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FACULTY
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International conference
**“Legal discourses on international and EU
migration/refugee law in Central and Eastern
Europe: emerging new narratives or business as
usual?”**

organized as a European Society of International Law (ESIL)-supported event by the Faculty of Law, Charles University in Prague (Czechia) and the Corvinus University of Budapest (Hungary)

venue: Faculty of Law, Charles University
nám. Curieových 7, Prague I, Room No. 38

Prague 9-10 May 2024

-- CONFERENCE PROGRAMME --

- DOCTORAL SESSION -

9:30–12:00

- OPENING SPEECHES OF THE CONFERENCE -

13:15–14:00

Michal Tomášek (Vice-Dean, Faculty of Law)
Ajmal Khybari (Head of UNHCR Office in Czechia)

Kateřina Šimáčková (Judge ECtHR, online) – keynote address

Laila Medina (Advocate General, CJEU) – keynote address

- OPENING ROUNDTABLE -

14:00–15:30

State sovereignty, jurisdiction and human rights of people on the move: **Iris Goldner Lang** (University of Zagreb), **Boldizsár Nagy** (Central European University), **Vasilka Sancin** (University of Ljubljana), **Pavel Šturma** (Charles University).

Chair and moderator: **Tamás Molnár** (EU Agency for Fundamental Rights/Corvinus University of Budapest)

- COFFEE BREAK -

15:30–16:00

- PANEL I -

16:00–18:00

“Changing Trends of Migration Narratives in Central and Eastern Europe”

Chair and moderator: **Réka Friedery** (Institute for Legal Studies – Hungary, Research Fellow)

- **Janja Simentić Popović** and **Goran Sandić** (University of Belgrade): *Normative adaptation and political realities: Serbia's refugee law discourse in the CEE Framework*
- **Barbara Mikołajczyk** (University of Silesia): *The Polish Janus-faced approach to migration: Between humanitarian enthusiasm and pushbacks*
- **Nurbanu Hayir** (University of Copenhagen): *Rationalization of anti-asylum policies through legal discourse: treatment of Syrian, Russian and Ukrainian asylum seekers in Europe*
- **Lynn Hillary** (University of Amsterdam): *An exploration of the interaction between the Common European Asylum System and national law, policy and legal practice*

Questions & Answers

- PANEL II -

9:00–10:30

“Patterns of non-compliance with international and European law in Central and Eastern Europe: reflections in academia and jurisprudence”

Chair and moderator: **Iris Goldner Lang** (University of Zagreb)

- **Atilla Szabó** (University of Szeged): *NGOs' role in framing the Hungarian legal discourse on migration. What scholars can learn from activists?*
- **Tatiana-Maria Cernicova-Dragomir** (West University of Timisoara / University of Udine): *Shifting paradigms or standing ground? An empirical analysis of ECtHR jurisprudence on migrants and refugees in Central and Eastern Europe*
- **Miroslava Mittelmánová** (Trnava University) & **Věra Honusková** (Charles University): *Political decisions paving the way for violations of law (including EU decisions on quotas)*
- **Maja Łysienia** (University of Lausanne and HES-SO Valais-Wallis): *Crisis-related changes in asylum and migration laws and policies and the international and EU law violations: The case of Poland*

Questions & Answers

- COFFEE BREAK -

10:30–11:00

- PANEL III -

11:00–12:30

“Central and Eastern Europe countries and shifts in national legislation towards more or less inclusive approach?”

Chair and moderator: **Katarzyna Gałka** (Cardinal Stefan Wyszyński University)

- **Alžbeta Králová** (Masaryk University): *Vulnerability in refugee and migration law – Changing narratives before implementing?*
- **Aleksandra Ancite-Jepifánova** (University of London / Cardiff University): *Seven months in the freezing forest: Authorising inhuman and degrading treatment during the EU-Belarus border crisis*
- **Enes Zaimović** (Charles University): *Administrative courts as promoters of public international law? Protection of stateless individuals and the emergence of the sovereignty narrative: the case of Czechia*
- **Arina Lupu** (Invisible University for Ukraine) & **Aron Bosman** (Fenix Humanitarian Legal Aid): *The Europeanization of Ukrainian Refugee Law*

