



MeDiMi Conference • September 18–20, 2024



**Human Rights in Migration
Societies:**

**Exploring the Intersection of Human
Rights and Migration in Law,
Politics, and Everyday Life**

Book of Abstracts and Bios



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Welcome

MeDiMi is an interdisciplinary research group funded by the German Research Foundation (DFG), which comprises ten projects and a coordination & theory unit located at six academic institutions in Germany and the Netherlands. MeDiMi studies the scope, forms, and consequences of the “humanrightization” of discursive practices in migration-related conflicts. It analyzes the manifold references to human rights in legal, political, and everyday contexts, with the aim of developing a practice theory of human rights in contemporary societies.

After two years of ongoing research, the MeDiMi conference will further explore the intersection of human rights and migration. Participants are invited to join us in discussing a wide variety of legal struggles, issues of in-/exclusion, and (self-)representations of actors. Rather than providing preliminary results and theoretical findings from our own research, we want to listen and learn what others have found out about the dynamics of humanrightization: the practices of human rights movements, the role of human rights law, the interplay of human rights and democracy, and the making of human rights consciousness in migration societies.

This book contains the abstracts and short bios of the speakers. It will be updated as the conference approaches. Most of the panelists were selected from the impressive number of responses to a Call for Papers issued at the end of 2023 (see here). The richness of ideas in these proposals encourages us to see ourselves as part of a wider community of researchers interested in the human rights of migrants. We look forward to providing a space for this community to flourish with our conference.

The conference team, on behalf of the entire MeDiMi Research Group: Maximilian Aigner, Mónica Ávila Currás, Jürgen Bast, Benjamin Bunk, Laura Goller, Laura Holderied, Mina Ibrahim, Michael Knipper, Greta Olson, and Giulia Santomauro.

July 15, 2024

Addendum: This book is now available in its fifth and final version. It documents the contributions to an exciting and enriching conference that brought together people from various disciplines and countries. We have also included the abstracts and bios of the scheduled participants who were unable to attend for personal reasons. We consider the book itself to be a valuable source for anyone interested in exploring academic and activist practices of humanrightization. May it continue.

Maximilian Aigner, Jürgen Bast, and Laura Goller

October 2, 2024

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Session A • Opening Keynote “The State of the Human Rights of Migrants in Europe” – *Maximilian Pichl*

Abstract

We are experiencing a time of complex simultaneities. Since the 1990s, there has been an enormous surge in international human rights protection for asylum seekers and migrants. Human rights organizations have specialized in strategic litigation, social movements have organized themselves transnationally, European lawyers are working more closely together, refugees are organizing themselves and human rights discourses have gained importance in the court system. Legal struggles for the concrete utopia of human rights are taking place every day.

At the same time, the political sphere is characterized by the demand for a “Retrotopia”, as Zygmunt Bauman has aptly described. Authoritarian movements and parties want to return to a past of the national state that never really existed in this way. But under the slogan “Make Europe Great Again” or “Stop the Boats”, political actors successfully mobilize parts of the electorate and the potential of racist parties is increasing. The human rights system is openly questioned and ideas of national sovereignty are spreading within different European member states. Authoritarian discourses are also translated into the case law of courts. The backlash in the case law of the ECtHR on migration law shows this dramatically.

How can this simultaneity of these developments be explained? What interactions between society, law and politics are currently taking place around the politics of human rights in the 21st century? The lecture will explore these questions by investigating different social fields and political and legal struggles.

Bio

Maximilian Pichl is a legal and political scientist. He is Professor of Law at the Department of Social Work at the RheinMain University of Applied Sciences. Previously, he was a lecturer in political theory at the University of Kassel and worked as a legal policy officer for the human rights organisation PRO ASYL. He specializes in critical legal theory, asylum law, and police law. His latest book “Law statt Order” has been published by edition suhrkamp. In recent years, he has worked intensively on the reform of the Common European Asylum System.

Chair: *Susanne Buckley-Zistel*, Philipps University Marburg, MeDiMi Researcher (bio here)

A recording of the keynote can be found here on the MeDiMi YouTube channel.

Session B • Roundtable “Human Rights Movements in Migration Societies: Experiences and Practices”

About the Roundtable

The session will look at the practice of human rights institutions, civil society organizations, and academic networks in making human rights relevant to challenge migration control measures. The roundtable draws on the extensive experience of professionals involved in the movement. When and how did human rights discourse and political struggles for the inclusion of migrants intersect? How do the participants assess the current state of the non-governmental “infrastructure” of humanrightization?

Participants

Nele Allenberg is a fully qualified lawyer and holds a degree in political science. Since October 2020 she is Head of the Human Rights Policy Division Germany/Europe at the German Institute for Human Rights. Previously, she was Head of the Refugee Policy Unit of the Integration Department of the Berlin Senate and Director of the Welcome Center Berlin, a counselling and support structure for newly arrived migrants. She also worked for more than ten years as a policy advisor to the Plenipotentiary of the Council of the Evangelical Church in Germany, where she was responsible for refugee and migrant rights. Her first position was with Amnesty International Germany as a policy officer for asylum. She is a member of the editorial board of the Zeitschrift für Ausländerrecht und Ausländerpolitik (ZAR).

Bernd Kasperek is an Assistant Professor for Programmable Infrastructures in the Department of Multi-Actor Systems, Faculty of Technology, Policy and Management at Delft University of Technology, Netherlands. He is also co-head of the department “Social Networks and Cultural Lifestyles” of the Berlin Institute for Migration Research (BIM) of Humboldt University Berlin, Germany. His research interest is the governance and cultures of emerging political spaces. This includes migration and border regimes, Europeanisation, and technological zones spanned by computational infrastructures. Previously, he was a post-doc in the interdisciplinary research project “Transforming Solidarities. Practices and Infrastructures in Migration Society”, funded by the Berlin University Alliance (BUA). In 2021, his monograph “Europa als Grenze” [Europe as Border], an ethnography of the European border agency Frontex was published by transcript and is now available open-access. He is a member of the board of the Council for Migration (Rat für Migration).

Michele LeVoy is Director of PICUM, Platform for International Cooperation on Undocumented Migrants. PICUM is a network of organizations working to ensure social justice and human rights for undocumented migrants. Its membership expands across 32 countries, primarily based in Europe but also in other regions. Michele has led the organization for nearly two

decades in advocating for undocumented migrants' human rights towards European and global institutions. She holds degrees in French, Justice and Peace Studies and a Master in Applied Sciences (Housing and Development).

Chair: *Jürgen Bast*, Justus Liebig University Giessen, MeDiMi Researcher ([bio here](#))

Session C • Panel C1 “Doctrinal Struggles”

Participants

- *Carmelo Danisi*, University of Bologna: “What Role for International Human Rights Law in the Protection Against Ethnic and Religious Profiling?”
- *Kathrin Hamenstädt*, University of Birmingham: “Human Rights for All or a Different Standard for Migrants?”
- *Marei Pelzer*, Frankfurt University of Applied Sciences: “Refugee Protection in Cases of Gender-based Persecution: A New Human Rights Approach of the ECJ?”
- Chair: *Leon Züllig*, Justus Liebig University Giessen, MeDiMi Researcher (bio here)

Abstracts

What Role for International Human Rights Law in the Protection Against Ethnic and Religious Profiling? (Carmelo Danisi)

Human rights and migration intersect in endless ways. When the focus is placed on migrants’ lives in their countries of destination, from a human rights perspective most attention is paid to non-discrimination and the need to ensure equal opportunities in comparison to citizens. Yet, while the prohibition of discrimination may have implications when the circumstances lead to a clear differential treatment, be it direct or indirect, its scope remains far from established in situations when there is a suspicion of “profiling”. When ethnicity and/or religion seem the grounds for shaping the activity of States’ agents, people with a migratory background risk being one of the most targeted groups. To name a simple but self-evident example, in most European countries it would not be rare to see a black guy or a covered woman being stopped for identity checks by police in public and crowded spaces. Could the person involved in such a scenario claim to be a victim of a human rights violation? The answer does not seem to be neither univocal from a human rights perspective, nor limited to non-discrimination-based considerations.

Given this state of legal uncertainty, the proposed presentation aims to analyse the problem of profiling by defining its key elements and verify what protection alleged victims can find under international human rights law, with a specific focus on religion as a factor often overlooked in anti-profiling analyses. To this end, the most recent developments will be explored by intersecting two key treaties – the Convention for the elimination of all forms of racial discrimination (CERD) and the European Convention on Human Rights (ECHR) – and through the very first European Court of Human Rights’ decisions involving cases of racial profiling. Other than identifying the protection gaps that seem to exist in this area, the presentation will also point out whether a prejudice in human rights actors themselves can be detected as a potential

obstacle preventing non-discrimination and other substantial human rights provisions to be fully employed to eradicate ethnic or religious profiling.

The research on which the presentation is based is carried out in the context of the PRIN project "Migration and Religion in International Law" (2023–2025), funded by the European Union – NextGeneration EU and the Italian Ministry of University and Research.

Human Rights for All or a Different Standard for Migrants? (Kathrin Hamenstädt)

The UK government's plans to leave the ECHR and to repeal the Human Rights Act (HRA), which implements the ECHR into domestic law, are not new and are regularly revisited. More recently, calls for leaving the ECHR became louder in the context of the previously planned deportations of asylum seekers, who reach the UK via the British channel, to Rwanda. The latest attempt to loosen the ties with the ECHR occurred in summer 2022, when the "Bill of Rights" bill was introduced in Parliament. The bill, which was retracted in June 2023, would have replaced the HRA. It envisaged, among other measures, the abolition of domestic courts' obligation to take the ECtHR case law into account (Sec. 2 HRA), and was seen as a measure to "take back control" from foreign judges. If adopted, the Bill of Rights would have made it more difficult for foreign criminal offenders to challenge their deportation by invoking their right to family life. The stated aims of the legislation were, among others, the strengthening of the primacy of UK law, the need to ensure that "trivial cases do not undermine public confidence in human rights", and to ensure "Parliament's role in responding to adverse judgments of the European Court of Human Rights". These aims reflect a broader development, which links the reduction of (migrants') rights with a rhetoric that invokes the protection of democratic institutions, in particular Parliament, the autonomous (read: national) interpretation of human rights, and the importance of national sovereignty.

This contribution explores how (proposed or adopted) UK legislation, such as the Bill of Rights bill, the 2014 and 2016 Immigration Acts, and the Illegal Migration Act of 2023, camouflage and justify the limitations of migrants' rights by invoking notions of fairness, democracy, and sovereignty. Moreover, the paper examines to what extent migrants' rights are played off against each other, thereby creating double standard of human rights protection. Several codified policies purport to strengthen human rights protection for those migrants, who are in dire need of help, and portray other migrants' human rights claims as trivial, and as taking away resources from the "real" claims.

Refugee Protection in Cases of Gender-based Persecution: A New Human Rights Approach of the ECJ? (Marei Pelzer)

The ECJ has already provided a human rights interpretation of the concept of refugee in cases of persecution on grounds of homosexuality or religion, thereby correcting national decision-making practices. It is now continuing this line in cases of gender-based persecution. With its first (of several) decisions of 16 January 2024, the ECJ ruled on a case of gender-based persecution for the first time and also made a consistent human rights interpretation of the concept

of refugee. It emphasises the relevance of CEDAW and the Istanbul Convention on preventing and fighting violence against women when interpreting the underlying Qualification Directive (ECJ, judgment of 16 January 2024 - C-621/21 - *WS v. Bulgaria*, para. 44). The ECJ confirmed this judgement in a second decision and substantiated its approach in cases in which women are threatened with persecution because they identify with the fundamental value of equality between women and men (ECJ, judgement of 11 June 2024, C- 646/21, *K. and L. v Staatssecretaris van Justitie en Veiligheid*). The ECJ thus once again draws human rights cross-references to refugee law, which enable a modern understanding of the concept of refugee. Many German courts fall short of the ECJ's approach in their case law. Asylum applications from persecuted women are often rejected because the nexus between persecution and sex or gender is denied. Persecution based on gender is rejected on the grounds that women are not considered 'different' in their respective country of origin. Instead, sub-categories are formed, such as the 'single young woman' or the 'westernised woman', to which persecution could be linked. The question arises as to what impact the ECJ's new case law will have on these national decision-making practices. The ECJ makes it clear under which conditions persecution is linked to gender. It also corrects the category of 'westernisation' in the sense of a universal understanding of human rights. In terms of an intersectional perspective, the ECJ emphasises that persecution can also be linked to other characteristics, such as religious beliefs.

In order to grasp gender-based persecution, a human rights interpretation of refugee law and a transdisciplinary examination of the concept of refugee, based on post-categorical and intersectional perspectives of gender research, are necessary (see Petra Sußner, *Addressing Heteronormativity*, in: *International Journal of Refugee Law* 2021; Janna Wessels, *The Concealment Controversy*, Cambridge University Press, 2021).

Bios

Carmelo Danisi is Senior Researcher/Assistant Professor of Public International Law at the University of Bologna. He previously was Research Fellow at the University of Sussex (UK) (2016–2020) and Endeavour Research Fellow at the Australian National University – College of Law (Australia) (2015). He has widely published in the field of migration, including the ERC Starting Grant-monograph "Queering Asylum in Europe" (Springer 2021, with the SOGICA team – www.sogica.org). Among his research projects, for the University of Bologna he is currently leading the projects "Migration and Religion in International Law" (PRIN 2022 MiReIL – 2023/2025) and "Rights and Prejudice: Linguistic and Legal Implications of Gendered Discourses in Judicial Spaces" (PRIN 2022 PNRR GenDJus – 2023/2025).

