



UNIVERSITY OF BIAŁYSTOK  
**FACULTY OF LAW**  
Mickiewicza 1, 15-213 Białystok, Poland  
phone: +48 85 732 70 62, fax +48 85 740 60 89  
[www.prawo.uwb.edu.pl](http://www.prawo.uwb.edu.pl)



Białystok, March 2014

CALL FOR PAPERS

**EUROPEAN JUDICIAL SYSTEM AS A CHALLENGE FOR DEMOCRACY**  
**European Integration and Democracy Series, Vol. 3**

Dear Authors,

with great pleasure I wish to inform you that the Centre for Direct Democracy Studies (CDDS) is currently working on a new project concerning the response of European judiciary to the problems of modern democracy.

The CDDS is a research unit within the Department of Political Science at the Faculty of Law at the University of Białystok (Poland), established in December 2011. The Centre is devoted to analytical, theoretical, prospective and comparative research on direct democracy (especially the notions of citizens' initiative and referendum), democratic deficit and the role of direct democracy in regional integration. Geographically, the Centre is particularly interested in Central and Eastern Europe, the European Union and its Member States, and other emerging supranational organizations. The Centre takes an interdisciplinary approach and therefore combines experts in legal, political and social sciences. The Centre was established in order to foster and institutionalize the research on direct democracy in Eastern Europe. The Centre's work focuses on research, teaching and policy advice. The very first two publications of the CDDS were: *The Challenges of Modern Democracy and European Integration* (eds. E. Kuzelewska, D. Kloza), Aspra: Warsaw 2012 and *Elections to the European Parliament as a challenge for democracy* (eds. E. Kuzelewska, D. Kloza), Aspra: Warsaw 2013.

As the CDDS's research area focuses on the problems of democracy in Europe, now **we would like to take a closer look at the application of the democratic principles in various judicial procedures, focusing predominantly on two European judicial systems and their interactions:**

- (1) the European Union, i.e. the Court of Justice of the European Union as well as higher and lower courts of the Member States applying the EU law in national legal orders, and**
- (2) the Council of Europe, i.e. the European Court of Human Rights.**

- 1) One of the most significant attempts of the European institutions to meet the challenges of modern democracy takes place in the execution of judicial power, exemplified greatly by the case law of the Court of Justice of the European Union in Luxembourg. Along with the development of the administrative law, the Court of Justice has added a distinct human rights dimension to the European Union's law, cultivating and guarding an initially unwritten democratic principle through equal treatment, transparency, participation and accountability of authorities. The paradigm shift in the Court of Justice from faithful application of the law as written to taking a more activist role in interpreting and developing the rules of the political system on the European level is also echoed in domestic judicial systems where courts are stepping in



whenever other political branches fail to effectively respond to social demands. The very idea behind this research project is to examine other instances where European judicial bodies have been confronted with legal issues concerning standards of the democracy and procedural justice, including courts of the Member States that fall under the meaning of Article 267 of the Treaty on the Functioning of the European Union, articulated by the Court of Justice as authorities acting as a third part in relation to the authority which adopted the decision under appeal.

- 2) In respect to the European Court of Human Rights in Strasbourg, it remains well known that in its jurisprudence the Court has been interpreting the rights guaranteed in the European Convention on Human Rights and in the protocols thereto as applying in an ever-widening range of contexts that were not envisaged by their drafters. As in the current writings it has been observed, these developments occur primarily at four levels, i.e. interpretation of the “autonomous concepts”, implication of terms, development of positive obligations and narrowing of the margin of appreciation. The lately agreed Protocol No. 15, emphasizing the subsidiarity principle, among others, can be seen as a reaction to these developments, given their severe critique in the recent years. Therefore, we want to explore the relationship between the construction and jurisprudence of the Strasbourg Court and the standards of democracy in Europe, and in particular with regard to this ever-evolving nature of the Convention, Furthermore, in the context of the expected EU accession to the European Convention on Human Rights, we would like to examine the impact thereof on the democratic standards in Europe.

Our research project is seeking to answer the question whether the expansion of judicial power in the context of democratic principles is a fact. What kind of democratic standards are subject to adjudication by courts? What are future scenarios for the roles of domestic and supranational courts facing the issue of democracy in the absence of developed laws by the legislature?

I hope you will find this project interesting and inspiring.

Dr Elżbieta Kuzelewska

Chair of the Centre for Direct Democracy Studies  
Department of Political Science  
Faculty of Law  
University of Białystok  
Poland  
[ekuzelewska@gmail.com](mailto:ekuzelewska@gmail.com)

#### **Instructions for submissions:**

- Potential authors are requested to provide an extended abstract (1,500 – 2,000 words) by **April 30, 2014**.
- Potential authors will be informed of acceptance or rejection by **May 15, 2014**.
- Submissions will normally be between 6,000 – 15,000 words although papers of a higher word length may also be submitted subject to negotiation with the Editors. Deadline for the final article is **August 31, 2014**.
- Both abstracts and final submissions will be evaluated through a double blind peer review by the Series Editors and by appointed peer reviewers.
- Publication will be ready by the fourth quarter of 2014.
- Submissions should be made in English and sent via the EasyChair platform at <https://www.easychair.org/conferences/?conf=eiadsvol3>.