

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

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

**19 b: EVRM / EHRM**

**STAND 01-08-2022**

**NIEUW in 2022:**

**the American Convention on Human Rights - a Commentary**

The first comprehensive and systematic article-by-article commentary of the American Convention on Human Rights (ACHR) in English. Offers an exhaustive and critical analysis of each of the 82 articles of the Convention, covering the substantive elements of the rights and freedoms protected, as well as institutional and procedural aspects. Each chapter contains an introduction and a comparative perspective of the provision commented on; a review of the drafting history of the provision; and a critical commentary on the interpretation of the provision in light of the rich case-law of the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights.

*L.Hennebel, H.Tigroudja (OUP- 9780190222345) juni 2022 1704 pag. geb. ca. € 325,00*

**the Architecture of Fundamental Rights in the European Union**

Analyses the new architecture for the protection of fundamental rights in Europe after the entry into force of the Lisbon Treaty. This new setting affects the traditional relationship between the EU, the ECHR system and the Member States and, in the absence of EU accession to the ECHR, enhances the risk of tensions and conflicts between the case law of the two European Courts. Examples of these tensions and conflicts are explored in the Area of Freedom Security and Justice, which is one of the most fundamental rights-sensitive areas of EU law and one of the busiest areas of activity for the CJEU.

*S.Imamovic (HART- 9781509940585) februari 2022 256 pag. geb. ca. € 123,00*

**Effective Judicial Protection in Consumer Litigation Protection**

In EU consumer law, the rise of Article 47 of the EU Charter of Fundamental Rights – which guarantees the right to an effective remedy and a fair trial – over the past decade has coincided with a wave of crisis-induced litigation. Courts were confronted with large numbers of cases against overindebted consumers. This has prompted many questions on the need for effective judicial protection, for instance in mortgage enforcement and order for payment procedures. Provides a unique perspective on the role of civil courts at the crossroads of EU fundamental rights, consumer law and access to justice. Examines how the Court of Justice of the EU, as well as civil courts in Spain and the Netherlands, refer to Article 47 in unfair terms cases, where procedural obstacles and inequalities have become particularly visible – especially in Spanish case law. The analysis reveals a divergence between European and national practices and also shows the potential of Article 47, which is often wrongly equated with the principle of effectiveness, in consumer litigation.

*A.v.Duin (UvA) (I-9781839701948) maart 2022 278 pag. geb. ca. € 98,00*

**European Declaration on Digital Rights and Principles for the Digital Decade**

Op 26-01-22 heeft de Europese Commissie aan het Europees Parlement en de Raad voorgesteld om een verklaring van rechten en beginselen te onderschrijven, richtinggevend voor digitale transformatie in de EU. In de ontwerpverklaring staan de belangrijkste rechten en beginselen voor de digitale transformatie: mensen en hun rechten centraal stellen, solidariteit en inclusie, online-keuzevrijheid, deelname in de digitale openbare ruimte bevorderen, meer veiligheid en inspraak voor personen, de duurzaamheid van de digitale toekomst.

*Europese Commissie, januari 2022 8 pag.(incl. toelichting) GRATIS OP PDF OP AANVRAAG*

**EHRM Factsheet: Personal Data Protection**

Het Europese Hof van de Rechten van de Mens (EHRM) publiceerde een boeiend *factsheet* rond jurisprudentie over *personal data protection*, gerubriceerd op onderwerp/situatie  
*ECHR, januari 2022* 29 pag. **GRATIS OP PDF OP AANVRAAG**

### **Human Rights and International Criminal Law**

Examines the importance of international criminal law in promoting and defending human rights as well as its relationship with law and international politics. Highlights criminal cases at the International Criminal Tribunals for the former Yugoslavia and the International Criminal Tribunals for Rwanda, the International Criminal Court, and the International Crimes Tribunal of Bangladesh. Considers human rights approaches to crimes from a theoretical and practical perspective, analyses various crimes under international law, and examines the application, implementation and enforcement of international criminal law.

*B.Uddin Khan, M.Bhuiyan (ed.) (Brill- 9789004447455) april 2022* 432 pag. geb. € 186,40

### **the Human Right to Property - Practical Approach to Art. 1 of Protocol No.1 to the ECHR**

Practical analysis of Article 1 of Protocol No.1 (A1P1) and its implications in the UK. concludes that the most significant impacts of A1P1 are that it: forces States to justify interferences; limits radical redistributions of property; and casts a wider shadow over legislative choice and public body decision-making. *Betreft wel UK, maar kan ook in NL relevant worden (boeren).*

*D.Maxwell (HART- 9781509961108) juli 2022* 472 pag. geb. ca € 425,00

### **Mensenrechten in Nederland 2021**

Journalisten en anderen die vanuit deskundigheid of positie in de samenleving via media een bijdrage leveren aan het publieke debat, kunnen rekenen op intimidatie en zelfs agressie. Dat concludeert het College voor de Rechten van de Mens op basis van haar Jaarlijkse rapportage, reden om de jaarrapportage 2021 te wijden aan het thema vrijheid van meningsuiting.

*College v.d.Rechten v.d.Mens, juni 2022* 90 pag. **GRATIS OP PDF OP AANVRAAG**

### **Overgewicht in mensenrechtelijk perspectief - een juridische analyse van een voedselzaak tegen de Nederlandse overheid**

Momenteel heeft ruim de helft van de volwassen Nederlanders overgewicht en de prognose is dat het percentage in 2040 62% zal zijn. Een belangrijke oorzaak voor dit toenemende probleem is de toename in het aanbod van ongezonde voeding. Een groot deel van onze voeding wordt in hoge mate bewerkt met suiker, zout en verzadigde vetten. Ongezonde voeding was in 2015 verantwoordelijk voor 8,1% van de ziektelast en 12.900 sterftegevallen. Tegelijkertijd bestaan er mensenrechten die het leven en de gezondheid van de mensen op Nederlands grondgebied beschermen. Wat is de rol van de overheid op het gebied van ongezonde voeding? Kan met behulp van internationale mensenrechten het tij gekeerd worden? Geeft antwoord op de vraag in hoeverre de Nederlandse staat internationale mensenrechten schendt met huidige voedingspreventiebeleid. Welke is de constitutionele rol van de Nederlandse rechter ten opzichte van het bestuur, indien een vordering is gericht op verandering van dit beleid? Bevat uitvoerige analyse van de Urgenda-procedure. Kan het juridische kader, zoals het door de Hoge Raad uiteen wordt gezet in het Urgenda-arrest, een leidraad vormen voor een voedselzaak tegen de overheid?

*M.Geurts (scriptie RUG) mei 2021* 149 pag. **GRATIS OP PDF OP AANVRAAG**

### **the Protection of Fundamental Rights in Composite Banking Supervision Procedures**

Provides a thorough analysis of the protection of fundamental rights (right to privacy, legal professional privilege, privilege against self-incrimination, right to an effective remedy and ne bis in idem) in the composite procedures that take place in the context of the Single Supervisory Mechanism (SSM). Within the SSM, the EU and national levels are in constant interaction. The interlocking of EU and national legal orders for the enforcement of EU law challenge traditional systems of control that were designed for and developed in the context of a single State jurisdiction. By studying mutual interactions of 3 legal orders (EU, Greece, the Netherlands), concludes that in there are gaps in fundamental rights protection.

*A.Karagianni (EuropaLaw- 9789462512955) juni 2022* 300 pag. € 69,50

### **Remedies for Human Rights Violations by the European Union (Maastricht Law 22)**

Where EU action affects the legal or factual situation of an individual, guarantees for the affected person's rights must exist. If rights have been violated, a remedy must be provided. Examines how the EU may be held accountable for violations of human rights through procedures and remedies available to the individual applicant, within the EU's legal system and

beyond. Highlights challenges in the process of claiming remedies for human rights violations committed by the EU. Examines significance of the remedy provided by the principle of non-contractual liability in the framework of EU human rights law. Examines potential remedies in the sphere of international law, both as an alternative to the EU's legal system and additional protection. Comprehensive analysis of substantial and procedural, EU and international, law.  
*A. Antoniadou (B-9789462362758) maart 2022* 352 pag. € 72,50

**the Treatment of Immigrants in the European Court of Human Rights - Moving Beyond Criminalisation**

Looks at how the European Court of Human Rights has addressed the question of immigration. As immigration in Europe has increased, so has its criminalisation. Criminal justice and harsh use of immigration measures are becoming more and more entwined. How has the ECHR responded? Drawing on case law from across the spectrum of rights, it will show how effective it has been in countering detention and deportation, if at all. Original focus on 'crimmigration'.  
*A. Spalding (HART-9781509947409) juli 2022* 232 pag. geb. ca. € 115,00

**the UN Convention on the Rights of Persons with Disabilities and the European Union - the Impact on Law and Governance**

Analyses the impact of the UN Convention on the Rights of Persons with Disabilities (CRPD) on EU non-discrimination law and governance. The Convention is the first human rights treaty open for signatures by regional organisations, and the European Union favourably acceded to it in December 2010. Explores whether the theory has been put into practice, and examines the effects of the CRPD on EU non-discrimination law and governance. Brings together the practices of the European Court of Justice (CJEU) with regard to disability discrimination to show whether the CRPD is living up to its full potential to substantially improve the protection of the rights of persons with disabilities in the EU. Examines whether the judicial interpretation of the Directive 2000/78/EC, establishing a general framework for equal treatment in employment and occupation, does or does not comply with the new legal background delineated by the CRPD. Highlights the main changes to disability discrimination which have occurred in the EU legal order in the last 10 years.  
*C. Conte (HART- 9781509945146) februari 2022* 208 pag. geb. ca. € 128,00

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**Verschenen in 2021:**

**At the Frontiers of State Responsibility - Socio-economic Rights and Cooperation on Migration**

States in the Global North increasingly cooperate with those in the Global South to stem irregular migration flows. As a result, many refugees and migrants are contained in Global South States with relatively weak track records in terms of socio-economic rights. Migration control agreements often result in widespread violations of the socio-economic rights of people on the move contained in the Global South. Examines the States that are responsible for these violations. Explores the circumstances under which each State involved in migration control incurs responsibility for the violations of the socio-economic rights of people on the move and how the responsibility of one State relates to that of another.  
*A. Pijnenburg (I-9781839701481) mei 2021* 325 pag. € 75,00

**Court's First Judgment on Compulsory Childhood Vaccination - No Violation of the Convention**

Het EHRM heeft zich voor het eerste uitgesproken over de vaccinatieplicht voor kinderen, in Tsjechië in dit geval. Kinderen moeten daar tegen negen ziektes worden ingeënt. Ouders die weigeren riskeren een boete en ongevaccineerde kinderen mogen op kleuterscholen geweigerd worden. Mensen hebben recht op respect voor privé-, familie- en gezinsleven, maar overheden hebben ruimte om dat recht in te perken als de volksgezondheid in het geding is.  
*EHRM (ECHR 116 - 2021) 8 april 2021* 7 pag. **GRATIS OP PDF OP AANVRAAG**

**the Customary International Law of Human Rights**

Until now the content of customary international law in the area of human rights has not been analyzed in a comprehensive manner. Discusses the emergence of this customary law, the debates about how it is to be identified, and the efforts at formulation of customary

norms. Uses the Universal Declaration of Human Rights as a basis to examine human rights norms, and determine whether they may be described as customary. Makes use of relatively new sources of evidence of the two elements for the identification of custom: State practice and *opinio juris*. Draws on the universal ratification of major human rights treaties and the materials generated by the Universal Periodic Review mechanism of the Human Rights Council. *W.Schabas (OUP-9780192845696) juni 2021* 432 pag. geb. ca. € 115,00

