprudentie van het EHRN. Tot slot doet hij aanbevelingen hoe het juridische systeem meer bescherming zou kunnen bieden aan die 'geschandpaalden'.

R.Maalderink (UvA) januari 2016 93 pag.

GRATIS OP PDF OP AANVRAAG

Drug Control and Human Rights

Human rights violations occurring as a consequence of drug control and enforcement are a growing concern, and raise questions of treaty interpretation and of the appropriate balancing of concomitant obligations within the drug control and human rights treaty regimes. Tracing the evolution of international drug control law since 1909, this book explores the tensions between the regime's self-described humanitarian aspirations and its suppression of a common human behaviour as a form of 'evil'. Drawing on domestic, regional and international examples and case law, it posits the development of a dynamic, human rights-based interpretative approach to resolve tensions and conflicts between the regimes in a manner that safeguards human rights. Highlighting an important and emerging area of human rights inquiry from an international legal perspective, this book is a key resource for those working and studying in this field. Highlights a new and emerging area of human rights inquiry as the first major work on the human rights impacts of drug control. Explores the tensions and conflicts between international human rights law and international drug control law and offers models of treaty interpretation to resolve them in a manner that promotes human rights. Includes case examples in international and domestic law and provides analysis relevant to human rights.

R.Lines (CUP-9781107171176) augustus 2017 238 pag. geb. ca. € 98,00

ECHR Case Files - The case files of the lawyer and of the intervener before the European Court of Human Rights

Describes the application and intervention procedure before the European Court of Human Rights. Prior to presenting the case files, the Court's organisation and procedure is introduced and the rules applicable to the application and intervention procedure are described in some detail. The documents making up the case files include correspondence of the applicant, the intervener and the Court, as well as decisions, judgments and related procedural documents. The documents are preceded by a short introduction explaining to which stage of the procedure a document belongs.

L.Glas (A-9789492766007) augustus 2017 250 pag. € 29,50

EU Criminal Law after Lisbon - Rights, Trust and the Transformation of Justice in Europe

Assesses the extent to which the entry into force of the Lisbon Treaty has transformed European criminal justice, and evaluates the impact on national criminal justice systems. Examines the constitutionalisation of EU criminal law, by focusing on the impact of institutional and constitutional developments in the field including the influence of the EU Charter of Fundamental Rights on EU criminal law. Covers aspects of criminal justice ranging from criminalisation to judicial co-operation to prosecution to the enforcement of sanctions. Contains a detailed analysis and evaluation of the powers of the Union to harmonise substantive criminal law and the influence of EU law on national substantive criminal law; of the evolution of the Europeanisation of prosecution from horizontal co-operation between national criminal justice to forms of vertical integration in the field of prosecution as embodied in the evolution of Eurojust and the establishment of a European Public Prosecutor's Office; of the operation of the principle of mutual recognition (by focusing in particular on the European

Arrest Warrant system) and its impact on the relationship between mutual trust and fundamental rights; of EU legislation in the field on criminal procedure, including legislation on the rights of the defendant and the victim; of the relationship between EU criminal law and citizenship of the Union; and of the evolution of an EU model of preventive justice, as exemplified by the proliferation of measures on terrorist sanctions.

V.Mitsilegas (Hart-978184946486) augustus 2017 336 pag.geb. ca. € 69,00

European Commission- Annual Report on the EU Charter of Fundamental Rights 2016

De Europese Commissie heeft haar jaarlijks verslag over de toepassing van het EU-Handvest van de grondrechten gepubliceerd. Het verslag biedt een overzicht van de initiatieven die de EU in 2016 heeft genomen om de grondrechten te versterken. Ook wordt nagegaan hoe de grondrechten in 2016 zijn toegepast op een aantal beleidsterreinen van de EU en in de lidstaten. Volgens het nieuwe verslag vormen recente ontwikkelingen een ernstige bedreiging voor de grondrechten. De Commissie zal ervoor blijven zorgen dat alle organen die gehouden zijn aan het Handvest, het eerbiedigen en dat alle wetgevingsvoorstellen ermee in overeenstemming zijn. Daarbij zal zij bijzondere aandacht schenken aan belangrijke controlemechanismen, zoals de wezenlijke rol die de hooggerechtshoven en de constitutionele hoven spelen bij het hooghouden van de gemeenschappelijke waarden van de EU. Met de inwerkingtreding van het Verdrag van Lissabon op 1 december 2009 werd het Handvest van de grondrechten van de Europese Unie juridisch bindend. De bepalingen van het Handvest zijn in de eerste plaats bedoeld voor de EU-instellingen en daarnaast ook voor de nationale autoriteiten, uitsluitend wanneer zij het EU-recht ten uitvoer leggen.

Europese Commissie, mei 2017, 14 pag. + bijbehorend Commission Staff Working Document 117 pag. GRATIS OP PDF OP AANVRAAG

the European Convention on Human Rights. A Commentary

Handboek uit september 2015 (geb. ca.€ 245,00) NU IN GOEDKOPE PAPERBACK EDITIE

This is the first complete article-by-article commentary on the ECHR and its Protocols in English. Provides an entry point for every part of the Convention: the substance of the rights, the workings of the Court, and the enforcement of its judgments. A separate chapter is devoted to each distinct provision or article of the Convention as well as to Protocols 1, 4, 6, 7, 12, 13, and 16, which have not been incorporated in the Convention itself and remain applicable to present law. Each chapter contains: a short introduction placing the provision within the context of international human rights law more generally; a review of the drafting history or preparatory work of the provision; a discussion of the interpretation of the text and the legal issues, with references to the case law of the European Court of Human Rights and the European Commission on Human Rights; and a selective bibliography on the provision.

W.Scabas (OUP-9780198813620) juli 2017 1440 pag. pap. ca. € 63,50

Europees Hof voor de Rechten van de Mens - Jurisprudentie over Artikel 10 EVRM

Een overzicht en analyse van jurisprudentie van het EHRM (2010-2016) inzake de speciale positie van de pers, uitlatingen over rechtszaken, klokkenluiden en openbaarheid van bestuur, uitlatingen op internet en hate speech. *Van catalogusformules en strong reasons.*

A.Nieuwenhuis (Mediaforum 2017 nr. 1 en nr. 3) 11 + 8 pag. GRATIS OP PDF OP AANVRAAG

Hoofdstukken Grondrechten

Algemene leerstukken: historische en theoretische achtergronden, rechthebbenden, rechtsbescherming, methoden van interpretatie en reikwijdte, beperkingen, positieve verplichtingen, horizontale werking, samenloop en botsing van grondrechten, interactie van rechtsordes en taakverdeling tussen wetgever en rechter. Thema's zijn rijkelijk geïllustreerd aan de hand van specifieke grondrechten, zoals de vrijheid van meningsuiting, vrijheid van godsdienst, de privacy en het gelijkheidsbeginsel. Geactualiseerde nieuwe editie.

M. den Heijer e.a. (A-9789069168838) 4^e dr. maart 2017 256 pag. € 34,50

Human Rights and Drug Control – access to controlled essential medicines in resource constrained countries

Globally, millions of people suffer health and socio-economic related problems due to the unavailability of controlled essential medicines such as morphine for pain treatment, which leaves them in disabling and sometimes degrading situations. Controlled essential medicines are medicines included in the World Health Organization's List of Essential Medicines, and whose active substance is listed under the international drug-control treaties. Their availability

and accessibility therefore fall within the remit of both human rights and international drug-control law. Even though the unavailability of controlled essential medicines is generally caused by a multifaceted and complex interplay of factors, the current international drug-control framework paradoxically hinders rather than fosters the access to medicines. Human Rights and Drug Control analyses a human rights interpretation of the international drug-control framework with an emphasis on advancing the access to controlled essential medicines in resource-constrained countries. Its approach goes beyond the more conventional legal analysis and includes an ethical analysis as well as two case studies in Uganda and Latvia. It first aims to identify a human rights foundation of drug control by examining how human rights norms would balance the underlying tension: some controlled substances have a clear, evidence-based medical benefit, yet also have the potential to be misused, which may lead to dependency disorders. This makes it evident that States should regulate this delicate equilibrium, the challenge being how they can do so legitimately in light of human rights norms.

M. Gispen (I-9781780684543) januari 2017 352 pag. € 79,00

Human Rights and Personal Self-Defense in International Law

Sets out in careful detail the strict requirements that human rights impose on defensive force by law enforcement authorities, especially police killings in self-defense. Also discusses the exceptional application of the right to personal self-defense in military-led operations, notably to contain violent civilians who do not directly participate in hostilities. Human rights also establish parameters on how broad or narrow the laws can be drawn on self-defense between private persons. Setting out the prevailing international standards, critically examines the ongoing trend to excessively broaden self-defense laws. It also refutes the claim that there is a human right to possess firearms for self-defense purposes. In extraordinary circumstances, the right to personal self-defense sharpens human rights and allows people to defend themselves against the state. Establishes that international law gives individuals the right to forcibly resist human rights violations that pose a serious risk of significant and irreparable harm. At the same time, calls into question prevailing state practice, which fails to recognize any collective right to organized armed resistance even when it constitutes the last resort to defend against genocide or other mass atrocities. Includes a comprehensive review of jurisprudence from the UN and the American, European and African regional human rights systems

J. Hessbruegge (OUP-9780190655020) februari 2017 400 pag. geb. ca. € 90,00

Human Rights Between Law and Politics - the Margin of Appreciation in Post-National Contexts

Analyses human rights in post-national contexts and demonstrates, through the case law of the European Court of Human Rights, that the Margin of Appreciation doctrine is an essential part of human rights adjudication. Current approaches have tended to stress the instrumental value of the Margin of Appreciation, or to give it a complementary role within the principle of proportionality, while others have been wholly critical of it. In contradiction to these approaches this volume shows that the doctrine is a genuinely normative principle capable of balancing conflicting values. It explores to what extent the tension between human rights and politics, embodied in the doctrine, might be understood as a mutually reinforcing interplay of variables rather than an entrenched separation. By linking the interpretation of the Margin of Appreciation doctrine to a broader conception of human rights, understood as complex political and moral norms, this volume argues that the doctrine can assist in the formulation of the common good in light of the requirements of the Convention.

P. Agha (Hart-9781849468657) september 2017 208 pag. geb. ca. € 75,00

Human Rights in the Robot Age

Robots, kunstmatige intelligentie en het internet-of-things leggen steeds meer druk op onze mensenrechten, zoals het recht op privacy, op vrijheid van meningsuiting en op bescherming tegen discriminatie. Het behoud van de menselijke waardigheid vereist bovendien twee nieuwe mensenrechten: het recht niet gemeten, geanalyseerd of gecoacht te worden en het recht op betekenisvol menselijk contact. In een onlangs gepubliceerd rapport pleit het Rathenau Instituut voor een nieuw Europees verdrag dat de mensenrechten aanpast aan de digitale samenleving. Het Rathenau Instituut schreef het rapport 'Mensenrechten in het robottijdperk' op verzoek van de Parlementaire Assemblee van de Raad van Europa (PACE). Mede op basis van het rapport formuleerde PACE aanbevelingen aan de Raad van Europa, welke op 28 april 2017 door PACE werden aangenomen.

the International Law of Human Rights

Examines the fundamentals of human rights law from the advent of the United Nations Charter through to the challenging contemporary issues facing the human rights regime. The second edition introduces the intricacies of human rights law and provides up-to-date coverage of human rights issues while exploring emerging areas of human rights law. Illuminates a range of examples while Snapshots throughout the text demonstrate real life decisions, thoroughly covering the scope of human rights law. This text has been restructured and comprehensively updated throughout to reflect current legislation, cases and international jurisprudence.