Questions & Answers

- LUNCH -

12:30–13:30

10 May 2024

Friday

- CLOSING ROUNDTABLE -

13:30–15:00

What comes next for the Central and Eastern European Union Member States? [Monika Ladmanová](#) (Head of Representation of the European Commission in Czechia), [Philippe De Bruycker](#) (Université Libre de Bruxelles), [Katarzyna Gałka](#) (Cardinal Stefan Wyszyński University), [Madalina Moraru](#) (European University Institute / University of Bologna), and [Lehte Roots](#) (Tallin University)

Chair and moderator: [Věra Honusková](#) (Charles University)

- COFFEE BREAK -

15:00–15:30

- PANEL: TEACHING REFUGEE AND MIGRATION LAW -

15:30–17:00

Chair and moderator: [Veronika Bílková](#) (Charles University)

[Richard Grimes](#) (legal education and access to justice consultant); [Hana Lupačová](#) & [Alžbeta Králová](#) (Masaryk University); [Tamás Molnár](#) (EU Agency for Fundamental Rights / Corvinus University of Budapest), and [Sára Barčáková](#) & [Tomáš Svoboda](#) (Charles University).

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Conference Speakers

Simentic, J. and Sandic, G.

Janja Simentić Popović is an Assistant Professor at the University of Belgrade - Faculty of Political Science. Her research focuses on EU asylum law, the Court of Justice of the European Union (CJEU), international law, international refugee law, and international humanitarian law. She is a member of the European Association for International Law since 2017. At the conference, dr. Popović will along with her colleague Goran Sandic present their research on the legal discourse on refugee law in Serbia. They posit that parallels between CEE states and Serbia warrant an in-depth examination of Serbia's legal discourse on refugee law, allowing for comparative analysis with CEE contexts and enriching understanding of the topic. They will examine the normative, political, and academic perspectives on this issue, and will argue that there are significant tensions between these different perspectives.

Mikołajczyk, B.

Professor Barbara Mikołajczyk is a specialist in international public law and human rights, with a particular focus on the human rights of vulnerable groups. Her research interests include the rights of migrants, asylum seekers, children, women, ethnic minorities, sexual minorities, and older persons. She is affiliated with the University of Silesia in Katowice, Poland, where she serves as a professor in the Faculty of Law and Administration. Professor Mikołajczyk's presentation will examine Poland's approach to migration. She will argue that Poland's migration policies differ depending on the origin, route, and border crossed by the migrants. She will also discuss the challenges Poland faces in complying with international human rights law in the context of its migration policies. The situation changed drastically in the second decade of the 21st century, first due to the migration pressure artificially generated by Russia and Belarus and then due to the influx of war refugees from Ukraine.

Hayir, N.

Nurbanu Hayir is currently on a postgraduate research stay at the University of Copenhagen as a Yale University Fox Fellow. Last year she finished her LL.M. degree at the Yale Law School. In her previous academic research, she has focused on international law enforcement and the intersection of migration and individual sanctions in the Russia-Ukraine war. In her conference contribution, she explores European asylum policies and why they breach international law, despite criticism from both the civil society and the rest of the international community. The contribution explores the psychology behind our view of procedural justice and explains why some societies do not extend their level of protection to the rights of asylum-seeking individuals. She aims to prove her claims through critical discourse analysis of statements of Baltic politicians in reaction to refugees from Ukraine and Russia, as well as of those by leaders from the Czech Republic and Poland in the reaction to Syrian refugees in the 2010s.

Hillary, L

Dr. Lynn Hillary works as an Assistant Professor at the department of Constitutional and Administrative Law at the University of Amsterdam. Her research interests are migration law, human rights, and European public law. In the contribution she explores the idea that the EU legal system is shaped as much by the national laws, policies, and legal practices of its Member States, as the domestic systems of the Member States are by EU law. It does so in the specific context of the Common European Asylum System as an exemplary for an area of EU law and policy that is particularly prone to interaction between the EU and national level. More specifically, it raises the question of how the national refugee law, policy, and legal practice of the Member States may or may not influence the Common European Asylum System.

Lupu, A., Bosman, A.

Arina Lupu is a course coordinator at the Invisible University for Ukraine. She holds an LL.M. from the Yuriy Fedkovych Chernivtsi National University and an LL.M. from the Central European University. Aron Bosman is a legal officer at Fenix Humanitarian Aid and obtained an LL.M. and an M.A. from Maastricht University. Their contribution aims to provide a broad look at the Europeanisation of Ukrainian refugee law. In light of the accession negotiations, the authors analyse how Ukrainian legislators and courts modified the law and practice to align with the Common European Asylum System. They first analyse the current laws in effect and then identify which measures need to be taken to close this chapter of negotiations. Last, they look to the future of Ukrainian refugee law after Ukraine accedes to the Union and explore how this will be influenced by the recent changes in the European migration landscape.

