

Loyal Co-operation within the System of the European Convention on Human Rights

University of Liverpool School of Law and Social Justice
International Law and Human Rights Unit

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Call for Papers

The International Law and Human Rights Unit of the University of Liverpool School of Law and Social Justice is organising a two-day workshop on loyal co-operation with the system of the European Convention on Human Rights (ECHR), and the means of reaction by the European Court of Human Rights (ECtHR) when its judgments trigger discontent.

The normative force of the ECHR stems from the will of its signatories. *Mutatis mutandis*, the authority of the ECtHR stems from the voluntary and explicit acceptance by states of its jurisdiction. A presumption thus exists that national authorities (shall) act *bona fide* in relation to the ECHR system and co-operate loyally with its institutions. However, relatively recent developments suggest that an increasing number of states tend to behave in a manner that undermines the ECHR regime, its authority and effectiveness. This is evidenced, for instance, in the denial by national authorities to execute and comply with certain judgments of the ECtHR or in their pretextual justifications concerning interferences with individual human rights. Some contracting parties' commitment to human rights and liberal values seems less articulated nowadays, whereas in certain states profound political changes are underway that may even lead to the express repudiation of the values underpinning the ECHR or to a withdrawal from it. Moreover, certain states are attempting (or have expressed their intention) to exempt themselves from the scrutiny of the ECtHR and from their commitment *vis-à-vis* all other signatories to safeguard fundamental rights by derogating, for a variety of (possibly) illegitimate reasons, from the ECHR. The list of challenges the ECHR system is currently facing is growing, but one needs to add the instances of lack of participation in (and co-operation with) the Parliamentary Assembly of the Council of Europe (PACE) or denying to contribute to the Council of Europe (CoE)'s budget.

The ECtHR and other bodies of the CoE are expected to react to these alarming developments with a view to protect their reputation and authority, the ECHR system's effectiveness, its integrational role, and most importantly, the values this system has been designed to protect and promote. A balance must be maintained between these aims, on the one hand, and national sovereignty, subsidiarity, state sensitivities and cultural idiosyncrasy, on the other. The options for reaction by the CoE institutions are relatively limited and, to some extent, legally nebulous.

The workshop will look into the following key areas:

Emergency powers and the danger of possible abuses

Is it time to review the test under Articles 17 and 18?

Execution of the ECtHR judgments: fake reasons or principled resistance

Sticks instead of carrots? Sanctioning states that diverge from the ECHR values

How can the ECtHR react to the signs of discontent from the contracting parties?

Loyal co-operation between states, and the ECtHR and other CoE organs

This list with topics/questions is not meant to be exhaustive. Proposals are welcomed on any other dimension of the topic, including comparative works that draw a parallel between the ECHR system (and the challenges it faces) with other, comparable international systems in human rights law and beyond.

Submissions:

The conference is open to both established and early-career scholars and practitioners, including PhD students. It is meant to be a law conference, but is also open to researchers working at the crossroads between law and other disciplines, including political science and economics. Interested participants should provide an abstract *in Word format* of no more than *500 words* by **20 December 2018**. Together with their abstracts, applicants should provide the following information: name/surname, title of the applicant, affiliation, title of the proposed paper, email address. Abstracts should be submitted to the following email address: ilhrunit@liverpool.ac.uk.

The criteria of selection are originality and the potential of the paper to be published with a peer-reviewed law journal. Already published work is not eligible for submission.

Speakers will be informed of acceptance of their papers by 15 January 2019, and will be expected to submit a *full* paper by 15 April. Papers should be between *10,000* and *15,000* words, including footnotes.

Speakers will be required to meet the cost of travel and accommodation.

Timeline:

Abstract submission by: 20 December 2018

Selection of papers by: 15 January 2019

Submission of papers by: 15 April 2019