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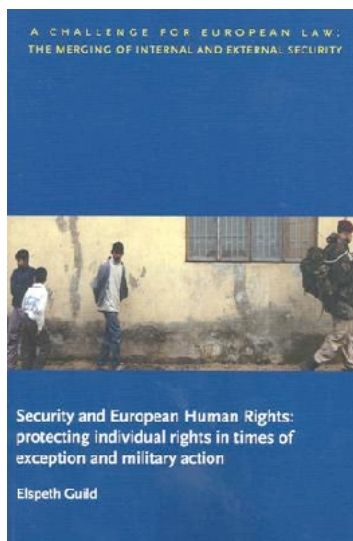
[See our Vacancies on last page](#)

Recently published

Security and European Human Rights: Protecting individual rights in times of exception and military action

Series: *A challenge for European Law: The merging of internal and external security*

by **Elsbeth Guild**, published by Wolf Legal Publishers: www.wolfpublishers.nl



Abstract

This book addresses a central question of the relationship between law and exception in European liberal democracies. In the post 11/9 period, political actors have sought to justify reliance on emergency measures adopted under exceptional procedures in the fight against political violence. How then do the European supra national judges respond to the claim to exceed law in the name of collective security? By analysing the European Convention on Human Rights and its interpretation by the European Court of Human Rights, the author examines the meaning of rule of law in pursuit of human rights protection in Europe.

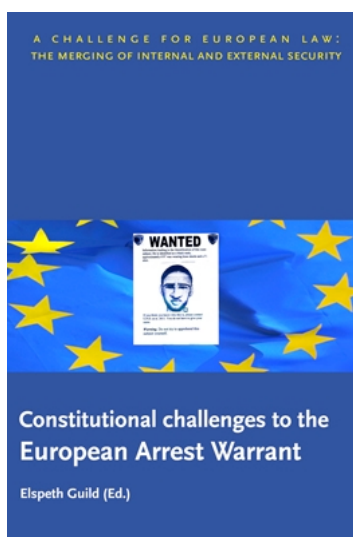
- *Professor Didier Bigo, Kings College London, Sciences Po, Paris.*

No greater threat is posed to human rights than war, yet the application of the sophisticated mechanisms of the European Convention on Human Rights during armed conflict has been rarely explored. Elspeth Guild's handy monograph brings together the existing material in a most helpful and accessible synthesis.

- *Professor William A. Schabas, Director, Irish Centre for Human Rights, National University of Ireland, Galway*

Constitutional challenges to the European Arrest Warrant

by **Elsbeth Guild**, published by Wolf Legal Publishers: www.wolfpublishers.nl



Abstract

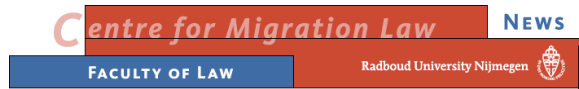
This book is about the judgments of the supreme courts of a number of Member States which determine constitutionality of some part or parts of implementing legislation transposing the EU Framework Decision on the European Arrest Warrant (EAW) into national law. The Framework Decision, adopted in June 2002, seeks to change the mechanism by which individuals sought for trial or punishment in one Member State, but who are present in another Member State, are made available to the Member State which seeks to try or punish them. This mechanism has traditionally been called extradition and has been the subject of international agreements. According to the Framework Decision, individuals, including nationals of the state, must be surrendered to the authorities of other Member States for trial or punishment in respect of a specified list of offences on a warrant issued by the authorities of the seeking state. The Framework Decision is revolutionary in international criminal law.

While the majority of EAWs which have been issued by Member State authorities have been executed with the consent of the individual, a small number have been challenged. Some of these challenges have arrived before the constitutional courts of the Member States which have been required to consider to what extent the national law implementing the EAW is consistent with national constitutions. A number of Member States' supreme courts have given negative decisions. In this

book the decisions of the constitutional courts of Cyprus, Finland Germany and Poland are considered. A court of a fifth Member State, Belgium, has referred preliminary questions to the European Court of Justice (ECJ) on the correct interpretation of the EAW. This is the first time in the EU's history that there has been such wide spread judicial criticism of the implementation of any measure adopted in the EU's area of freedom security and justice. The jurisprudence on the EAW in two other Member States – France and Spain – is also included in this book because of the importance of those two countries as key 'users' of the EAW.

For further info on other **books, research, lectures** and **seminars**, please check our website <http://www.ru.nl/law/cmr>
 Centre for Migration Law - Faculty of Law - Radboud University Nijmegen - The Netherlands

Coming Up soon
 Check our website for seminars, workshops and lectures
 <<http://www.ru.nl/law/cmr>>



Recently published (continued)

Terrorism and the Foreigner:

A Decade of Tension around the Rule of Law in Europe

Series: *Immigration and Asylum Law and Policy in Europe*

by **Anneliese Baldaccini and Elspeth Guild** (eds), published by: Martinus Nijhoff Publishers



Abstract

This volume traces the developments in the laws and practices of the European Union and five of its Member States (the United Kingdom, Germany, France, the Netherlands, and Italy) at two points in time: first at the time of the Gulf War following Iraq's invasion of Kuwait in August 2000; secondly, following the terrorist attacks in the United States on 11 September 2001. The focus is on the legal status of immigrants and asylum seekers and how that legal status is being modified on grounds of security-related measures adopted over a period of about ten years. Particularly, the question is whether and how far situations have come into existence, which could be considered to be in conflict with fundamental principles of human rights.