Kathrin Hamenstädt is a DAAD-Lecturer in Law at the University of Birmingham. She has previously worked at the University of Leiden, Brunel University London, King's College London, and Maastricht University. She holds a PhD in law from Maastricht University. Kathrin's research focuses broadly on European Union law, migration law, fundamental rights law, and EU citizenship law. Currently she teaches EU law, German constitutional law, and German private law.

Marei Pelzer is a Professor of Social Work Law at Frankfurt University of Applied Sciences. She previously held a professorship at the University of Applied Sciences in Fulda. Prior to this, she worked for many years as a legal policy officer at the human rights organisation PRO ASYL and supported the Foundation of PRO ASYL as a board member. She specialises in issues relating to European refugee law and the implementation of human rights in Germany. She holds a PhD in law from Justus Liebig University Giessen.

Session C • Panel C2 “Diaspora Experiences”

Participants

- *Christina Pesch*, Research Assistant at Landtag NRW, Farida Global e.V., and Stop Mutilation Deutschland e.V. & *Michaela Zöhrer*, University of Augsburg: “Bringing Human Rights (Back) to Life: Diaspora Activism in Germany and Academic Allyship”
- *Alicja Polakiewicz*, University of Erlangen-Nuremberg: “Enforcing Human Rights of Migrated Survivors via International Crimes Prosecutions in Germany: An Instrumental Argument”
- *Amany Moussa Selim*, Gulf Center for Human Rights: “When Mobilizing Under Repression Can Teach You ‘a Hundred Things’: Examining the Roots of Multifaceted Engagement Among Syrian Activists in Berlin”
- Chair: *Mina Ibrahim*, Philipps University Marburg, MeDiMi Researcher (bio here)

Abstracts

Bringing Human Rights (Back) to Life: Diaspora Activism in Germany and Academic Allyship (Christina Pesch & Michaela Zöhrer)

We are intrigued by the role of human rights in shaping the activism of diaspora/migrant self-organizations that focus not only on advocating for the life realities in their countries of origin but also within Germany. How are human rights employed, filled with life, and injected with new vigor – and what are the reasons for and effects of such engagement? Are human rights primarily of strategic value, or are they also crucial in shaping and advancing individual and collective activist identities? And if so, in what ways? Finding answers to these questions is of both academic interest and crucial in advancing and shaping diaspora activism.

In our presentation, we aim to discuss insightful observations derived from our work with self-organized activist networks and civil society organizations (CSOs) in Germany, who not only advocate for genocide recognition and the interests of their communities ‘at home’ but also champion their rights as migrants in Germany. Furthermore, we will discuss the concrete and desirable role academic, and often white/Western/European, allies – such as ourselves – can or should play in contexts of predominantly self-organized activism. Repeatedly, we find that human rights are linked with great hopes, yet also accompanied by reservations because they are often perceived as both a powerful tool and as ‘foreign’, ‘colonial’, ‘Western’, and/or ‘white’. Incorporating human rights into respective advocacy work is thus not a given, particularly in contexts dominated by self-organized efforts, where the inclusion of ‘outsiders’ is not automatically assumed. This may be due to the absence of desired allies or because (academic) allyship is met with mistrust.

Enforcing Human Rights of Migrated Survivors via International Crimes Prosecutions in Germany: An Instrumental Argument (Alicja Polakiewicz)

Universal jurisdiction allows states to prosecute and try a subset of international crimes in the absence of traditional jurisdictional links. Such traditional links include, for example, the principle of territoriality, in which the crime occurred on the prosecuting state's territory, or the principle of personality, in which the crime was committed by or against the prosecuting state's national(s). In the vast majority of situations in which universal jurisdiction is applied, the prosecuting state hosts not only the investigation efforts and/or trials, but also migrated survivors of the international crimes in question. In my contribution, I will interrogate what extraterritorial jurisdiction application, which includes universal jurisdiction, means for the human rights of these migrated individuals and communities: Does a forum state's exercise of extraterritorial jurisdiction constitute an act of human rights enforcement for migrated survivors? On a more abstract level, I will also ask: Why does the answer to this question matter? Focusing on Germany, the current leader in universal jurisdiction exercise, and more specifically still, the Yazidi diasporic community in Germany, I will answer the latter question in an instrumental way (having made the moral argument elsewhere): Whether ISIS trials in Germany can meaningfully be equated to the human rights enforcement of migrated Yazidi survivors matters, because the success of future investigations and prosecutions critically depends on this being the case. Examining existing theories on the interconnection between human rights, migration movements, and international criminal law enforcement, as well as scrutinising practical realities in Germany, I will interrogate to what degree the equation between universal jurisdiction application and human rights enforcement is already reflective of reality, and what can be done to strengthen the link. Thereby, I will seek to counter dismissive arguments about international criminal law enforcement being a mere, objectionable exercise in power politics; without, however, eliding valid critiques of current deficiencies. Instead, I will acknowledge the ambiguity of international crimes prosecutions as human rights enforcement for migrated survivors by carving out this equation's theoretical potentialities and limits, as well as pointing out real empirical shortcomings and efforts at improvement.

When Mobilizing Under Repression Can Teach You "a Hundred Things": Examining the Roots of Multifaceted Engagement Among Syrian Activists in Berlin (Amany Moussa Selim)

Research on the Syrian uprising shows how activists had to engage in multiple forms of organization to combat repression and continue mobilization. Few studies have examined whether this kind of engagement extended into exile and under what contextual conditions. This article relies on data from 20 in-depth interviews with Berlin-based activists to shed light on this understudied aspect of Syrian activism. In narratives of past activism, participants pointed to experiences of mobilizing under repression and how it intensified their participation, leading them to take on extra work in media, humanitarianism, and other areas. I use the term multi-

faceted engagement to refer to this type of involvement that encompasses a variety of activities. As participants described their current engagement in exile, they highlighted how they continue to participate in different forms of action and how the support available in Berlin helped them do so. Narratives of repression thus gain significance in suggesting a link between past activism experiences and the continuation of multifaceted engagement in exile, while community embeddedness in Berlin indicates how this specific type of engagement was facilitated. The study nuances the effects of repression and underscores the importance of understanding the experience of mobilizing under repression as a crucial aspect of movement socialization.

Bios

Christina Pesch serves as a scientific advisor at the NRW Parliament and is an (activist) researcher at Farida Global e.V. and the Counselling Center stop mutilation Germany e.V. *Michaela Zöhner* is a Post-doc Researcher at the University of Augsburg, Chair of Political Science, Peace and Conflict Studies. For a joint publication, together with Yazidi survivors who are (also) involved in Farida Global e.V. see: *Farida Global Writing Collective 2023: Undoing Epistemic Violence in Academic Knowledge Production Through Survivors' Participation: Learning from the Experiences of Yazidi Survivors*, in: *Journal für Entwicklungspolitik – JEP XXXIX: 1–2*, 30–49.

Alicja Polakiewicz is a doctoral candidate and research associate at the Institute of Political Science (professorship of Prof Dr Katrin Kinzelbach). She researches the politics of national-level international criminal law enforcement, primarily via the universality principle, in Germany. She is an editor for the *Völkerrechtsblog* and a non-resident fellow at the Global Public Policy Institute (GPPi). Her PhD research is funded by the Heinrich Böll foundation.

Amany Moussa Selim is a digital rights consultant at the Gulf Center for Human Rights (GCHR), specializing in digital repression and security. She holds a PhD in Sociology from the University of Bergen, Norway, where her thesis investigated the activist trajectories of Syrians who went into exile after the 2011 uprising. Her research interests include social movements and migration studies, with a focus on diaspora mobilization, political socialization, and refugee integration. Recently, she has expanded her expertise to include areas related to AI and human rights.

Session C • Panel C3: "Activist Practices"

Participants

- *Jordan Dez*, Vrije Universiteit Amsterdam: "Undocumented Migrant Activism as Human Rights-making Practice"
- *Anna Fazzini*, University of Naples L'Orientale & *Arianna Grasso*, University of Naples L'Orientale: "Border Externalisation, Human Rights, and Digital Resistance: A Multidimensional Analysis of Refugees' Twitter Activism in Australia"
- *Marco Perolini*, London School of Economics and Political Science: "Migrant Activism and Human Rights: Tools for Social Change?"
- Chair: *Encarnación Gutiérrez Rodríguez*, Goethe University Frankfurt, MeDiMi Researcher (bio here)

Abstracts

Undocumented Migrant Activism as Human Rights-making Practice (Jordan Dez)

The *de jure* and *de facto* exclusions of undocumented migrants from the full scope of human rights protection is an enduring challenge to the effectiveness and universality of human rights law. This paper contributes insights from a dissertation research project that approached the problem of incomplete rights protection not just as a question of legal interpretation, but also a question of political voice, asking, *what is the relationship between the political activity of undocumented migrants and the effectiveness of human rights law?* Inspired by, but departing from, Hannah Arendt, this research engaged with both the political voice of migrants and the institutional safeguards for migrant rights that have developed since she penned the concept of 'the right to have rights'. This paper theorizes migrant activism as 'rights-making' processes of legal and political contestation that (1) constitute rights-subjectivity; (2) further effective access to rights; and (3) influence the content and scope of the law. The concept of 'rights-making' emerged from literature on both legal and anthropological approaches to human rights, as well as migrant social movement studies and political theory, and was further refined through 2.5 years of ethnographic fieldwork with undocumented migrant activists in Amsterdam. The concept of 'rights-making' moves beyond the verbal invocation of human rights discourse and law, looking also to practices of performative and unarticulated 'uses' of human rights. In calling upon both legal analysis of the political rights of migrants under international law and ethnographic fieldwork with undocumented migrant organizers, this paper is able to gain insight into the relationship between undocumented migrant rights-making and the scope and content of human rights law. Particularly, the rights-making practices of undocumented migrants are protected by human rights law as speech, assembly, and association, referred to in this dissertation as 'adjunct political rights' and the effective protection of migrant

rights-making requires clearer definitions of the scope of adjunct political rights for the undocumented. To this end, the conclusions of this empirical legal inquiry illustrate multiple ways to incorporate empirical data within a human rights legal analysis through the principle of effectiveness.

Border Externalisation, Human Rights, and Digital Resistance: A Multidimensional Analysis of Refugees' Twitter Activism in Australia (Anna Fazzini & Arianna Grasso)

Over the past decades, border externalisation and securitisation strategies have become a hallmark of anti-migration policies pursued in Australia, the United States and Europe, raising multiple concerns about their compliance with international and national law, and in particular their implications for the protection of the human rights of migrants and refugees. This was particularly evident in the context of Australia's policy of maritime interdiction, offshore processing, and mandatory detention, which has oftentimes been defined as a "criminogenic border policing practice" (Grewcock 2017: 70). As a matter of fact, the latter has placed asylum seekers and refugees outside the reach of international law, thus enabling the systematic abuse of human rights in the onshore/offshore detention facilities scattered across Australia and the Pacific Region.

On the other hand, from within detention, refugees have appropriated digital platforms, such as X (former Twitter), to counter discriminatory and exclusionary discourses disseminated by hardline political actors and mainstream media, while advocating for the recognition of their human rights and their subsequent release. In this regard, X has accounted for a platform where the refugees' self-produced discourses of humanization, condemnation, and legitimation could be asserted. More specifically, through their tweeting counter-practice, refugees have often referred to international organisations, statutory acts, and the international juridical system to question the lawfulness of the detention policy, legitimatise their voice, and attack the moral character of the Australian government. This paper, therefore, through an interdisciplinary, legal and critical discursive analysis, aims to explore the role that human rights have assumed in understanding and critiquing Australian security practices on two levels: on the legal level, in legal doctrine and practice, as a fundamental tool for assessing the legitimacy of these practices in the light of an integrated reading of international law regimes, such as those of the law of the sea and refugee law; on the discursive level, by analysing the counter-discourses articulated by refugees on the digital platform, as practices of resistance and self-determination.

Migrant Activism and Human Rights: Tools for Social Change? (Marco Perolini)

Human rights are contested tools. They can be used by governments and other powerful actors to reinforce domination and are often associated with a limited emancipatory potential for migrants (Mezzadra, 2013; Moyn 2018; Goodale 2022). Grassroots collective mobilisation, however, provides spaces where migrant and pro-migrant activists reshape and transform legal

notions of human rights and elaborate new, non-legal ideas of human rights (McNevin, 2006; Baxi; 2008; Della Porta, 2018; Perolini, 2022; 2023).

Little is known about the approach to an interpretation of human rights by migrant activists and their allies who collectively organise to oppose border regimes and how notions of human rights inspire, orient or influence their collective action. This paper crucially fills that gap and contributes to understanding the interface among grassroots organising, human rights and social change, which has received scarce attention, not only in academic circles but also among human rights practitioners and activists.

The paper is based on the 11-month ethnography that I conducted in Berlin in 2018. It argues that migrant and pro-migrant activists collectively formulate non-legal notions of human rights, for example the ideas of the 'right to stay' and unrestricted freedom of movement, that are emancipatory because they challenge the mobility restrictions and racial inequalities that are reproduced by border regimes. Human rights can thus be tools for achieving social and political change as they enable migrants to become political subjects, support radical equality against the social and political conditions underpinning borders, and challenge the construction of Germany as a white nation.

Bios

Jordan Dez is winding up her PhD and soon to begin as an assistant professor at the Faculty of Law at Vrije Universiteit Amsterdam. Originally from the US, Jordan has a background in both anthropology and law. Before joining the VU law faculty, Jordan practiced international law and global migration law in the United States. In her current research, Jordan combines her interdisciplinary background to study the human rights and rights claiming practices of undocumented migrants. This research project is funded by the Dutch Research Council (NWO).

