



Universiteit  
Leiden  
The Netherlands

## LAW ON THE BOSPHORUS

### VII INTERNATIONAL HUMAN RIGHTS SUMMER SCHOOL, 2019

18-29 AUGUST 2019, İSTANBUL

#### SECOND CALL

#### UNEXPECTED OBLIGATIONS

İstanbul University Faculty of Law – Leiden University, Leiden Law School  
İstanbul University Institute of Criminal Law and Criminology Research and  
Application Centre

With placement of candidates pending and following its first call for the 2019 edition of the international human rights Summer School '**Law on the Bosphorus**', organized annually by İstanbul University Faculty of Law in collaboration with Leiden Law School, of Leiden University, the office of the Summer School is pleased to now be able to publish a second call, with further information as to the content of this year's program, as well as an updated deadline for further applications.

First and foremost, the Summer School is delighted and honoured to be able to announce that Judge Paulo Pinto de Albuquerque, Judge and Section Vice-President of the European Court of Human Rights (ECtHR) in respect of Portugal since 2011, has accepted our invitation to deliver the keynote address for the Summer School. As the author of a prolific body of separate opinions attached to judgments of the ECtHR, Judge Pinto de Albuquerque's vast experience and insights will provide the Summer School with the most robust and meaningful of bases to deepen understanding of the creation and guardianship of international human rights law by this Court, as a globally recognized central judicial authority in this domain.

The office of the Summer School is also overjoyed to announce the participation as a lecturer of Dr. Saadet Yüksel, who was elected in April 2019 as judge to the ECtHR in respect of Turkey and as such will take up her nine year term of office in the coming months. As the current Chair of the Department of Constitutional Law of İstanbul University Faculty of Law, Dr. Yüksel will be teaching from her home turf, providing the Summer School with a unique opportunity to become acquainted with her vision as to her weighty duties ahead.

As in previous years, the Summer School is elated and grateful that the 2019 edition will again bring together a group of excellent lecturers, all highly experienced and noted in the diverse domains of law which will feature in the Summer School from the lens of international human rights law. This year, lecturers will include Krisztina Karsai, professor of criminal law and head of the Institute of Criminal Sciences of the Faculty of Law and Political Sciences of the University of Szeged, Cüneyt Yüksel, professor of international law at İstanbul University Faculty of Law, Aart Hendriks, Aart Hendriks is professor of Health Law at Leiden University, chair of the Complaints' Committee for General Physicians (Western Netherlands), member of the board of supervisors of Erasmus Medical Centre (Rotterdam) and Zaans Medical Centre (Zaandam), and substitute judge at the District Court of Rotterdam, Jorrit Rijpma, associate professor of European Law at the Europa Institute of Leiden Law School and Jean Monnet Chair

holder on Security and Mobility in Europe (MOSE) and Eduardo Arenas Catalán, lecturer at the Institute of Constitutional and Administrative law of Leiden Law School and academic coordinator of Leiden Law School's Advanced Master's in European and International human rights law.

The content and structure of the 2019 edition of the Summer School remains as announced in the first call. Each year, a particular theme within human rights law is selected as an area of principal focus. The aim of this theme-driven approach is twofold: on the one hand, the goal is to develop substantive knowledge and insights in specific fields of human rights law. On the other, selected themes are used as illustrative models on the basis of which general understanding of the meaning, role, nature and abilities of modern day human rights law can be deepened. A set goal of the Summer School is further always to approach human rights law comparatively, looking at its operation in specific (local, temporal or thematic) contexts and always with regard to its (global) multi-levelled machinery.

In its 7<sup>th</sup> year, the 2019 '**Law on the Bosphorus**' Summer School will feature as its over-arching theme 'Unexpected Obligations'. As such, this year, the Summer School will focus on diverse concepts and mechanisms which have been introduced into human rights law by judicial design and innovation and which have led to massive conceptual and concrete expansions of State obligations under human rights law.