Immigration and Criminal Law in the European Union:

The Legal Measures and Social Consequences of Criminal Law in Member States on Trafficking and Smuggling in Human Beings

Series: *Immigration and Asylum Law and Policy in Europe*

by **Elspeth Guild and Paul Minderhoud** (eds), published by: Martinus Nijhoff Publishers



Abstract

This is a study of the legal framework on criminal measures on trafficking and/or smuggling and facilitating illegal entry in six Member States: France, Germany, Italy, the Netherlands, Spain and the UK, and the European Union. This issue is at the nexus of migration and criminal law. The system of criminal law in the Member States is a central part of the balance of the powers of the authorities and the rights of the citizen. The way in which civil liberties of the individual are weighed in comparison with public protection duties by the authorities is in essence a constitutional issue. The treatment of foreigners, in particular as regards their entry onto the territory and residence is not part of the constitutional settlements, but a field governed by state discretion and exceptionalism. The rules and administrative measures regarding entry, residence and expulsion of foreigners is not subject to the same civil liberties guarantees of due process as apply in criminal law.

This comparative study examines how, in each Member State, the insertion of immigration into criminal law takes place. Do the rules of criminal law in respect of due process take precedence over the lower evidential and procedural requirements, which are applied in the field of immigration? How does the criminal justice system deal with this new field where central constitutional issues are not present? There are

two levels on which the insertion of immigration into criminal law takes place – the legal and the social. This book deals with both. On the one hand it looks at the laws and the court decisions on criminal trials in respect of immigrants for immigration related offences, on the other hand it looks at how the society (political actors, media, interest groups etc) discuss and develop this issue.

This book is designed for policymakers, academics, students and activists concerned about the European Union.

PhD Candidate (0,8 fte)

Vacancy at the Centre for Migration Law
Faculty of Law, Radboud University Nijmegen, The Netherlands

Maximum salary Euro 2.279,- gross/month (based on fulltime employment)
Vacancy number 22.02.07
Closing date: 12 March 2007

Job description

The PhD candidate will participate in the PhD research project: **'Service provision and migration: Changing norms in EU law, international trade regulation and Dutch and UK immigration rules'**.

The liberalisation of trade in services is an important objective of the European Union.

The so-called Bolkestein Directive, which has been adopted in December 2006, is only the most recent manifestation of the implementation of this important free movement right. At the international level the Doha Round of negotiations (which has now become the Hong Kong Round) on widening the scope of the General Agreement on Trade in Services (part of the World Trade Organisation Agreement) seeks to achieve a similar opening up of service provision internationally. However, service provision includes the movement of persons across international borders, either as service providers or employees of service providers. This study focuses on the consequences of EU and international measures on service provision for Dutch and UK immigration rules. What are the legal and empirical consequences of service provision liberalisation on Dutch and UK immigration law and policy? The research includes a comparative study of the legal and political contexts at the three levels regarding liberalisation of service provision and the protection of the domestic labour market and an empirical socio-legal study of the social context of the struggles against the background of the increasing importance of services as the generator of jobs and wealth in the Member States and the changing nature and increasing fragility of labour protection in some areas.

Requirements

The PhD candidate should have a law degree and preferably some knowledge of WTO rules, EU migration law or experience in social-legal research. The dissertation must be written in English. The candidate will be based at the Centre for Migration Law in Nijmegen.

Organization

This research project will be carried out at the Centre for Migration Law of the Faculty of Law at Radboud University Nijmegen. The senior participants of the Centre are all internationally renowned for their work in the field of migration. They have carried out research for international organisations such as the European Commission, the Council of Europe, the UNHCR, and the International Organisation for Migration. The Centre has successfully completed several cross-country research projects on labour migration and the position of migrants in Europe. On behalf of the European Commission the Centre coordinates the comparative research on the application of the EU free movement law in the 27 Member States.

Conditions of employment

Maximum employment: 0,8 fte 1,0 in stead of 0,8 fte is optional)
Maximum salary per month: Euro 2.279, gross per month based on fulltime employment
Duration of contract: One year, with a possible extension to five years

Other information

A full research proposal can be obtained from:

Ms. H. van de Put
Telephone: + 31-24-3612087
E-mail: h.vandepu@jur.ru.nl

Additional information

Dr. P.E. Minderhoud, Associate Professor
Telephone: + 31 24-3612799
E-mail: p.minderhoud@jur.ru.nl

Application

You can apply for the job (mention the **vacancynumber 22.02.07**) **before 12-03-2007** by sending your application to:
Radboud University Nijmegen, attn: Dienst P en O
PO Box 7005, NL
6503 GM Nijmegen, The Netherlands

E-mail: vacatures@dpo.ru.nl
Telephone: +31-24-3611173