Anna Fazzini is a post-doctoral researcher in International Law at the University of Naples L'Orientale. She is currently carrying out her research within the PRA 'Anthropocene/Capitalocene and international migration: a critical overview'. Her research areas mainly concern international migration law, in particular externalisation of border control and its impact on human rights. *Arianna Grasso* is a post-doctoral researcher in English Language and Linguistics at the Department of Literary, Linguistic and Comparative Studies at the University of Naples "L'Orientale". Her research interests include Australian Populism, Refugee and Digital Media Studies from a critical discursive and ethnographic perspective.

Marco Perolini completed his PhD in Sociology at Goldsmiths College in 2021. He is currently a Visiting Fellow at the London School of Economics and Political Sciences (Human Rights). Dr Perolini's research focuses on the construction of emancipatory notions of human rights in the context of migrant activism. He published his findings in several journals, including *Ethnic and Racial Studies* and *Sociology*. Dr Perolini is completing his first book focusing on migrant activism and human rights, which is under contract with Bristol University Press (publication in 2025). Dr Perolini is also human rights practitioner. He currently works as an adviser with the

Law and Policy Programme of Amnesty International where he is developing a programme of research and policy work challenging criminalization and punitive approaches in the areas of poverty, status and activism.

Session C • Panel C4: "Latin American Experiences"

Panelists

- *Rita Lages de Oliveira*, University of Chile, Santiago de Chile: "International Migration in the Jurisprudence of the Inter-American Court and the Court of Human Rights: A Jurisprudential Dialogue in the Making"
- *María Gabriela Trompetero Vicent*, Bielefeld University: "Paradigm Shift? How a Migrant Security Institution Incorporated a Rights Perspective into its Logic: The Case of Colombia"
- *Marcia A. Vera Espinoza*, Queen Margaret University, Edinburgh: "Human Rights and Refugee Protection in Latin America: Exploring the Tensions between Care and Control in Forced Displacement"
- Chair: *Giulia Santomauro*, Sant'Anna School of Advanced Studies, Pisa, Associated MeDiMi Researcher (bio here)

Abstracts

International Migration in the Jurisprudence of the Inter-American Court and the European Court of Human Rights: A Jurisprudential Dialogue in the Making (Rita Lages de Oliveira)

Since the first judgments and advisory opinions of the Inter-American Court of Human Rights (IACtHR) related to foreigners, there have been repeated references to the jurisprudence of the European Court of Human Rights (ECtHR), either (i) to elaborate more general arguments regarding the content of the rights enshrined in the ACHR or (ii) to refer to rights or legal issues specifically related to migration, such as the right to asylum or the principle of *non-refoulement*. There are also frequent references to the European Human Rights System in the concurring or dissenting opinions of the judges of the IACtHR. In turn, the ECtHR, in several judgments linked to migration issues, also makes references to the jurisprudence of the IACtHR in migration matters. In some judgements, references to inter-American jurisprudence are confined to concurring.

The main objective of our presentation is to determine whether these reciprocal references between the ECtHR and the IACtHR in their judgments on migration and asylum matters have given rise to a genuine "jurisprudential dialogue" between the two courts capable of generating interaction and reciprocal influence in the field of the protection of the human rights of migrants, refugees and stateless persons. Specifically, we will attempt to identify, characterise and analyse the content and scope of this inter-regional "jurisprudential dialogue".

Paradigm Shift? How a Migrant Security Institution Incorporated a Rights Perspective Into its Logic: The Case of Colombia (María Gabriela Trompetero)

The Colombian response to Venezuelan forced displacement through the implementation of the Temporary Protection Status for Venezuelan Migrants (TPSMV) has been celebrated by different actors in the international community. The mechanism has regularized close to two million Venezuelans and allows its beneficiaries access to different Human Rights such as health, education, and the labor market for ten years. In addition, the TPSMV status has pathways to permanent residency and, subsequently, to the acquisition of citizenship.

The Colombian Migration Office was one of the main institutions in charge of the creation and implementation of the TPSMV. Considering that the main functions of this Colombian institution are security and control, the presentation will explain what factors intervened during the process of creating the mechanism, so that the institution included in its decision-making process unexpected logics such as "integration" and "access to Human Rights".

Drawing on grounded theory methods to analyze emerging literature, official documents and interviews with policy makers, experts, migrant and refugee advocates and representatives of international organizations, the presentation first focuses on the innovations and shortcomings of the TPSMV from a global perspective in relation to the Human Rights it offers to its beneficiaries. This discussion is a contribution to 1) the analysis of the intersection of Human Rights in the production of migration policies, especially in institutions where a logic of rights was not expected, and 2) the determinants of including these logics. It also raises the question, whether the Colombian case signals an instrumentalization of Human Rights by the Colombian Migration office or is it a different path that does not separate security from Human Rights and vice versa. Considering that the case is based on a south-south forced migratory phenomenon, the discussion also broadens an academic discussion based mainly on south-north mobilities.

Human Rights and Refugee Protection in Latin America: Exploring the Tensions between Care and Control in Forced Displacement (Marcia Vera Espinoza)

Latin America has been long recognised as a progressive region in terms of its legal framework to refugee protection. However, in the last decade several changes have taken place which have arguably 'weaken' refugee protection in the region (Zapata et al., 2023). These changes relate both to the 'form' of protection, which include the proliferation of complementary and humanitarian pathways, and the 'practice' of protection, related to the misimplementation of the legal framework or changes to it, across several countries of the region. Changes to both the form and practice of protection have impacted not only the safe pathways people can use to seek protection, but also the rights and regulatory status people can access in the host countries. This presentation explores the extent to which a human rights approach has prevailed in Latin America in terms of refugee protection as well as the tensions that emerge between 'care' and 'control'. That is the co-existence of an increasingly securitised approach to

border control in the region and practices of solidarity and inclusion. Drawing from data collected across different projects conducted in the last 10 years, and in the context of Cartagena +40, the paper reviews how the grammar of protection has shifted in the region.

Bios

Rita Lages de Oliveira, Assistant Professor in the Department of International Law and researcher at the Centre for Human Rights from the School of Law of the University of Chile. Member of the Board of Directors of the Chair of Contemporary Racism and Migration of the Vice-Rectorate of Extension and Communications of the University of Chile. Has a LL.M in European Union Law and Law degree in Law from the University of Coimbra, Portugal. Diploma of Advanced Studies (DEA) in European Law from the Complutense University of Madrid. Her line of research focuses on the legal regulation of international migration in the universal and regional human rights system (Europe and Latin America). Has participated as a researcher, speaker and author of several academic projects, conferences and publications, mostly related to international migration and human rights. Orcid: 0000-0001-6260-2531 and ResearcherID: E-7838-2017.

María Gabriela Trompetero is a doctoral candidate in Sociology at Bielefeld University. She holds a master's degree in InterAmerican Studies from the same university where she also teaches on forced migration in the Americas in the Faculty of Sociology. Trompetero has worked as a researcher on forced displacement issues at the Migration Policy Institute and as a visiting researcher at the German Institute for Development and Sustainability (IDOS). María Gabriela Trompetero's areas of research are framed in studies of forced migration, migration policies from a perspective of the sociology of institutions and the processes of categorization of people in conditions of human mobility. Trompetero has also worked with organizations led by refugees and migrants in Latin America, the Caribbean and Germany, where she also works as an activist for the rights of Venezuelan refugees.

Marcia A. Vera Espinoza is a Reader and Deputy Director of the Institute for Global Health and Development (IGHD) at Queen Margaret University, in Edinburgh. She leads the Psychosocial Wellbeing, Integration and Protection Research Cluster at IGHD. Her research focuses on the study of processes of inclusion of refugee and migrant population and the interplay with migration governance in Latin America and beyond. Marcia is a co-founding member of the research group Comparative Analysis in International Migration and Displacement in the Americas (CAMINAR). She is Associate Editor of *Migration Studies* and member of the International Advisory Board of *Forced Migration Review*. Until December 2023, she was PI of an AMIF SRC project 'New Scots Integration: A Pathway to Social and Economic Inclusion', working in partnership with the Scottish Refugee Council (leading the consortium), WEA and Bridges. She is currently researcher of the project 'Health System Resilience, Enhancement and Refugee Response Project (HSRERRP)' funded by UNHCR.

Session D • Roundtable “Human Rights Law in Migration Societies: Migrants’ Rights before the Courts”

About the Roundtable

The session concerns the role of law and access to courts, in Strasbourg and elsewhere, in migration-related conflicts. The roundtable may cover a wide range of topics, including the functions of legal scholarship, strategic litigation, and grassroots activism in giving meaning to the human rights of migrants. What are the special features of international bodies compared to national courts, what direction will the ECtHR take in the future? What are the perils of the juridification of the struggle for human rights?

Participants

Anuscheh Farahat is a Professor of Public Law in European Context at the University of Vienna. Previously, she was a Professor of Migration Law and Human Rights Law at the University of Erlangen-Nürnberg. Between 2017 and 2024 she headed an Emmy-Noether research group on the role of constitutional courts in transnational solidarity conflicts in Europe, which was funded by the German Research Foundation (*Deutsche Forschungsgemeinschaft*). Since 2023, she has been a Max Planck Fellow at the Max Planck Institute for Social Anthropology in Halle with her project “JUST MIGRATION: Labour migration regimes in transnationalised contexts”. Anuscheh studied law in Frankfurt, Paris and Berkeley. She received her PhD in law from the Goethe University Frankfurt. Her book on migrant citizenship and transnational migration in Germany (*Progressive Inklusion: Zugehörigkeit und Teilhabe im Migrationsrecht*, Springer Verlag, 2014) received multiple awards. Anuscheh Farahat publishes widely on issues of European and international migration law, citizenship law, human rights law and constitutional law (both European and national), with a specific focus on solidarity conflicts.

Hanaa Hakiki works as a Senior Legal Advisor at the European Centre for Constitutional and Human Rights (ECCHR), an NGO addressing grave human rights violations through transnational legal interventions. Since 2014, her work focuses on border rights, and more specifically on litigating the informal handling of migrants by states at European borders (“pushbacks”) in front of international bodies. She has supported cases against Spain, North Macedonia, Bulgaria, Greece, Croatia and Slovenia in front of the European Court of Human Rights and UN treaty bodies. Previously, Hanaa trained as a lawyer in England, where she specialised in litigation against the state for law-enforcers’ violence, detention and institutional racism.

Mario Savino (1976) is full professor of administrative law at Tuscia University of Viterbo (Italy). He is the founder and coordinator of the “Academy of Law and Migration” (ADiM), an academic network which involves 500+ Italian and non-Italian scholars and promotes advanced research

activities on asylum and migration law. He also coordinates the Jean Monnet Center of Excellence on the Integration of Migrants in Europe (IntoME, 2020–2026). Author of two monographs – one on the impact of public order on the liberties of migrants (*Le libertà degli altri*, Giuffrè, 2012) and the other on the EU committee system (*I comitati dell'Unione europea*, Giuffrè, 2005) – he has published extensively, in English and Italian, on immigration and asylum law, as well as on Italian, European and Global administrative law.

Chair: *Janna Wessels*, Vrije Universiteit Amsterdam, MeDiMi Researcher (bio here)

Scheduled Participant

Itamar Mann is an Associate Professor of Law at the University of Haifa and a research fellow at Humboldt University, Berlin. He has written extensively in the areas of human rights law, refugee and migration law, international criminal law, Israel-Palestine, as well as legal and political theory. He is the President of the Geneva-based organization, Border Forensics, and has served as a legal adviser to the Global Legal Action Network (GLAN).

Session E • Panel E1 “Trends in Jurisprudence”

Participants

- *Alan Desmond*, University of Leicester: “State Sovereignty and International Migrants’ Rights in Europe: Plus ça Change, Plus c’est la Même Chose?”
- *Ben Hudson*, University of Exeter: “Asylum and Vulnerability at the European Court of Human Rights”
- *Jonathan Kiessling*, University of Erlangen-Nuremberg: “Proceduralization as Human-rightization: Recent ECtHR Expulsion Case Law and the Doctrinal Struggle for a Procedural Frame”
- Chair: *Mónica Ávila Currás*, Vrije Universiteit Amsterdam, MeDiMi Researcher (bio here)

Abstracts

State Sovereignty and International Migrants’ Rights in Europe: Plus ça Change, Plus c’est la Même Chose? (Alan Desmond)

In this paper I will argue that despite the expansion and advance of human rights discourse in migration societies in Europe, the human rights of migrants are uniquely susceptible to backsliding and over recent decades have been, *de facto* and *de jure*, undergoing curtailment and contraction. With a particular focus on Europe, I will argue that Dauvergne’s observation in 2003 that the field of migration is the ‘new last bastion of sovereignty’ is more acutely applicable to the treatment of international migrants in Europe today than ever before. I will use two examples to support this argument. First, I will show how the European Court of Human Rights deploys the Article 8 ECHR concepts of family life and private life in cases concerning migrants in a more restrictive manner than in cases concerning non-migrant applicants which ultimately has the effect of relieving states parties to the ECHR of Article 8 obligations that would otherwise require them to refrain from expulsion of non-citizens. The Court does this without justifying its differential treatment of migrant and non-migrant applicants in its Article 8 jurisprudence. Second, I will show how soft law is supplanting hard law in (the EU’s) international cooperation on international migration. I will do this primarily by zooming in on the substance and success of the Global Compact for Safe, Orderly and Regular Migration, an international agreement that was borne of anxiety induced by the 2015 migration ‘crisis’ in Europe and which now arguably crystallises an underappreciated migrants’ rights crisis in Europe evident from an analysis of supranational jurisprudence (ECtHR & CJEU) and legislative activity at the EU level.