### **Data Subject Rights under the GDPR**

Having control over personal data is regarded as a fundamental right in the EU. Since the General Data Protection Regulation (GDPR) became enforceable May 2018, old rights were strengthened, and a range of new rights were introduced. How to navigate the changing landscape of data subject rights under the GDPR framework is the focal point of this volume. At the centre of this discussion are five key rights: the right to information, the right to access, the right to data portability, the right to be forgotten, and the rights related to profiling (the right to object and the right not to be subject to automated decision-making). Tackles gaps and provides a analysis of data subject rights under the GDPR framework and legal operation. *H.Vrabec (OUP-9780198868422) mei 2021* 288 pag.geb. ca. € 177,00

### **Discriminatie door Risicoprofielen - een mensenrechtelijk toetsingskader**

Overheidsinstanties maken gebruik van risicoprofielen om besluiten te nemen over burgers. Wet en rechtspraak bieden daartoe ruimte, maar gevaar bestaat dat dit leidt tot discriminatie op grond van ras of nationaliteit. Praktisch kan er dan sprake zijn van etnisch profileren. Om dit te helpen voorkomen, heeft het College voor de Rechten van de Mens een toetsingskader en bijbehorende beslisboom voor risicoprofielen ontwikkeld. *College Rechten v.d.Mens, november 2021* 45 pag. **GRATIS OP PDF OP AANVRAAG**

### **ECHR (EHRM): Nieuwe Factsheets**

The European Court of Human Rights launched a series of new factsheets providing an overview of its case law on: *Restrictions on the right to liberty and security; Independence of the justice system; The use of force in the policing of demonstrations*. *ECHR, januari 2021* totaal 50 pag. **GRATIS OP PDF OP AANVRAAG**

### **the EU Charter of Fundamental Rights - A Commentary**

This second edition of the first commentary of the EU Charter of Fundamental Rights in English provides an authoritative statement of how the Charter impacts upon EU, domestic and international law. Following the conventional article-by-article approach, each commentator offers an expert view of how each article is either already being interpreted in the courts, or is likely to be interpreted, referenced to case law and augmented with extensive references. *S.Peers (ed.)(Beck-9781509933471) 2<sup>e</sup> dr.medio november 2021* 1975 pag. geb. ca. € 345,00

### **the European Court of Human Rights - Current Challenges in Historical Perspective**

Considers how the European Court of Human Rights (ECHR) is faced with numerous challenges which emanate from authoritarian and populist tendencies arising across its member states. Offers a fresh perspective on the questions and challenges facing the ECHR. Combines historiographical insights with explorations of the current and pressing need for the ECHR to find a role for itself, especially in an environment where there is increased scepticism towards the idea of human rights protection. The conception of the Convention as 'alarm bell' is examined and assessed in relation to its original goal to prevent authoritarian backsliding. *H.Aust,E.Demir-Gürsel (E.Elgar-9781839108334) mei 2021* 296 pag.geb. ca. € 135,00

### **the European Union and Human Rights - Analysis, Cases, and Materials**

Maps and critiques the EU's commitment to human rights in both internal and external affairs. Covers the evolution as well as the current state of the EU's engagement with human rights, focusing, on the internal side, on the role of the EU law in the multi-faceted system of human rights protection and, on the external side, on the EU's efforts to bind its foreign policy to promoting human rights. Combines analysis of key developments with a wide range of sources, including extracts from legislation, case law, policy documents, and research. Chapters devoted to individual topics provide more depth on a range of policy areas in both the internal and external dimension of EU affairs. Topics covered by these individual chapters include non-discrimination and competition law, migration, trade policy, and development cooperation.

**ACTUEEL : in kader van de beruchte Toeslagen affaire en de WGS (moet nog door 1<sup>e</sup> Kamer)  
Fiscus + Big Data = Big Brother? - een toetsing van het gebruik van big data door de fiscus  
aan artikel 8 EVRM**

Op basis van de AWR kent de Belastingdienst ruime wettelijke bevoegdheden voor het vergaren van big data, echter bestaan er geen nadere wettelijke grondslagen voor de analyse en het gebruik van deze data. Uit de praktijk blijkt de Belastingdienst de wettelijke bepalingen rondom het vergaren van big data tevens te gebruiken om beleid te formuleren voor big data-analyses en -toepassingen, waaronder datamining, profiling en nudging. Centraal staat de vraag of bij het gebruik van big data door de Belastingdienst het recht op privacy van artikel 8 EVRM wordt geschonden. De Belastingdienst maakt bij haar big data-toepassingen gebruik van privacygevoelige informatie die afkomstig is uit een veelvoud van bronnen waardoor het voor de fiscus mogelijk is om een volledig risicoprofiel te schetsen van de belastingplichtige. De fiscus is niet transparant jegens haar burgers over deze toepassingen, waardoor de belastingplichtige niet op de hoogte is met welke bedrijven en/of personen deze gegevens gedeeld worden dan wel voor hoe lang de fiscus deze gegevens archiveert, dit terwijl de impact op de privacy van de belastingplichtige groot kan zijn. Wat maakt dat bij het gebruik van big data door de fiscus op grond van de bevoegdheden van de AWR sprake is van een ernstige inmenging op het recht op privacy. Deze inmenging is slechts toegestaan in geval deze zowel voorzien is bij wet, een legitiem doel nastreeft alsook noodzakelijk wordt geacht in een democratische samenleving. Aan deze drie-stappentoets wordt niet voldaan, waardoor gebruik van big data door de Belastingdienst strijdig wordt geacht met artikel 8 EVRM.

M.Hoyng (scriptie VU), voorjaar 2021 42 pag.

**GRATIS OP PDF OP AANVRAAG**

**Freedom of Expression, the Media and Journalists - Case-law of the European Court of Human Rights**

Vrijheid van meningsuiting, journalisten & media: jurisprudentie EHRM. This (open access) e-book provides insights into the European Court of Human Rights' extensive case-law on freedom of expression and media and journalistic freedoms. This new edition summarises 339 judgments and decisions by the Court and provides hyperlinks to the full text of each of these. Council of Europe(IRIS Themes.Vol III) 6<sup>e</sup> dr. april 2021 681 pag.

**GRATIS PDF OP AANVRAAG**

**Grondrechten - de nationale, Europese en internationale dimensie**

Verschaft integraal en gestructureerd overzicht van de eisen die vanuit internationaal, Europees en nationaal recht worden gesteld bij bescherming van grondrechten. Biedt voor ruim twintig grondrechten, varirend van folterverbod en recht op vrijheid van meningsuiting tot recht op een schone leefomgeving, een overzicht van de juridische stand van zaken. Behandelt voor elk grondrecht regelgeving en rechtspraak vanuit de Raad van Europa, waarbij veelal EVRM en de EHRM-rechtspraak centraal staan. Daarnaast wordt uitgebreid ingegaan op regelgeving en rechtspraak in het kader van de EU, in bijzonder EU-Grondrechtenhandvest. Vervolgens komt steeds de nationale bescherming aan de orde, in het bijzonder de bescherming die wordt geboden door de Grondwet. Een afzonderlijke paragraaf is voor elk grondrecht gewijd aan internationale regulering van het grondrecht, zoals regulering door het IVBPR. Iedere bespreking wordt besloten met een integratieparagraaf, waarin wordt belicht hoe de verschillende niveaus van grondrechtenbescherming met elkaar samenhangen, waarin zij van elkaar verschillen of overlappen, en waar mogelijke knelpunten bestaan.

B.Barentsen e.a.(A-9789492766939) 2<sup>e</sup> dr. januari 2021

532 pag. € 49,50

**the Handbook of International Humanitarian Law**

Extensively updated and revised new edition, taking into account recent legal developments, such as the 2017 Nuclear Weapons Prohibition Treaty, as well as the ongoing debate on many old and new issues. Areas covered include the notion of direct participation in hostilities; air and missile warfare; military operations in outer space; military cyber operations; belligerent occupation; operational detention; and protection of the environment in relation to armed conflict. The continuing need to consider borderline issues of the law of armed conflict as well as the interplay of international humanitarian law, human rights law, and other branches of international law is highlighted. Offers a complete account of activities that should be taken to improve the implementation and enforcement of international humanitarian law.

D.Fleck (OUP 9780198847960) 4<sup>e</sup> dr. maart 2021

816 pag. geb. ca. € 225,00

**the Human Right to Health - Solidarity in the Era of Healthcare Commercialization**



Offers a perspective on how to effectively address the issue of unequal access to healthcare. Analyses the human right to health from the underexplored legal principle of solidarity, proposing a new understanding of the positive obligations inherent in the right to health. Demonstrates that when interpreted in line with the principle of solidarity, the right to health should be viewed as a non-commercial right. Argues that the right to health's functions are to challenge the commodification of healthcare and to advance free-of-charge public healthcare services. Critical analysis of classical jurisprudence on the right to health, delivers a searing indictment of the effects of neoliberal capitalism and commercialization on human rights.

*E.Arenas Catalán (E.Elgar- 9781788979641) juni 2021* 224 pag. geb. ca. € 113,00

### **Human Rights and the Internet**

The past decade has witnessed unprecedented use of Internet for advancing and suppressing human rights, giving rise to complex new issues that both inspire and overwhelm. With ever-growing concerns about (non-)regulation of our digital environment, it is surprising that both the theoretical and practical application of human rights to the Internet and our online lives remain unclear. This is a short and accessible introduction to the concepts of human rights, the Internet and the emergence of an era of human rights online as a new legal challenge.

*J.Liddicoat (I- 9781839700590) juli 2021* 184 pag. ca. € 51,00

### **Human Rights Elephants in an Era of Globalisation - Commodification, Crimmigration, and Human Rights in Confinement**

Looks at migration detention and imprisonment and examines to what extent human rights can remain of relevance as a protection framework where globalisation trends occur. It does so by focusing on macro-level developments and on two case studies concerning Australia/Nauru and Norway/the Netherlands. Likening human rights to elephants, both being majestic yet critically endangered. Based on analysis of globalisation developments and the veracity and resilience of international human rights law instruments, including the ECHR and ICCPR, it presents an innovative multidimensional framework of protection that incorporates not only the value of human rights law, but also that of human rights morality, protest, and discourse.

*P.v.Berlo (W- 9789462405653) januari 2021* 678 pag. € 64,95

### **Human Rights Litigation against Multinationals in Practice**

Thorough review of multinational human rights litigation in various countries where such litigation has been pursued, predominantly on behalf of victims in the Global South. Covers cases relating to environmental damage, occupational disease, human rights abuses involving complicity with state security, and in the context of supply chains. Addresses potential legal remedies available; legal, procedural, practical obstacles to justice (funding), strategy.

*R.Meeran (ed.) (OUP-9780198866220) oktober 2021* 384 pag.geb. ca. € 138,00

### **International Law Immunities and Employment Claims - A Critical Appraisal**

First comprehensive analysis of the international law regime of jurisdictional immunities in employment matters. Challenges the widely held belief that international immunity law requires staff disputes to be subject to blanket or quasi-absolute immunity from jurisdiction. Argues that it is possible to identify well-defined standards of limited immunity to be applied in the context of employment litigation against foreign states, international organizations and diplomatic and consular agents. Maintains that the interaction between the applicable immunity rules and international human rights law gives rise to a legal regime that can provide adequate protection to the rights of employees. A much-needed study into an under-researched field of international and employment law.