In the past decades, the summary texts of human rights conventions have been intricately developed in the hands and through the efforts of non-national courts - such as the ECtHR. Such courts have in the first place exponentially extended the scope of protection offered through the rights and freedoms explicitly guaranteed therein, deepening and broadening the framework of human rights law in accordance with modern day needs. As the landscape in which human rights law is to be operational changes, such courts have been called to respond to a great diversity of situations with respect to which the text of conventions provides no answers. The resultant has been that human rights law has come to cover a great more substantive terrain than could have been expected at the time human rights conventions were drawn up.

In the second place, human rights courts have also extensively added to the substance of human rights law through the introduction of different types of obligations, which are not necessarily attached to particular rights and freedoms - and thus go beyond expansive interpretations of existing bases - but apply in a more general sense, in principle potentially across the board of human rights law. Such obligations, the scope and strictness of which again could hardly have been anticipated in the early stages of the development of human rights law, include positive and extra-territorial obligations, obligations of States acting not as national entities, but within the framework of membership of international organizations and the obligations of States in the context of judicial co-operation. In all cases, human rights courts have also developed their own interpretative and procedural devices and frameworks, allowing them to order the great leaps which they sometimes make in reconfiguring human rights law to modern needs.

The 2019 Summer School will examine the most innovative aspects of such judicially crafted unexpected obligations in modern human rights law, critically examining the manner in which they are devised, regulated and applied. Focusing on diverse fields of law in which unexpected obligations have become operational, lectures will all contribute to reflections on the function, format and legitimacy of diverse types of unexpected obligations and the meaning of the introduction thereof for the changing dynamics of the interaction between human rights law and other legal domains, as well as that between law and society in general. Themes of the Summer School lectures will include:

- the development and operation of of unexpected obligations in diverse domains such as that of criminal justice, migration, social justice, (security of) vital (digital) infrastructures and the environment;
- the implications of national and regional diversity in terms of (financial) capabilities, logistics and social realities for the design and successful implementation of common standards;
- the nodes of transaction in the multi-level landscape of global transnational and international human rights law;
- including the role which new human rights actors (such as corporate entities, civil society, international organizations) play therein.

Throughout, unexpected obligations will be examined critically, in terms of their legitimacy, clarity and feasibility, as well as from the viewpoint that human rights law should - in its fundamental paradigms as well as concrete application - leave room for legitimate regional diversity and be inclusive of all global human rights perspectives.

**PROGRAM FORMAT:** The summer school will consist of daily lectures, mooted clinics and mooted sessions which will take place at the closing of the Summer School. At the start of the Summer School, participants will be assigned to mooted teams and will receive notice of the case which they will be arguing at the closing mooted. As with the lectures, the cases will all relate 'unexpected obligation' themes. After plenary clarifications, teams will be instructed and coached by lecturers during mooted clinics. The program also consists of diverse excursions to Criminal Justice Institutions in Turkey, i.e. to Police headquarters, Forensic and Pathological Institutions, Çağlayan Justice Palace and a penitentiary institution. These excursions will include unique 'on location' lectures by experts in the field.

The mooted sessions will take place on the final day of the summer school. At the closing ceremony, special certificates will be awarded to the best team as well as to the best individual mooted.

**DATE and VENUE:** The Summer School will take place between 18-29 August 2019, with 18 August being reserved for arrival and registration. The program will be held in İstanbul University Faculty of Law's historic premises at the heart of İstanbul, Turkey. The Summer School will take full advantage of the unique opportunities offered by this unique venue, embedding the academic program within the excitement and beauty of İstanbul.

**APPLICATIONS AND FEE:** Applications should be sent to [summerlaw@istanbul.edu.tr](mailto:summerlaw@istanbul.edu.tr). The updated deadline is **10 June 2019**. A detailed application form will be provided to candidates upon receipt of email.

The Summer School is open to Bachelor and Master Students of Law Schools, as well as PhD-candidates. Applications should provide contact details, details with respect to phase of study, a current grade list, a letter of motivation and one reference from a lecturer. The Summer School fee is **300 Euros**. Further details will be provided upon application.