Asylum and Vulnerability at the European Court of Human Rights (Ben Hudson)

In recent years, the European Court of Human Rights (ECtHR or Court) has been increasingly called upon to settle disputes pertaining to migration into Europe, many brought by those who seek asylum. In doing so, the Court not only pronounces on individual disputes, but also determines the human rights standards that apply to asylum seekers and the respective responsibilities of ECHR High Contracting Parties.

In the 'legally ground-breaking' (Costello 2015, p 262) case of *M.S.S. v Belgium and Greece* (App no 30696/09, 21 January 2011), the Court for the first time recognised asylum seekers as 'a particularly underprivileged and vulnerable population group in need of special protection' (para 251), a vulnerability that is, in the words of the Grand Chamber, 'inherent' in being an asylum seeker (para 233). While the meaning ascribed to vulnerability by the ECtHR is decidedly unclear (Heri 2021, p 205), it is nonetheless a particularly relevant concept to human rights given its insights into the human condition and the inter-relationship between individual and State. Moreover, identification by the ECtHR as vulnerable is important because it can have substantial implications for the level of protection afforded by the Convention (Beduschi 2018, p 85; Baumgärtel 2019, p 114; Kim 2021, p 617).

This paper begins by identifying how asylum vulnerability was conceptualised in *M.S.S.* It then tracks how vulnerability has been deployed since, from its heyday in *M.S.S.* and confirmation in *Khlaifia and Others v Italy* (App no 16483/12, 15 December 2016), to a subsequent sustained period of retreat that has left the Court's use of the concept in disarray and disrepute. The Court has covertly reversed the very principle of asylum vulnerability it itself established in *M.S.S.* through the means of 'comparing and caveating', surreptitious linguistic alteration, and simple failure to address vulnerability when it is plainly evident on the facts. Consequently, despite the optimism with which vulnerability's introduction into the Court's asylum jurisprudence was received, vulnerability has become a perverse tool of exclusion. This has a demonstrable detrimental impact on not only individual applicants but also on the standards of human rights protection being afforded to all asylum seekers in Europe.

Proceduralization as Humanrightization: Recent ECtHR Expulsion Case Law and the Doctrinal Struggle for a Procedural Frame (Jonathan Kiessling)

This contribution aims to analyze the doctrinal struggle about procedural rights in the European Court of Human Rights' (ECtHR) recent expulsion case law under Art. 4 Protocol 4 and Art. 3 ECHR and explores the role of procedural human rights protection within the bigger picture of the *humanrightization* of migration law, in particular at borders.

Over the past decades, the ECtHR has presented itself as a persistent legal challenger of restrictive European migration policies of expulsion and rejection at borders, repeatedly having found violations of the principle of non-refoulement, as enshrined in Art. 3 ECHR, and the prohibition of collective expulsion under Art. 4 Protocol 4 ECHR. More recently, a reverse trend has emerged. In a set of cases, which can be traced from *Khlaifia and Others v. Italy* (2016)

through *N.D. and N.T. v. Spain* (2020) to *A.A. v. North Macedonia* (2022), the Court has rejected complaints under Art. 4 Protocol 4 ECHR despite serious – and in some instances undisputed – shortcomings in the expulsion procedures.

I argue that these cases move the framing of the human rights discourse away from issues of procedure and towards substantive refoulement: As long as applicants did not face a risk of *substantive ill-treatment* upon return, so the logic goes, deficiencies of the expulsion *procedure* cannot be challenged by reference to human rights. This logic fails to recognize the independent value of procedural human rights, as it reduces procedure to a mere auxiliary tool to indicate “real” substantive human rights violations.

These cases do not necessarily entail a general backlash against the *humanrightization* of borders: In principle, both procedural and substantive protection are valid, and oftentimes complementary doctrinal frames for human rights. The disregard for procedure is particularly striking, however, because the ECtHR usually does not at all oppose to framing its judicial review procedurally. *Proceduralization* as a trend in European human rights law is often perceived as restricting the adjudication of substantive human rights. My research shows that the opposite movement – disregarding procedural requirements in favour of substantive outcomes – can equally result in rights-restrictive decisions. Both substance and procedure are doctrinal frames that can be harnessed by applicants, states, courts and other actors to advance expansive or restrictive interpretations within the human rights discourse.

Bios

Alan Desmond: I am an Associate Professor at Leicester Law School, where I have worked since September 2016. Previously, I worked at third-level institutions in Ireland, Italy and Poland. I am a member of the University of Leicester’s Migration, Mobility and Citizenship Network (MMCN) and the editor of the quarterly peer-reviewed Journal of Immigration, Asylum and Nationality Law. I am the Leicester PI for the Horizon Europe MIrreM project (2022–2025). Before entering legal academia I worked as an Irish language teacher and a freelance print and broadcast journalist in Poland.

Ben Hudson is a Senior Lecturer in Law at the University of Exeter (UK). His research primarily concerns internal displacement and cross-border migration. His most pertinent publications in the area of migration and international human rights law are: ‘Asylum Marginalisation Renewed: “Vulnerability Backsliding” at the European Court of Human Rights’ (2024) 20(1) International Journal of Law in Context, 16–34. ‘Migration in the Mediterranean: Exposing the Limits of Vulnerability at the European Court of Human Rights’ (2018) 4 Maritime Safety and Security Law Journal, 26–46. He is a Coordinator of the Routes network, and Editorial Board Member of the Journal of Internal Displacement and the Refugee Law Initiative Working Paper Series. Ben also leads the ‘Managing and Protecting People on the Move’ stream at the annual Socio-Legal Studies Association Conference.

Jonathan Kiessling is a research associate at the Research Center for Human Rights Erlangen-Nuremberg (CHRNE) and coordinator of the FAU Human Rights Clinic at Friedrich-Alexander-Universität Erlangen-Nürnberg. Since 2021, he pursues his PhD under supervision of Prof. Dr. Anuscheh Farahat with a project provisionally titled “Proceduralization and Substantialization in Pushback Cases – the prohibition of collective expulsion under Art. 4 Protocol 4 ECHR and its relationship to human-rights-based non-refoulement”. The research is supported by a full-time scholarship from “Studienstiftung des Deutschen Volkes” since 2023. In summer 2023, he spent a research stay at the ACMRL at VU Amsterdam, where he worked closely with Dr. Janna Wessels and other researchers of the MeDiMi project “Who is Empowered by Strasbourg?”.

Session E • Panel E2 “Health & Work”

Participants

- *Marie Diekmann*, German Institute for Human Rights, Berlin: “Human Rights in Business: The Case of Migrant Workers”
- *Anna Kompatscher*, Europa-Universität Flensburg: „The Right to Healthcare for Undocumented Migrants in France, Germany and Italy”
- *Oumaima Ramdani*, Mohammed V University, Rabat: “Migrants’ Right to Health in Morocco: Will and Reality”
- Chair: *Maik Paap*, Justus Liebig University Giessen, MeDiMi Researcher (bio here)

Abstracts

Human Rights in Business: The Case of Migrant Workers (Marie Diekmann)

This contribution aims to explore the situation of migrant workers in Germany from a human rights perspective. The case of migrant workers illustrates the limited power of human rights discourses and the ambivalence of human rights regulations. While political debates increasingly focus on limiting immigration to Germany and simultaneously recruiting highly skilled workers from abroad, the labor of so-called unskilled migrant workers has been integral to the German economy for decades. Entire economic sectors heavily rely on migrant workers.

In recent years, several public scandals have shed light on dreadful working conditions of migrant workers in Germany, including poor hygiene and inadequate housing. Concurrently, human rights discourse has advanced significantly, leading to numerous legislative proposals aimed at promoting respect for human rights in the economic sphere (e.g., UN Treaty Process, EU CSDDD Directive, German Supply Chain Act). Consequently, extremely adverse working conditions are increasingly recognized as work-related human rights violations. Labor unions and NGOs have filed complaints under the GSCA, and as part of UN state review processes, Germany has been criticized for gaps in protection for migrant workers and for not signing the ICMW.

By analyzing the process of hardening corporate social responsibility, my presentation will show that the case of migrant workers in particular highlights the limits of human rights in the economic sphere. Thus, we will see that while individual actors are exposed or sued, structures remain untouched, as the German economy is highly dependent on the regular supply of cheap (seasonal) labour. Human rights in business are therefore essentially still reduced to business reporting. However, this should not obscure the fact that the new business compliance legislation provides important (potential) resources for migrant workers and other rightsholders.

The empirical findings will be approached from a theoretical framework that emphasizes the open normative semantics of human rights, enabling actors to assert rights not yet covered by

law. This perspective will be combined with an understanding of the norm-law gap in human rights regulation, as elaborated by scholars in international relations (cf. Búzáz), while keeping in mind the structural limits of human rights as highlighted by Arendt and Marx.

The Right to Healthcare for Undocumented Migrants in France, Germany and Italy (Anna Kompatscher)

The basic need for bodily health and physical integrity is fundamental to all life. Everyone, regardless of their immigration status, requires access to healthcare. The right to healthcare is a universal human right linked to human dignity.

Germany, France and Italy claim to be protectors of human rights. This claim is tested by analysing the protection of the human right to healthcare for people in a very marginalised situation: undocumented migrants (third-country nationals who do not have a regular immigration status). Undocumented migrants might need healthcare just as every other human being, but because of their immigration status, this human right is often denied or restricted.

The contribution will begin by examining the basis and foundation of the right to healthcare and its protection under UN human rights law. It is essential to determine whether the lack of regular residence affects the entitlement to this right. International Human Rights Law enshrines a universal right to healthcare for "everyone," including undocumented migrants. This presentation will specifically focus on Article 12 of the International Covenant on Economic, Social, and Cultural Rights.

Secondly, it will compare the concrete design of healthcare benefits granted to undocumented migrants via three case studies in Germany, France and Italy. The three countries are bound by the same international and European human rights obligations. Nevertheless, different (legal) cultures and political choices lead to diverse legal contexts. The universality of the human right to healthcare is questioned in these three migration societies. Albeit to varying degrees, they all restrict access to healthcare for undocumented migrants.

In the conclusion, the presentation aims to assess whether France, Germany, and Italy with their national provisions adhere to the standards posed by the International Covenant on Economic, Social and Cultural Rights and how states can effectively guarantee the right to healthcare to undocumented migrants.

Migrants' Right to Health in Morocco: Will and Reality (Oumaima Ramdani)

Morocco's geographical location places it at the crossroads of migratory flows, particularly from south to north. In this respect, the country has ratified international human rights instruments and de facto ratified migrants' rights. However, despite this commitment, many observers criticize Morocco's failure to respect migrants' fundamental rights, particularly with regard to the right to health. The aim of this study is to understand the conditions established by the Moroccan state to organize migrants' access to health services. The information gathered for the presentation of this subject points to a national strategy that takes account of the country's

history, traditions and attachment to the exercise of its sovereignty. In addition to this strategy, there are international legal rules which, in principle, go beyond national references. Morocco has made a commitment to the IOM and WHO to bring its own texts into line with those of international law. In this context, we would point out that the design of health-related legislation should be based first and foremost on a scientific interpretation of human nature, and that the law of sovereignty, although limiting the right to health, should remain the rule for legislating on the internal affairs of States. Our discussion will therefore focus on the new provisions for reforming Morocco's health policy. These reforms are deemed necessary to facilitate migrants' access to health services, but insufficient in terms of international law and human rights in particular. Indeed, a simple show of solidarity will have no long-term effect on the very difficult conditions that migrants experience on a daily basis. For example, the IOM recommends preventive health measures during travel or when detaining migrants, whereas Morocco seems to be opting for a method that combines firmness and humanity.

Bios

Marie Diekmann holds a doctorate in law and currently works at the German Institute for Human Rights (Berlin) as a researcher and policy advisor in the field of business and human rights and in the field of human trafficking. She studied law and political science in Nancy, Heidelberg and Frankfurt am Main and was a research assistant at the Institute for Social Research in Frankfurt and at the Chair of Labour Law at Goethe University Frankfurt. Her research interests lie in the relationship between democracy and human rights with a focus on labour and industrial relations.

Anna Kompatscher: I studied law at the Università degli Studi di Trieste in Italy and earned an M.A. in European Political and Governance Studies from the College of Europe in Bruges, Belgium. Currently, I am a PhD candidate and research associate at the Chair of European Law, led by Prof. Dr. Anna Katharina Mangold, at Europa-Universität Flensburg. My PhD research focuses on the right to healthcare for undocumented migrants in France, Germany, and Italy. I examine this right within the framework of international and European human rights law, comparing the constitutional and legislative norms on healthcare in these three countries and how they are applied for undocumented migrants.

Oumaima Ramdani is a PhD student at the Faculty of Law in Rabat, Morocco. She obtained her bachelor's degree by defending a research paper on the legal framework of humanitarian interventions in armed conflicts. In 2022, she obtained her Master's degree, working on the interaction between human rights diplomacy and humanitarian diplomacy. Parallel to her studies, she was able to take part in courses at The Hague Academy of International Law, as well as the "emerging leaders in Australia-Africa Diplomacy" program. From these experiences, she plans to produce a publication in collaboration with Curtin University on Australia-Africa relations. She began the first year of her thesis by submitting research papers on "Moroccan mi-

gration policy", as well as drafting publications on the fundamental rights of migrants, including the right to life and health, and on Morocco's collaboration with UN organizations to establish good governance of migration.