*P.Rossi (HART- 9781509952977) december 2021* 296 pag.geb. ca. € 120,00

### **Judicial Protection of Fundamental Rights on the Internet - A Road Towards Digital Constitutionalism ?**

Explores how the Internet impacts on the protection of fundamental rights, particularly with regard to freedom of speech and privacy. In doing so, it seeks to bridge the gap between Internet Law and European and Constitutional Law. Provides a thorough analysis of the forms, models and styles of judicial protection of fundamental rights in the digital era and compares the European vision to that of the United States. The book offers the first comparative analysis in which the notion of (judicial) frame, borrowed from linguistic and cognitive studies, is systematically applied to the theories of interpretation and argumentation.

*O.Pollicino (HART-9781849468053) mei 2021* 264 pag.geb. ca. € 120,00

### **Labour Exploitation in Human Trafficking Law**

The 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime provides the first internationally agreed definition of the human trafficking. However, in failings to clarify the exact scope and meaning of exploitation, it has created an ambiguity as to what constitutes exploitation of labour in criminal law. The international definition's preference for an enumerative approach has been replicated in most regional and domestic legal instruments, making it difficult to draw the line between exploitation in terms of violations of labour rights and extreme forms of exploitation listed in the Protocol. Addresses the legal gap by seeking to conceptualise labour exploitation in criminal law.

A. Wheelerburn (I-9781839701542) juni 2021

301 pag. ca. € 88,00

### **On Foreign Grounds - Rethinking work rights and political rights of non-members in the framework of human rights based on non-humiliation**

Mensenrechten beschermen migranten onvoldoende tegen vernedering, meent filosoof Nina van Egmond. Ze verdedigde deze week haar proefschrift 'On Foreign Grounds' aan de VU Amsterdam. Van Egmond spreekt van een rechtvacuüm: "Regeringen kunnen bijvoorbeeld migranten onder bepaalde omstandigheden het recht op werken onttrekken. Daarmee zetten ze mensen economisch én sociaal buitenspel. Migranten kunnen daardoor geen interacties met andere aangaan op basis van wederkerigheid, wat hun zelfrespect aantast."

N.v.Egmond – dissertatie VU 23-11-21, 326 pag.(embargo tot 23-11-2023)handelseditie ?

samenvatting + inhoudsopgave + interview

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### **Positieve Verplichtingen en Aansprakelijkheid - de invloed van positieve verplichtingen uit het EVRM op Nederlands civiel overheidsaansprakelijkheidsrecht en materieel strafrecht**

In Nederland wordt er altijd van uitgegaan dat conform het EVRM wordt gehandeld. De vraag is of dat inderdaad steeds zo is. Beschrijft of het materiële strafrechtelijke en civielrechtelijke overheidsaansprakelijkheidsrecht voldoet aan de eisen die voortvloeien uit de op grond van de artikelen 2, 3, 4, 5, 8 en 1 EP EVRM geformuleerde positieve verplichtingen. Geconcludeerd wordt dat Nederlands recht in grote lijnen voldoet aan de eisen die het EVRM stelt. Niettemin is er nog een aantal implementatieproblemen. Voor de wetgever, uitvoerende macht en rechter worden enkele aanbevelingen geformuleerd om deze problemen te kunnen oplossen.

E.Gijselaar (B-9789462909793) oktober 2021

434 pag. € 67,00

### **Protecting Fundamental Rights in the Digital Age - 2021 Annual Report on the Application of the EU Charter of Fundamental Rights**

In overeenstemming met de EU-strategie om de toepassing van het Handvest in de EU te versterken heeft de Europese Commissie voor het eerst een jaarverslag gepresenteerd toegespitst op een specifiek thema. Thema van dit jaarverslag is de bescherming van de grondrechten in het digitale tijdperk. De Commissie gaat onder meer in op het gebruik van kunstmatige intelligentie en de verspreiding van illegale inhoud op het internet.

Euopese Commissie, december 2021 36 pag.

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### **Right to a Fair Trial - Practical Guide to the Article 6 Case-Law of the European Court of Human Rights**

Every year, the ECHR delivers a large number of judgments, adding to its already extensive case-law. This makes it difficult for people outside the Court to know which cases are the most relevant and break new ground for fair trial issues. Sets focus on the most important cases and aims to make the content of Article 6 accessible in order to accommodate every-day practical legal needs. The cases are selected following the Court's Jurisconsult's opinion of their jurisprudential interest. Includes as well a number of other cases that raise issues of general interest, establish new principles, or develop or clarify the Court's existing case-law. The case summaries draw attention to the essential points, allowing to focus on the jurisprudential significance of a particular case. Detailed headings help the to find the relevant case-law.

P.Hirvelä, S.Heikkilä (I-9781839700941) juli 2021

426 pag. ca. € 92,00

### **the Right to a Fair Trial under Article 14 of the ICCPR - Travaux Préparatoires**

The right to a fair trial is the most litigated human right in the world. Understanding the right requires reference not only to its interpretation by courts, treaty bodies, rapporteurs, experts, and scholars, but also to the preparatory work of the treaty (travaux préparatoires) and the circumstances of its conclusion. Brings together the complete travaux to Article 14 of the

International Covenant on Civil and Political Rights, with reference to the discussion regarding other articles where relevant and traces the evolution of the text over more than a decade. Reveals a lengthy and complex process of drafting the Covenant, intentions of the delegates regarding interpretation of certain provisions, and issues that they left open for states parties to decide. Companion volume to *The Right to a Fair Trial in International Law* (OUP 2020).  
*A.Clooney, P.Webb (OUP-9780192897923) oktober 2021 368 pag.geb. ca. € 178,00*

### **Rights of Families of Disappeared Persons - how International Bodies Address the Needs of Families of Disappeared Persons in Europe**

The needs in question are returning the remains of disappeared persons; the right to truth; the acceptance of responsibility by states; and the right to compensation. These have been identified as the four most commonly shared basic and fundamental needs of families in which an adult was disappeared many years previously and is now assumed to be dead, which is representative of the situation of the vast majority of families of disappeared persons in Europe. The analysis covers the judgments and decisions of the European Court of Human Rights, the UN Human Rights Committee, the International Criminal Tribunal for the former Yugoslavia, the Human Rights Chamber for Bosnia and Herzegovina, the Human Rights Advisory Panel in Kosovo, as well as the activities of the Committee on Missing Persons in Cyprus, the Special Process on Missing Persons in the Territory of former Yugoslavia, the UN Committee on Enforced Disappearances and the International Commission on Missing Persons. Demonstrates whether, how, and based on what principles these four needs of the families of disappeared persons can constitute a claim based on international human rights law.

*G.Baranowska (I- 9781839701375) juni 2021 240 pag. geb. € 79,00*

### **Staatloosheid - Jurisprudentiedatabank**

De *Statelessness Case Law Database* bevat jurisprudentie van o.a. het HvJEU en het EHRM over Staatloosheid. Toegang tot de databank is gratis.

The Statelessness Case Law Database is a free online resource containing national and regional case law covering Europe, as well as international jurisprudence addressing statelessness. The database covers jurisprudence from any jurisdiction in Europe, the European Court of Human Rights, the Court of Justice of the European Union and UN human rights treaty bodies. It is managed by the European Network on Statelessness (ENS) with contributions and support from ENS members and partners. The database is searchable by country, legal instruments, key aspects and by keywords, and includes case summaries. The database aims to support ENS members, legal practitioners, policy and decision makers, official institutions, researchers, and the wider civil society to identify relevant case law from other countries or European and international bodies which can assist their work.

*European Network on Statelessness, okt. 2021 [www.Statelessness Case Law Database.eu](http://www.Statelessness Case Law Database.eu)*

### **Standing to Enforce European Union Law before National Courts**

Access to court has long been recognised as an essential element of a Union based on the rule of law. This book asks, how can Member States ensure that their rules on standing guarantee that right? Answers this question by analysing the requirements of EU law from two angles: first, the effective protection of Union rights; second, the effectiveness of Union law per se. Formulates, with detailed case law examination, an autonomous Union law doctrine of standing based on the principle of effective judicial protection. Sets out an effectiveness test of Member States' enforcement mechanisms, to ensure that EU law is rendered operative in practice.

*H.Ellingsen (HART-9781509937141) april 2021 296 pag. geb. ca. € 122,00*

### **Surveillance and Privacy in the Digital Age - European, Transatlantic & Global Perspectives**

What impact has the evolution and proliferation of surveillance in the digital age had on fundamental rights? Tracks four key dimensions: digitalisation, privatisation, de-politicisation/de-legalisation and globalisation. It sets out the legal and policy demands that recourse to 'the digital' has imposed. Looks at privatisation through the prism of those demands on the private sector to co-operate with the state's security needs, reflecting the fact that surveillance is often conducted in secret.

*V.Mitsilegas, N.Vavoula (HART-9781509925179) mei 2021 328 pag. geb. ca. € 121,00*

### **Venice Commission : The Netherlands – Opinion on the Legal Protection of Citizen**

De Venetië Commissie van de Raad van Europa bestaat uit diverse gerenommeerde Europese deskundigen. Zij hielden eerder de rechtssystemen in bijvoorbeeld Polen en Hongarije tegen



het licht. Naar aanleiding van de toelagenaffaire en op verzoek van de Tweede Kamer – vooral dankzij Pieter Omtzigt – heeft de Venetië Commissie nu de werking van de Nederlandse rechtsstaat onderzocht, evenals de vraag hoe het in Nederland is gesteld met de (individuele) rechtsbescherming. In hun rapport concluderen zij dat Nederland ‘een goed functionerende staat met sterke democratische instituties en garanties voor de rechtstaat’ is, al is er zeker ruimte voor verbetering. Aanleiding voor het rapport, de toelagenaffaire, wordt gezien als ‘ernstig en systemisch’. Wel heeft het rechtsstatelijk systeem uiteindelijk toch gewerkt. Bovendien lijkt Nederland ‘over het algemeen bereid om gemaakte fouten te herstellen’.

*Raad v. Europa, 18 oktober 2021 28 pag. GRATIS OP PDF OP AANVRAAG*

### **Yearbook of the European Convention on Human Rights 2020**

Reviews the implementation of the Convention both by the ECHR and by the Council of Europe’s Committee of Ministers. Includes: full text of any new protocols to the Convention as they are opened for signature, together with the state of signatures and ratifications; full listing of Court judgments; judgments broken down by subject-matter; and extensive summaries of key judgments handed down by the Court during the year; selected human rights (DH) resolutions adopted as part of the Committee of Ministers’ work supervising the execution of the Court’s judgments; enquiries by the Secretary General carried out under Article 52 of the Convention; other work of the Council of Europe connected with the European Convention on Human Rights, carried out by the Committee of Ministers, the Parliamentary Assembly, and the Directorate General of Human Rights and Legal Affairs; bibliographic information from the library of the European Court of Human Rights.

*The Yearbook is published in an English-French bilingual edition*  
*Council of Europe (Brill- 9789004427051) december 2021 1372 pag. geb. ca. € 650,00*

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### **Verschenen in 2020 :**

**Born on the Internet** - *a legal analyses of the conflict between a parent’s right to share online and a child’s right to privacy in European*

A phenomenon that has developed with the rise of social media: Sharenting. Connotes the many ways parents share details about their children’s lives online. The term is so broad that it stretches from sharing an ultrasound of a fetus on Instagram with merely friends and family to ‘vlogging’ a family holiday with millions of viewers on YouTube. A parent’s right to share content of his child online might lead to a conflict with a child’s right to privacy, once a child becomes aware of its online persona or evolves from how it was once portrayed on the internet and starts to object to its parent’s disclosure of it. Whether a child’s claim to protection of its right to respect for private life and right to the protection of personal data in European law holds, depends on the outcome of the balance with a parent’s competing right to respect for family life and right to freedom of expression. Although the amount of weight to be attached to the competing rights of the parent and the child depends on the circumstances of the case at issue, several viewpoints are of particular relevance, such as the nature of the publication, the degree of dissemination, the child’s age and the consequences of the publication.