A.McBeth e.a.(OUP-97801903040239) 2^e dr. juni 2017 688 pag. ca. € 87,00

Jacobs, White & Ovey : The European Convention on Human Rights

Examines each of the Convention rights in turn, explores the pivotal cases in each area and examines the principles that underpin the Court's decisions. The focus on the European Convention itself, rather than its implementation in any one member state, makes this book essential reading for a concise yet authoritative overview of the work of the Strasbourg Court. The text is accompanied by an Online Resource Centre that features updates on cases and legislation as well as links to useful websites and further reading on the European Convention.

B.Rainey e.a. (OUP-9780198767749) 7^e dr. september 2017 768 pag. ca. € 49,00

de Kennisparadox in de Arbeidsongeschiktheidsprocedure - Over deskundigen in het medisch bestuursrecht en de waarborgen van art. 6 EVRM

In het nationale bestuursrecht is veel discussie over de duiding van een aantal recente arresten van het Europees Hof voor de Rechten van de Mens (EHRM), te weten de arresten *Korošec* en *Letincic*. De oorzaak hiervan ligt met name in de omstandigheid dat het EHRM in deze uitspraken het beoordelingskader van het recht op een eerlijk proces ook van toepassing verklaard op de onafhankelijkheid van de deskundige in dienst van het bestuursorgaan en deskundigenbewijs dat reeds in de bestuurlijke procedure naar voren is gekomen. Deze wijziging van jurisprudentie roept de vraag (centraal in dit onderzoek) op of het Nederlandse bestuursrecht in de zin van de arbeidsongeschiktheidsprocedure hier in voldoende mate aan voldoet. In deze bekroonde scriptie komt niet alleen aan bod of de nationale arbeidsongeschiktheidsprocedure in overeenstemming is met artikel 6 EVRM, maar ook wordt aandacht besteed aan aspecten van de nationale arbeidsongeschiktheidsprocedure die meer in overeenstemming met het recht op een eerlijk proces kunnen worden gebracht. (De uitspraken van de Afd. Bestuursrechtspraak Raad van State en van de Centrale Raad van Beroep van 30-06-2017 liggen na einddatum van het onderzoek en zijn niet verwerkt).

B.Tonino (R.U.Leiden) juni 2017 77 pag.

GRATIS OP PDF OP AANVRAAG

Kroniek Gelijke Behandeling 2015-2016

Ontwikkelingen in het gelijkebehandelingsrecht in 2015 en 2016. Centraal staan de oordelen van het College voor de Rechten van de Mens gezien tegen de achtergrond van jurisprudentie, nieuwe wetgeving en overheidsbeleid.

E.Hofhuis,A.Swarte (NJCM Bulletin 2016/35) 18 pag.

GRATIS OP PDF OP AANVRAAG

Limits of Fundamental Rights Protection by the EU – the scope for the development of positive obligations

The concept of positive obligations is familiar to various legal systems which seek to protect fundamental rights. This concept means that states are required to take active measures to protect fundamental rights, such as, for example, adopting a general legal framework to regulate same-sex relationships in order to ensure protection of the right to private life. In Europe, positive obligations have, in particular, been developed in the case-law of the European Court of Human Rights (ECtHR) from the 1970s onwards. The ECtHR has explained that positive obligations are necessary to ensure that fundamental rights are of practical value and effective for everyone. The ECtHR is not the only supranational court in Europe that protects fundamental rights. The Court of Justice of the European Union (ECJ) also protects fundamental rights within the scope of EU law. So far, no concept of positive obligations has been developed by this Court, and the question has been asked whether such a development can indeed occur under EU law. After all, the EU is a rather special international organisation which has specific, mainly economic, interests to protect. It is also unclear whether the EU has competence to undertake regulatory action to actively protect fundamental rights. Based on

the insights obtained from the development of positive obligations by the ECtHR, this volume analyses whether and how positive obligations could be incorporated into EU law. The relevant provisions laid down in the EU Treaties and the EU Charter, the case-law of the ECJ and the specificities of the EU system are studied to find out where there is scope for recognition of the concept of positive obligations under EU law, and what limitations would apply to this.
M.Beijer (I-9781780684550) februari 2017 366 pag. € 79,00

Mensenrechten en Opsporing, Terrorisme en Migratie

Het thema mensenrechten wordt gelinkt aan drie domeinen in volle evolutie: opsporing, terreurbestrijding en migratie. Inzake opsporing worden de nieuwe wet inzake internet- en informaticarecherche en de herziening van de private opsporing aan een grondrechtelijke analyse onderworpen. Legitimitets- en legaliteitsvragen in de sfeer van terreurbestrijding focussen op aanzetten tot terrorisme respectievelijk reizen met terroristisch oogmerk. Inzake migratie volgen een mensenrechtelijke toets van het Europese asieldetentiebeleid en kritische reflecties inzake slachtofferschap en het EU-beleid inzake mensensmokkel en -handel.
A.Verhage,G.Vermeulen (M-9789046608791) juni 2017 516 pag. € 35,20

Privacy as Virtue –moving beyond the individual in the age of big data

Discusses whether a rights-based approach to privacy regulation still suffices to address the challenges triggered by new data processing techniques such as Big Data and mass surveillance. A rights-based approach generally grants subjective rights to individuals to protect their personal interests. However, large-scale data processing techniques often transcend the individual and their interests. Virtue ethics is used to reflect on this problem and open up new ways of thinking. A virtuous agent not only respects the rights and interests of others, but also has a broader duty to act in the most careful, just and temperate way. This applies to citizens, to companies such as Apple, Google and Facebook and to governmental organizations that are involved with large scale data processing alike. The author develops a three-layered model for privacy regulation in the Big Data era. The first layer consists of minimum obligations that are independent of individual interests and rights. Virtuous agents have to respect the procedural pre-conditions for the exercise of power. The second layer echoes the current paradigm, the respect for individual rights and interests. While the third layer is the obligation of aspiration: a virtuous agent designs the data process in such a way that human flourishing, equality and individual freedom are promoted.
B.v.d.Sloot (I-9781780685052) juni 2017 230pag. € 65,00

Privacy Jurisprudentie EHRM 2010-2016

Van catalogusformules en strong reasons: de ontwikkeling van de artikel 10 jurisprudentie van het EHRM van 2010 tot en met 2016 (deel I)

Deze bijdrage geeft een overzicht en analyse van de jurisprudentie van het EHRM over de afgelopen zeven jaar. Daarbij wordt eerst kort ingegaan op de reikwijdte en beperkingsvoorwaarden van het recht op privacy, waarna de behandeling een meer thematisch karakter krijgt. Zo passeren onder meer 'persvrijheid en privacy', 'uitlatingen over rechtszaken', en *hate speech* de revue. Deel 2 volgt in een latere aflevering.

A.Nieuwenhuis (Mediaforum 2017.nr. 1) 11 pag. GRATIS OP PDF OP AANVRAAG

Procedurele Waarborgen in Materiële EVRM-Rechten (E.M.Meijers Reeks)

Niet eerder werd een vergelijkbaar (omvangrijk) onderzoek gedaan naar de proceduralisering van materiële EVRM-rechten, en zijn de indirecte procedurele positieve verplichtingen in kaart gebracht die voortvloeien uit de toetsingspraktijk van het EHRM zelf. Focus op de procedurele regels door EHRM sluit aan bij de margin of appreciation en subsidiariteitsbeginsel. Bevestigt het beeld dat de EHRM-jurisprudentie zelf een breed scala aan extra verplichtingen met zich brengt buiten de tekst van het EVRM om. Biedt handvatten waarmee nationale autoriteiten beter in staat zijn om EVRM-conforme nationale procedures in te richten en om zo EVRM-schendingen te voorkomen. Deel 1I biedt beschrijvende uiteenzetting van de procedurele positieve verplichtingen onder de artikelen 2, 3 en 8 EVRM en artikel 1 EP EVRM. Deel 2 is cruciaal voor nationale rechters, omdat zij degenen zijn die ten aanzien van de indirecte procedurele verplichtingen het beste kunnen anticiperen op de toets van het EHRM. Deel 3 biedt een overzicht van deze indirecte verplichtingen die bij naleving een eventuele EVRM-schending in Straatsburg kunnen voorkomen.
T.de Jong (K-9789013144130) september 2017 496 pag. € 65,00

Rapportage Mensenrechten in Nederland 2016 - armoede, sociale uitsluiting en mensenrechten

In het 1e deel wordt aandacht besteed aan een aantal beginselen die ten grondslag liggen aan mensenrechten. In het 2e deel worden de rechten op de volgende gebieden nader onderzocht om de samenhang met armoede duidelijk te maken: Waardigheid en bestaanszekerheid, Bescherming van de rechten van mensen in een kwetsbare situatie, Respect voor autonomie, Gelijkheid en gelijk genot van rechten, Participatie en empowerment, Rechtsbescherming, Gezondheid, Onderwijs, Arbeid, Huisvesting en de rechten in Caribisch Nederland.

College voor de Rechten van de Mens, mei 2017 140 pag. GRATIS OP PDF OP AANVRAAG

Reverse Discrimination in the European Union – a recurring balancing act

Reverse discrimination occurs when a European Union (EU) citizen in a 'purely internal situation' is treated less favourably than an EU citizen of another nationality whose situation is largely governed by EU law. Part I of this book analyses the issue of reverse discrimination from an EU perspective. In particular, it questions whether reverse discrimination falls within the scope of application of Member State law or whether it falls within the ambit of EU law. Subsequently, it discusses the interpretation of the 'purely internal situation' doctrine on the basis of the case law of the European Court of Justice, giving special attention to recent developments since the controversial Ruiz Zambrano judgment. Part II looks at reverse discrimination in five Member States, namely Belgium, France, Italy, Germany and Austria. The focus lies on the ground(s) on which the national authorities decide whether or not to allow stricter treatment of purely internal situations. Part III analyses specific instances of reverse discrimination in federally structured Member States, from the perspective of both EU law and Belgian and German law.

V. Verbist (I-9781780684581) juni 2017 358 pag. € 58,00

Revisiting Procedural Human Rights – Fundamentals of civil procedure and the changing face of civil justice

While some human rights have been made famous in national mottos such as the French *liberté, égalité et fraternité*, other human rights have not attracted such attention. Generally, substantive human rights have been discussed and appreciated more than procedural human rights. Yet, without an effective and well-balanced set of procedural rights, the substantive rights and freedoms of almost any person or business would not enjoy effective protection before the courts of law. Based on the wish to reopen an international comparative discussion on fundamental notions of civil procedure, this book offers a number of insights into procedural human rights from different jurisdictions and different points of view. While some previous studies focused on Northern Europe, many of the authors in this book come from Southern and Eastern Europe, areas where a common understanding of procedural human rights may be an even more pressing necessity.

A. Uzelac, C.v. Rhee (I-9781780685335) juli 2017 337 pag. € 69,00

Taking a Case to the European Court of Human Rights

Provides comprehensive coverage of the law and procedure of the European Court of Human Rights. Incorporates a step-by-step approach to the litigation process, covering areas such as lodging the initial application, seeking priority treatment, friendly settlement, the pilot judgment procedure, just satisfaction, enforcement of judgments, and Grand Chamber referrals. This new edition has been fully revised to take account of the latest developments in the Court's practice since 2010. Includes an expanded and up-to-date article-by-article commentary on the substantive law of the European Convention. Issues covered by the recent case-law include secret rendition, restrictions on in vitro fertilization, medical mistreatment, treatment of migrants at sea and asylum procedures, states' extra-territorial jurisdiction, same-sex partnerships, and discrimination. There is new law on the rights of suspects, defendants and life sentence prisoners, and the duties owed to victims of domestic violence, domestic servitude, and human trafficking. Indispensable for anyone practising in this field.