Scheduled Participant

Health Protection of People on the Move in the Case-Law of the European Committee of Social Rights (Kamilla Galicz)

Nowadays, the health protection of migrants and refugees is at the crossroad between opposite dynamics. On the one hand, increasing doubts concern to what extent they shall be among the holders of the right to health and other health-related rights, impinging upon the range of State duties. On the other hand, international and regional treaty-monitoring bodies (TMBs) seek to interpret human rights instruments in a non-discriminatory way to protect the rights of everyone under State jurisdiction. This is the case of the Revised European Social Charter (RESC), which has an exceptionally limited personal scope: according to its Appendix, foreigners are included "only in so far as they are nationals of other Parties lawfully resident or working regularly within the territory of the Party concerned." Nonetheless, the Charter's quasi-judicial TMB, the European Committee of Social Rights (RESC Committee) has developed an interpretation of the RESC "as a living instrument" through the collective complaint mechanism introduced by the 1995 Additional Protocol.

In light of the foregoing, this analysis explores the ways in which the RESC Committee protects the health of people on the move through an inclusive interpretation of Charter rights, especially, Arts. 11, 13, 31 and, in case of minors, Arts. 7 (10) and 17 RESC. To this end, it first assesses how the personal scope restriction has been softened through the RESC Committee's activity. Second, it focuses on the relevant cases on migrants and refugees' health issues, raised even without explicit reference to Art. 11 RESC, proving that health protection falls under the material scope of other rights. Ultimately, an attempt is made to outline the future trajectory of health protection of people on the move under the RESC, trying also to understand how to enhance the effectiveness of the collective complaint mechanism accepted only by a few Contracting States so far.

Kamilla Galicz is a PhD candidate in law at the Sant'Anna School of Advanced Studies in Pisa. Prior to start her PhD studies, she had gained professional experience first as a country-of-origin information specialist at the Hungarian Immigration and Asylum Office, then as a trainee lawyer at a prestigious law firm in Budapest. She has published extensively and participated in Italian and international conferences on immigration, protection of fundamental rights in emergency contexts and social rights in the EU. Her PhD research focuses on the connections between health, the principle of *non-refoulement* and international protection. For research purposes, she spent her visiting period at the University of Graz from October 2023 to February 2024.

Session E • Panel E3 “Imaginaries of Migration”

Participants

- *Ester Minga*, Portuguese Catholic University, Lisbon: “Humanity Through the Portuguese Gaze: Mediated Emotions, Colonial Imagery, and Populism Phenomena”
- *Daniela Peruzzo*, Essex University: “The Victim, the Saviour, and the Persecutor: A Jungian Informed Discourse Analysis on the ‘Diciotti Case’”
- Chair: *Benjamin Bunk*, Justus Liebig University Giessen, MeDiMi Researcher (bio here)

Abstracts

Humanity Through the Portuguese Gaze: Mediated Emotions, Colonial Imagery, and Populism Phenomena (Ester Minga)

How are the overlapping, albeit confronted, concepts of human rights and humanitarianism articulated in the Portuguese public discourses on migrants and racialized people? We will address this question through a framing analysis of related content from the reference newspapers *Público* and *Expresso*, the national versions of the humanitarian organizations *Cáritas* and *Amnesty International*, the civil society associations *SOS Racismo* and *Nova Portugalidade*, and the political parties *Chega* (populist far-right) and *Bloco de Esquerda* (on the left spectrum). The content will be extracted from their websites during the period of November 7th, 2023, and March 10th, 2024, thus comprehending the fall of the Portuguese executive and the legislative elections. The hypothesis is that the legacies of (de)colonization inform the mediated emotional discourses on human rights and humanitarianism, especially when related to internal and external ‘Others’. The discussion on the persistence of the main ideas of the imperial ideology of late colonialism has flourished in recent years. On the other hand, the rise of populism has rekindled mythical narratives of historic nations and ethnic communities. By articulating gendered and racist tropes, far-right movements paradoxically explore human rights repertoires to oppose those Others to European values. Such a strategy has historical lineages. Human rights vocabularies and repertoires were not only instrumental to anti-colonial struggles but were also appropriated to legitimize imperial resilience. For example, the propaganda of the dictatorship sought to establish the narrative that Portuguese people were the inventors of human rights in Africa. This and related narratives sustain the widespread idea of an absence of racism among Portuguese people. We aim to fill the gap between the contemporary characterization of human rights/humanitarianism and the recurrence of colonial imagery by critically discussing how and which issues involving migrants and racialized people are emotionally framed as a cause of humanitarian concern.

The Victim the Saviour and The Persecutor: A Jungian Informed Discourse Analysis on the “Diciotti Case” (Daniela Peruzzo)

This paper examines the controversial decision made in August 2018 by then-Interior Minister Matteo Salvini to ban the disembarkation of 177 refugees rescued by the Italian patrol boat “Ubaldo Diciotti” on August, 2018, as mandated by international treaties and the United Nations Convention on the Law of the Sea (UNCLOS). The Diciotti ship was held in the port of Catania from August 20 to August 26, 2018, until an agreement was reached for the relocation of the asylum seekers. Although those aboard the Diciotti received assistance, they were prohibited from leaving the ship. As a result, the Agrigento prosecutor investigated Minister Salvini for kidnapping, abuse of office, omission of acts of office, and illegal arrest.

This case ignited a heated debate, polarizing public opinion into two factions: supporters and opponents of Matteo Salvini’s actions. While Salvini and his supporters depicted migrants as a threat or burden and relied on the *Us versus Them* rhetoric, human rights narratives were frequently employed by representatives of NGOs, opposition parties, journalists, and activists working in favor of asylum seekers and refugees, aiming to counteract the negative stereotyping of migrants. However, by reinforcing “paternalistic relations between those who need and those who provide asylum” (Kirkwood, 2017, p.122) the attempts at humanising refugees do not overcome the “us” and “them” binary and do not challenge existing power imbalance.

By referencing Papadopoulos’ (2021) theory of the Victim Triangle and applying a method that integrates Jungian analytical psychology with Foucauldian discursive analysis, this paper explores the discourses on migrants that emerged within the dialogical network (Leudar & Nekvapil, 2004; Nekvapil & Leudar, 2006; Leudar et al., 2008) activated by the media in response to this case. Assuming that discussions about refugees almost invariably involve adopting one of the three roles of victim, perpetrator, or rescuer (Papadopoulos, 2021), this study demonstrates from a psychosocial perspective how human rights discourses can inadvertently disempower and deprive migrants of their own voice, potentially fostering a process of victimization of refugees.

Bios

Ester Minga is an integrated researcher at the Research Center for Communication and Culture (Portuguese Catholic University). She holds a PhD in Communication Sciences from Nova University of Lisbon (Portugal), a Master of Communication and Semiotics, and a Bachelor of Journalism from the Pontifical Catholic University of São Paulo (Brazil). She was research fellow in the Postdoc Program in Integral Human Development, at Portuguese Catholic University, where she developed the individual project: “The Emigration-Immigration Nexus: public framing of the migration phenomenon in Portugal and its social impact” (2022–2024). She was also a fellow in the research project RadioActive Portugal (2015–2016). Ester Minga is a member of the Brazilian team of the Global Media Monitoring Project, the advisory committee of Talents for Good (the network of fellows from Porticus), and the International Association for Media

and Communication Research. She has developed her research within the scope of news media studies, especially in their intersection with migration, gender, and humanitarianism.

Daniela Peruzzo: I received my bachelor's degree and my master's degree in Cultural Anthropology from the University of Rome "La Sapienza". I gained my PhD Refugee Care from the Psychoanalytic and Psychosocial Department of Essex University. In my dissertation I approach from a psychosocial perspective the discourses on refugees in Italy during the so called "Caso Diciotti" (the Diciotti case) an event occurred in Italy in 2018 involving 177 refugees banned from disembarking by the Minister of Interior Matteo Salvini, after being rescued by the Italian patrol boat "Diciotti". I have ten years work experience in the support of asylum seekers and refugees in different capacities and I am actually volunteering for the charity "Praxis for Migrant and Refugees" in London.

Scheduled Participants

The (Moving) Subject of Rights in Law and Literature (Laura A. Zander & Peter Schneck)

Our conventional ideological fixations on sedentary forms of 'belonging' ('Seßhaftigkeit') implicitly rely on the 'figure of the migrant' – the subject on the move – and its shifting status between legality and illegality. (Nail 2015) Over the last decades, however, the migrant has become a central point of reference for a newly emergent rights imaginary which challenges and questions the universalism of civil and human rights built on the sovereignty of nations, that is, the legal and cultural constellations which rely on an ideology of exclusive belonging.

Our paper aims to trace this emergent global rights imaginary connected to migrancy as an existential condition ('Lebensform'), focusing on the 'figure of the migrant' as a subject of (human) rights from the interdisciplinary perspective of law and literature research. Especially in the field of global anglo-phone literatures, the new rights imaginary is reflected and negotiated in *fictions of migrancy* that represent and project the agency of migrants in the struggle to inscribe themselves into the law *before* the law. (Zander/Schneck 2024) In contrast to conventional human rights narratives of suffering intended as appeals for protection and seeking to mobilize readers to advance the human and civil rights of others, the new global fictions of migrancy claim active solidarity with the struggle of others for the rights they already have, as "fully human" subjects of rights. (Kingston 2019)

Laura Zander is a Research Fellow at the Collaborative Research Centre "Law and Literature" at the University of Münster, as well as a lecturing researcher at Osnabrück University. Laura holds degrees in both English Literature and Law. Before coming to Münster, she taught Literature at the English Department at LMU and Law at the Universities of Munich, Frankfurt, and Saarbrücken. Publications include *Writing Back / Reading Forward: Reconsidering the Postcolonial Approach* (Berlin 2019), as well as articles on law and literature, gender and postcolonial studies, and South African and Caribbean literature. Most recently, she edited the volume *Europe*

in *Law and Literature: Transdisciplinary Voices in Conversation* (De Gruyter). Her current research focuses on human rights, subjects on the move and fictions of migrancy.

Peter Schneck is Professor and Chair of American Literature and Culture at Osnabrück University, and currently the director of the Institute for English and American Studies. Publications include *The U.S. and the Questions of Rights* (Heidelberg 2020; co-ed); *Rhetoric and Evidence: Legal Conflict and Literary Representation in American Culture* (Berlin, 2011); as well as articles on cognitive poetics, literature and visual art, media history, cultural studies, and law and literature. Since 2019, he has been leading a research group at Osnabrück University on the formation of literary property within the Collaborative Research Centre (SFB 1385) "Law and Literature," hosted by the WWU Münster and funded by the German Research Foundation (DFG).

Session E • Panel E4 “Ethics of Rights”

Participants

- *Hannah Katz*, University of Haifa: “The Ethical Dimensions of Migrant Rights Lawyering at Europe’s External Borders”
- *Stefania Maffei*, University of Applied Sciences for Social Work, Education and Nursing, Dresden: “Human Rights on the Move: The Idea of a Right to Have Rights in Political Theories of Migration and in Solidarity Cities of Europe”
- Chair: *Tasnim Jabaly*, Philipps University Marburg, MeDiMi Researcher (bio here)

Abstracts

The Ethical Dimensions of Migrant Rights Lawyering at Europe's External Borders (Hannah Katz)

In the face of an alarming surge in the criminalization of humanitarian and legal support services for marginalized asylum seekers and migrants in Europe, legal practitioners find themselves navigating unprecedented ethical challenges. This paper delves into the often overlooked and intricate ethical dilemmas confronting migrant rights lawyers in border violence cases at the European Court of Human Rights (ECtHR). Examples of dilemmas may include communication barriers with clients who often lack legal status and may lack a comprehensive understanding of the legal process, potential harm resulting from failures in transnational court cases (e.g. *N.D. and N.T v Spain*), and engagement with communities that have internalized right-wing political narratives portraying advocacy for migrants as a betrayal. Migrant rights advocates face heightened backlash manifesting in various forms, affecting both individual lawyers (e.g. *M.H. and others v Croatia*) and human rights organizations.

This paper aims to offer a nuanced account of the lived experiences of transnational migrant rights lawyers, providing insights into the ethical reflections that shape their work. Employing a phenomenological approach to interviews, it seeks to conceptualize the subjective meanings these lawyers derive from their encounters with ethical dilemmas. The methodology draws inspiration from law and society perspectives on international law, specifically the 'turn to practice' within the discipline. While the conventional distinction between 'law in the books' and 'law in action' underscores the disparity between legal conceptualization and real-world application, this exploration extends to the ethical dimensions of legal practice. In this research, the ethical dilemmas confronting lawyers representing asylum seekers in border violence cases will serve to shed new light on the gap between the theory of human rights law and how it is imagined and felt by those who seek out to implement and enforce it.

Human Rights on the Move: The Idea of a Right to Have Rights in Political Theories of Migration and in Solidarity Cities of Europe (Stefania Maffeis)

The paper discusses the design and preliminary results of a research project that is currently in its application phase. Starting point of the project is a reflection on the structural contradiction between universal human rights and state responsibility in migration societies, which puts large sections of the population – both within and outside European borders – in a situation of rightlessness. The formula of the *right to have rights*, coined by Hannah Arendt in 1949 and intensively circulating in the political theory of migration since the early 1990s, will be examined on a philosophical-historical and on an empirical-ethnographic level as a possible instrument for the theorization and implementation of transnational citizenship. Both levels of analysis will develop the overarching question: To what extent is the theorizing of the right to have rights a practice that interprets this right and thereby realizes it in a particular way? The lecture presents some initial methodological considerations on the two different levels of analysis and reflects on the necessity and possibility of their interlinking. First, I will present highlights and turning points in the history of the circulation of the idea of a right to have rights since the early 1990s in European political theories, especially between Italy, France and Germany, with references to debates from the African and Anglo-American regions. In a second part of the paper, I will portray concept and movement of solidarity cities and discuss Dresden and the surrounding area as a possible model of such a city. To this end, I will map existing places in that region, in which forms and instruments for the implementation of transnational social rights for people with precarious residence status are being tested. Some hypotheses about the interpretations of a right to have rights circulating in these places will also be formulated. Finally, the lecture offers impulses for the discussion of a decidedly political, praxeological understanding of human rights in migration societies.