*A.v.Osch (scriptie Radboud Univ.) maart 2020 82 pag. GRATIS OP PDF OP AANVRAAG*

**Coercive Human Rights** - *Positive Duties to Mobilise the Criminal Law under the ECHR*

Traditionally, human rights have protected those facing the sharp edge of the criminal justice system. But over time human rights law has become increasingly infused with duties to mobilise criminal law towards protection and redress for violation of rights. These developments give rise to a host of questions concerning the precise parameters of coercive human rights, the rationale(s) that underpin them, and their effects and implications for victims, perpetrators, domestic legal systems, and for the theory and practice of human rights and criminal justice. Addresses these questions with a focus on the jurisprudence of the ECHR. Explores four interlocking themes: key threads in the doctrine of the ECtHR on duties to mobilise the criminal law as a means of delivering human rights protection; factors that contribute to a readiness to demand coercive measures, including discrimination and vulnerability; most pressing challenges for the ECtHR’s coercive duties doctrine.

*L.Lavrysen, N.Mavronicola (HART- 9781509937875) november 2020 328 pag. geb. ca. € 95,00*

### **Critical Essays on Human Rights Criticism**

Decades of talk of the human rights revolution has triggered impatience and disappointment with a once cherished idea(1). Lately the backlash has received momentum from populist and illiberal political movements. Essays offer theoretical perspectives and practical insights on developments in Europe, the Americas and South Africa. Shows how instruments, institutions and practices of human rights protection are used to undermine liberties. Includes strategic illiberal political actors, contributions of human rights defenders, national and regional courts. *A.Sajó, R. Uitz (ed.)(B-9789462361232) mei 2020 350 pag. geb. € 95,00*

**Cultural Difference and Economic Disadvantage in Regional Human Rights Courts - an Integrated View**

To what extent can courts accommodate cultural diversity, protect all kinds of groups or interfere in socio-economic policy ? Argues that one of the problems encountered in dealing with such cases is the courts' tendency to assess them from a 'compartmentalised' or fragmentary perspective. This line of reasoning isolates or places into 'boxes' the various interrelated components of the right holder's claim and the norms concerning the case to their detriment. Critiques this reductionist approach that is out of touch with real life and which, moreover, tends to leave the roots of the alleged violations intact. To counterbalance this tendency, an innovative, integrated and person-centered approach to adjudicating claims of cultural difference and economic disadvantage is put forward. A wide selection of case law from both the European and the Inter-American courts of human rights supports the normative framework developed in this book. The sample mostly includes cases brought by Muslims, Roma, Travelers, indigenous peoples, afro-descendants and people living in poverty. *V.David (I-9781780688336) februari 2020 402 pag. geb. ca. € 129,00*

**Digital Witness - Using Open Source Information for Human Rights Investigation, Documentation, and Accountability**

From videos of rights violations, to satellite images of environmental degradation, to eyewitness accounts disseminated on social media, human rights practitioners have access to more data today than ever before. However, these new methods for information gathering and dissemination have also created significant challenges for investigators and researchers. For example, videos and photographs depicting alleged human rights violations or war crimes are often captured on the mobile phones of victims or political sympathisers. Capture and dissemination of content often happens haphazardly, and for a variety of motivations, including raising awareness of the plight of those who have been most affected, or for advocacy purposes with the goal of mobilising international public opinion. For this content to be of use to investigators it must be discovered, verified, and authenticated. Discovery, verification, and authentication are critical skills for human rights organisations and human rights lawyers. *S.Dubberley e.a.(ed.)(OUP-978019 8836070) januari 2020 384 pag. pap. ca. € 45,00*

**Domestic Abuse and Human Rights**

Overview of the relevance of the European Convention on Human Rights to domestic abuse. Aims: to consider the relevant case law and application of the key articles to questions around domestic abuse; to consider at a theoretical level the balance between protection and autonomy at the heart of the legal response to domestic abuse; to propose practical application of a human rights approach to issues around domestic abuse, with particular emphasis placed on the significance of the Istanbul Convention on Preventing and Combatting Violence against Women. Argues that a human rights approach requires states to take a proactive stance towards domestic abuse. It should no longer be regarded as a private matter, but as a human rights approach mandating state intervention although within limits. *J.Herring (I-9781780682310) oktober 2020 230 pag. ca. € 60,00*

**EHRC-updates.nl**

Twintig jaar lang was European Human Rights Cases (EHRC) hét jurisprudentietijdschrift voor grondrechtenuitspraken van het Hof van Justitie EU en het EHRM. Het tijdschrift verschijnt niet meer op papier, maar maakt online een doorstart op basis van open access. U vindt op EHRC-updates.nl signaleringen en annotaties van uitspraken sinds 1 oktober 2019 en kunt zich aanmelden voor de tweewekelijkse e-mailnieuwsbrief (via de link rechts bovenaan EHRC-updates.nl). *EHRC-updates.nl (Boom Juridisch)*

**the EU Charter of Fundamental Rights in the Member States**

Ten years after the Charter of Fundamental Rights of the European Union became part of binding primary law, and twenty years since its adoption, this volume assess the application of the EU Charter in the Member States. How often, and in particular by which actors, is the EU Charter invoked at the national level? In what type of situations is it used? Has the approach of national courts in general, and of constitutional courts in particular, to EU law to EU fundamental rights law changed following the entry into force of the Charter? What sort of interplay does the Charter generate with the national bill of rights and the European Convention? Part I is dedicated to the normative foundations. Part II sets out Member States' Perspectives, providing a structured, in-depth account of the Charter's operation in 16 different Member States. Part III provides a detailed evaluation of selected rights contained within the Charter. Part IV synthesises the materials presented, looking to discover underlying lessons about the relationship between EU fundamental rights law and national legal systems.

*M. Bobek e.a. (HART- 9781509940912) eind december 2020 632 pag. geb. ca. € 175,00*

### **the European Convention on Human Rights (Jabobs, White and Ovey)**

Concise companion to this important and extensive area of the law. Examines each of the Convention rights, explores pivotal cases in each area examines the principles that underpin the Court's decisions. Focus is on the ECHR itself, rather implementation in any member state.

*B. Rainey e.a. (OUP-9780198847137) 8<sup>e</sup> dr. december 2020 792 pag. pap. ca. € 49,00*

### **the European Court of Human Rights**

Explores the Court's uniqueness as an international adjudicatory body in the light of its history, structure, and procedure, as well as its key doctrines and case law. Also shows the role played by the Court in the development of modern international law and human rights law. Tracing the history of the Court from its political context in the 1940s to the present day, Nussberger engages with pressing questions about its origins and internal workings. What was the best model for such an international organization? How should it evolve within more and more diverse legal cultures? How does a case move among different decision-making bodies?

*A. Nussberger (OUP- 9780198849650) september 2020 256 pag. pap. ca. € 30,00*

### **the European Union and Human Rights - Law and Policy**

With the adoption of the Lisbon Treaty, the profile of human rights issues has greatly risen in relation to EU policies, whether internal or external. The EU has thereby made the commitment to ensure that all its actions are compliant with human rights, and seek to promote them. Yet, the EU's commitment has come under scrutiny, not only for its ground-breaking character, but also because recent events have put it to the test. Takes stock of recent developments, to comprehensively discuss the conceptualization and operationalization of the EU's commitment to human rights throughout the EU's relationships, policies, actions and legislative activity, and to critically assess its outcome. Brings together essays from around the world, each discussing different aspects of EU commitment, and evaluating the extent to which the EU is delivering on it. Each chapter provides an introduction to the state of affairs, discusses opportunities and challenges, and provides recommendations.

*J. Wauters e.a. (ed.) (OUP-9780198814191) december 2020 704 pag. geb. ca. € 166,00*

### **European Yearbook on Human Rights 2020**

In light of the 30th anniversary of the UN Convention of the Rights of the Child in 2019, the twelfth edition of the European Yearbook on Human Rights is dedicated to the rights of the child. Topics include children deprived of their liberty, compulsory adoption and children's rights to participate in public debates on climate change, to name but a few. Besides the thematic focus on the rights of the child, this edition includes valuable insights from the European Court of Human Rights and the OSCE on the current challenges for the protection of human rights in Europe. Contributions focusing on the human rights implications of artificial intelligence, state sovereignty and gender identities raise awareness of the complexities of human rights protection and stimulate debate and further research in the field.

*P. Czech e.a. (ed.) (I-9781780689722) november 2020 660 pag. ca. € 99,00*

### **Freedom of Religion - an Ambiguous Right in the Contemporary European Legal Order**

In most European societies today, religion and questions about religion are increasing in relevance and importance. This development can be explained in several ways, for example by continuous demographic changes and new societal standards and values. As a consequence, the debate on the interpretation and scope of the right to freedom of religion has intensified in

politics, media and, of course, law. The right to freedom of religion is complex and varies within different legal contexts. Presents a variety of perspectives on the concept of freedom of religion in different European countries against the background of the European Convention on Human Rights, the EU Charter of Fundamental Rights and other international treaties.

*H. Bernitz, V. Enkvist (ed.) (HART-9781509935864) februari 2020 224 pag. geb. ca. €105,00*

### **'Hard Power' and the European Convention on Human Rights**

The European Convention on Human Rights is now crucial to decisions to be taken by the military and their political leaders in 'hard power' situations – that is, classical international and non-international armed conflict, belligerent occupation, peacekeeping and peace-enforcing and anti-terrorism and anti-piracy operations, but also hybrid warfare, cyber-attack and targeted assassination. Guidance is needed, therefore, on how Convention law relates to these decisions. That guidance is precisely what this book aims to offer. It focuses primarily on States' accountability under the Convention, but also shows that human rights law, used creatively, can actually help States achieve their objectives.

*P. Kempees (Brill- 9789004425637) november 2020 431 pag. geb. ca. € 235,00*

### **Human Rights Imperialists - The Extraterritorial Application of the European Convention on Human Rights**

To what extent do a state's obligations under the European Convention on Human Rights apply beyond its territorial borders? Are soldiers deployed on overseas operations bound by the human rights commitments of their home state? What about other agents, like the police or diplomatic and consular services? If a state's obligations do apply abroad, are they to be upheld in full or should they be tailored to the situation at hand? Few topics have posed more of a challenge for the European Court of Human Rights than this issue of the Convention's extraterritorial application. Provides a novel understanding on why this is by looking at the behaviour of those principally tasked with interpreting the treaty: the Strasbourg Court, state parties, and national courts. Offers a theory for how these communities operate: what motivates, constrains and ultimately shapes their interpretive practices. Offers a detailed analysis of the jurisprudence, with a particular focus on British authorities and judges during and after the Iraq War (2003). Provides explanation of how the interpretation of extraterritorial obligations has developed over time and how these obligations are currently understood.

