

An international workshop:

Externalisation of Migration Controls and Accountability Challenges in International Law

(26 May 2023, Room 0.04, Drift 13, 3512 BR Utrecht)

States have progressively ‘externalised’ migration controls through a number of practices and have been reluctant to recognise that human rights violations committed in the context of these extraterritorial practices give rise to accountability, on the view that fundamental rights only apply territorially.

This workshop aims to address the normative question whether, and to what extent, States and organizations, like the European Union, have “extraterritorial” obligations towards migrants who have not yet reached their territory, e.g., migrants at sea, migrants in detention centers abroad, or migrants applying for a visa outside the territory.

09.15 Registration opens

09.45 Welcome message by **Salvo Nicolosi** and **Cedric Ryngaert**

10.00 Keynote lecture by **Violeta Moreno-Lax**

From Externalisation to Responsibilisation – Talking Rights to Power and the Potential of Principled Approaches to Legal Accountability

10.30 Session I chaired by **Cedric Ryngaert**

From Theory to Practice: The International Law Perspective on Accountability for Externalisation Practices

Vladislava Stoyanova

The legal quagmire of complementary pathways

Yota Negishi

Disguised Voluntary Return in externalisation of migration policy: A critical appraisal through the lens of constructive refolement

Annick Pijnenburg

Socio-economic rights and externalisation of migration control: underexplored avenues for accountability?

Kathryn Allinson

Complicity and externalised border control operations

12.00 Lunch Break

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13.00 Keynote lecture by **Tineke Strik**

Moving European Borders to Africa: Externalisation without Accountability?

13.30 Session II chaired by **Salvo Nicolosi**

Zooming in on the Challenges to Accountability for Externalisation Practices in Europe

Tamás Molnár

EU Member States' responsibility under international law for human rights breaches when cooperating with third countries on migration: grey zones of law and the power of ARSIWA

Ryuya Daidouji

Inter-organizational approach to accountability: EU-IOM-UNHCR relations and human rights of people on the move

Mona Aviat

New technologies as an externalisation facilitator: the case of specific situational pictures and linked legal responsibility issues

Mirko Forti

Legal accountability issues and governance implications in outsourcing EU data-driven borders

15.00 Coffee Break

15.30 Session III chaired by **Ilse van Liempt**

States and Courts in the Externalisation Conundrum

Emilie McDonnell

Challenging externalization through the lens of the human right to leave

Guilia Raimondo

Border Crimes? Accountability for crimes against migrants in Libya

Francesca Tammone

The applicability of Article 4 ECHR to cases of refoulement of victims of human trafficking

16.45 Closing Remarks by **Cedric Ryngaert** and **Salvo Nicolosi**

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Kathryn Allinson

Legal scholar researching in the field of state responsibility, human rights and migration. She is a Lecturer in Law and Co-Director of the Centre for International Law at the University of Bristol (United Kingdom).

Mona Aviat

PhD student at the International Law Center of Université Libre de Bruxelles (Belgium). Her research is focusing on the use of new technologies at the external borders of the EU and its consequences for human rights accountability.

Ryuya Daidouji

Associate Professor of Aoyama Gakuin University (Japan). His research focuses on the interactions between international organizations and their implications for human rights.

Mirko Forti

Postdoctoral researcher in EU Law at Tuscia University (Italy), where he collaborates with the Academy of Law and Migration. He has acted as an invited expert on migration law for the European Center of Excellence on Countering Hybrid Threats, Mediterranean Berlin, and the Hermes Center for Transparency and Digital Human Rights.

Emilie McDonnell

Human rights and refugee advocate, she is currently the UK Advocacy and Communications Coordinator at Human RightsWatch. She holds a DPhil in law from the University of Oxford on protecting the right to leave of asylum seekers, refugees and other migrants during externalised migration control.

Violeta Moreno-Lax

Professor of Law, founder of the Immigration Law programme, and the inaugural director of (B)OrderS: Centre for the Legal Study of Borders, Mobility and Migration at Queen Mary, University of London (United Kingdom). She specialises in international and European migration and asylum law at the intersection with security and critical borders studies, where she has published widely. She is at present a distinguished Ramón y Cajal Professorial Research Fellow at the University of Barcelona, a Visiting Professor at the College of Europe (Bruges), Senior Research Associate of the Refugee Law Initiative of the University of London, Co-Chair of the Refugee Law Observatory, and a member of the Steering Committee of the Migration Law Network.

Tamás Molnár

Legal research officer on asylum, migration and borders at the European Union Agency for Fundamental Rights in Vienna (Austria); and a Visiting Lecturer on international migration law at the Corvinus University of Budapest, Department of International Relations (Hungary) and the University of Szeged, Faculty of Law (Hungary).

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Yota Negishi

Associate Professor of Public International Law, Seinan Gakuin University (Japan).

Salvo Nicolosi

Assistant Professor in International and European Refugee Law, Utrecht University (Netherlands), Coordinator of the Building block on Citizenship and Migration of the Utrecht Centre for Regulation and Enforcement in Europe (RENFORCE).

Annick Pijnenburg

Assistant Professor of International and European Law at Radboud University Nijmegen (Netherlands). She has an interdisciplinary background, combining social sciences and law, with a strong focus on international human rights law and migration.

Giulia Raimondo

Postdoctoral researcher at the University of Luxembourg (Luxembourg), her research lies at the intersection of international refugee and human rights law.

Cedric Ryngaert

Professor of International Law, Utrecht University (Netherlands) and Utrecht Centre for Regulation and Enforcement in Europe (RENFORCE).

Vladislava Stoyanova

Associate Professor of Public International Law at the Faculty of Law, Lund University (Sweden). She is the holder of the Wallenberg Academy Fellowship (2019-2024) awarded by the Knut and Alice Wallenberg Foundation and the Royal Swedish Academy of Sciences.

Tineke Strik

Professor of Citizenship and Migration Law at Radboud University Nijmegen (Netherlands) and Member of the European Parliament.

Francesca Tammone

Postdoctoral Research Fellow at the University of Florence (Italy).

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