Bios

Hannah Katz: I am a second-year PhD candidate at the University of Haifa, Bloom Graduate School and Faculty of Law. My research addresses the complex relationship between European migration governance, the human rights of migrants, and the role of non-state actors in advocating for migrant rights. I draw on my academic background in international relations and migration studies, as well as my personal immigration experiences. Applying a socio-legal framework, my PhD research focuses on transnational human rights litigation in the context of migration and border violence in Europe, as well as the ethical dimensions of migrant rights lawyering at Europe's external borders.

Stefania Maffeis is Professor of Political Science with a specialization in Political Theories/Theories of Education at the Evangelische Hochschule Dresden (EHS) since September 2020. Previously, she was Associate Fellow in the research project "The Global Contestation of Gender and Women's Rights" at the Center for Interdisciplinary Research (ZIF) at Bielefeld University and Senior Research Fellow at the Käte Hamburger Center for Global Cooperation Research in

Duisburg-Essen. Maffei received her habilitation in philosophy from the Freie Universität (FU) Berlin in 2017. Between 2010 and 2017, she was a senior lecturer at the Institute of Philosophy at FU Berlin in an autonomous position funded by the Deutsche Forschungsgemeinschaft. Currently, she teaches and researches in the field of political and social philosophy, with a particular focus on the phenomena of migration, racism and transnational citizenship. In her current publications, she reconstructs and analyzes the intellectual and political struggles in Europe for the recognition of a human right to global freedom of movement.

Scheduled Participant

Challenging the Bounded Nation-State Baseline of Asylum Laws and Policies: The Humane Way Forward (Sylvie Da Lomba)

This paper investigates the role of international human rights law (IHRL) in the humanising of the EU and the UK's asylum laws and policies. I posit that, unless and until we subvert the bounded nation-state baseline of migration laws and policies, IHRL will continue to fail asylum seekers. The crux of my argument lies in the proposition that asylum laws and policies' inhumanity fundamentally stems from their exclusionary baseline. This, I argue, calls for a radical rethink of this baseline, a task I undertake using a novel theoretical framework – ethical vulnerability analysis. This framework brings vulnerability analysis into conversation with Levinas and Derrida's radical vulnerability theory and ethics of hospitality. Its purpose is to render asylum laws and policies accountable by the 'other' and thus humane.

Proponents of human rights-based approaches to responses to international protection needs argue that compliance with this body of law alone can humanise asylum laws and policies. In stark contrast, detractors of IHRL construe the legal obligations it places on states in respect of 'undesirable' non-nationals as illegitimate constraints on the state's exercise of its right to control immigration. This stance is vividly at play in the 2023 Safety of Rwanda (Asylum and Immigration) Bill introduced by the UK Government in response to the UK Supreme Court's November 2023 judgment which found the Government's 'Rwanda policy' contrary to its IHRL obligations.

My argument forcefully refutes the view that IHRL unduly constrains the government immigration power, but it also levels strong criticism at human rights-based approaches. Indeed, I contend that these approaches' failure to challenge the bounded nation-state baseline of asylum laws and policies mean that they are not equipped to humanise the hostile environment that asylum seekers experience in the EU and the UK.

Sylvie Da Lomba holds a PhD in Law from the University of Glasgow. She is a Senior Lecturer in Law at the University of Strathclyde (Glasgow, UK). She is an expert in the areas of international, EU and UK migration law. Her scholarship compels a fundamental rethink of the state-centred baseline of migration laws and policies that construe migration and migrants as an anomaly. Her recent research deploys an original theoretical framework – ethical vulnerability

analysis – in conversation with the concept of hospitality to yield a paradigm shift that anchors laws and policies in the realities of international migration and the migrant experience. See eg Da Lomba & Vermeylen (2023) 'Rethinking vulnerability as a radically ethical device: ethical vulnerability analysis and the EU's "migration crisis"' 24 Human Rights Review 263; and Da Lomba & Vermeylen (2023) 19 International Journal of Law in Context 143.

Session F • Roundtable “What Does Democracy Mean in Migration Societies? Human Rights, Participation, and Solidarity”

About the Roundtable

How do we understand and shape democracy in a society characterized by pluralism and migration? What role do human rights play therein?

Against the backdrop of regional elections in Thuringia, Saxony and Brandenburg, taking place around the time of the conference, and an increasing shift to the far right in Germany, we invite you to join activists and committed academics for an evening of discussion on the interplay between democracy, human rights and migration. The discussion aims to connect local political incidents with international debates and similar experiences elsewhere in search for common global norms and defiances of their local politicization.

Embedded in the MeDiMi conference, this public event aims to facilitate a shared exchange of experiences between activists, academics, and local civil society. The roundtable continues a series of “MeDiMi Impulses” by the MeDiMi Research Associates, who organize themselves as a Section of the Giessen Graduate Centre for Social Sciences, Business, Economics and Law (GGS).

Participants

Klaas Müller is a research assistant for the Thüringen Projekt at Verfassungsblog. He has studied law and philosophy in Münster and is working on his PhD on the philosophy of asylum law at Humboldt University Berlin. The Thuringia project is a research project initiated by Verfassungsblog on the resilience of democracy and the rule of law in Germany. Until the state elections in autumn 2024, we want to use the example of Thuringia to investigate what scope an authoritarian populist party would have at state level to use its power to the detriment of democracy and to immunize itself against constitutional ties and control, democratic competition and public criticism in the event of taking over or participating in government. Besides these institutional discourses, we want to emphasize taking into account those that are affected the most by an authoritarian shift, especially migrants and refugees. Our approach aims to safeguard vulnerable groups by preparing against scenarios of discrimination and working towards civil constitutional and democratic resilience.

Elizabeth Ngari: A founding member, activist, coordinator and administrator of the Women in Exile. An initiative of refugee women founded in Brandenburg state in 2002 by refugee women to fight for their rights. We decided to organize as a refugee women’s group because we made the experience that refugee women are doubly discriminated against not only by racist laws and discriminating refugee laws in general but also as women. My focus is on training and

empowering refugee women living in camps in Brandenburg and throughout Germany, giving them the tools to become peer educators, addressing issues such as: Where can I direct my complaints or demands; how can I find allies; how can I effectively support other refugee women*. To break the narrative that refugee women* are voiceless and need others to speak for them. We see ourselves as one of the few bridges between the refugee movement and the women's movement. Our fundamental political goal is a just society without exclusion and discrimination, with equal rights for all, irrespective of where they come from and where they go to. In concrete policy terms, we focus on the abolition of all laws discriminatory to asylum seekers and migrants and on the interconnections of racism and sexism.

Here to Support strives to form collaborations between artists, cultural producers, theoreticians, refugees and undocumented migrants, founded in equity in a society characterized by structural inequality. *Hidaya Nampiima* (she/her) is a member of Here to Support and co-founder of the Amsterdam City Rights coalition. Amsterdam City Rights brings together Amsterdam residents with and without documents so as to bundle their powers in the securing and improvement of human and social rights in the city. Hidaya speaks out on behalf of migrants, undocumented people, the LGBTQIA+ community, muslims, and women. She has been undocumented for many years, and recently received her residency permit. Hidaya is an activist who speaks on demonstrations, to media and in panels and represents her communities. *Fanny van der Vooren* (she/her) works at Here to Support and is a member of Amsterdam City Rights. She has a background in anthropology, and now works as a project coordinator and community organiser. Fanny manages the City Rights App: an application that provides information to undocumented residents of Amsterdam. She organises Academy series on politics, human rights, media, storytelling, and other topics relevant to undocumented communities in the city. In these Academy series guest speakers discuss various topics, and actions are taken to challenge the status quo.

Chairs: *Anna Arden*, Justus Liebig University Gießen, MeDiMi Researcher (bio here) & *Maria Hartmann*, Philipps University Marburg, MeDiMi Researcher (bio here)

Session G • Plenary Panel “The Making of Human Rights Consciousness in Migration Societies”

Participants

- *Aghogho Akpome*, University of Zululand: “Human Rights during the European Refugee ‘Crisis’: An Analysis of Selected Texts and Personal Accounts”
- *Andrea Fritsche*, University of Innsbruck: “Spaces for Rights Consciousness within the Everyday of Asylum Seeking”
- *Joachim Savelsberg*, University of Minnesota: “Migrant NGOs as Actors and Narrators in Human Right Trials”
- Chair: *Greta Olson*, Justus Liebig University Giessen, MeDiMi Researcher (bio here)

Abstracts

Human Rights During the European Refugee ‘Crisis’: An Analysis of Selected Texts and Personal Accounts (Aghogho Akpome)

This paper presents some key findings of a project that explored poly-generic narrative responses to the so-called European refugee/migrant crisis. The project focused on selected fictional literary texts and a non-fictional documentary based on the ‘crisis’. It also interrogated personal accounts of local Europeans captured through focus group interviews in six cities in Germany, Italy and Denmark. This paper reports on the ways in which these responses to the ‘crisis’ problematises European notions and practices of human rights with regard to asylum speakers – especially those from Africa. The focus is on migration policies and laws which undermine Article 14(1) of the Universal Declaration of Human Rights. This presentation emerges from analyses of *Go Went Gone*, a 2015 novel by the Germany writer, Jenny Erpenbeck and *It Will Be Chaos*, a 2018 documentary by Italian filmmakers, Lorena Luciano and Filippo Piscopo. The two are set, respectively, in Germany and Italy and focus on mostly African asylum-seekers moving into Europe from 2013 onwards. The analysis of the novel and documentary is triangulated with personal narratives from semi-structured focus group interviews with European participants in Rome and Berlin in 2019 and 2020. These texts and empirical interviewee accounts are subjected to in-depth narrative analyses which foreground the imaginative, humanistic and socio-cultural textures of contemporary European migration societies. This approach enables productive exploration and (re)theorisation of links between human rights and migration.

This presentation comes from the project ‘The refugee ‘crisis’ and European re-imaginings of Africa’ out of which he has so far published three articles namely, “‘Corpses and numbers’: The portrayal of black African refugees in *It Will Be Chaos* by Lorena Luciano and Filippo Piscopo”; “Their Skin Is Black’: Invoking and Subverting Problematic Imaginaries of Africa in Jenny

Erpenbeck's *Go Went Gone* (2015)' and 'Depicting the Black African Refugee in The Jungle by Joe Murphy and Joe Robertson'.

Spaces for Rights Consciousness within the Everyday of Asylum Seeking (Andrea Fritsche)

Starting from a human rights-based understanding of asylum, and drawing on qualitative empirical data from Austria, I will share some insights into intersubjective meanings of asylum, ask for the role of (human) rights in this context, and trace spaces of (human) rights consciousness within the everyday of asylum seeking. The notion of asylum as a human rights claim is fundamentally challenged in practice – not only by its embedding in the migration regime but also due to a highly juridified everyday, characterized by bureaucratic, complex, and often opaque asylum law in action, as well as by experiences of exclusion, insecurity, and discrimination. Ideal-typical meanings of asylum as a status of protection and a means to access human rights change particularly in confrontation with the law in action or, more broadly, with asylum as living law. (Human) rights consciousness of asylum seekers is shown to be contingent upon their narrative and identity-related positioning within the legal and social context, as well as orientations towards biographical times (past, present, future). Particularly past and future orientations refer to notions of "refugeeness" that also embrace (human) rights and entitlements – albeit in tension with concepts of victimhood and integration-oriented performance. Linked rights consciousness provides moments of agency, where claims for universal rights are possible and where meanings of asylum and protection may be expanded. Orientations towards the present focus more on the position as "mere asylum seeker" – rights are often attributed to spaces surrounding the individual, detached from the everyday. Societal and particularly legal non-responsiveness to positions as rights-holder and rights-claimant promotes negative or extra-legal human rights consciousness. The realization of rights then becomes possible only through the self-granting of fragmented rights in extra-legal spaces or counter-legal action. When such practices remain individualized and hidden, participation in political and discursive struggles over meanings of asylum and human rights diminish. Additionally, the non-responsiveness of state law and the subsequent need to turn to extra-legal spaces for realizing self-authored rights is not only demanding, can endanger identities and the sense of entitlement, but may also carry the risk of alienation from state law and erosion of trust in its institutions and the rule of law as such.

Migrant NGOs as Actors and Narrators in Human Right Trials in Migration Societies (Joachim Savelsberg)

Old insights into the reciprocal relationship between law and knowledge/narratives of grave human rights violations need updates considering the innovative role immigrant-based NGOs play vis-à-vis the legal field. Past work shows a) that law shapes knowledge as trials produce, and instill in the public, images of mass violence through the production and presentation of

evidence in ritual practices and public discourse and b) how the institutional logic of law constrains trial-based knowledge formation. Recent innovations in law and civil society have overcome some constraints. They include the institutionalization of law pertaining to “crimes against humanity;” the creation and spread of new judicial institutions, including universal jurisdiction; and new prosecutorial practices, such as structural investigations. Importantly, trials against perpetrators of mass atrocities today unfold in the context of a Prosecutorial-NGO (P-NGO) Complex. Courts and prosecutorial agencies are increasingly embedded in networks of (I)NGOs that (1) feed evidence and witnesses into investigations and court proceedings and (2) color the narratives produced by courts through retelling and reframing on INGO websites and blogs. Core members of these networks are NGOs formed out of immigrant populations. The immigrant-supported P-NGO Complex thus generates new kinds of knowledge. Theoretical arguments are supported by empirical evidence, based on interviews with court observers and activists involved in universal jurisdiction proceedings against perpetrators of Syria’s Assad regime, an analysis of NGO websites, and a network analysis of the structure of (I)NGOs ties.