Szabó, A.

Attila Szabó, who dedicated his legal and social science studies to human rights research on migration and his doctoral dissertation to human rights research on migration, will present how NGOs have ensured in different ways that human rights aspects are maintained in the legal discourse despite the Hungarian government's efforts to the contrary. The central theme of his lecture will be how human rights NGOs have asserted a human rights narrative in the face of migration-restrictive legislation and discourse, how these legal processes have led to a synthesis and how the NGO narrative has contributed to the possibility of fundamental rights thinking to persist in legal thinking and discourse, and even to emerge at a dogmatic level.

Cernicova-Dragomir, T-M.

Tatiana-Maria Cernicova-Dragomir is currently pursuing her joint Ph.D. studies at the West University of Timisoara and the University of Udine. In her academic research she focuses on various aspects of EU law and the European Convention on Human Rights, mainly in connection with migration and refugee law. In this context, her contribution offers a deep analysis of the European Court of Human Rights rulings concerning refugees and asylum seekers, with specific focus on the area of Central and Eastern Europe. The author explores whether the recent rulings by the European Court of Human Rights (ECtHR) represent a departure from or a continuation of established perspectives concerning refugees, asylum seekers, and migrants. The objective is to elucidate the evolving dynamics in the Court's legal interpretations and assess their implications for international and European Union law.

Mittelmannová, M.

Miroslava Mittelmannová is a lecturer of the Asylum Law Clinic and Migration Law Clinic within the Department of International Law and European Law at Trnava University in Trnava, Slovakia. Between 2009 and 2022, she was an active attorney-at-law representing asylum seekers, detainees, and other third-country nationals in various administrative or judicial procedures. As of June 2022, she was elected as the Program Director of the Slovak non-governmental organization The Human Rights League, which provides mainly legal counseling to applicants for temporary protection and asylum seekers. She co-chairs the Protection and Inclusion Working Group established by the UNHCR in Slovakia under the Refugee Coordination Forum to discuss the relevant legal topics with state, international, municipal, academic, and non-governmental organizations to protect the rights of refugees.

Łysienia, M.

Currently working as a researcher at the University of Lausanne and HES-SO Valais-Wallis, Dr. iur. Maja Łysienia investigates the impact of crises on laws and policies adopted in several states, including Poland where she received her Master's degree. In her contribution she seeks to establish whether there is a nexus between crises, national asylum and migration law and policy changes, and international and EU law violations. It aims to answer the questions of how the Polish asylum and migration law and policy have changed in response to

the recent crises, whether these amendments were in accordance with the international and EU law, and how these changes were justified, especially whether a crisis was used to explain breaching the international and EU human rights standards.

Králová, A.

The presentation will explore the growing emphasis on vulnerability within asylum and migration law and scholarship. While there is broad recognition of the need to identify vulnerable refugees and asylum seekers, there are concerns about a lack of standardized methodology for vulnerability assessments. A. Králová will explore the debate surrounding the concept of vulnerability itself, in which some scholars argue that it can be misused or even impede the autonomy of refugees. The contribution will also analyse the state of vulnerability screening in the Czech Republic and provide an overall macro-level analysis of the case law of administrative courts using the concept of vulnerability.

Ancite-Jepifánova, A.

Dr. Aleksandra Ancite-Jepifánova received her PhD in law from Queen Mary University of London and is currently a Visiting Fellow at Cardiff University and a Research Affiliate with the Refugee Law Initiative, University of London. She has previously taught and held visiting appointments and fellowships at numerous institutions, including Forum Transregionale Studien in Berlin, Vrije Universiteit Amsterdam, and London School of Economics. Her paper focuses on Article 3 ECHR (prohibition of inhuman and degrading treatment and torture) and argues that EU's border with Belarus has de facto become an exclusion zone where asylum seekers are being continuously exposed to various types of inhuman and degrading treatment in violation of the Article. The contribution derives not only from the legal analysis of the Latvian, Lithuanian and Polish domestic measures, it is also based on interviews with the non-EU nationals affected, as well as NGO representatives, volunteers and lawyers who have been helping this group in all three Member States involved. It also shows that the 'migrant instrumentalisation' paradigm is problematic on multiple levels and does not correspond to the realities on the ground.

Zaimović, E.