Ph. Leach (OUP-9780198755425) 4^e dr. juni 2017 800 pag. geb. ca. € 150,00

paperback editie isbn 978198755418 ca. € 69,00

Third-Party Interventions before the European Court of Human Rights

Over the past decades the European Court of Human Rights has been increasingly engaged in constitutional decision-making. In this time the Court has decided whether abortion, assisted suicide, and surrogate motherhood are human rights. The Court's judgments therefore do not

just affect the parties to a particular case, but individuals, other member states, and often European society at large. Unsurprisingly, a variety of entities such as non-governmental organisations, try to participate in the Court's proceedings as third-party interveners. Acknowledging a certain public interest in its decision-making, the Court accepted the first intervention in 1979. Since that time, interventions by individuals, member states and non-governmental organisations have increased. Yet despite this long-standing practice, third-party interventions have never been fully theorised. Analysing all cases between 1979 and 2016 to which an intervention was made the book explores their potential influence on the reasoning and decision-making of the Court. It further argues that there are three different type of intervention playing different roles in the administration of justice: amicus curiae interventions by organisations with a virtual interest in the case which strengthen the Court's legitimacy in its democratic environment; member state interventions reinforcing state sovereignty; and actual third-party interventions by individuals who are involved in the facts of a case and who are protecting their own legal interests.

N.Bürli (I-9781780684611) juni 2017 300pag. € 79,00

Thoughts on Article 15 of the European Convention on Human Rights

Article 15 of the European Convention on Human Rights allows States, in time of "war or other public emergency threatening the life of the nation", to take measures derogating from their obligations to protect human rights. This brief monograph by a member of the Registry of the European Court of Human Rights offers a personal view on the possibilities of derogation in practice. Its aim is to inform discussion on the relevance today of Article 15 as part of the Convention system. Its main focus is on armed conflict both international and non-international and on terrorism. It makes proposals to breathe new life into Article 15.

P.Kempees (W-9789462403703) februari 2017 98 pag. € 24,95

Trans-Atlantic Data Privacy Relations as a Challenge for Democracy

Where does lie the 'thin red line' between the two legitimate yet seemingly competing interests: national security and privacy? The object of interest is the protection of data privacy in relations between Europe and Americas as a challenge for democracy, the rule of law and fundamental rights. The aim is to highlight a selection of particularly 'hot' questions within the topic of trans-Atlantic data privacy relations as they look at the end of 2016. Expressed both in the Treaty on the Functioning of the European Union (Article 16) and in the Charter of Fundamental Rights of the European Union (Articles 7 and 8) is a unique obligation to protect personal data. Stating that everyone has the right to the protection of personal data concerning them, the European Union feels obliged to observe how safe is the data both held in its territory and transferred outside thereof.

D.Svantesson,D.Kloza (ed.) (I-9781780684345) juni 2017 568 pag. € 120,00

When Human Rights Clash at the European Court of Human Rights - Conflict or Harmony?

The notion of conflict rests at the heart of the judicial function. Judges are routinely asked to resolve disputes and defuse tensions. Yet, when judges are called upon to adjudicate a purported conflict between human rights, they face particular challenges and must address specific questions. Some of these concern the very existence of human rights conflicts. Can human rights really conflict with one another, in terms of mutual incompatibility? Or should human rights be interpreted in harmony with one another? Other questions concern the resolution of real conflicts. To the extent that human rights do conflict, how should these conflicts be resolved? To what extent is balancing desirable? And if it is desirable, which understanding of balancing should judges employ? This book seeks to provide both theoretical and practical answers to these questions.

S.Smet,E.Brems (ed.) (OUP-9780198795957) juli 2017 288 pag. geb. ca. € 94,00

Verschenen in 2016:

Aansprakelijkheidsrecht en Mensenrechten

BELGISCH RECHT

Dit boek richt zich tot elke jurist die inzicht wil verwerven in het buitencontractueel aansprakelijkheidsrecht en/of het schadevergoedingsrecht van het EVRM. In het eerste deel van dit boek wordt verklaard hoe en waarom mensenrechten het aansprakelijkheidsrecht

kunnen beïnvloeden. Daarbij biedt het boek vernieuwende inzichten inzake de aard, de functie en de verwevenheid van beide rechtstakken en inzake het meergelaagd karakter van de hedendaagse rechtsorde. In het tweede deel van dit boek worden het buitencontractueel foutbegrip, de schade, het causaal verband en de schadeloosstelling aan de mensenrechten getoetst. Bijzondere aandacht wordt besteed aan de notie van subjectieve rechten en het verbod op rechtsmisbruik. Naast de grote thema's uit het aansprakelijkheidsrecht, komen bijvoorbeeld ook leerstukken zoals de eigen fout van de benadeelde, de voorrang van het herstel in natura en de mogelijkheid van minderjarigen en geestesgestoorden om morele schade te lijden uitgebreid aan bod. Op die manier biedt het boek een verfrissende blik op de rechtspraak van het EHRM en op het hele domein van het gemeen buitencontractueel aansprakelijkheidsrecht.

S.Somers (I-9789400006041) april 2016 788 pag. geb. € 120,00

the American Convention on Human Rights – Crucial rights and their theory and practice

In-depth analysis of and comment on crucial rights protected under the American Convention on Human Rights in the light of the decisions of the Inter-American Court of Human Rights. Shows the initially hesitant steps of the Inter-American Court in developing its position on five basic rights in the first years of its existence (1979-2003). Violations of the core rights - namely the right to life, the right to personal freedom, the right to personal integrity, the right to due process of law and the right to a judicial remedy - formed the majority of complaints before the Court at a time when many of the contracting States had either just left, or were still immersed in, a dictatorship and were only just attempting to introduce the idea of human rights in a democratic society into their own legal systems. This fully revised and updated second edition now also covers the Inter-American Court's steps towards maturity (2004-2014). Due to the political and social changes in the region, since 2003 the Court has had to examine and consider a greater variety of rights, such as freedom of speech, structural discrimination, and the lack of proper protection for women's human rights and for people with different sexual orientations. The human rights problems of indigenous peoples have also come to the Court's attention, because the lack of judicial protection of their rights leads to State responsibility by omission. In addition, systematic and gross violations of human rights continue to be a significant part of the Court's work, but their treatment has allowed the Court to develop better and more precise and effective responses. Taking into consideration the changes that have taken place, this book has given more attention to certain topics. A chapter on disappearances is now included. Developments in the way the Court understands its own functions, such as the idea of the State agents' conventionality control, are also discussed. In addition, a new introductory chapter provides a good overview of the social and political landscape of the region and a wider analysis of discrimination and equality.

C.Medina Quiroga (I-9781780683218) 2e dr. februari 2016 374 pag. € 125,00

Bijdragen over de Invloed van het EVRM op het Materiële Recht

Project van Law Extra, het talentenprogramma van de rechtenfaculteit van de Radboud Universiteit Nijmegen, waarin 16 studenten verslag doen van hun onderzoek naar de invloed van EVRM op het migratierecht, erfrecht, overheidsaansprakelijkheidsrecht, sociaal recht en het strafrecht. Alle artikelen sluiten aan bij actuele thema's, zoals de aardbevingssschade in Groningen, het debat over TBS longstay en de vluchtelingencrisis.

C.Jansen, J.Sillen (red.) (A-9789069167879) september 2016 142 pag. € 19,50

Civis Europaeus Sum? - consequences with regard to nationality law and EU citizenship status of the independence of a devolved part of an EU member state

Civis europaeus sum? Am I a citizen of the Union? This question, which is the cornerstone of this thesis, is also the question that people affected by an eventual State succession within an EU Member State need an answer to. The link between the nationality of an EU Member State and citizenship of the Union is, as it stands now, unbreakable. One cannot claim the enjoyment of the latter without holding the nationality of an EU Member State. Thus, those who, due to the operation of the State succession and the rules enacted in that context regarding nationality, lose the nationality of the predecessor-EU Member State cannot invoke "civis europaeus sum". From the outset, individuals who lose the nationality of an EU Member State would lose EU citizenship and the rights attached to it. However, whilst EU citizenship is still not autonomous from Member State nationality, certain rights associated to the residence in both the potential newly independent States and the EU Member States can be frozen as an interim solution until such times as the former has completed the EU accession process.

G.Marrero Gonzàles (W-9789462403413) december 2016 300 pag. € 34,95

Court Delay and Human Rights Remedies - Enforcing the Right to a Fair Hearing 'Within a Reasonable Time'

This field of rights has been somewhat neglected academically, a fact which jars with the sheer volume of case law budding from this single, simple, fundamental right, bearing testimony to the widespread concern with delay in judicial proceedings which transcends the boundaries of states or legal systems. The work provides a blueprint for analysing the effectiveness of legal remedies across entire legal systems, as well as in any given individual case. The first part focuses on deriving legal principles from the body of jurisprudence of the European Court of Human Rights in Strasbourg, while the second part contains illustrations of the practical application of such principles. The author aims to raise awareness about the human rights issues which come into play when delivery of justice is delayed, and to provide both an academic and practical reference. Geactualiseerde versie van haar proefschrift uit 2010. C.Savvidis (Routledge-9781472464163) april 2016 176 pag. ca. € 140,00

Damages and Human Rights

Damages for breaches of human rights is emerging as a field of great practical significance, yet the rules and principles governing such awards and their theoretical foundations remain underexplored, while courts continue to struggle to articulate a coherent law of human rights damages. The book's focus is English law, but it draws heavily on comparative material from a range of common law jurisdictions, as well as the jurisprudence of international courts. The current law on when damages can be obtained and how they are assessed is set out in detail and analysed comprehensively. The theoretical foundations of human rights damages are examined with a view to enhancing our understanding of the remedy and resolving the currently troubled state of human rights damages jurisprudence. The book argues that in awarding damages in human rights cases the courts should adopt a vindicatory approach, modelled on those rules and principles applied in tort cases when basic rights are violated. Other approaches are considered in detail, including the current 'mirror' approach which ties the domestic approach to damages to the European Court of Human Rights' approach to monetary compensation; an interest-balancing approach where the damages are dependent on a judicial balancing of individual and public interests; and approaches drawn from the law of state liability in EU law and United States constitutional law. The analysis has important implications for our understanding of fundamental issues including the interrelationship between public law and private law, the theoretical and conceptual foundations of human rights law and the law of torts, the nature and functions of the damages remedy, the connection between rights and remedies, the intersection of domestic and international law, and the impact of damages liability on public funds and public administration. *Hoewel uitgaand van het Anglo-Amerikaanse recht zijn de internationale aspecten van voldoende aard om hieruit analoge conclusies te trekken, bij gebrek aan eigen handboeken. STANDAARDWERK !!* J.Varuhas (Hart-9781849463720) juni 2016 552 pag. € 158,20

Defending Human Dignity - the Role of the Human Rights Activist and the Scholar

Contains the texts of the Theo van Boven Lectures held in 2014 and 2015. They deal with the subject of defending human dignity by looking at the different roles the human rights defender, the scholar and the human rights NGO can play in achieving this goal. Hina Jilani looks at the opportunities and limitations of human rights defenders in their fight to stand up for the protection of human dignity. Jean Allain discusses the role of the legal scholar in studying contemporary forms of slavery. Finally Aidan McQuade denounces practices of slavery from the perspective of a human rights NGO.