*C. Mallory (HART-9781509914739) april 2020 256 pag. geb. ca. € 105,00*

### **Human Rights Unbound - A Theory of Extraterritoriality**

Explores to what extent a state owes human rights obligations to individuals outside of its territory, when the conduct of that state impacts upon the lives of those individuals. Draws upon legal and political philosophy to develop a theory of extraterritoriality based on the nature of human rights, merging accounts of economic, social, and cultural rights with those of civil and political rights. Demonstrates that title to territory is best captured by the value of stability, as opposed to integrity and equality. Concludes that all standards in international human rights treaties that count as human rights require that a threshold of jurisdiction, understood as political power over individuals, is met. Applies this theory of extraterritoriality to explain the obligations of states in a wide range of cases.

*L. Raible (OUP- 9780198863373) juni 2020 256 pag. geb. ca. € 109,00*

### **the Impact of Human Rights Prosecutions**

Human rights prosecutions are the most prominent mechanisms that victims demand to obtain accountability. Dealing with a legacy of gross human rights violations presents opportunities to enhance the right to justice and promote a more equal application of criminal law. Seeks to analyse impact, advances, and difficulties of prosecuting perpetrators of mass atrocities at national and international levels. What role does criminal justice play in redressing victims' wrongs, guaranteeing the non-repetition of mass atrocities, and attempting to overcome the damage caused by systematic human rights violations? Addresses critical issues in the field of human rights prosecution by drawing on the experiences of a variety of post-conflict and authoritarian countries covering three world regions. Covers prosecutions in post-Nazi Germany, post-Communist Romania, and transnational legal complaints by victims of the Franco dictatorship, as well as domestic and third-country prosecutions for human rights violations in Argentina, Chile, Peru, and Uruguay, prosecutions in Darfur and Kenya, and the work of the International Criminal Court. Offers insights into the difficulties human rights trials face in different contexts and regions, and illustrates development of these legal procedures.

*U. Capdepón e.a. (ed.) (Leuven UP- 9789462702493) november 2020 244 pag. € 55,00*

### **In Defense of Politicization of Human Rights - The UN Special Procedures**

First comprehensive study of the UN Special Procedures as a system covering their history, methods of work, institutional status, relationship with other politically driven organs, and processes affecting their development. The perspective chosen to analyze the human rights mechanisms most vulnerable to political decisions determining their creation, renewal and operationalization, casts a new light on the extent to which these remain the cornerstone of global accountability in protecting inherent dignity and worth of individuals as well as groups.  
*E.Domínguez-Redondo (OUP-9780197516706) september 2020 228 pag.geb. ca. € 86,50*

### **Information Rights - A Practitioner's Guide to Data Protection, Freedom of Information and other Information Right.**

This fifth edition of this leading practitioner text on information law has been thoroughly re-worked to provide comprehensive coverage of the Data Protection Act 2018 and the GDPR. Reflecting its enlarged scope and to maintain easy referencing, the work has been arranged into two volumes. The first volume is divided into six parts. The first part is an overview and introduction to overarching principles. The second part provides an authoritative treatment of the data protection regime. This covers all four forms of processing (general, applied, law enforcement and security services) under the GDPR and DPA 2018. Each obligation and each right is comprehensively treated, with reference to all known case-law, both domestic and EU, including those dealing with analogous provisions in the previous data protection regime. The third part provides a detailed treatment of the environmental information regime. This recognises the treaty provenance of the regime and its distinct requirements. The fourth part continues to provide the most thorough analysis available of the Freedom of Information Act and its Scottish counterpart. As with earlier editions, every tribunal and court decision has been reviewed and, where required, referenced. The fifth part considers other sources of information rights, including common law rights, local government rights and subject-specific statutory information access regimes (eg health records, court records, audit information etc). The final part deals with practice and procedure, examining appeal and regulatory processes, criminal sanctions and so forth. The second volume comprises extensive annotated statutory material, including the DPA 2018, the GDPR, FOIA, subordinate legislation, international conventions and statutory guidance. The law is stated as at 1st February 2020.

*Ph.Coppel(HART- 9781509922246) 5<sup>e</sup> dr. juni 20 2208 pag. geb.(in 2 vol.) ca. € 280,00*

### **International Human Rights Law and Practice**

Merges human rights law with its practice, from the courtroom to the battlefield. Human rights are analysed in their particular context, impact of international finance, role of NGOs, and protection of rights in times of emergency, including challenges posed by counter-terrorism. In parallel, a series of interviews with practitioners, case studies and practical applications offer multiple perspectives and challenging questions on the effective implementation of human rights. Comprehensively covers the traditional areas, including its regional and international legal and institutional framework, it also encompasses areas that have a profound impact on human rights worldwide, such as women's rights, human rights and globalisation, refugees and migration, human rights obligations of non-state actors, debt and human rights, and others.  
*I.Bantekas,L.Oette (ed.)(CUP-9781108711753) 3<sup>e</sup> dr. mei 2020 1018 pag.pap. ca. € 48,50*

### **the International Legal Protection of Environmental Refugees (Meijers Inst.nr.342)**

*- a human rights-based, security and State responsibility approach*

Climate change and environmental degradation, earthquakes and soil erosion, in combination with other factors, poverty, lack of government action and armed conflict, can lead to forced migration. The protection of these environmental refugees requires a different approach than that of 'traditional war refugees'. Most environmental refugees are internally displaced. As a result, developing countries that are hit hardest by the negative effects of climate change, also have to deal with high numbers of internally displaced persons. These countries rely on international support to be able to bear the costs of mitigation and adaptation measures. The current legal system not only offers insufficient protection for environmental refugees, but also offers insufficient opportunities for support by the international community. Principles and rules of international environmental law, human rights law and State responsibility can be used in an instrumental way to co-finance and support local measures.

*J.v.d.Vliet (B-9789462361393) mei 2020*

*456 pag. € 69,50*

**Kälin and Kochenov's Quality of Nationality Index - an Objective Ranking of the Nationalities of the World**



Ranks the objective value of all nationalities as legal statuses of attachment to states. Using a wide variety of strictly quantifiable data to gauge the opportunities presented and limitations imposed by nationalities on their holders, the QNI provides a comprehensive ranking of the intrinsic quality of each citizenship status in the world. Both the internal value (economic opportunities, human development and peace and stability) and the external value (including the number and quality of visa-free travel and, crucially, settlement destinations) of all the nationalities in the world are measured, only to reveal the reality that the quality of nationalities is not correlated with the prestige of the issuing states. It is an invaluable tool to illustrate the huge discrepancies in the value of the nationalities of the world: showcasing first-hand the unequal distribution of rights and opportunities which different nationalities bring.  
*D.Kochenov, J.Lindeboom (ed.)(HART- 9781509933235) mei 2020 320 pag. ca. € 45,00*

**Nederlandse Grondrechten: Klaar voor de Toekomst ? - Modernisering van grondrechten in de Grondwet in het licht van het EVRM en het EU-Grondrechtenhandvest**

De grondrechten in de Grondwet zijn dringend aan herziening toe. Ze zijn niet goed toegesneden op nieuwe technologische en maatschappelijke ontwikkelingen. Een onduidelijke en onvolledige grondrechtenbescherming in de Grondwet raakt aan de wezenlijke bestaansreden van de Grondwet. De Grondwet is een juridisch middel om de vrijheid van de burger te garanderen. Een krachtige en duidelijke bescherming van grondrechten is daarvoor van groot belang. Dat de huidige grondrechten deze rol niet meer vervullen is kwalijk. Het tegengaan van machtsmisbruik van de overheid levert namelijk vertrouwen in de overheid op. Dat vertrouwen is noodzakelijk voor de aanvaarding en de effectiviteit van overheidsoptreden. In een democratische rechtsstaat als Nederland is dat essentieel. Daarom is het zaak de grondrechtencatalogus in de Grondwet te actualiseren. In dit proefschrift wordt deze stelling beargumenteerd en worden enkele concrete voorstellen voor modernisering gedaan.  
*M.Julicher(diss.Un.Utrecht)(9789463758406) april 2020 226 pag. + 3 pag. interview in Binnenlands Bestuur & Mr online* **GRATIS PDF OP AANVRAAG**

**the Oxford Guide to International Humanitarian Law**

International humanitarian law is the law that governs the conduct of participants during armed conflict. This branch of law aims to regulate the means and methods of warfare as well as to provide protections to those who do not, or who no longer, take part in the hostilities. It is one of the oldest branches of international law and one of enduring relevance today. provides a practical yet sophisticated overview of this important area of law. Each chapter illuminates how the law applies in practice, but does not shy away from the important conceptual issues that underpin how the law has developed.  
*B.Saul, D.Akande (ed.)(OUP- 9780198855316) mei 2020 480 pag. pap. ca. € 50,00*

**Protecting Trans Rights in the Age of Gender Self-Determination**

A small but rapidly growing number of (mostly European and South American) States have recently reformed their legal frameworks of gender recognition by allowing trans persons to change their official sex registration on the basis of gender self-determination. Given the importance of State practice for the development of the right to gender self-determination and its implementation in law, particular attention is given to the national contexts of Belgium, Germany and Norway. These three countries may be perceived as world leaders in protecting trans rights, and therefore noteworthy 'laboratories' for future State practice.  
*E.Brems e.a.(I-9781839700194) oktober 2020 174 pag. € 57,50*

**Protection of Natural Persons with Regard to Automated Individual Decision-Making in the GDPR**

Describes and analyses the GDPR aimed at protecting natural persons with regard to automated individual decision-making. The objective is to examine whether this legislative act affords sufficient protection of natural persons with regard to such processing. Increasingly, algorithms regulate our lives. Personal data is routinely processed on an unprecedented scale in both private and public sectors. This shift from more subjective and less structured human decision-making processes to automated ones has provoked numerous concerns with regard to the rights and freedoms of natural persons affected. In particular, those attached to profiling that can lead to discrimination influencing crucial opportunities of individuals, such as the ability to obtain credit, insurance, education, a job or even medical treatment. To the extent that automated individual decision-making is based on personal data, in the European Union it is subject to the GDPR. Aims at identifying the loopholes that hinder or prevent its efficacy and the de lege lata rules and de lege ferenda postulates that could provide individuals with

effective protection in relation to automated individual decision-making. Provides an in-depth analysis of: GDPR's background, terminology and material and territorial scope of application; key concerns regarding automated individual decision-making; specific and general provisions of the GDPR relevant to protection of natural persons with regard to automated individual decision-making; special and general rights of the data subject relevant to automated individual decision-making provided for in the GDPR; key limitations to algorithmic transparency; how profiling can create special categories of personal data by inference from 'ordinary' personal data; and how the version of reality derived from personal data is often at least partially inaccurate. The analysis draws on the travaux préparatoires, case law of the Court of Justice of the EU and national courts that concern the previous Data Protection Directive, guidelines and opinions of the Article 29 Working Party and the European Data Protection Board, various reports and recommendations and numerous academic writings.  
*A.Drozdz (KL-9789403520452) maart 2020 192 pag. geb. ca. € 108,00*

**Protocol 16 bij het EVRM - Versterking van de Subsidiare Rol van het EHRM of Symbolische Stap ? Een onderzoek naar de invloed van Protocol 16 op de subsidiare rol van het EHRM**

In deze door redactie NJB geselecteerde scriptie staat de advisory opinion-procedure die het nieuwe Protocol 16 bij het EVRM introduceert centraal. Dit protocol schept een mogelijkheid voor de hoogste nationale rechterlijke instanties om questions of principle aangaande de toepassing of uitleg van verdragsrechten voor te leggen aan het EHRM. De centrale vraag is: hoe verhoudt de nieuwe advisory opinion procedure bij het EHRM zich tot de subsidiare rol die het Hof toekomt, en wat zijn de mogelijke kansen en knelpunten hierbij ?  
*H,v.Terwisga (scriptie Univ.Leiden) september 2019 57 pag. GRATIS OP PDF OP AANVRAAG*