Bios

Aghogho Akpome is an Associate Professor in the Department of English at University of Zululand. He had worked briefly in the media in Nigeria where he was also a schoolteacher and lecturer. He also tutored/taught English literary studies and academic literacies briefly at University of Johannesburg and University of Witwatersrand and was a research associate at the Centre for Africa Studies, University of the Free State, South Africa from 2013–2016. He was a visiting researcher at the Centre of Postcolonial and Gender Studies, University of Naples L’Orientale, Naples, Italy and the Institute of English Language and Literature, Freie Universität Berlin, Germany in 2019 and 2020. His research interests include narratives, migration, decolonisation, representations, literary theory and discourses, especially as they relate to Africa. He currently has a researcher rating of C1 from the National Research Foundation (NRF) of South Africa.

Andrea Fritsche studied sociology in Vienna and Paris and completed her PhD with a socio-legal thesis on intersubjective meanings of asylum as a fellow of the doctoral program “Empowerment through Human Rights” (University of Vienna/LBI for Human Rights). As a Senior Scientist at the Department of Applied Sociology of Law and Criminology (University of Innsbruck), she has conducted research on legal mobilization, (in)security and community work, violence in prison, restrictions of freedom and fundamental rights in care and psychiatric institutions. She teaches courses on methodology, law and society, and socio-legal approaches to asylum. She is a founding member and co-speaker of the Law & Society section of the Austrian Sociological Association. Besides academia, she has worked for several years as a legal and social counselor for refugees, asylum seekers, and illegalized persons.

Joachim J. Savelsberg is a professor of sociology and, by courtesy, law and holder of the Arsham and Charlotte Ohanessian Chair at the University of Minnesota. Born and educated in Germany,

he joined the sociology faculty at Minnesota in 1989. He served as editor of the *Law & Society Review* and as chair of the sections for Sociology of Law and for Human Rights of the American Sociological Association. Recent books include *Crime and Human Rights: Criminology of Genocide and Atrocities* (Sage 2010); *American Memories: Atrocities and the Law* (with Ryan King) (Russell Sage Foundation 2011); *Representing Mass Violence: Conflicting Responses to Human Rights Violations in Darfur* (University of California Press 2015 [paperback and open access online]); and *Knowing about Genocide: Armenian Suffering and Epistemic Struggles* (University of California Press 2021 [paperback and open access online]).

Session H • Panel H1 “Framing of Rights”

Participants

- *Jens T. Theilen*, Helmut Schmidt University, Hamburg: “Framing Migration in Human Rights”
- *Barbara von Rütte*, University of Basel: “The Right to Have Rights? A Human Right to Citizenship in a Migration Context”
- *Catharina Ziebritzki*, Max Planck Institute for Comparative Public Law and International Law, Heidelberg: “Human Rights and Exceptionalism in European Migration Law”
- Chair: *Frederik von Harbou*, University of Applied Sciences Jena, MeDiMi Researcher (bio here)

Abstracts

Framing Migration in Human Rights (Jens T. Theilen)

In debates about migration, human rights are often invoked as a progressive standard that states should live up to. This move is understandable, particularly when human rights serve as a counterpoint to dehumanising right-wing rhetoric. However, turning to the language of human rights comes with its own problems: While it can help to ameliorate states’ treatment of migrants in some cases, it also frames migration in a way that normalises the foundations of current border regimes rather than challenging them.

In this presentation, I draw on frame theory to investigate this dynamic. I analyse the way migration is framed in European human rights law with a particular focus on the selective operation of frames – the way they tie certain considerations together while moving others out of the frame. I consider three framing moves prevalent in European human rights law. First, I discuss the notion of vulnerability, which frames some migrants as particularly vulnerable but distracts from how vulnerability is created through the existence of border regimes. Second, I question debates on human trafficking which frame smugglers rather than states’ border regimes as the root of the “problem” of migration. And third, I analyse the notion of race which, when used at all, is framed merely as a narrow issue of non-discrimination rather than a foundational aspect of European border regimes with striking colonial legacies.

Analysing how migration is framed within human rights demonstrates that reliance on human rights allows only for minor modifications to current border regimes while, at a deeper level, serving to legitimate them. The presentation thus offers a critique of human rights law through the lens of frames theory. In so doing, it raises questions as to how we can challenge current border regimes beyond the language of human rights.

The Right to Have Rights? A Human Right to Citizenship in a Migration Context (Barbara von Rütte)

The existence of an enforceable right to citizenship is often disputed. States regularly oppose the adoption of concrete rights in the domain of nationality, arguing that membership in the nation state falls within states' *domaine réservé*. This is despite the fact that the right to citizenship – or nationality – has been enshrined in Article 15 UDHR and is addressed in all major human rights treaties. Still, the human rights protection for individuals in nationality matters is weak and its enforcement even weaker. With the exception of Article 20 of the American Convention on Human Rights, no international instrument guarantees a right to the nationality of a specific state. States have been successful in rejecting concrete obligations, namely in a migration context where individuals concerned might not be stateless, but lack an effective nationality. In particular, the right to access citizenship in a specific state is rejected with the argument that the right to nationality lacks an addressee which would be obliged to respect, protect or fulfil it.

The paper aims to challenge this sovereignty-centered interpretation and to offer a new perspective on the intersection of citizenship, migration and human rights. It argues that the right to citizenship should be reinterpreted to realize its full potential in a migration context. The argument of the lacking addressee can be countered by introducing the principle of *jus nexi* and linking the right to citizenship to a person's actual connections and their social identity. Such a rights-based interpretation would impose important limitations to state discretion when deciding on membership. It would allow to recognize the right to citizenship as a human right that is inherently tied to migration and migrant rights. As a right to have rights, it would have the potential to mitigate some of the exclusionary effects of a nation state-based world.

Human Rights and Exceptionalism in European Migration Law (Catharina Ziebritzki)

As the notion of humanrightisation (*Vermenschenrechtlichung*) aptly describes, European discourse on migration is increasingly characterised by references to human rights. Actors of all political colours tend to use human rights language to support their claims. While this development is rarely disputed in itself, the reasons for it are still underexplored.

Against this background, this contribution traces humanrightisation back to the discursive trend of exceptionalisation (*Versonderrechtlichung*). The argument proceeds in three steps. First, the notion of exceptionalisation is described as a tendency that is opposed to, but coexists with, humanrightisation. As examples from several EU member states show, those who seek to justify a more restrictive migration policy increasingly rely on the idea that migration law is exempt from fundamental legal standards. Such exceptionalisation jeopardises one of the most important achievements of recent decades, namely the conceptualisation of migration law as an 'ordinary' area of law – and thus endangers the rule of law. Second, it is argued that humanrightisation can be understood as a result of exceptionalisation. When the 'ordinariness' of migration law is no longer accepted by all participants in the discussion, proponents of a more

open migration policy can no longer simply insist on the compliance with legal standards – they have no arguments left but human rights. At the same time, proponents of a more restrictive migration policy tend to use the language of human rights for hypocritical saving face. In fact, exceptionalisation often goes hand in hand with references to human rights, which makes it so difficult to recognise. Third, the notion of humanrightisation is reassessed. In light of the findings of this contribution, humanrightisation appears as a highly ambivalent phenomenon: while it might be a welcome discursive trend for several reasons, it must also be understood as symptom of a deeply problematic development.

Bios

Jens T. Theilen is a post-doctoral researcher at Helmut-Schmidt-University, Hamburg. Their doctoral thesis dealt with the so-called European consensus argument used by the European Court of Human Rights from the perspective of critical human rights theory. The resulting monograph, *European Consensus between Strategy and Principle (Nomos, 2021)*, was awarded the Hermann Mosler Prize of the German Society for International Law in 2023. Jens is currently working on their Habilitation which provides a critical analysis of German citizenship and migration law and the way it is shaped by economic, racial, and gendered structures. They are also one of three principal investigators of the project “Framing Reality and Normativity in European Human Rights Law: Climate Change, Migration, and Authoritarianism”, funded by the Volkswagen Foundation.

Barbara von Rütte is a Postdoc at the Institute for European Global Studies at the University of Basel (Switzerland). After her studies in International and European Law at the Universities of Bern and Leiden (NL), she has been a PhD researcher at the University of Bern and a postdoctoral research fellow at the Max-Planck Institute for the Study of Religious and Ethnic Diversity. Her research focuses on citizenship, nationality, statelessness and belonging. Her broader research interests include Swiss constitutional and migration law as well as international human rights law. Her monograph “The Human Right to Citizenship. Situating the Right to Citizenship within International and Regional Human Rights Law” has been published with Brill in 2022. Since 2020 she is a member of the Swiss Federal Commission on Migration. She is admitted to the Bar of Zurich.

Catharina Ziebritzki is a postdoctoral research fellow at Max Planck Institute for Comparative Public Law and International Law in Heidelberg. Her research focuses on European asylum law, international refugee law and human rights. Catharina is co-founder and board member of the Greek-German NGO Equal Rights Beyond Borders. She is currently a legal clerk (Referendarin) at Kammergericht Berlin.

Session H • Panel H2 “Politics of Rights”

Participants

- *Lisa Marie Borrelli*, University of Applied Science – HES-SO Valais-Wallis: “Permanent Temporariness as a Return-Based Approach: Syrian Refugee Integration or its Lack of it in the Neighboring Region”
- *Marlene Joger*, University of Bamberg: “Human Rights as a Source of Legitimacy? An Analysis of Human Rights Narratives in Migration-related Discourse in the European Parliament”
- *Lena Laube*, University of Bonn & *Maria Ullrich*, University of Bonn: “What do the Ships Symbolize? Rationales and Motivations for Supporting Search and Rescue NGOs on the High Seas”
- Chair: *Laura Holderied*, Justus Liebig University Giessen, MeDiMi Researcher (bio here)

Abstracts

Permanent Temporariness as a Return-Based Approach: Syrian Refugee Integration or its Lack of it in the Neighboring Region (Lisa Marie Borrelli)

Time and temporality have played a crucial role in understanding the agency of migrants, including refugees, asylum seekers and those irregularised. The feeling of being stuck, or of time running out, that migrants experience or the quite literal living in limbo as a situation of permanence are aspects that shape migration governance. Time is hence an instrument deeply engrained in migration governance and a key technology to coerce individuals and manipulate them into facilitating return. In return, migrants navigate temporal fields and insecure or unstable permits, situations of in-betweenness and thus shape their lives in spaces which are potentially ephemeral.

Indeed, prior work has highlighted that time can be slowed down, quickened, as well as stopped by state authorities through laws but also bureaucratic practices e.g. through policy implementation and particular the way how street-level bureaucrats manage time and experience it (e.g., through the need to make deadlines for deportation, etc.).

This contribution is based on these prior works but explores the temporality of policies and diplomatic relations on a transnational level to study how the use of time blocks, deters or delays access to rights. It takes up refugee governance and the question of Syrian refugee return at the intersection of EU policies and policies in the neighboring region, such as Jordan and Lebanon. These policies support a life of permanent temporariness, through strategies of non-assistance, which in turn “buys” time instead of solving the ‘refugee question’, while normalizing this situation. Simultaneously, the observable strategies of constant negotiation could be understood as delaying tactics or stalling, which shall be explored through an analysis of

policy negotiation between the national actors. While such stalling takes place, economic sanctions that are calculated retrospectively make a future for refugees impossible, cutting their time short.

Human Rights as a Source of Legitimacy? An Analysis of Human Rights Narratives in Migration-related Discourse in the European Parliament (Marlene Joger)

Human rights play an ever-larger role for the legitimacy of international organisations and their actors. In the European Parliament (EP), human rights-related legitimation practices have become increasingly prominent among political actors from all political and national backgrounds. While human rights discourses in the EP have always been shaped by actors deeply committed to human rights, references to human rights norms also serve as a legal and moral source for legitimacy because human rights are widely accepted normative standards. Migration-related discourse, in particular, has become both highly politicised and increasingly connected to human rights. I aim to discover how party groups use human rights narratives to legitimate their political goals. To do so, I conduct a qualitative frame analysis of speeches held on migration-related issues during the EP's 9th legislature. I selected the speeches from meetings of the two EP committees most focused on both human rights and migration-related issues, namely the Subcommittee on Human Rights (DROI) and the Committee on Civil Liberties, Justice and Home Affairs (LIBE). Subsequently, I substantiate my findings with interviews I conducted with committee members and staff. Preliminary findings suggest that depending on their political orientation, party groups apply different human rights narratives to legitimate their political goals or use them to de-legitimize the goals of others. I discover competing human rights definitions and potential new meanings with regard to migration, which are central to the EU's reputation as a community of values.

What do the Ships Symbolize? Rationales and Motivations for Supporting Search and Rescue NGOs on the High Seas (Lena Laube & Maria Ullrich)

For almost a decade, civil society organizations have been actively involved in rescuing people in distress in the Mediterranean Sea and transporting them to safe ports in Europe. This activism reflects their rejection of European border policies that tacitly accept border victims. While various studies have explored the motivations of search and rescue (SAR) activists (a.o.: Gordon 2020, Stierl 2018), the persistence, professionalization, and integration of these NGOs into the border regime would not have been possible without a societal foundation. This foundation encompasses individual political parties and politicians, municipalities, churches, artists, scientists, and others. But how do *they* justify their support? What do the rescue ships symbolize for them? What role do references to human rights play in their rationales?