F.Coomans (ed.) (I-9781780684444) november 2016 48 pag. € 28,00

Digital Evidence Changing the Paradigm of Human Rights Protection

The whole chain that connects all the required steps in order to turn digital data into "digital legal evidence" relevant for the protection of human rights, represents a challenge for human rights practitioners. Every single step is fundamental: collection, management, preservation, analysis and security of data, along with an effective communication and strategic use of evidence. Twitter tweets, Facebook and Blogs posts, Instagram photos and Youtube videos, even when considered too weak for a conviction to be founded on, can play an important role outside of a courtroom, establishing the grounds for prosecution indictments or, in general, creating awareness of human rights abuses. Consequently, new forms of human

rights activism, like the so-called "hashtag activism", pass through social media and have the power to generate a real change at both legal and awareness level. The risk to be avoided is to mortify this power using social media as a shortcut to be politically active or socially trendy making a mere "clicktivism". Hence, the core of this work revolves around the pivotal question of legal sufficiency of the digital means employed in recording human rights abuses and the consolidation of standards and procedures regulating the admissibility of collected evidence in the court of law. The purpose is to provide an answer from a tri-folded point of view. The U.S. legal system leads in the regulation of the requirements for digital evidence to be admitted at trial; nonetheless, also International courts like ICC, ICTY and ICTR follow rules and procedure for that purpose, based on authenticity, protection of privacy, chain of possession and reliability of the electronic evidence. At the European level, instead, the lack of a common legislation relevant to the admissibility of d-evidence at trial required a comparative study of the respective provisions contained in many Europeans countries' procedural law. For these three levels a special attention is reserved to the analysis of the lifecycle of digital evidence, from the creation and use of digital digital human rights documentation for immediate purpose to its later admission as evidence in legal proceedings, as well as to the authentication issue. At the last stage a collection of the most relevant case law form the principal U.S. courts and International courts is provided.
S. di Serbo (W-9789462403048) december 2016 292 pag. € 34,95

EHRM-jurisprudentie Haatzaaien

Het Europees Hof voor de Rechten van de Mens heeft een *fact sheet* gepubliceerd met een overzicht van rechtspraak rond haatzaaien.
EHRM juni 2016 14 pag. GRATIS OP PDF OP AANVRAAG

EHRM-jurisprudentie journalistiek brongeheim

Het Europees Hof voor de Rechten van de Mens heeft een *fact sheet* gepubliceerd met een overzicht van rechtspraak rond het journalistieke brongeheim.
EHRM januari 2016 6 pag. GRATIS OP PDF OP AANVRAAG

the European Union as a Constitutional Guardian of Internet Privacy and Data Protection – the story of article 16 TFEU

Deze Engelstalige dissertatie (UvA en VU Brussel) stelt dat artikel 16 VWEU (EU Werkingsverdrag) erbij gebaat is de begrippen 'privacy' en 'gegevensbescherming' toe te passen met inachtneming van de gewijzigde omstandigheden op internet. In een internetomgeving heeft het niet langer zin privacy en gegevensbescherming als twee te onderscheiden grondrechten te beschouwen. Immers, iedere verwerking van persoonsgegevens kan potentieel de privacy van de burger aantasten, in het bijzonder als gevolg van *big data*. Afgesloten wordt met korte samenvatting in het Nederlands.
H.Hijmans (UvA) februari 2016 543 pag. GRATIS PDF OP AANVRAAG

Europese Grondrechten en het Nederlandse Bestuursrecht

Behandelt de boeiende verhouding tussen het EVRM, het EU-Grondrechtenhandvest en het Nederlandse bestuursrecht, waaronder ook het overheidsaansprakelijkheidsrecht valt. De Europese grondrechten (EU en EVRM) zijn belangrijker dan ooit voor diverse terreinen van het Nederlandse bestuursrecht en overheidsaansprakelijkheidsrecht. Welke ontwikkelingen op het terrein van deze grondrechten en het Nederlandse bestuursrecht staan ons de komende jaren te wachten? Bespreekt eerst het EVRM en de doorwerking ervan in de Nederlandse rechtsorde. Vervolgens de invloed van het EVRM op het bestuursprocesrecht, waarbij artikel 6 EVRM een prominente rol speelt, het materiële bestuursrecht en het Handvest. Sluit af met beoordeling van de Europese grondrechten in de Nederlandse bestuursrechtpraktijk en blik op de toekomst. Steeds aandacht besteed aan relevante literatuur en jurisprudentie van het EHRM, het Hof van Justitie van de Europese Unie en van nationale rechters.
T.Barkhuysen, M.v.Emmerik(K-9789013140569) december 2016 ca. 260 pag. € 50,00

'EVRM staat onder druk'

Het ideaal van de bescherming van de rechten van de mens in Europa staat onder druk, zo stelde procureur-generaal Jos Silvis in de rede die hij uitsprak bij zijn installatie bij de Hoge Raad. Silvis, tot voor kort rechter in het Europese Hof van de Rechten voor de Mens, noemt het zorgelijk dat er landen zijn die uitspraken van het EHRM aan een nationale review willen

onderwerpen. Een dergelijke miskening van de status van onherroepelijke uitspraken is niet met het EVRM te rijmen.

J.Silvis september 2016 6 pag.

GRATIS OP PDF OP AANVRAAG

Grondrechten binnen de Europese Interne Markt: *een tragikomisch conflict tussen waarden in de 'Domus Europaea'*

Rede uitgesproken bij de aanvaarding van het ambt van hoogleraar in het EU interne-marktrecht en grondrechten aan de Universiteit Utrecht op 26 oktober 2015. In de Europese Unie stond en staat nog grotendeels de instelling van een interne markt, waarin goederen, personen, diensten en kapitaal zich vrij moeten kunnen bewegen, centraal. Door het expansieve karakter van Europese interne marktregels worden vrijwel alle terreinen van het economisch en sociaal leven in de 28 lidstaten van de Unie door deze regels bestreken. Het marktintegratieproces in Europa wordt verder beïnvloed door maatschappelijke en technologische ontwikkelingen, zoals digitalisering, ontwikkelingen op het terrein van het internet of biotechnologische ontwikkelingen. Tegelijkertijd raken deze juridische, maatschappelijke en technologische ontwikkelingen het algemeen belang, ethische kwesties en grondrechten van individuele burgers. Gedacht kan worden aan het recht op privacy en bescherming van persoonsgegevens, het recht op bescherming van intellectuele eigendom, de vrijheid van meningsuiting of het recht op sociale bescherming. De ontwikkelingen in het Europese recht roepen daarom vragen op over de verhouding tussen marktintegratie enerzijds en de bescherming van grondrechten anderzijds: grondrechten die traditioneel in het nationale recht en in het recht van internationale organisaties (zoals de Raad van Europa) zijn neergelegd, maar ook en vooral sinds het Verdrag van Lissabon met het bindende Handvest van de Grondrechten een aparte plaats hebben gekregen in het Unierecht. Behalve dat de Europese interne marktregels grenzen stellen aan de bescherming van deze grondrechten op nationaal niveau, bieden de regels juist ook kansen om grondrechten binnen de Europese Unie beter te waarborgen en legitimiteit van het Europese integratieproces te vergroten.

S.de Vries (P-9789462511019) februari 2016 28 pag. € 19,50

Handbook on European Law Relating to Access to Justice

Provides an overview of key aspects of access to justice in Europe, with specific reference to rights provided in the European Convention on Human Rights (as interpreted by the European Court of Human Rights) and the Charter of Fundamental Rights of the European Union (as interpreted by the Court of Justice of the EU). It is designed to assist judges, prosecutors and legal practitioners involved in litigation in the EU with legal issues relating to access to justice. Access to justice is a core fundamental right according to both the Charter of Fundamental Rights of the EU (Article 47) and a human right under the European Convention on Human Rights (Articles 6 and 13). Access to justice enables victims of human rights violations to effectively enforce their rights and remedy damage suffered, irrespective of the nature of the right - civil and political as well as economic and social. FRA research shows that access to justice is problematic in a number of EU Member States due to several factors, including insufficient knowledge about the different avenues available to access justice. The handbook will contribute to mitigating this problem by raising awareness and knowledge amongst judges and legal practitioners involved in litigation, as well as relevant intermediaries such as non-governmental organisations and other bodies involved in assisting victims in accessing justice. *EU Agency for Fund. Rights and Council of Europe juni 2016 (tekst afgesloten per 1-1-16) 220 pag.*

GRATIS OP PDF OP AANVRAAG

Handicap & Recht – TIJDSCHRIFT

Handicap & Recht is een tijdschrift dat ontwikkelingen in internationale verdragen, Europese regelgeving en nationale wetgeving en rechtspraak volgt op het gebied van handicap en recht. Aanleiding vormt de ratificatie in 2016 door Nederland van het VN-verdrag inzake de rechten van personen met een handicap. Het denken over mensen met een beperking is verschoven van een zorgperspectief naar een sociale benadering. Vroeger werd over mensen met een beperking beslist vanuit de overtuiging dat zij zorg of bescherming nodig hadden terwijl de huidige gedachtegang is dat mensen meteen beperking burger zijn en dezelfde rechten hebben als ieder ander. Daar hoort bij dat mensen met een beperking en hun organisaties ook betrokken moeten worden bij het opstellen van wetten en regels die hen zelf aangaan. Dat vergt van zowel het rijk als gemeenten als duty bearers van het verdrag, extra inzet om overleg en inspraak te organiseren. Dit tijdschrift behandelt de vraagstukken die bij deze veranderde denkwijze opkomen. *Bij abonnement ook toegang tot het archief !*

B.Frederiks e.a.(red.)(B-ISSN 2468-9335) folio +online € 85,00 p.j.(alleen online € 65,00)

Horizontal Effect of Human Rights in EU LawThe grounds for debate on fundamental rights in the European Union are currently more fruitful than ever. Following the entry into force of the Lisbon Treaty, not only did the Union avail itself with its own 'Bill of Rights', i.e., the Charter of Fundamental Rights of the European Union, but is also preparing for its accession to the European Convention on Human Rights. By the same token, the Charter was elevated to the same level as other primary EU law. The frequent horizontal effect of fundamental rights in recent case law of the Court of Justice of the European Union is an indication of a stronger presence and the increased significance of fundamental rights in the Union's legal order at the time when the boundaries between the public and private spheres are increasingly blurred. The Court of Justice strives to interpret and apply the law in a way which contributes to a build-up of a coherent case law and conforms to fundamental rights as closely as possible. The immediate source of the jeopardising act or degree of the incurred effects should not prove decisive. Rather, the horizontal effect of fundamental rights contributes to the 'primacy, unity and effectiveness of European Union law'. This study suggests it is feasible to consider the horizontal effect of fundamental rights in the context of EU law. However, because of the semantic and structural openness of fundamental right norms they often necessitate the deduction of a more concrete normative content. This concretization of abstract norms makes adjudicating on the basis of fundamental rights a delicate matter, since it gives great power to the courts. Where this power is extended to the area which typically falls in the sphere of private law, it grows even stronger. Hence, besides powerfully serving to enhance the inner coherence and consistency of Union law and offering feasible solutions to legal problems, the horizontal application of fundamental rights implies a move towards a strengthened constitutional phase of the integration process. Arguments on fundamental rights entail much more than just formal or dogmatic disputes over the scope of application of an act of EU law. They touch on fundamental questions relating to the functioning of the Union and its constitutional nature which pertains to the entire legal order of the EU.

S.Walkila (EU-9789089521811) januari 2016 288 pag. € 64,00

Human Rights and Encryption – over vrije toegang tot internet in de wereld

This study provides an overview of encryption technologies and their impact on human rights. It analyzes the role of encryption in the media and communications landscape, and the impact on different services, entities and end users. It highlights good practices and examines the legal environment surrounding encryption. Rapport by W. Schulz and J.Van Hoboken.

UNESCO 2016 85 pag.