**Recht tegenover Armen / Le droit Face aux Pauvres**

**BELGISCH RECHT**

Artikel 23 van de Belgische Grondwet legt een aantal economische, sociale en culturele rechten vast, waaronder recht op sociale zekerheid, bescherming van gezondheid en geneeskundige en juridische bijstand. Hoewel de Grondwet zwijgt over het recht van de armen, heeft zij de toegang tot onderwijs, gezondheidszorg en sociale zekerheid geleidelijk verheven tot de grondrechten. Waarborgt de juridische waarde van de economische en sociale rechten echter afdwingbaarheid ervan, in het bijzonder voor de meest kwetsbaren ? Ook al worden beroepen ingesteld om de rechten te doen naleven, volstaat dit wel om de doeltreffendheid ervan te verzekeren ? Bespreekt deze vragen vanuit verschillende invalshoeken.  
*F.Daoût,M.Rigaux (DieKeure-9789048638888) april 2020 244 pag. € 79,00*

**de Rechten van de Mens**

In 1791-1792 verscheen dit boek van Thomas Paine, een van de invloedrijkste boeken ooit geschreven. Paine wilde er aanvankelijk Burke's aanval op Franse Revolutie ('Bespiegelingen over de revolutie in Frankrijk') mee weerleggen, maar werkte het uit tot coherente politieke filosofie over inrichting en verantwoordelijkheden van de staat, en plaats van het individu binnen die staat. Onze hedendaagse democratieën zijn er in tal van opzichten op geënt.  
*T.Paine (Wereldbibliotheek-9789028450301) april 2020 384 pag. geb. € 39,99*

**Regulering van Online Content - naar een herijking van het Nederlandse internetbeleid'**

Als gevolg van onder meer terroristische content, *hate speech* en politiek georiënteerde desinformatie groeien de zorgen over ongebreidelde vrijheid van meningsuiting. Her en der klinkt dan ook de roep om regulering. Inperking van grondrechten online dient te voldoen aan het nationale en internationale recht. Het kabinet heeft de Adviesraad Internationale Vraagstukken (AIV) gevraagd om reguleringsopties te onderzoeken.  
*AIV (Advies 113), juni 2020 58 pag. GRATIS OP PDF OP AANVRAAG*

**Research Handbook on International Law and Social Rights**

For several decades, social rights lacked proper recognition in international law, being qualified as aspirational goals rather than rights, and therefore not enjoying the same level of protection or status as other human rights. Provides a comparative overview of the history, nature and current status of social rights at the universal and regional level. Tracing their evolution from rather modest beginnings, to becoming the category of rights responding most accurately to the 21st century's policy objectives of poverty eradication and equitable resource allocation,

assesses the mechanisms used to enhance the implementation and enforcement of social rights. Analyses ability of these rights to act as a tool to fight inequality, to ensure diversity. *C.Binder e.a. (E.Elgar-9781788972123) september 2020 608 pag. geb. ca. € 299,00*

### **the Right to Erasure in EU Data Protection Law**

Critically investigates the role of data subject rights in countering information and power asymmetries online. Aims at dissecting 'data subject empowerment' in the information society through the lens of the right to erasure ("right to be forgotten") in Article 17 of the GDPR. Provides extensive analysis of the interaction between the GDPR and the fundamental right to data protection in Art.8 of the Charter of Fundamental Rights of the EU (Charter), how data subject rights affect fair balancing of fundamental rights, and what the practical challenges are to effective data subject rights. Starts with exploring the data-driven asymmetries that characterise individuals' relationship with tech giants. These commercial entities increasingly anticipate and govern how people interact with each other and the world around them, affecting core values such as individual autonomy, dignity and freedom. Explores how data protection law, and data subject rights, enable resisting, breaking down or critically engaging with these asymmetric relationships. Concludes that despite substantial legal and practical hurdles, the GDPR's right to erasure does play a meaningful role in furthering the fundamental right to data protection (Art. 8 Charter) in the face of power asymmetries online. *Based on his PhD-thesis (2018), which received two prestigious awards: the Council of Europe's Stefano Rodotà award and the International Institute of Human Rights' Rene Cassin Prize.*  
*J.Ausloos (UvA) (OUP-9780198847977) mei 2020 560 pag. geb. ca. € 98,00*

### **the Right to Strike in International Law**

Developed as a direct response to the claim made by members of the 'Employers Group' at the 2012 International Labour Conference, namely that the right to strike is not protected in international law, and in particular by ILO Convention 87 on the right to freedom of association. The aim was to sow sufficient doubt as to the existence of an internationally protected right so that governments might seek to limit or prohibit the right to strike at the national level while still claiming compliance with their international obligations. In consequence, some governments have seized on the employers' arguments to justify new limitations on that right. Refutes this claim and is the only complete and exhaustive analysis on this subject. Based on deep legal research, it finds that there is simply no credible basis for the claim that the right to strike does not enjoy the protection of international law; indeed demonstrates that it has attained the status of customary international law.  
*J.Vogt e.a.(ed.)(HART- 9781509933556) maart 2020 272 pag. geb. ca. € 92,00*

### **Sdu Commentaar EVRM 2020-2021**

Becommentarieert het EVRM en de Protocolen artikelsgewijs. In deel I worden art. 1 t/m 18 EVRM besproken, waar deel II art. 19 t/m 57 EVRM, Protocol 1, 4, 6, 7, 12, 13 en 16 en art. 39 Reglement EHRM bespreekt. Per artikel helder, praktisch, diepgaand commentaar, geïllustreerd met diverse citaten uit de jurisprudentie en actueel overzicht van literatuur.  
*J.Gerards e.a.(red.) (S-9789012405492) januari 2020 2528 pag. geb. € 190,75*

### **Trapped in a Religious Marriage**

Offers a human rights perspective of the phenomenon of marital captivity within Christian, Jewish, Hindu and Muslim communities in both secular and non-secular States. Marital captivity is a complex social phenomenon that, predominantly, affects women. Involves a situation wherein the dissolution of a religious and/or legal marriage is obscured for religious reasons, consequently forcing the spouse(s) to remain in the marriage against their will. Involves multiple stakeholders (trapped spouse, opposing or recalcitrant spouse, religious communities and one or more States). Applying the human rights legal framework enables to objectively consider, balance and resolve the conflicting rights and interests inherent within situations of marital captivity. It also reveals how a select number of human rights and principles are affected within situations of marital captivity and offers an overview of States' positive obligations to protect and ensure these rights. The implied human rights obligations are discussed within the context of marital captivity so as to identify and formulate specific States' obligations to address marital captivity.  
*B.Deogratias (I-9781780688428) juni 2020 392 pag. ca. € 90,00*

### **the United Nations and Human Rights - A Critical Appraisal**

To ensure that governments are held accountable for their treatment of citizens and others the United Nations has established a wide range of mechanisms to monitor compliance, and to seek to prevent as well as respond to violations. The panoply of implementation measures that the UN has taken since 1945 has resulted in a diverse and complex set of institutional arrangements, the effectiveness of which varies widely. Inevitable instances of politicization and the hostile, or at best ambivalent, attitude of most governments, has at times endangered the fragile progress made on the more technical fronts. At the same time, technical efforts cannot dispense with the complex politics of actualizing the promise of human rights at and through the UN. In addition to significant actual and potential problems of duplication, overlapping and inconsistent approaches, there are major problems of under-funding and insufficient expertise. Critically examines functions, procedures, and performance of each of the major UN organs dealing with human rights, including the Security Council and the International Court of Justice as well as the more specialized bodies monitoring the implementation of human rights treaties. Significant attention is devoted to the considerable efforts at reforming the UN's human rights machinery, as illustrated most notably by the creation of the Human Rights Council to replace the Commission on Human Rights.  
*F.Mégret, P.Alston (OUP-9780198298380) 2<sup>e</sup> dr. april 2020 768 pag.pap. ca. € 72,00*

**the United Nations Commission on Human Rights - 'A Very Great Enterprise'**

Provides the most complete account to-date of the UN human rights programme, both in substance and in chronological breadth. The author worked at the heart of this programme for over thirty years, including as the Secretary of the Commission on Human Rights, and Coordinator of the World Conference on Human Rights (Vienna 1993). Traces the issues taken up by the Commission after its launch in 1946, and the methods undertaken to enhance absorption and domestication of international human rights standards. Lays out the special procedures carried out by the UN, and the emergence of international human rights law. Turns to the establishment of the Office of the High Commissioner for Human Rights and the mainstreaming of human rights across the UN system, eventually leading to the establishment of the Human Rights Council to replace the Commission in 2006. Many of the problems today, including conflict, poverty, and environmental issues, have their roots in human rights problems. Identifies what has been done at the international level in the past, and points towards what still needs to be done for the future.  
*J.Pace (OUP-9780198863151) juli 2020 880 pag.geb. ca. € 192,00*

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**Verschenen in 2019:**

**Behind the Veil - a Critical Analysis of European Veiling Laws**

Since the early 2010s, an increasing number of European countries have passed laws that prohibit the wearing of various kinds of Islamic veil in particular circumstances. Considers the most recently passed European laws that target Islamic veiling. Situates the justifications for anti-veiling laws in the context of a careful analysis of the reasons why women wear veils, and considers these justifications by reference to emerging debates surrounding the relative value of liberalism and human rights, multiculturalism, and the need to protect 'traditional values'. Concludes that these laws are best viewed as symbolic strikes at a recognisable symbol of an ideological opponent, theorising that their principal purpose is to enable particular countries to reaffirm traditional values in a context of increased domestic opposition to multiculturalism.  
*N.Cox (ELGAR LAW- 9781788970846) juni 2019 288 pag. geb. ca. € 115,00*

**the Charter and the Court of Justice of the European Union - Notable Cases from 2016-2018**

The Charter of Fundamental Rights of the European Union lists 50 fundamental rights that apply to dignity, freedom, equality, solidarity, citizenship and justice in the EU. Since the entry into force of the Lisbon Treaty on 01-12- 2009, the Charter has been legally binding on the institutions of the EU and on Member States, only when they are implementing Union Law. Several questions about the Charter have been clarified, such as the status of the Charter and the significance of the Charter on national legal orders. There is a vast amount of case law of the Court of Justice of the European Union in which the Charter has proven its value, and national courts are increasingly applying the Charter in national proceedings too. Although many questions have already been addressed, the Charter is still in full development and questions remain about the scope of the Charter, the interpretation of 'new' fundamental rights

included in the Charter; the restrictions that possible to fundamental rights deriving from the Charter; and the relation with the European Convention on Human Rights. Ultimately, it is up to the domestic courts to interpret the Charter; not only the Court of Justice of the European Union, but also the national judge increasingly is confronted with the Charter.

*A.Pahladsingh,R.Grimbergen (W-9789462405455) oktober 2019 508 pag. € 79,95*

### **the Charter of Fundamental Rights of the European Union and the Employment Relation**

The Charter of Fundamental Rights of the European Union is the most developed and comprehensive legally binding human rights instrument in the social field of the European Union. It is becoming increasingly important and is the first instrument that includes both civil and political rights on one hand and social rights on the other. Despite this, the Court of Justice of the EU has only rarely dealt with fundamental social rights. In this context, employment rights need to be examined in this new rights framework. Following on from previous volumes setting out links between European labour law and fundamental social rights (as enshrined in relevant UN, ILO and Council of Europe instruments), in this book the ETUI Transnational Trade Union Rights (TTUR) Expert Network examines the justiciability of social rights and critically analyses the effectiveness of those rights embodied in the EU Charter.

