



The Montaigne Centre for Rule of Law and Administration of Justice, the Netherlands Institute of Human Rights (SIM) of Utrecht University and Institute of Private Law of Oslo University are issuing a

CALL FOR ABSTRACTS

for an
International Academic Workshop
'Heads and Tails': Admissibility and Remedies at the European Court of Human Rights

Thursday 15 and Friday 16 June 2023 at Utrecht University, the Netherlands

Conveners: professor Janneke Gerards, professor Antoine Buyse, and professor Mads Andenas

Background of the workshop

In recent years, much attention has been given to the position and effectiveness of the European Court of Human Rights. With the aim of helping the Court deal with its heavy case-load, the 'Interlaken process' and the entry into force of Protocol 15 ECHR have brought about important changes in the formal rules on access to the Court as well as the Court's working processes. For example, Protocol 15 has tightened the timeframe within which applicants have to submit their applications and has eased the requirements for holding applications inadmissible because the applicant did not suffer any significant disadvantage. In addition, the Court itself has invested in streamlining and improving its working processes, for instance by changing the application form, amending its priority rules and offering (better) reasoning in Single Judge decisions. It also has resorted to a new system for negotiating friendly settlements and it has proved to be increasingly willing to accept unilateral declarations, all to the effect that there is no need to decide these cases on their merits.

At the same time, with similar objectives, various developments can be seen as regards the remedies the Court can offer. In recent years the Court can be seen to make less use of its pilot judgment procedure, but it has been increasingly indicating individual and general measures that the respondent States should take to remedy a violation. Occasionally, the Court can be seen to award just satisfaction that is so high that it could arguably be seen to amount to punitive damages. Moreover, the Court may put pressure on the States to reopen national proceedings, even though the States have no obligation to do so under the Convention. In several 'No 2' cases the Court has appeared ready to revisit a situation it already dealt with in an earlier judgment, even when the Committee of Ministers is still exercising its supervisory role. And in a few recent cases, the Court has been asked under the infringement procedure of Article 46(4) ECHR to revisit cases in which state implementation was clearly failing.

Although these developments have been commented upon by scholars, their contributions often concern just one or a few particular aspects of the wider phenomena of admissibility and remedies. This makes it difficult to see the overall picture and discuss how the various developments regarding the 'head' and 'tail' of cases interact, from admissibility to striking off-decisions and remedies, or what their overall impact is on the ECHR system. How do these developments relate to the debate on whether the Court should offer individual or general justice, and whether its primary role should be to offer redress to individual justice or rather (or also) to address systemic violations? Can it be seen that the stricter demands on admissibility in the end result in stronger remedies to be imposed? Can the changes primarily be explained by the challenges offered by the Court's caseload, or can other explanations be provided? What role is played in all these developments by the demands and needs of parties to the cases and other actors, such as (representing or intervening) NGOs and NHRIs, and how can this be assessed?

Aim of the workshop

This workshop brings together a number of expert researchers working on the ECHR system, from different perspectives, and using different methods. The invitation to them is to address particular developments and changes in the Court's approach to admissibility, strike-off decisions and remedies and critically review them in the broader light of the objectives and nature of the ECHR system. The workshop is set up to foster dialogue and discussion and to allow for the various developments to be compared and contrasted, so as to allow for a bigger picture to arise.

Call for abstracts

We invite abstracts of maximum 350 words together with a cover letter by **February 15, 2023**, *in one single PDF document*. The cover letter should include a 1 paragraph CV (maximum 200 words) and explain in a few sentences the context of the paper: e.g. whether it is part of a PhD project, whether it is based on undertaken empirical research or part of ongoing research etc. Accepted contributors will be asked to provide a core draft paper with the main arguments, to be presented in the workshop. After the workshop we will invite a selected number of authors to finalise their paper with a view to compile a special issue of an international, peer-reviewed journal.

Timeline

15 February 2023	Deadline abstract submission
End of February	Decision on accepted abstract and invitation to the workshop
1 June 2023	Submission of draft core papers
15-16 June 2023	Workshop at Utrecht University
End of June	Selection of authors for submission of papers for the special issue
15 September 2023	Submission of full papers for the special issue

Practicalities and format

To allow for intensive, in-depth discussions we aim at a small-size workshop (about 20-25 people), for which we would like to include a mixture of early-career and advanced scholars. We envisage five sessions, spread out over two half days (Thursday afternoon and Friday morning), with two or three very short presentations per session and sufficient time for real discussion. Prospective sessions include the following topics:

Session 1 | Entry Points: developments in admissibility criteria: Protocol 15, working methods of the Court

Session 2 | Along the Way: developments in 'striking off' decisions: friendly settlements and unilateral

Session 3 | The End of the Road (I): Developments in individual remedies (just satisfaction, reopening)

Session 4 | The End of the Road (II): Developments in general/structural measures (pilot judgments, general remedies, role played by NGOs/NHRIs)

Session 5 | Which Road to Travel? Which role(s) for the Court (individual versus structural justice, implementation problems) – (final general *discussion* with two very short kick-offs)

Please note: the above serve as indications of the focus of the workshop – you do not need to indicate in your abstract in which session your format fits.

The workshop will be held at Utrecht University in the Netherlands. We are unfortunately not able to cover any costs of travel and accommodation, but we will offer an option for online presentations for those otherwise unable to attend.

How to submit and deadline

Please submit the pdf with your abstract, CV and context explanation in one unified document by sending an email with the header 'ECHR Heads and Tails Workshop' **before 15 February 2023** to: montaignecentrum@uu.nl