GRATIS OP PDF OP AANVRAAG

Human Rights in a Positive State

The European Court of Human Rights has long abandoned the view that human rights merely impose obligations of restraint on State authorities (so-called negative obligations). In addition, States are under positive obligations to take steps to actively protect and ensure the rights and freedoms guaranteed by the European Convention on Human Rights. While the concept of positive obligations has become increasingly important in the jurisprudence of the European Court, it remains relatively underexplored in the literature. This book goes beyond the existing scholarship by analytically, critically and normatively engaging with the Court's positive obligations case law in a comprehensive and in-depth manner. The book begins by providing an overview of the Court's jurisprudence in this area. Building upon this overview, it brings to the fore the legal methodological consequences attached by the Court to the labels of positive and negative obligations. It moreover critically examines how the Court constructs the distinction between positive and negative obligations, building upon the underlying distinctions between public authorities and private entities, on the one hand, and State action and inaction, on the other. The central argument made in this volume is that in a positive State, in which the authorities have affirmatively intervened in so many areas, it has become increasingly difficult to draw a baseline to properly distinguish between action and inaction. Finally, the author makes suggestions for legal methodological change.

L.Lavrysen (I-9781780684253) oktober 2016 428pag. € 95,00

the Human Rights of Migrants and Refugees in European Law

Scholarly analysis of EU and ECHR migration and refugee law, including key EU legislative measures, the Court of Justices main rulings and related European Court of Human Rights case

law. An insight into the role of the Court of Justice of the Provides an insight into the role of the Court of Justice of the European Union and the European Court of Human Rights as generators of migrant and refugee rights, aiding understanding of their positions and interactions with each other. Integrates doctrinal, empirical, and theoretical material on Integrates doctrinal, empirical, and theoretical material on social membership, global justice, and the construction of illegality in migration law into the EU context.

C.Costello (OUP-9780199644742) januari 2016 400 pag. ca. € 100,00

Impact of the European Convention of Human Rights in States Parties (selected examples)

This report deals with examples of the (positive) impact of the European Convention of Human Rights in member states. It shows an overview per country, not only dealing with recent cases but also those further down in history. This paper contains selected examples from all 47 States Parties to the Convention that illustrate how the protection of human rights and fundamental freedoms has been strengthened at the domestic level thanks to the Convention and the Strasbourg Court's case law. The list is by no means exhaustive, and does not claim to be representative of the fields in which the Convention has had the most far-reaching impact.

E.H.R.M januari 2016 43 pag.

GRATIS OP PDF OP AANVRAAG

the International Convention on the Elimination of All Forms of Racial Discrimination

The Convention on the Elimination of All Forms of Racial Discrimination is the centrepiece of international efforts to address racial discrimination, defined in broad terms to include discrimination based on skin colour, descent, ethnic, and national origin. Victims of discrimination within the scope of the Convention include minorities, indigenous peoples, non-citizens, and caste or descent groups. Virtually all national societies are diverse in terms of ethnicity or 'race' and none is free from discrimination, making it one of the great issues of our time. Against the background of international human rights standards and mechanisms to counter racial and ethnic discrimination, this book provides the first comprehensive legal analysis of the provisions of the Convention on an article-by article basis. The book addresses the place of the Convention within the broader framework of United Nation's action against discrimination. The different chapters analyse and discuss broad topics of race, ethnicity, and international law, the genesis and drafting of the Convention, the aims and objectives of the Convention in light of its preamble, and principles of non-discrimination and equality. In particular, the book includes a critical appraisal of the contribution of the Convention to the eradication of racial discrimination. It also reflects on whether there is scope for modification of the substance or procedures of the Convention in light of challenges arising from enhanced transnational population movements, the intersection between discrimination on the ground of race and discrimination against religious communities, and the intersection of racial and gender-based discrimination.

P.Thornberry (OUP-9780199265336) augustus 2016 576 pag.geb. ca. € 130,00

International Human Rights Protection –balanced, critical, realistic

Based on the author's personal research and personal involvement with a wide range of subjects, such as the basic concepts of civil and social rights, discrimination and affirmative action, issues of procedure and jurisdiction and issues such as the death penalty and the protection of refugees, minorities and victims of armed conflicts. At the universal level, the book introduces the reader to the labyrinth of United Nations Charter-based and treaty-based procedures. As well as an overview of the Inter-American and African systems, it deals at the regional level particularly with the case law of the European Court of Human Rights in Strasbourg, and also looks at the national level at the case law of the US Supreme Court and the South African Constitutional Court. Adopts a particularly critical approach to the so-called "dynamic" interpretation of the European Convention on Human Rights by the Court of Strasbourg. It is the author's feeling that judges, in particular those belonging to courts specialising in human rights, have a tendency to systematically support interpretations benefitting the applicants, while overlooking too easily the far-reaching implications of judgments for society as a whole. He prefers a more balanced and more realistic approach taking into account the difficulties democratic governments face in coping with the challenges of our present time and with the pressing needs of the realities of today's world.

M.Bossuyt (I-9781780684000) september 2016 232 pag. geb. € 75,00

het Intrekken van het Nederlandschap wegens Jihadistische Activiteiten in Mensenrechtelijk Perspectief (door NJB geselecteerde scriptie)

De regering heeft op 7 december 2015 een wetsvoorstel ingediend dat ertoe strekt de intrekking van het Nederlanderschap van de uitgereisde jihadist mogelijk te maken zonder dat daarvoor een voorafgaande strafrechtelijke veroordeling vereist is. Ramses de Leeuw toetst in deze scriptie in hoeverre dit wetsvoorstel in overeenstemming is met drie internationale mensenrechten: het 'recht op een nationaliteit', de discriminatieverboden in het EVRM (waarover ook zijn artikel 'Intrekken Nederlanderschap uitgereisde jihadisten – en het EVRM. Over discriminatie van Nederlanders met dubbele nationaliteit', *Asiel&Migrantenrecht* 2016, afl. 2), en het internationale recht op doeltreffende rechtsbescherming. Uit zijn onderzoek blijkt dat het wetsvoorstel slecht verenigbaar is met de genoemde mensenrechten. In het kader van het 'recht op een nationaliteit' voldoet het wetsvoorstel aan de eisen die in de verdragen over staatloosheid worden gesteld, maar is het twijfelachtig of de intrekkingbepaling past binnen de ruimte die het Europees Verdrag inzake Nationaliteit hiervoor biedt. Doordat de intrekkingbepaling alleen kan worden toegepast indien de betrokkene daardoor niet staatloos wordt, maakt de maatregel onderscheid. De rechtvaardigingstoets van het EHRM lijkt niet te kunnen worden doorstaan nu er minder ingrijpende middelen voorhanden zijn, in onder andere de vorm van het strafrecht. Ook de procesmogelijkheden van de ex-Nederlander zijn beperkt. Zo voorziet het wetsvoorstel bijvoorbeeld niet in technieken of middelen om tegemoet te komen aan een effectieve rechtsbescherming in het geval van niet-openbare stukken.
R.de Leeuw (Erasmus School of Law) januari 2016 83 pag. GRATIS OP PDF OP AANVRAAG

JHG (EU-Handvest Selecties)

Het Handvest van de grondrechten van de Europese Unie geeft in vijftig artikelen de grondrechten die gelden in de Europese Unie ten aanzien van waardigheid, vrijheid, gelijkheid, solidariteit, burgerschap en rechtspleging. Sinds de inwerkingtreding van het Verdrag van Lissabon op 1 december 2009 is het EU-Handvest juridisch bindend voor de instellingen van de EU en voor de lidstaten, mits zij het Unierecht ten uitvoer brengen. Er is inmiddels al veel rechtspraak van het Hof van Justitie van de Europese Unie waarin het EU-Handvest is uitgelegd en ook de nationale rechterlijke instanties passen in toenemende mate het EU-Handvest toe in nationale procedures. Hoewel veel vragen al beantwoord zijn, is het EU-Handvest nog vol in ontwikkeling en blijven er vragen over de reikwijdte van het EU-Handvest, de interpretatie van nieuwe grondrechtbepalingen uit het Handvest, de beperkingen die mogelijk zijn op grondrechten uit het Handvest en de verhouding tot het EVRM. Uiteindelijk is het vooral aan de rechter om het EU-Handvest uit te leggen: niet alleen het Hof van Justitie van de Europese Unie, maar ook de nationale rechter heeft in toenemende mate met het Handvest van doen. Met de publicatie van de 2e editie van deze annotatiebundel JHG geven wij een verdere aanzet tot de discussie en ontwikkelingen rond de Grondrechtenbescherming in de Europese Unie en de nationale rechtspraak. Met deze Selecties blijven we de ontwikkelingen in de driehoek Luxemburg-Brussel-Straatsburg en in de Nederlandse rechtspraak volgen. De *Selecties* bevatten (in retrospectief) geannoteerde rechterlijke uitspraken van na 21 februari 2013 waarin het Handvest aan de orde komt, verspreid over verschillende rechtsgebieden, waaronder het constitutioneel recht, het douanerecht, het gelijke behandelingsrecht, het privacyrecht, het strafrecht, het vreemdelingenrecht en andere delen van het bestuursrecht.

A.Pahladsingh (S-9789012397230) 2^e dr. februari 2016 224 pag. € 29,15

Overview of the case-law of the European Court of Human Rights - 2015

Every year, the European Court of Human Rights delivers a large number of judgments and an even greater number of decisions, thus adding to its already formidable body of case-law. This can make it difficult for people outside the Court to know which cases break new ground or address new issues. An increasingly important aspect of the Court's work has thus become to identify such cases and to disseminate them in a convenient and accessible format. This new annual Overview series, available in English and French, seeks to respond to that need by focusing on the most important cases the Court deals with each year. All the cases are selected by the Court's Jurisconsult's Directorate on the basis of their jurisprudential interest. In addition to the cases chosen for publication in the Court's Reports of Judgments and Decisions, they include a number of other cases that raise issues of general interest, establish new principles, or develop or clarify the case-law. The approach has been to draw attention to the salient points, allowing the reader to appreciate the jurisprudential significance of a particular case.

E.H.R.M. (W-9789462402904) mei 2016 132 pag. € 24,95

Overview of the case-law of the European Court of Human Rights – ed. 2014

de Publieke Handhavingsprocedures van het Mededingingsrecht in het Licht van de Mensenrechten

De publieke handhaving van het mededingingsrecht ligt in handen van de Autoriteit Consument & Markt (ACM). De ACM heeft een breed scala aan instrumenten tot haar beschikking om oneerlijke concurrentie tegen te gaan. De toenemende aandacht voor de bestuurlijke boete, de kwalificatie van de bestuurlijke boete als strafvervolgning en de introductie van informelere afdoeningsvormen hebben geleid tot de vraag of de publieke handhavingsprocedures voldoen aan fundamentele procesrechten. Hier worden de verschillende publieke handhavingsprocedures van het Nederlandse mededingingsrecht bestudeerd en vergeleken met fundamentele procesrechten die zijn neergelegd in artikel 6 EVRM en het Europees recht. Deze analyse toont de spanning die bestaat tussen de bescherming van het eerlijk proces enerzijds en de effectiviteit van de handhaving van het mededingingsrecht anderzijds. Vertrekkende vanuit de gedachte dat sprake moet zijn van het recht op een eerlijk besluitvormingsproces, worden specifieke aanbevelingen gedaan die deze spanning wegnemen. Deze aanbevelingen zijn gericht op het procedureel verstevigen van de bestuurlijke besluitvorming (bijvoorbeeld door het ondervragen van getuigen) en op het bieden van een adequate rechterlijke toetsing.