*F.Dorssemont e.a.(ed.) (HART-9781509922659) april 2019 712 pag. geb. ca. € 175,00*

### **EU Law on Maternity and Other Child-Related Leaves - Impact on Gender Equality**

The current EU legislative framework on maternity leave tends to overlook the roles of both parents, especially during the post-delivery period of 'bonding' with the child. This research focuses on working parents (including non-delivering parents in same-sex couples or adoption) and includes a comparative analysis of the law of six countries – Belgium, Ireland, Spain, the United Kingdom, Sweden and Portugal – chosen to illustrate the variety of national schemes available and how their desirable features can be introduced into EU law. A more balanced design of child-related leave is a must in today's society for reasons of fairness and also for economic considerations. This complete analysis of EU legislation and case law about child-related leave – including the first-ever systematic and in-depth analysis on whether maternity leave can be considered discriminatory against fathers and a review of economic literature on how child-related leave affects the situation of women in the labour market – offers forward-looking solutions for child-related leave to enhance gender equality.

*M.De la Corte-Rodríguez e.a.(KL- 9789403514529) september 2019 ca.300 pag. ca. € 139,00*

### **the EU Treaties and the Charter of Fundamental Rights - a Commentary**

This Commentary provides an article-by-article summary of the TEU, the TFEU, and the Charter of Fundamental Rights, offering a quick reference to the provisions of the Treaties and how they are interpreted and applied in practice. Offers expert guidance to fast access to the Treaties and current practice. The Commentary follows a set structure, offering a short overview of the Article, the Article text itself, a key references list including essential case law and legislation, and a structured commentary on the Article itself.

*M.Klamert e.a. (ed.) (OUP- 9780198794561) mei 2019 2512 pag. geb. ca. € 408,00*

### **the European Union and Deprivation of Liberty - A Legislative and Judicial Analysis from the Perspective of the Individual**

The European Union and Deprivation of Liberty examines the EU legislative and judicial approach to deprivation of liberty from the perspective of the following fundamental rights and principles: the principle of legality and proportionality of penalties; the right to liberty; and the principle that criminal penalties must aim for the social reintegration of the offenders. Measures the relevant EU law against those rights; this constitutes the very core of the relationship between public powers and individual liberty. Shows that the ultimate goal of the Union is the creation and preservation of the EU as a borderless area. This holistic explains how different legal phenomena connected to deprivation of liberty have come into being in EU law.

*L.Mancano (HART- 9781509908080) begin mei 2019 272 pag. geb. ca. € 96,00*

### **European Yearbook on Human Rights 2019**

Brings together renowned scholars, emerging voices and practitioners. Split into parts devoted to recent developments in the European Union, the Council of Europe and the OSCE as well as through reports from the field, the contributions engage with some of the most important human rights issues and developments in Europe. The Yearbook helps to better understand the



rich landscape of the European regional human rights system and is intended to stimulate discussions, critical thinking and further research in this field.

*P.Czech e.a. (ed.) (I-9781780688541) oktober 2019 600 pag. € 79,00*

### **the Faces of Human Rights**

Serves to recall that despite the growing size of the machinery and unwieldy nature of states, human rights began with *real people*. Samples a broad range of actors and localities where everyday people fought to ensure that the basic principles of human rights became a reality for all. This volume will give a face to the everyday people to whom credit is due for shaping human rights. Responds to the perennial question of how to begin a career in human rights by highlighting that there is no single path into this dynamic field, a field built on the back of small initiatives by people across a broad spectrum of career paths. Table of content available.

*K.McCall-Smith, J.Wouters e.a. (ed.) (HART-9781509926916) mei 2019 376 pag. geb. ca. € 35,00*

### **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*

### **Fundamental Rights and Legal Consequences of Criminal Conviction**

The legal position of convicted offenders is complex, as are the social consequences that can result from a criminal conviction. After they have served their sentences, custodial or not, convicted offenders often continue to be subject to numerous restrictions, in many cases indefinitely, due to their criminal conviction. Criminal convictions can have adverse legal consequences that may affect convicted offenders in several aspects of their lives. These legal consequences are often not part of the criminal law, but are regulated by administrative law, constitutional law, labour law, civil law, and immigration law. For this reason, they are often obscured from judges as well as from defendants and their legal representatives in the courtroom. The breadth, severity and longevity and often hidden nature of these restrictions raises the question of whether offenders' fundamental rights are sufficiently protected. Explores nature and extent of legal consequences of criminal convictions in Europe, Australia and USA. What legal consequences can a criminal conviction have? How do these consequences affect convicted offenders? And how can and should these consequences be limited by law?

*S.Meijer e.a. (ed.) (HART- 9781509920976) juni 2019 312 pag. geb. ca. € 90,00*

### **General Principles of the European Convention on Human Rights**

Offers a clear insight into the concepts and principles that are key to understanding the European Convention and the Court's case-law. Explains how the Court generally approaches the many cases brought before it and which tools help it to decide on these cases, illustrated by numerous examples taken from the Court's judgements. Core issues discussed are the types of Convention rights (such as absolute rights); the structure of the Court's Convention rights review; principles and methods of interpretation (such as common ground interpretation

and the use of precedent); positive and negative obligations; vertical and horizontal effect; the margin of appreciation doctrine; and requirements for the restriction of Convention rights.  
*J.Gerards (Univ.Utrecht) (CUP-9781108718288) mei 2019 274 pag. ca. € 40,00*

### **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*

### **Human Rights of Asylum Seekers in Italy and Hungary - Influence of International and EU Law on Domestic Actions**

Fifteen contributions on selected topics on migration, authored by legal researchers and professionals. It provides a unique analysis on how mass migration flows challenges basic principles and existing regulations and how legislation is continuously evolving. Recent changes in the political orientation of the Italian government might imply a rapprochement of the sector policies of Italy and Hungary, and their stronger impact on the EU orientation. Not only provides an overview of national approaches, but also provides insights into various policy approaches, taking into account the relevant cultural aspects.  
*B.Maitényi, G.Tamburelli (ed.) (B-9789462369603) juli 2019 250 pag. € 65,00*

### **Human Rights with a Human Touch - Liber amicorum Paul Lemmens**

The aim of the book was to meet the highest academic standards, as Paul Lemmens has always embodied them. The well-renowned group of international authors already guarantees that quality. The image of Paul as known and appreciated by his friends and colleagues emerges from the collected contributions: that of an excellent and knowledgeable lawyer, but especially that of a warm and committed person. Few people may know that Judge and Professor Lemmens is a big fan of the American rock star Bruce Springsteen. The (sub) title of this book is gratefully derived from one of his albums, Human Touch.  
*K.Lemmens e.a.(ed.) (I- 9781780688749) november 2019 788 pag.geb. ca. € 152,00*

### **International Humanitarian Law and Non-State Actors - Debates, Law and Practice**

Challenges the traditional approach to international law by concentrating on international humanitarian law and placing the focus beyond States: reflects on current legal, policy and practical issues that concern non-State actors in and around situations of armed conflict. International law was almost entirely focused on inter-State relations, thus excluding - for the most part - non-State entities. In the modern era, such a focus needs to be adjusted, in order to encompass the various types of functions and interactions that those entities perform throughout numerous international decision-making processes.  
*E.Heffese.a.(ed.)(TMC Asser Press-9789462653382) december 2019 451 pag.geb. € 149,50*

### **Internationale Mensenrechtenprocedures: Rapportage 2018**

Deze rapportage bevat samenvattingen van uitspraken en beslissingen van internationale mensenrechtenorganen in Nederlandse zaken, alsmede een overzicht van de stand van zaken betreffende de tenuitvoerlegging door Nederland.  
*Min.Buitenlandse Zaken, april 2019 64 pag. GRATIS OP PDF OP AANVRAAG*

**Intersecting Views on National and International Human Rights Protection/Regards croisés sur la protection nationale et internationale des droits de l'homme (Engels) - Liber Amicorum Guido Raimondi**

Guido Raimondi's mandate as President of the European Court of Human Rights is coming to an end. In view of his departure, his colleagues, judges at the Court, judges in national and international jurisdictions, as well as his Colleagues at the International Labour Organisation and his numerous friends, wish to pay tribute to Guido Raimondi. The wide range of topics characterising the present work reflects the diversity characterising Guido Raimondi's interests, which include not only civil and political rights, but economic and social rights as well, particularly in the sphere of labour law. The different forms of judicial dialogue addressed in the present work further reflect one of President Raimondi's key contributions. The contributions are authored in the English, Italian and French language.

*R.Chenale.a.(ed.) (W-9789462405172) oktober 2019 1056 pag. geb. € 120,00*

### **the Law of International Human Rights Protection**

Provides a concise but comprehensive legal analysis of international human rights protection at the global and regional levels. Shows that human rights are real rights creating legal entitlements for those who are protected by them and imposing legal obligations on those bound by them. Based on a wide-ranging analysis of international case-law, focuses on the sources and scope of application of human rights. Further chapters describe the different mechanisms to monitor the implementation of human rights obligations, ranging from the regional human rights courts in Africa, the Americas and Europe and the UN treaty bodies to the international criminal tribunals, the International Court of Justice and the UN Security Council. Highlights the convergence of international human rights and international humanitarian law and the interlinkages with international criminal law as well as general international law, in particular the law of state responsibility.

*W.Kälin,J.Künzli (OUP-9780198825692) 2<sup>e</sup> dr. september 2019 640 pag. pap. ca. € 48,00*

### **Marital Captivity - Divorce, Religion and Human Rights**

Marital captivity is a social and human rights problem that occurs within religions or religious communities worldwide. It is defined as a situation in which one or both spouses, but predominantly the wife, is unable to terminate a religious marriage, consequently trapping that spouse within the marriage against her or his will. As such it is a form of forced marriage and violence against women. Because of its severe social, legal, and economic implications, the phenomenon is approached from different perspectives: anthropological, sociological and legal.

*S.Rutten,P.Kruiniger e.a.(ed.)(B- 9789462369252) juli 2019 436 pag. geb. € 95,00*

### **Mélanges en l'honneur de / Essays in honour of Dean Spielmann (Liber Amicorum)**

Contributions (from judges and former judges, at national and international level, from academics and from officials of the Court's Registry) mostly consider developments on Article 8 of the European Convention on Human Rights and is to honor the work of Dean Spielmann as lawyer, judge and later as president of the European Court of Human Rights. During his term he has developed relations with both supreme courts and other international courts and contributed to the Strasbourg Court's high standing in the world, far beyond the continent of Europe. A man of dialogue, he has been from the outset an ardent advocate of Protocol No. 16 to the European Convention on Human Rights, which he has dubbed the "Protocol of dialogue".

*J.Casadevall,G.Raimondi (ed.) (W-9789462403642)november 2019 722 pag. € 79,95*

### **New Media and Freedom of Expression - Rethinking the Constitutional Foundations of the Public Sphere**

The principles of freedom of expression have been developed over centuries. How are they reserved and passed on? How can large internet gatekeepers be required to respect freedom of expression and to contribute actively to a diverse and plural marketplace of ideas? These are key issues for media regulation, and will remain so for the foreseeable decades. Starts with the foundations of freedom of expression and freedom of the press, and then goes on to explore the general issues concerning the regulation of the internet as a specific medium. Turns into analysing the legal issues relating to the three most important gatekeepers whose operations directly affect freedom of expression: ISPs, search engines and social media platforms. Summarises potential future regulatory and media policy directions. Takes a comparative legal approach, focusing primarily on English and American regulations, case law and jurisprudential debates, but it also details the relevant international developments (Council of Europe, European Union) as well as the jurisprudence of the ECHR.

