



Utrecht University

Conference announcement

Courts and governments:

The role of civil, criminal and (European) administrative law in redressing an alleged lack of good government

On Friday the 8th of November 2019 the yearly conference of the Utrecht Centre for Accountability and Liability Law takes place. During the conference we will explore the possibilities and boundaries of civil, criminal and (European) administrative law to address an alleged lack of adequate government policies, legislation and conduct.

In the morning three keynote lectures will be held, each addressing the topic from a specific area of law. Jos Silvis (Procurator-General at the Dutch Supreme Court and former Judge at the European Court on Human Rights in Strasbourg) will address the State's accountability for serious shortcomings concerning the fundamental rights protection of individuals as established in the ECtHR's case law regarding articles 1, 3 and 8 ECHR. Prof. Sacha Prechal (Judge at the Court of Justice of the European Union and Honorary Professor of European Law at Utrecht University) will address the topic from the perspective of European administrative law and will deal inter alia with the role of art. 47 of the Charter of Fundamental Rights of the European Union. Prof. Ken Oliphant (Professor of Tort Law at Bristol University) will deal with generally recognized principals of public authority liability in different tort law systems across Europe. These principles have recently been identified by research of the European Group on Tort Law. The project was led by prof. Oliphant.

During the afternoon, the conference theme will be explored in workshops that focus on specific topics. Please find the preliminary program, and the titles and descriptions of the workshops, below. The conference will be in English, although some workshops will be held in Dutch.

- Conference free: Attendance is free of charge. However, if you are not present without due notice of absence we will charge € 50,- for the catering costs. We do not reimburse accommodation and travel costs.
- Registration: Please register by sending an e-mail to e.r.dejong@uu.nl
- Paper proposal: If you want to submit a paper or presentation for a specific workshop, please contact Elbert de Jong at e.r.dejong@uu.nl
- Workshop proposals: The programme is preliminary. If you interested in organizing a workshop, please contact Elbert de Jong at e.r.dejong@uu.nl



Utrecht University

Courts and governments:

The role of civil, criminal and (European) administrative law in redressing an alleged lack of good government

Date: 8th November 2019

Location: Paushuize, Kromme Nieuwegracht 49, 3512 HE Utrecht, The Netherlands

Programme:

- | | |
|---------------|---|
| 09:30 – 10:00 | Registration |
| 10:00 – 10:05 | Opening |
| 10:05 – 10:35 | Keynote by prof. Sasha Prechal |
| 10:35 – 10:50 | Discussion and Q&A |
| 10:50 – 11:20 | Keynote by prof. Ken Oliphant |
| 11:20 – 11:35 | Discussion and Q&A |
| 11:35 – 12:05 | Keynote by Attorney-General mr. Jos Silvis |
| 12:05 – 12:20 | Discussion and Q&A |
| 12:20 – 13:15 | Lunch |
| 13:15 – 14:45 | Workshop round I <ul style="list-style-type: none">• Historical injustice and tort law
<i>This workshop deals with various moral, legal and policy issues, relating to the functions of tort law and the suitability of tort law's substantive and procedural rules to deal with historical injustices, such as slavery, war crimes and sexual abuse.</i>• Accountability of gatekeepers
<i>According to both European and national legislatures, gatekeepers such as banks, accountants and notaries, are in the best position to detect and prevent white-collar crime. When they fail to uphold their responsibilities, according to criminal law they will be held accountable. In this workshop we will focus on the role of gatekeepers, more specifically whether or not they are able to fulfill these tasks.</i>• Judicial Review of Legislation in Administrative Law
<i>Scholars have been debating the appropriateness of judicial deference of Dutch administrative courts when reviewing the compatibility of secondary legislative provisions with general principles of law. This workshop addresses the question to what extent (Dutch) administrative courts could and/or should be able to review legislation on the basis of these general principles of law.</i> |
| 14:45 – 15:00 | Coffee break |
| 15:00 – 16:30 | Workshop round II |

- Gas drilling and soil subsidence
The description of this worksop will follow.
- Ucall ELS and liability think tank meeting
This workshop will address research of (young) scholars who are dealing with empirical legal studies (ELS) in relation to civil, administrative and/or criminal liability law.
- Mental disorder, risk assessment instruments and the ECHR
Empirical research shows only a weak link between mental disorder and crime. Moreover, a mental disorder is but one of many variables applied by risk assessment instruments and not even an important one. However, the law on the commitment of mentally disordered defendants (tbs) presupposes that there is a special link between mental disorder and crime. This begs the question whether, in light of the positive obligations embedded within section 2 and 3 of the ECHR, the level of the state's protection against social risk represented by dangerous offenders whom have not been diagnosed with disorder suffices. An opposite issue to be taken into account is whether the current emphasis on the mental disorder causes mentally disturbed offenders to be subject to unequal treatment (section 14 ECHR).

16:30 – 17:00 Discussion & closure

17:00 – 18:30 Drinks