A.Beumer (B-9789462903050) oktober 2016 590 pag. € 85,00

het Recht om te Demonstreren

Het recht om te demonstreren is een verworvenheid in een democratische rechtsstaat die nauwelijks kan worden overschat. Niet zelden levert de uitoefening van dit recht echter spanningen op met andere rechten, vrijheden en belangen. Zeker nu er de laatste jaren sprake is van een sterke toename van demonstraties in aantal en verschijningsvorm. In dit spanningsveld signaleert de onderzoeker een tiental knelpunten. Die hangen onder meer samen met het naar inhoud beperken en verbieden van demonstraties, de wijze van omgaan met demonstratievormen die de samenleving meer belasten zoals kampementen, de verplichting om private ordebezoekers in te zetten bij demonstraties en het integraal verbieden van demonstraties naar plaats en tijd. Het zijn knelpunten waarvoor zich niet eenvoudig oplossingen laten aandragen. Althans niet zonder een evenwichtige balans tussen enerzijds de fundamentele betogingsvrijheid en anderzijds rechten, vrijheden en belangen van anderen uit het oog te verliezen. In deze vergelijkende studie naar de betogingsvrijheid in Nederland, Duitsland en Engeland vanuit internationaalrechtelijk perspectief vindt de schrijver echter voldoende ammunities om met verantwoorde voorstellen te komen.

B.Roorda (B-9789462902756) september 2016 562 pag. € 82,50

Recht op Toegang tot de Rechter

BELGISCH RECHT

Het recht op toegang tot de rechter wordt weliswaar niet uitdrukkelijk vermeld in het EVRM, maar maakt wel onlosmakelijk deel uit van het door artikel 6.1 EVRM gewaarborgde recht op een eerlijk proces. Hier een algemeen overzicht van wat dit recht inhoudt en bestudeert de toepassingen ervan in een aantal belangrijke rechtstakken. In de eerste bijdrage volgt een algemeen overzicht van het recht op toegang tot de rechter zoals gewaarborgd door artikel 6.1 EVRM. Hoewel laatstgenoemde bepaling dit recht niet uitdrukkelijk garandeert, besliste het Europees Hof voor de Rechten van de Mens dat het recht op toegang tot de rechter onlosmakelijk deel uitmaakt van het door artikel 6.1 EVRM gewaarborgde recht op een eerlijk proces. Onderzocht wordt het recht op toegang tot de rechter vanuit de invalshoek van het burgerlijk procesrecht en vanuit die invalshoek wordt ingegaan in op de beperkingen die aan dit recht kunnen worden aangebracht.

De tweede bijdrage belicht het recht op toegang tot de rechter in het Europees internationaal privaatrecht. De derde bijdrage behandelt het strafprocesrecht en bekijkt het recht op toegang tot de rechter vanuit een mensenrechtelijk perspectief. In de vierde bijdrage worden de "Contractuele bedingen en de toegang tot de rechter" onderzocht. Besproken worden hierbij drie veelvoorkomende contractuele clausules: het uitdrukkelijk ontbindend beding, het beding tot een bindende derdenbeslissing en het arbitragebeding. Laatste bijdrage onderzoekt het recht op toegang tot een rechter en de bevrijdende verjaring in het burgerlijk recht.

A.Van Oevelen e.a. (red.) (I-9789400008007) december 2016 176 pag. € 54,00

Residence, Employment and Social Rights of Mobile Persons

Discusses the issue of these links and, more specifically, the question of how EU law defines the link needed to obtain the right to reside in a Member State and the right to social and

employment protection in that State. When it comes to claiming rights from States, traditionally 'nationality' is the answer to the question where a person belongs. However, in the context of European integration and the development of an EU legal framework of internal market rules, citizenship rights and immigration rules, different answers to these questions have been developed. From this perspective the various chapters of this book examine instruments such as the Citizens Directive 2004/38, the Family Reunification Directive 2003/86, the Long-term Residence Directive 2003/109, the Social Security Coordination Regulation 883/2004, the Rome I Regulation 593/2008 and the Posting of Workers Directive 96/71. The case-law of the Court of Justice on these issues is of course a central element.
H.Verschueren (ed.) (I-9781780684079) juli 2016 316 pag. € 80,00

Rights and Wrongs under the ECHR - the prohibition of abuse of rights in Article 17 of the European Convention on Human Rights

The prohibition of abuse of rights in Article 17 of the European Convention on Human Rights (ECHR or Convention) embodies one of the Convention's main principles: its commitment to democracy and democratic values. The provision aims to prevent groups and individuals from successfully invoking fundamental rights and freedoms to justify anti-democratic activities. At the same time it is also one of the Convention's most controversial provisions. There exists a certain tension between human rights protection and the concept of abuse of rights. While human rights essentially aim to promote freedom by affirming the basic rights and freedoms citizens enjoy vis-à-vis state authorities, the abuse clause primarily aims to protect the democratic organisation of the state against groups and individuals invoking these rights with the aim of undermining it. Furthermore, an analysis of the growing body of case law on this topic shows that the interpretation and application of Article 17 ECHR are far from unequivocal. While according to Article 17 ECHR anti-democratic activities may be excluded from the protection of the Convention, clear criteria for determining which activities fit this description are lacking. In addition, the case law covers different methods of application of the abuse clause that seem to be used rather arbitrarily. This has resulted in a rather obscure and inconsistent case-by-case approach. This study seeks to shed light on the prohibition of abuse of rights in Article 17 ECHR in order to contribute to a more coherent interpretation of this provision. To that aim it studies the abuse clause from different perspectives. First, it looks at the historical background of the provision to examine what motivated the drafters to include this prohibition. Then it moves on to the case law of the European Commission of Human Rights and the European Court of Human Rights and to legal doctrine, revealing the difficulties and inconsistencies in the current interpretation of the abuse clause. Next, it analyses the interpretation of prohibitions of abuse in other human rights documents to see whether parallels can be drawn with the interpretation of Article 17 ECHR. Subsequently, it addresses the concepts of 'abuse of rights' and 'militant democracy' and examines the extent to which they offer a framework for understanding the abuse clause. Based on the insights obtained from these different perspectives, this study puts forward a proposal as to how Article 17 ECHR can best be applied in the future.

P.de Morree (I-9781780684185) november 2016 304 pag. € 69,00

Solving Statelessness

Interest in statelessness has been steadily increasing since the late 1990s. This has led to a fresh sense of purpose in addressing the issue and there is now a growing international movement engaged in finding solutions, spurred on by the UNHCR-led #IBelong Campaign to End Statelessness by 2024. The essays which have been collected all approach statelessness from a solutions perspective, looking at what is being done, and what more can be done, to address the issue. The first part of the book has a thematic focus, exploring perspectives, tools and techniques for solving statelessness which are relevant across different countries and regions. Chapters in the second part each have a regional focus, exploring region-specific challenges, developments and innovations set against the backdrop of the broader context of a global campaign to solve statelessness.

L.v. Waas, M. Khanna (W-9789462403468) december 2016 ca. 240 pag. € 39,95

het Verschil van Mening – geschiedenis van een verkeerd begrepen idee

Vrijheid is een oud begrip dat staat voor het zich losmaken van groepen en individuen uit de macht van een ander. Die vrijheid werd gesymboliseerd door de zogenoemde vrijheidshoed, want in het Romeinse Rijk mocht een vrijgemaakte slaaf een hoofddekseel gaan dragen. In Europa krijgt vrijheid als eerste gestalte in de godsdienstvrijheid en het eigendomsrecht. Het geloof wordt losgemaakt van het gezag van de kerkelijke autoriteit. De eigendom is niet langer

een privilege toegekend door een vorst, maar iets wat je verwerft door inbezitneming of door eigen inspanning. De vrijheid van denken en spreken bepaalt hoe wij over de samenleving en de natuur denken. Het publieke debat en het democratische besluit vervangen het door God gegeven politieke gezag. Het onderzoek naar de natuur komt in de plaats van een godsdienstig wereldbeeld. Deze vrijheden hebben de Europese democratie gemaakt tot wat zij nu is. Het verschil van mening geeft een ideeëngeschiedenis van deze vrijheden, waarbij de vrijheid van meningsuiting centraal staat. Het boek trekt de lijn door naar het heden en de rol van internet, dat alle kennis in de wereld toegankelijk maakt, maar onder zijn eigen toegankelijkheid lijkt te bezwijken. De burgers die hun vrijheden op internet uitoefenen, hebben er een elektronische politieman bij gekregen die permanent over hun schouder meekijkt.

E.Dommering (BB-9789035142619) september 2016 600 pag. € 49,95

VN Gehandicaptenverdrag - Tekst en Toelichting

In 2016 nam het Nederlandse parlement het wetsvoorstel aan tot goedkeuring van het VN-Verdrag inzake de rechten van personen met een handicap. Daarmee werd het verdrag bindend voor het Koninkrijk. Het verdrag zal naar verwachting in Nederland grote invloed hebben op de bescherming van de rechten van personen met een handicap. Het gehandicaptenverdrag beschouwt mensen met een beperking als zelfstandige dragers van rechten en ontvangers van speciale bescherming. Het geeft een specifiek op deze groep gerichte invulling en uitbreiding van reeds in andere mensenrechtenverdragen opgenomen rechten. Het is een belangrijke stap in het streven naar gelijkwaardigheid, autonomie en Bevat een artikelsgewijs commentaar op het verdrag met veel aandacht voor de parlementaire behandeling. Bevat ook een inleiding over de totstandkoming en de doorwerking van het verdrag, de adviezen van de Raad van State en het College voor de Rechten van de Mens over het verdrag en de Engelse tekst van het verdrag en van het facultatieve protocol.

G.Pulles (B-9789462902510) juli 2016 208 pag. € 37,50

Zelfbeschikking en Hulp bij Zelfdoding

Uitvoerige beschrijving zie onder STRAFRECHT

T.Pomper (VU) mei 2016 50 pag.

GRATIS OP PDF OP AANVRAAG

Verschenen 2015:

Bringing a Case to the European Court of Human Rights - A practical guide on admissibility criteria

As of 1 November 2014, about 78,000 applications were pending before a judicial formation of the Court. Although the Court's docket has been reduced by nearly 50% over the last three years, this still represents a very significant number of cases to be brought before an international tribunal and continues to threaten the effectiveness of the right of petition enshrined in the Convention. The vast majority of cases (92% in 2013) will be rejected by the Court on one of the grounds of inadmissibility. Such cases clog up the Court's docket and obstruct the examination of more deserving cases where the admissibility requirements have been satisfied and which may concern serious allegations of human-rights violations. The 2010 Interlaken Conference on the reform of the Court called upon the "States Parties and the Court to ensure that comprehensive and objective information is provided to potential applicants on the Convention and the Court's case-law, in particular on the application procedures and admissibility criteria". The Court's first response to the call was to prepare a Practical Guide on Admissibility Criteria which clearly sets out the rules and case-law concerning admissibility. This third edition covers case-law up to 1 January 2014 and the stricter procedural conditions for applying to the Court which came into force on that date. Practitioners and prospective applicants should study this Practical Guide carefully before deciding to bring a case before the European Court of Human Rights.

Council of Europe (9789462401990) december 2014 158 pag. € 14,95

The Contours of International Prosecutions – as defined by facts, charges and jurisdictions

By nature, core international crimes have indistinct factual parameters. War crimes, crimes against humanity, and genocide generally occur on a massive scale, spread out over a large geographical area and a long time span, involving many perpetrators at various distances from the crime scene(s). These characteristics make international crimes difficult to demarcate from

start to finish. This book addresses such delineation difficulties by exploring the jurisdictional and factual boundaries of international criminal prosecutions. This entails researching those legal aspects that influence demarcation: jurisdiction (in terms of scope as well as institutional influence), charges, and identifying material facts by adequately distinguishing them from background information and evidence for the purpose of the indictment.