*A.Koltay (HART- 9781509916481) juli 2019 280 pag. geb. ca. € 102,00*

### **On the European Court of Human Rights - An Insider's Retrospective (1998-2016)**

Gives his views on the workings of the ECtHR, where he served as a judge for 18 years. Deals with the author's subsequent successes, defeats and tribulations while attempting to introduce into the case law of the ECtHR his previously well thought-out theoretical convictions. These convictions can be found in his essays published in *The Owl of Minerva: Essays on Human Rights (2007)* and his dissenting opinions which were published in *The Owlets of Minerva (2011)*. (*Lijkt wel Thierry B taalgebruik avant la lettre !*). Examines the dialectic relationship between the rule of law and law and order; between state and individual; judicial power of logic vs executive logic of power. These dynamic contradictions are never resolved. On the contrary, they are the motor of development and inspire judicial reasoning and the balancing of justice vis-à-vis power and arbitrariness. In its almost 60 years of existence, the Court has been at the crossroads of two disparate modes of legal reasoning, common law and continental legal formalism. Argues that the cause of the decline of the Court is its inability to adapt and to adopt reasoning by analogy.

*B.Zupančič (B-9789462369030) september 2019 344 pag. € 95,00*

### **a Practitioner's Guide to the European Convention on Human Rights**

Provides a fully updated text covering both the key procedural matters and points of principle established in recent case law. Identifies problem areas with the Convention and offers possible solutions. Provides a full explanation of the principles of the European Convention on Human Rights as well as the European Court's approach to those principles. Includes detailed summaries of relevant case law on subjects ranging from Forced Labour to Mental Health and the impact those decisions have on those practising at the European Court, with reference to the relevant article of the European Convention and a list of key case law. Gives step-by-step advice on successfully preparing and bringing a case before the European Court of Human Rights. Highlights remedies and damages that can be expected in a detailed section dealing with just satisfaction awards. Contains all tools and materials relevant to practitioners preparing and bringing cases before the European Court of Human Rights including: The 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms: Dates of entry into force; Article 63 declaration; Application form and explanatory note; Legal aid rates and Practice directions. There are three new chapters in the new 6th edition including: Abuse in restriction of rights (Article 18), Disabilities, Sports. There are also updated versions of Part IA 'Procedure' and Part IB 'Admissibility checklist' which covers procedural changes and admissibility criteria including the imminent changes with Protocol No. 15.

*K.Reid (S&M- 9780414070530) 6e dr.maart 2019 ca. 1600 pag.geb. ca. € 250,00*

### **Process-based Fundamental Rights Review - Practice, Concept, and Theory**

Courts regularly rely on process-based fundamental rights review. This means that they examine the diligence, fairness, and quality of legislative, administrative, and judicial procedures to determine whether fundamental rights have been violated. However, despite the frequent application of such review in practice, important questions about the meaning and value of procedural reasoning arise. Do courts provide sufficient protection of substantive rights when taking a procedural approach? Can they safeguard values of deliberative democracy and the rule of law through procedural reasoning? And can they rely on process-based review to avoid morally sensitive issues and cases concerning hard policy choices?

*L.Huijbers (I-9781780688879) november 2019 466 pag. ca. € 104,00*

### **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*

### **the Rise and Decline of Fundamental Rights in EU Citizenship**

Argues that there is an inherent relationship between EU fundamental rights and EU citizenship: they both have the same objective of guaranteeing protection for the individual. This is underpinned by the development of case law in the field by the Court of Justice of the

EU (CJEU). Proposes however that that relationship has weakened in recent years as the CJEU has entered increasingly sensitive territory in regard to the protection of citizenship rights and fundamental rights. Writing in the post UK–EU referendum environment, argues that this decline is attributable to increasing Euroscepticism, which has worsened since the Eurozone crisis and even more so in light of Brexit, and arguments made that leaving the EU would reduce immigration. This argument is particularly important to note given the rising fears of immigration that underlie much of the dissatisfaction with the EU project: a feeling prevalent not only in the UK. Chapters look at the rights of migrant EU citizens in Member States other than their own, and the guarantees that exist as a matter of protecting their fundamental human rights, which are present alongside rights enjoyed as part of being an EU citizen.  
*A.Yong (HART- 9781509917938) maart 2019 249 pag. geb. ca. € 105,00*

### **Security and Human Rights**

This is the second edition of this acclaimed title, first published in 2007. Reconciling issues of security with a respect for fundamental human rights has become one of the key challenges facing governments throughout the world. The first edition broke the disciplinary confines in which security was often analysed before and after the events of 11 September 2001. This second edition continues in this tradition, presenting a collection of essays in the fields of criminal justice, public law, privacy law, international law, and critical social theory. Provides fresh insight into the broader legal and political challenges that lie ahead as states attempt to control crime, prevent terrorism, and protect their citizens. Features new essays that engage with the most pressing questions facing security and human rights in the twenty-first century.  
*B.Goold,L.Lazarus(ed.) (HART-9781849467308) 2<sup>e</sup> dr.september 2019 536 pag. ca. € 48,00*

### **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-Salzberg (HART- 9781509914937) februari 2019 248 pag. geb. ca. € 87,00*

### **Specifying and Securing a Social Minimum in the Battle Against Poverty**

Addresses a topic that is currently high on the agenda in many fora: how to specify and secure a social minimum. The term 'social minimum' has different meanings, depending on the context. These contexts are examined in this book from different perspectives, including law, sociology, philosophy, politics and economics. In the first part, the social minimum is discussed from a conceptual and theoretical point of view. The second part shows the various ways in which the social minimum can be specified and measured. There is a need for new indicators that take into account, for instance, aspects of adequate social participation. As this part shows, the choice of indicators is closely intertwined with political choices. The third part approaches the social minimum from the perspective of legal obligations, addressing the nature of different obligations imposed on individuals and states. The fourth part deals with the question of social minimum in the context of courts, adjudication and justiciability. The role of international treaties and national constitutions is discussed with a view to understanding how the guarantee of a social minimum can be promoted within individual countries.  
*T.Kotkas,I.Leijten,F.Pennings(HART-9781509926022) dec. 2019 352 pag. geb. ca. € 115,00*

### **State Responsibility, Climate Change and Human Rights under International Law**

The last decade has witnessed an increasing focus on the relationship between climate change and human rights. Several international human rights bodies have expressed concern about the negative implications of climate change for the enjoyment of human rights, and the Paris Agreement is the first multilateral climate agreement to refer explicitly to states' human rights obligations in connection with climate change. Yet despite this, there are still significant gaps in our understanding of the role of international human rights law in enhancing accountability



for climate action or inaction. As the Paris Agreement has shifted the focus of the climate change regime towards voluntary action, and the humanitarian impacts of climate change are increasingly being felt around the world, accountability for climate change has become an increasingly salient issue. This book offers a timely and comprehensive analysis of the legal issues related to accountability for the human rights impact of climate change, drawing on the state responsibility regime. It explains when and where state action relating to climate change may amount to a violation of human rights, and evaluates various avenues of legal redress available to victims. The overall analysis offers a perceptive insight into the potential of innovative rights-based climate actions to shape climate and energy policies around the world. *M.Wewerinke-Singh (HART- 9781509918447) maart 2019 216 pag. geb. ca. € 99,00*

### **Tien jaar EU-Grondrechtenhandvest in Nederland**

Op 1 december 2019 is het Handvest van de Grondrechten van de EU tien jaar officieel juridisch bindend. Dit jubileum geeft aanleiding voor deze uitgave, die stilstaat bij de betekenis die het document tot nu toe heeft gehad voor het Nederlandse publiek- en privaatrecht. Besteedt aandacht aan arresten die over bepalingen in het Handvest zijn geweest. Elke bijdrage gaat in op doorwerking van een dergelijk oordeel in Nederland en de gerealiseerde (of nog te verwachten invloed) op nationale recht(wetgeving, jurisprudentie, politiek en beleid). *J.Krommendijk, K.Zwaan(red.) (K-9789013156560) begin december 2019 344 pag. € 48,00*

### **Yearbook of the European Convention on Human Rights 2018, vol. 61**

Reviews the implementation of the Convention by the European Court of Human Rights and by the Council of Europe's Committee of Ministers, responsible for supervising the application of the Court's judgments in the member states. Includes: full text of any new protocols to the Convention as they are opened for signature, together with the state of signatures and ratifications; full listing of Court judgments; judgments broken down by subject-matter; and extensive summaries of key judgments handed down by the Court during the year; selected human rights (DH) resolutions adopted as part of the Committee of Ministers' work supervising the execution of the Court's judgments; enquiries by the Secretary General carried out under Article 52 of the Convention; other work of the Council of Europe connected with the ECHR, carried out by the Committee of Ministers, the Parliamentary Assembly, and the Directorate General of Human Rights and Legal Affairs; bibliographic information from the library of the ECHR. Published in an English-French bilingual edition. *Council of Europe (Brill-9789004364264) december 2019 1252 pag. geb. ca. € 615,00*

### **de Zaak E.S. v. Austria**

Scriptie over het EHRM, hate speech en een verbod op godslastering. Met het arrest E.S./Oostenrijk, een uitspraak van het EHRM uit 2018, lijkt een verkapt verbod op godslastering haar intrede te maken. Een Oostenrijkse vrouw werd veroordeeld wegens het 'minachten van een religieuze doctrine'. Haar misdaad: het suggereren dat de profeet Mohammed vanwege zijn huwelijk met een 9-jarige als pedofiel aangeduid kan worden. Het EHRM besloot de veroordeling in stand te laten. Wat is de verklaring voor deze hoogst opmerkelijke uitspraak? De conclusie van deze rechtsfilosofische scriptie is driedelig: 1) ethisch consequentalisme vormt voor het EHRM de fundering van de vrijheid van expressie; 2) de neiging van het EHRM om religiekritiek te duiden als hate speech, en 3) Het behoud van de vrede wordt door het EHRM boven de vrijheid van meningsuiting geplaatst.

*NB: scriptiebegeleiders: Prof.dr. P.B. Cliteur en Prof.dr. A. Ellian (FvD gekleurde scriptie ?)*

*D.Goos, scriptie RU Leiden, augustus 2019 38 pag. GRATIS OP PDF OP AANVRAAG*

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## **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) oktober2018 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<sup>e</sup> 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<sup>e</sup> 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) september 2018 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 Convention 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<sup>e</sup> 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*

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## **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.

### **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 digital evidence at trial required a comparative study of the respective provisions contained in many European 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 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 from 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<sup>e</sup> 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.

*Rathenau Inst., mei 2017 58 pag.*

*GRATIS OP PDF OP AANVRAAG*

### **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<sup>e</sup> 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<sup>e</sup> 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<sup>e</sup> 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*

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## **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 aardbevingsschade in Groningen, het debat over TBS longstay en de vluchtelingen crisis.

*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 "clickivism". 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 European 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 from 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.

**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 miskennis 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 Law** The 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 Justice's main rulings and related European Court of Human Rights case law. 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 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 Nederlanderschap 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<sup>e</sup> 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**

*E.H.R.M. (W-9789462402898) mei 2016 106 pag. € 24,95*

### **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 strafvervolging 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 ordebewaarders 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 ammunisie 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 hoofddeksel 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 van 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**



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## 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. Bezie 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. Handelseditie 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*

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## 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<sup>e</sup> 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 legisprudentiedatabank 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*

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## **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*

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## **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*