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E. Fry (E-9789462366213) begin december 2015 200 pag. ca. € 59,00

het EVRM en het Materiële Omgevingsrecht (Staat & Recht nr. 22)

Analyseert in het bijzonder welke rechten voor burgers en welke (negatieve en positieve) verplichtingen voor de verdragsstaten voortvloeien uit: art. 2 EVRM (het recht op leven), art. 8 EVRM (het recht op eerbiediging van de persoonlijke levenssfeer), art. 1 EP (het recht op eigendom) in omgevingsgerelateerde situaties. Daarbij komt onder meer de vraag aan bod of de verdragsstaten verplicht zijn omgevingsrechtelijke regelgeving uit te vaardigen en of zij (ook) gehouden zijn meer concrete maatregelen te treffen ter bescherming van de door die artikelen beschermde belangen, zoals: het houden van toezicht op omgevingsrechtelijke regelgeving, het handhaven van die regelgeving, het verstrekken van omgevingsgerelateerde informatie. Bezieet bovendien of en in hoeverre de verdragsstaten op grond van art. 1 EP verplicht zijn in situaties die door het omgevingsrecht worden beheerst schadevergoeding aan te bieden voor aantastingen van het eigendomsrecht. Verder wordt onderzocht of enkele belangrijke Nederlandse (omgevingsrechtelijke) regels en leerstukken verenigbaar zijn met de uit het EVRM voortvloeiende omgevingsrechtelijke eisen.

D. Sanderink (K-9789013131475) juni 2015 592 pag. € 69,00

European Fundamental Rights Cases 1970-2014

Landmark judgments of the European Court of Human Rights and the European Court of Justice. The selected judgments are all of great importance for the application and interpretation of fundamental rights in Europe. Juist nu het EHRM, zelfs in Nederland, vanuit de actuele politiek steeds meer onder druk komt te staan is het uitermate nuttig dat men zich de verdiensten van het EHRM voor de democratische samenleving en grondrechten realiseert.

M. Beijer e.a. (red.) (A-9789069165509) 2e dr. februari 2015 264 pag. € 29,50

Faith in Public Debate – On Freedom of Expression, Hate Speech and Religion in France & The Netherlands

Should a politician be free to fiercely attack the religion of a sector of the population? Should he be allowed to strongly reject the culture of a particular minority group? Should religious adherents be allowed to advocate the transition from a democratic to a theocratic state? Should a satirical magazine be free to mock religious figures and practices? These sort of questions concern 'the place of faith in public debate' and continue to dominate public discussion that has been fuelled by a series of events, including the terrorist attacks in New York, Madrid and London and the terrorist attack on French satirical magazine Charlie Hebdo in Paris. This research constitutes the first international comparative study that provides a profound analysis of the law on hate speech in France and the Netherlands and under European and international law. It thoroughly examines the national legislation, its drafting history, policy and other legal documents and case law including famous legal cases against Dutch politician Geert Wilders, French politician Jean-Marie Le Pen and le Front National, French comedian Dieudonné and satirical magazine Charlie Hebdo. It also makes reference to the most recent international hate speech literature and discusses its key issues. This book can, thereby, form a source of inspiration for anyone interested or involved in the regulation of hate speech: academics; legislators; judges; prosecutors; politicians; interested citizens; and involved NGO's and can contribute to the 'faith in public debate', by elucidating its possible

boundaries. Handeseditie van een zeer lovend besproken en uiterst actueel proefschrift (UvA september 2014) over de vrijheid van meningsuiting en de beperkingen daar op.
NEDERLANDSTALIGE SAMENVATTING en VOLLEDIGE INHOUDSOPGAVE OP AANVRAAG !!
E.Janssen (I-9781780683096) eind april 2015 638 pag. € 98,00

First Fundamental Rights Documents in Europe

With the spotlight on Magna Carta, which is 800 years old in 2015, and the French Declaration of the Rights of Man and Citizen of 1789, which together are of undeniable importance for fundamental rights-thinking, the existence of similar fundamental rights documents in other European countries is often overlooked. Such fundamental rights documents did, however, exist in the precursors to the current European Union Member States. Some of the documents are ancient, even older than Magna Carta, and some are more recent, but all of them are texts that deserve to be brought out and analysed alongside Magna Carta and the French Declaration in order to better understand the evolution of fundamental rights thinking in Europe. This volume paints a multi-faceted picture of historical fundamental rights documents in the European space by collating the experience of 24 European Union Member States at times in history when most of these states did not even exist. It is the first comprehensive and systematic evaluation of early fundamental rights thinking across Europe and it reveals surprising diversity. Spanning documents from the fifth century BC right through to the 19th century and early 20th century AD, this review opens up themes not normally found in historiographical analyses of fundamental rights.

M.Suksi e.a. (ed.) (I-9781780683607) december 2015 360 pag. € 75,00

Horizontal Effects of Fundamental Rights in EU Law

Following the entry into force of the Lisbon Treaty, not only did the Union avail itself with its own 'Bill of Rights', i.e., the Charter of Fundamental Rights of the European Union, but is also preparing for its accession to the European Convention on Human Rights. By the same token, the Charter was elevated to the same level as other primary EU law. The frequent horizontal effect of fundamental rights in recent case law of the Court of Justice of the European Union is an indication of a stronger presence and the increased significance of fundamental rights in the Union's legal order at the time when the boundaries between the public and private spheres are increasingly blurred. The Court of Justice strives to interpret and apply the law in a way which contributes to a build-up of a coherent case law and conforms to fundamental rights as closely as possible. This study suggests it is feasible to consider the horizontal effect of fundamental rights in the context of EU law. However, because of the semantic and structural openness of fundamental right norms they often necessitate the deduction of a more concrete normative content. This concretization of abstract norms makes adjudicating on the basis of fundamental rights a delicate matter, since it gives great power to the courts. Hence, besides powerfully serving to enhance the inner coherence and consistency of Union law and offering feasible solutions to legal problems, the horizontal application of fundamental rights implies a move towards a strengthened constitutional phase of the integration process. Arguments on fundamental rights entail much more than just formal or dogmatic disputes over the scope of application of an act of EU law. They touch on fundamental questions relating to the functioning of the Union and its constitutional nature.

S.Walkila (Eu-9789089521811) december 2015 288 pag. € 64,00

Human rights for victims of non-state crime - Taking victims seriously?

Parallel to the dynamic evolvement of human rights law, the last decades have seen the development and adoption of numerous victims' rights instruments. Against the backdrop of rights proliferation and the victims' rights movement, this thesis discusses whether the rhetoric which increasingly connects victims of non-state crime with human rights is defensible. Departing from the perception of victims' rights and human rights as separate fields, two dimensions of this discourse is addressed; the impact of human rights on victims and the claim that victims' rights are human rights. In analyzing these questions, the development of human rights law, the fundamental human rights principles and the rights-concept have served as reference points for the discussion. By exploring case law from the European Court of Human Rights, the thesis aims to clarify what the universal rights of the European Convention on Human Rights mean to victims of non-state crime. When victims are situated in the conceptual framework of human rights, it becomes clear how the major objectives of victims' rights; to prevent repeat victimization and secondary victimization concur with fundamental principles in the field of human rights. It is also demonstrated that victims' rights represent different means

for victims to access their universal rights and in this way, the access to justice paradigm emerges as the major prerequisite for integrating victims in human rights law. With respect to the diversification that nonetheless persists between various groups of victims in this field, and the identification of some victims as victims of human rights violations, it is concluded that the appreciation of victims in the sphere of human rights has been influenced by the tension between the universality of human rights and the particular experience of certain groups.
A.Wergens (9789462401853) december 2014 538 pag. € 34,95

the Legal Status of Transsexual and Transgender Persons

Result of an international research project, including not only national reports from 14 European and non-European jurisdictions but also two chapters that look at legal sex/gender changes from a Christian perspective and one chapter from a medical-psychological perspective. The final comparative chapter compares and contrasts the different approaches and requirements and makes recommendations for best practice and law reform.

The need to allow a change of legal sex/gender in certain cases is no longer disputed in most jurisdictions, and for European countries there is no question as to whether such a change should be allowed after the decision of the European Court of Human Rights in *Goodwin v. United Kingdom* (Application no. 28957/95). The question has therefore shifted to what the requirements for such a change of the legal sex/gender should be. Many jurisdictions have legislated or developed an administrative approach to changing sex/gender, but the requirements differ significantly from jurisdiction to jurisdiction, particularly with regard to age, nationality and marital status, as well as the medical and psychological requirements. The latter in some jurisdictions still include surgery and sterility as a precondition, thus potentially forcing the persons concerned to choose between the recognition of their sex/gender identity and their physical integrity. The book also examines questions that are thus far under-researched, namely what the full legal consequences of a change of legal sex/gender should be, for example with regard to existing legal relationships such as marriages and registered partnerships, but also concerning children and parentage.

J.Scherpe (ed.) (I-9781780681962) juli 2015 550 pag. € 89,00

Refugees from Armed Conflicts - The 1951 Refugee Convention and International Humanitarian Law

Armed conflicts are a major cause of forced displacement, but people displaced by conflict are often not recognised as refugees under the 1951 Refugee Convention. They are frequently considered as having fled from generalised violence rather than from persecution. This book determines the international meaning of the refugee definition in Article 1A(2) of the 1951 Refugee Convention as regards refugee protection claims related to situations of armed conflict in the country of origin. Although the human rights-based interpretation of the refugee definition is widely accepted, the interpretation and application of the 1951 Refugee Convention as regards claims to refugee status that relate to armed conflict is often marred with difficulties. Moreover, contexts of armed conflict pose the question of whether and to what extent the refugee definition should be interpreted in light of international humanitarian law. Starting from the history of international refugee law, the book situates the 1951 Refugee Convention within the international legal framework for the protection of the individual in armed conflict. It examines the refugee definition in light of human rights, international humanitarian law and international criminal law, focusing on the elements of the refugee definition that most benefit from this interpretative approach: persecution and the requirement that the refugee claimant's predicament must be causally linked to race, religion, nationality, membership of a particular social group or political opinion.

V.Holzer (I-9781780683188) september 2015 258 pag. geb. € 76,00

a Silent Revolution: the expansion of EU power in the field of human health -

A rights-based analysis of EU health law & policy

Deze toenemende macht van Europa voor gezondheidsbeleid wordt in dit proefschrift (UvA) geproblematiseerd met name omdat gezondheidsbeleid een belangrijke impact kan hebben op fundamentele mensenrechten. De relatie tussen gezondheidsbeleid en fundamentele rechten is tweezijdig en onlosmakelijk: aan de ene kant kan gezondheidsbeleid fundamentele rechten raken, en aan de andere kant kunnen inbreuken op fundamentele rechten direct raken aan gezondheid. Vanwege het onlosmakelijke verband tussen gezondheidsbeleid en fundamentele rechten is hier gekozen om deze rechten in te zetten als de maatstaf om de legitimiteit van het Europees gezondheidsbeleid te analyseren. Wat zijn de implicaties van Europees gezondheidsbeleid in het licht van fundamentele rechten? Een centrale conclusie is

dat de EU de facto en soms impliciet fundamentele rechten tegen elkaar afweegt die intrinsiek zijn verbonden met gezondheid op twee manieren. Aan de ene kant worden de rechten van individuen gewogen door de EU met de belangen van de gehele bevolking. Aan de andere kant wordt ook steeds de verantwoordelijkheid van de EU voor menselijke gezondheid versus die van de lidstaten afgewogen. De implicaties van Europees gezondheidsbeleid in het licht van fundamentele rechten zijn dat de EU niet alleen expliciet, maar ook impliciet verplichtingen ten aanzien van fundamentele rechten op zich neemt door dit beleid.

A.de Ruijter januari 2015 344 pag.

GRATIS LEVERBAAR OP PDF OP AANVRAAG

Vijf Jaar Bindend EU-Grondrechtenhandvest (Staat & Recht nr. 26)

Op 1 december 2014 was het EU-Grondrechtenhandvest vijf jaar juridisch bindend. In de loop van die vijf jaar is de betekenis ervan sterk toegenomen. Het Hof van Justitie van de EU heeft de betekenis van veel bepalingen verduidelijkt, Nederlandse rechters passen het Handvest steeds vaker toe, en inmiddels zijn er diverse checklists om ervoor te zorgen dat wetgeving en besluiten ermee in overeenstemming zijn. Het bindend worden van het Handvest heeft tegelijk tal van juridische uitdagingen opgeleverd. Het doel van deze bundel is om in kaart te brengen welke juridische effecten het Handvest de afgelopen vijf jaar heeft gesorteerd voor verschillende deelterreinen van het Nederlandse recht. Dit verschaft niet alleen belangrijke inzichten in de concrete consequenties, maar maakt het ook mogelijk te bepalen welke vragen er voor de toekomst nog openliggen, zowel voor de rechtspraak als voor het rechtswetenschappelijk onderzoek. In het eerste deel komen enkele belangrijke algemene aspecten en achtergronden van het EU-Grondrechtenhandvest aan bod. In het tweede deel analyseren experts op hun vakgebied de betekenis ervan voor dertien deelterreinen van het Nederlandse recht. Daardoor is de bundel allereerst interessant voor wie wil weten hoe het belang van het EU-Grondrechtenhandvest is toegenomen, en hoe het nationale recht daar tot nu toe door is beïnvloed.

J.Gerards,H.de Waele e,a, (K-9789013133141) oktober 2015 572 pag. € 60,00

Verschenen 2014:

Adequate Rechtbescherming bij Grondrechtenbeperkend Overheidsingrijpen

Naar aanleiding van de Agenda van de Rechtspraak 2011-2014 *Gericht op de samenleving* is door de landelijke overleggen bestuursrecht (LOVB) en strafrecht (LOVS) een werkgroep ingesteld. Deze heeft onderzocht of - juist in het licht van (EVRM) verdragsverplichtingen - er aanleiding bestaat de intensiteit van toetsing door de bestuursrechter en het moment daarvan in de bestuursrechtelijke procedure te heroverwegen, indien het voorgenomen overheidshandelen een (potentiële) inbreuk op een of meer grondrechten oplevert. Dit rapport brengt mogelijke knelpunten in kaart en bevat aanbevelingen voor het bestuur, de wetgever en de rechtspraak. Daarbij wordt steeds een vergelijking gemaakt met het strafrecht in zes 'tandems' van bestuurlijke en strafrechtelijke maatregelen: *bestuurlijke boete en strafrechtelijke geldboete; onthouding of intrekking van vergunningen op grond van antecedenten die bestaan uit vastgestelde overtredingen of vermoedens en de strafrechtelijke gevolgen van dergelijke antecedenten; vreemdelingenbewaring en het strafvorderlijk voorarrest; aanwijzen van een veiligheidsgebied door burgemeester na verordening raad en de fouillering door politieambtenaren; binnentreden van woningen in het kader van het bestuurlijk toezicht en strafvordering; vordering van inlichtingen en gegevens door toezichthouders en opsporingsambtenaren.* Het onderzoek laat zien dat de huidige Nederlandse toetsingspraktijk thans in het algemeen nog voldoet aan de verdragsrechtelijke minimumstandaarden. Desalniettemin zijn er, met het oog op toekomstige ontwikkelingen, redenen de intensiteit en het moment van rechterlijke toetsing van bepaald ingrijpend overheidsoptreden te herijken.

T.Barkhuysen e.a. (9789013121230) oktober 2014

212 pag. € 45,00

Hoofdstukken Grondrechten

Algemene leerstukken grondrechten: historische en theoretische achtergronden, wie rechthebbenden zijn, rechtsbescherming, methoden van interpretatie en reikwijdte, beperkingen, positieve verplichtingen, horizontale werking, samenloop en botsing van grondrechten, interactie van rechtsordes en de taakverdeling tussen wetgever en rechter. Thema's zijn rijkelijk geïllustreerd aan de hand van specifieke grondrechten, zoals de vrijheid van meningsuiting, de vrijheid van godsdienst, de privacy en het gelijkheidsbeginsel. De lezer

maakt op die manier toch kennis met de afzonderlijke grondrechten, terwijl de voorbeelden ervoor zorgen dat het concrete belang van de algemene leerstukken wordt onderstreept.
M. den Heijer e.a. (9789069166155) 3^e dr. maart 2014 224 pag. € 34,50

Jurisprudentie Grondrechten 1976-2013

De belangrijkste uitspraken over bescherming van persoonlijke levenssfeer en uitingsvrijheid door het Europees Hof voor de Rechten van de Mens, het Hof van Justitie van de EU, de Hoge Raad, de Raad van State, de Centrale Raad van Beroep en De Nationale ombudsman.

A.Klingenberg (red.) (9789069167480) maart 2014 462 pag. € 37,50

Jurisprudentie Informatiegrondrechten 1976-2013

Belangrijkste internationale (EHRM, Hof Justitie EU) en nationale (HR,RvSt.,CRB,Ombudsman) uitspraken op het gebied van de bescherming van persoonlijke levenssfeer en uitingsvrijheid.

A.Klingenberg (red.) (9789069167480) januari 2014 462 pag. € 37,50

Sdu Commentaar EVRM. Deel I : Materiële Rechten

Per artikel : diepgaand commentaar met diverse citaten uit de jurisprudentie en actueel overzicht van jurisprudentie en literatuur.

J.Gerards e.a. (red.) (9789012392365) januari 2014 1556 pag. geb. € 137,80

Sdu Commentaar EVRM. Deel II : Procedurele Rechten

Artikelsgewijze commentaar met overzicht van jurisprudentie en literatuur

J.Gerards e.a. (red.) (9789012392990) mei 2014 580 pag. geb. € 137,80

Toetsing aan Grondrechten - Over de versterking van de grondrechtentoetsing in het Nederlandse wetgevingsproces

In het Nederlandse constitutionele recht toetst de wetgever – niet de rechter – of wetten in overeenstemming zijn met de Grondwet. Door de verharding van het publieke debat en het toenemende belang van de Straatsburgse jurisprudentie, blijft de discussie over het waarborgen van de grondwettelijke grondrechten actueel. Onderzocht wordt welke plaats de grondwettelijke grondrechten innemen binnen het Nederlandse wetgevingsproces en wetgevingskwaliteitsbeleid. Beschrijft de maatstaven voor grondrechtentoetsing zoals die door de verschillende actoren in het wetgevingsproces worden toegepast aan de hand van de literatuur, interne richtlijnen en kamerstukken van de wetgevende organen en de jurisprudentiedatabank van de Raad van State. Analyseert de toetsingsmaatstaven die de Raad van State hanteert in zijn adviezen waarin de grondrechtentoets is toegepast, met een uitstapje naar het Verenigd Koninkrijk, waar de komst van de Human Rights Act 1998 tot een versterking van de grondrechtentoetsing binnen het wetgevingsproces heeft geleid. Tot slot zijn er voorstellen ter versterking van de toetsing van grondrechten binnen het Nederlandse wetgevingsproces.

C.Everse (9789088631443) oktober 2014 106 pag. € 25,00

Verboden Verenigingen - Het verbieden en ontbinden van een rechtspersoon in verhouding tot de vrijheid van vereniging.

Pedofielenvereniging Martijn, de Hells Angels, extreemrechtse politieke partijen – velen zien graag een verbod. De wet biedt die mogelijkheid in art. 2:20 BW, waarin de ontbinding en verbodenverklaring van een rechtspersoon is geregeld. Hierin is onder meer bepaald dat een rechtspersoon waarvan de werkzaamheid in strijd is met de openbare orde, op verzoek van het Openbare Ministerie door de rechtbank wordt ontbonden en verboden verklaard. Dat levert wel een aantasting op van het fundamentele recht op vrijheid van vereniging (art. 11 EVRM en art. 8 Gw). Deze bepalingen dwingen daarom tot een terughoudende toepassing van art. 2:20 BW. Ingegaan wordt op de verhouding tussen de vrijheid van vereniging en de ontbinding en verbodenverklaring van een rechtspersoon. Centraal staat de vraag onder welke omstandigheden een inperking op die vrijheid van vereniging, door een verbodenverklaring en ontbinding van een rechtspersoon, is gerechtvaardigd. Onderzocht wordt hoe wetgever respectievelijk rechter de criteria die gelden voor het verbieden en ontbinden van een rechtspersoon in de zin van art. 2:20 BW uitleggen, in hoeverre de grondrechten een rol spelen bij de uitleg van deze criteria, en wat de invloed is van de margin of appreciation-doctrine op de verhouding tussen art. 11 EVRM en art. 2:20 BW.

J.Groen-de Kimpe (9789088631405) september 2014 96 pag. € 25,00

Vrijheid van godsdienst in een democratische samenleving

De wijze waarop onze constitutionele orde de vrijheid van godsdienst en levensovertuiging waarborgt, is dynamisch en complex. De individuele persoon oefent dit recht uit in een spanningsveld van rechten en vrijheden. Men kan dit recht op vrijheid niet zelf claimen zonder dat men dit recht aanvaardt van de ander. Daarin ligt de spanning die onze rechtsorde moet oplossen. Het onderzoek van Henk Post laat zien dat uitingen van religie niet een speelbal mogen zijn van de politiek, de publieke opinie of bepaalde antigodsdienstige sentimenten—in het bijzonder omdat een grondrecht in het geding is.

H.Post (B-9789089749994) november 2014 478 pag. € 79,00

Verschenen in 2013 :

European Fundamental Rights Cases 1970-2013

Samenvattingen van essentie van alle belangrijke uitspraken van het EHRM, met trefwoorden, overzicht van de feitelijkheden en verwijzingen om de complete uitspraak te traceren.

J.Gerards e.a. (red.) (9789069166230) november 2013 220 pag. € 29,50

Grondrechten – de Nationale, Europese en Internationale Dimensie

Integraal en gestructureerd overzicht van de eisen die vanuit het internationale, Europese en nationale recht gesteld worden bij de bescherming van grondrechten als folterverbod, vrijheid van meningsuiting, recht op schone leefomgeving en nog vele andere. Een compleet overzicht.

B.Barentsen e.a. (9789069169200) november 2013 462 pag. € 39,50

het Moderne EVRM

Systematische behandeling van het verdrag op grond van de jurisprudentie van het EHRM.

F.Vlemminx (9789089747389) februari 2013 442 pag. € 49,00

Verschenen in 2012 :

Afweging van Grondrechten in een Veellagig Rechtssysteem (Meijers Reeks)

Over toepassing van het proportionaliteitsbeginsel in strikte zin door het EHRM & het HvJ EU. Rechtstheoretisch onderzoek naar het idee van afweging gecombineerd met een analyse van de rechtspraak van het EHRM en HvJ EU. Aanleiding is de toenemende kritiek op beide Hoven Wegens (vermeend) (onduidelijke uitspraken.. Deze kritiek kan schadelijk zijn voor de bereidheid van lidstaten om de beslissingen ten uitvoer te brengen.

M.den Houdijker (9789058508805) december 2012 724 pag. € 42,50

EVRM - Algemene Beginselen

Nieuw handboek over de toepassing van het EVRM door het Hof en over de horizontale werking

J.Gerards (9789012387385) oktober 2011 307 pag. € 70,50

Straatsburgse Myj/meringen

Bundeling van de in NJCM Bulletin verschenen unieke mijmeringen van Egbert Myer gedurende zijn jaren (2004-2012) als rechter aan het Europees Hof voor de Rechten van de Mens.

E.Myer (9789058509178) december 2012 292 pag. € 24,95