Our paper presents findings from the research project "Zivile Seenotrettung als Kristallisationspunkt des Streits um Demokratie" (ZivDem, 2022–2025), which comparatively examines the discourse on (civilian) search and rescue activities in Germany, Italy, and Spain. Based on narrative interviews with a great variety of supporters, we examine the role of human rights for

them and show the extent to which further references, such as concerns for global justice, humanitarian action, solidarity or historical responsibility, come into play. We critically observe that within the public discourse on SAR NGOs human rights references tend to focus on the moment of rescue, neglecting subsequent issues of access and political inclusion. Against this background, our data show that SAR activism mobilizes broader societal support that addresses wider human rights considerations and values also beyond the migration context.

Bios

Lisa Marie Borrelli works as Associate Professor at the University of Applied Science – HES-SO Valais, Institute of Social Work, Switzerland. Her research interests circle around migration studies and here the socio-legal aspects of state control, both in practice and theory. She also works on social policies and studies the intersection of poverty and migration control. Currently, she takes a specific interest on how noncitizens' rights are restricted by states in the fields of migration law, welfare policies and public administration, which she studies through an ethnographic approach and qualitative methodologies. Since 2023 she directs the project 'Tracing Syrian refugee return dynamics across South/North Divides: The interrelatedness of European repatriation decisions and regional (non-) refoulement' (funded by the Swiss Network for International Studies).

Marlene Joger is a PhD candidate and research fellow at the Professorship for International and European Politics at the University of Bamberg. Her research focuses on legitimation within international organisations, especially in the European Parliament and the UN human rights committees. She is particularly interested in human rights legitimation and human rights narratives in migration-related discourse.

Lena Laube is a Sociologist and Senior Researcher at the University of Bonn. Together with Mareike Gebhardt, she is PI of the research group on SAR activism in the Mediterranean "ZivDem" (funded by Gerda Henkel Foundation). Moreover, she is part of a transdisciplinary project "Reflexivity in (forced) migration studies" at University of Bonn. Her research focuses on International Political Sociology, mobility and border studies, refugee studies and comparative research on democracies. *Maria Ullrich* is Postdoc Fellow at the University of Bonn. She is member of the research group "ZivDem" and part of the transdisciplinary project "Reflexivity in (forced) migration studies2 at University of Bonn. She is a social scientist and her research focuses on citizenship, migration, and borders in contemporary Europe.

Session H • Panel H3 “Knowledge Cultures of Rights”

Participants

- *Angélica Cocomá*, Max Planck Institute for Social Anthropology, Halle (Saale): “Privilege and Vulnerability: Exploring the Human Rights Lexicon of High-Skilled Female Migrants”
- *Maria-Artemis Kolliniati*, Technical University of Darmstadt: “Interpreting Human Rights: Asylum Centers from Communitarianism to Egalitarian Liberalism”
- *Angelika Poferl*, Technical University of Dortmund: “‘Human Rights Culture’? Plural Dignities, Knowledge Cultures and the Existential Aesthetics of Human Rights”
- Chair: *Dariuš Zifonun*, Philipps University Marburg, MeDiMi Researcher (bio here)

Abstracts

Privilege and Vulnerability: Exploring the Human Rights Lexicon of High-Skilled Female Migrants (Angélica Cocomá)

This paper, derived from my PhD thesis, examines whether high-skilled migrant women from the Global South currently working in the European tech sector use the language of human rights during relocation process and settlement. It analyses the experiences of high-skilled migrant women from the Global South (mainly from Latin America, Asia and Africa), working in Germany and France, utilizing indepth interviews as the main method.

Using the theoretical framework of legal consciousness, I expose instances of migrants’ uses of the human rights lexicon as being “before the law,” “with the law,” and “against the law.” Standing *before the law* occurs when migrants view the law as neutral and objective. The right to social security exemplifies this position. *With the law* describes situations where migrants strategically use legal tools for personal gain. For instance, they may invoke the right to equality to advocate for fair treatment in workplaces and immigration offices. Finally, migrants who *stand against the law* distrust the legal system. This manifests in criticism of limited voting rights or difficulties accessing justice]

Migration scholarship has predominantly focused on exploitation and vulnerability faced by irregular migrants or so called “low-skilled” labour migrants. Similarly, research on female labour migrants tend to study sectors such as domestic and sex work, which has lead to overlooking the experiences of “high-skilled” female labour migrants. Scholars in the field of law and society also point out that existing research has predominantly focused on undocumented low-income migrants and temporary workers, proposing to explore the experiences of high-wage migrant workers, which has remained understudied. The papers seeks to shed light on who is the subject of human rights by questioning the conventional notion that human rights

solely benefits migrants usually seen as most vulnerable, like irregular migrants and refugees, highlighting human rights relevance for more privileged groups, such as high-skilled migrants.

Interpreting Human Rights: Asylum Centers from Communitarianism to Egalitarian Liberalism (Maria-Artemis Kolliniati)

Focusing on the refugee centers on the Aegean islands, often considered epicenters of the European refugee crisis, this paper delves into research conducted among local actors, including mayors, municipal councillors, NGO representatives, and personnel at refugee reception and identification centers. By exploring their interpretations, it seeks to unravel the role of human rights in narratives surrounding refugee flows, classifying responses within various political theory frameworks, particularly communitarianism, conservatism, global liberalism, and egalitarianism. This inquiry aims to disclose an intricate facet of the European refugee crisis, highlighting the indispensable contributions of grassroots actors in shaping the discourse on human rights. The interpretation and application of human rights are tested, challenged, and reshaped not within the conventional legal and political confines of Strasbourg or the official European institutions but amidst rural landscapes and local neighborhoods. In these settings, actors outside the realm of decision-making elites shape these dynamics (Goodale 2007, pp. 36–38; Goodale 2022). Scholars specializing in human rights examine the discernible shift towards the local perspective in human rights, probing the concept of ‘vernacularization.’ This concept encapsulates the localized adaptation of human rights and challenges the rigid dichotomy between the ‘global’ and ‘local,’ focusing on the multifaceted roles enacted by diverse actors (Merry 2006, p. 42; Levitt & Merry 2009, p. 441).

“Human Rights Culture”? Plural Dignities, Knowledge Cultures and the Existential Aesthetics of Human Rights (Angelika Poferl)

Speaking, thinking and acting in terms of human rights has become a contested terrain and cannot be taken for granted. This is not entirely new; the normative idea of human rights and its institutionalization has always been characterized by tensions, ruptures and asymmetries. However, they are currently emerging in a way that raises central questions regarding the understanding of human rights and influences both the academic discourse and the social construction of reality – from the macro level of social order to the microcosm of everyday human experience. Here, the distinction between ‘universalist’ and ‘particularist’ perspectives points to increasingly acute problems in the defence of or criticism of human rights. Against this background, the contribution deals with the question of the knowledge culture of human rights. It firstly takes up the widespread concept of a ‘human rights culture’, which is directed against culturally relativistic restrictions, but also emphasizes the universalism of human rights ‘as culture’. Secondly, the implications of a version of human rights based on ‘culture’ are discussed in greater depth from the perspective of a sociology of knowledge and everyday life. Postmodern, anti-foundationalist approaches have, for example, argued for a renunciation of normative justifications of human rights and underlined their pragmatic validity. Anthropological debates

are concerned with locally or ethnically connoted cultural differences in the understanding of human rights; at the same time, however, they also point to the inadequacies of a closed, static understanding of culture, to transcultural processes and comparable moral standards. Thirdly, the thesis of the contribution is that the concept of dignity plays a central, sociologically underexposed role: on the one hand, it allows to take into consideration the generalizing, knowledge-cultural formation of human beings as human rights subjects, on the other hand, it enables us to focus on specific, concrete and manifold human experiences. This goes beyond the level of normativisation: Which *knowledge cultures* characterize knowledge about human rights? How can a concept of *plural dignities* contribute to reflecting the diversity of experience at the level of everyday life? And to what extent can we speak of an *existential aesthetics* of human rights? In migration societies, such questions do not arise from 'outside,' but from 'within'.

Bios

Angélica Cocomá is a Law PhD Research Candidate at the Max Planck Institute for Social Anthropology. Since April 2023, she has been affiliated with the research group 'Just Migration: Labour Migration Regimes in Transnationalised Contexts,' led by Prof. Dr. Anuscheh Farahat. She holds an LLB and a bachelor's in philosophy from Universidad de los Andes in Bogotá, Colombia, and an LLM (with distinction) from the London School of Economics. She worked for three years at Women's Link Worldwide, an international human rights NGO, representing victims of forced abortion and other violations before the Special Jurisdiction of Peace in Colombia. She also worked on the constitutional challenge that decriminalized abortion up to the 24th week of gestation in Colombia in 2022. Within the Inter-American Human Rights System, she represented migrant women affected by the Venezuelan humanitarian crisis. Her PhD research focuses on the migration journeys of 'highly-skilled' migrant women from the Global South in Europe. Specifically, she explores how EU and domestic labour migration laws facilitate migrants' agency in terms of mobility decisions and power dynamics with their employers in recipient states. Her research interests are international human rights law; economic, social, and cultural rights (ESCR); critical legal studies; decolonial theory; feminist legal studies; socio-legal studies.

Maria-Artemis Kolliniati is the author of 'Human Rights and Positive Obligations to Healthcare: Reading the European Convention on Human Rights through Joseph Raz's Theory of Rights' (Nomos) and the forthcoming monograph 'Interpreting Human Rights' (Routledge). She is an adjunct lecturer in Human Rights and Forced Migration on the MA collaborative programmes of TU Darmstadt and Goethe University Frankfurt, at the Hellenic Open University teaching Human Rights and at the University of Athens School of Philosophy teaching 'Ethics, Law and Politics.' Her postdoctoral research was honored by the Greek State Scholarship Foundation with a scholarship for the years 2020–2022. Previously, she taught Jurisprudence at the University of Glasgow Law School (2015–2016). She has also been a researcher at the University of

Antwerp Centre for Law and Cosmopolitan Values (2013–2015). She holds a PhD in Political Science from the Ruprecht Karl University of Heidelberg (2018), a MA in Philosophy (2013) from the University of Athens Philosophy School, a MA in Political Science and Sociology (2011) and a BA in Political Science and Public Administration (2008) from the University of Athens School of Law Economics and Political Science. Her research interests include Human Rights, Political Theory, Applied Philosophy, Public Health, Migration, Artificial Intelligence and Philosophy, Public Policies, the European Convention on Human Rights, Human Rights and Globalization.

Angelika Poferl, Professor of General Sociology, TU Dortmund University. Research interests: knowledge cultures, everyday cultures; sociology of human rights; reflexive modernities; interpretive research. Selected publications: (2024) Space in the Theory of Reflexive Modernization: The Location of Subjects from a Cosmopolitan Perspective. In D. Bartmanski et al. (Eds.), *Considering Space*; (2023) *Der Mensch der Menschenrechte. Transzendenzbegriff, Erfahrungskategorie, Ordnungskonstruktion?* In P.-I. Villa (Hrsg.), *Polarisierte Welten*; (2021) How to talk about difference and equality? Human dignity, gender, and the cosmopolitics of the social. In H. Winkel & A. Poferl (Eds.), *Multiple Gender Cultures, Sociology, and Plural Modernities*; (2018) *Cosmopolitan Entitlements. Human Rights and the Constitution of Human Beings as Human Rights Subjects*. *Transnational Social Review* 8(1).

Session I: Concluding Keynote “Research on Human Rights and Migration: The Way Forward” – *Anuscheh Farahat*

Abstract

In this keynote, I will present a research agenda for future research on human rights and migration. In my view, our way forward should be to focus on three interconnected dimensions of migration from a comparative, human rights-based and interdisciplinary perspective: agency of migrants, the political economy of migration, and the different modes of belonging.

Given our own perspective, I propose intensifying efforts to understand the dynamics of European immigration society from a multidisciplinary perspective. I argue we should view this society as a superdiverse society of citizens and residents. Social sciences are essential to grasp the concept of superdiversity and to gain insights into power dynamics and inclusion. From a legal standpoint, it is important to develop the constitutional framework, using human rights, non-discrimination, and solidarity as benchmarks for evaluating EU Asylum and Migration Law.

The fields of anthropology and sociology have long been interested in the agency of migrants, while legal and political science often focus on governmental perspectives. I believe that taking a multidisciplinary approach to the concept of agency among migrants would help us understand how migrants use and navigate the law, particularly human rights, to achieve their aspirations. We need to understand when the law governs or impedes migration and when it becomes a tool for realizing personal aspirations (be they economic, social, educational, or else).

While much is said about the economic demands for migration and the need for solidarity as a mode to address inequalities, the political economy of migration law remains a desideratum. We still know too little about the economic conditions and context of migration. I suggest studying how wealth and property impact legal opportunities for migration and how individual rights can change power imbalances. The comprehensive understanding required involves combining social science research with macro- and micro-economic insights and legal knowledge.

Migration processes are influenced by practices of inclusion and exclusion, shaping the concept of belonging in host and home societies. Studying these practices from an integrated perspective is crucial for understanding legal and social forms of inclusion and exclusion, and their impact on migrants' perceptions and experiences.

Bio

Anuscheh Farahat is a Professor of Public Law in European Context at the University of Vienna. Previously, she was a Professor of Migration Law and Human Rights Law at the University of Erlangen-Nürnberg. Between 2017 and 2024 she headed an Emmy-Noether research group on

the role of constitutional courts in transnational solidarity conflicts in Europe, which was funded by the German Research Foundation (*Deutsche Forschungsgemeinschaft*). Since 2023, she has been a Max Planck Fellow at the Max Planck Institute for Social Anthropology in Halle with her project "JUST MIGRATION: Labour migration regimes in transnationalised contexts". Anuscheh studied law in Frankfurt, Paris and Berkeley. She received her PhD in law from the Goethe University Frankfurt. Her book on migrant citizenship and transnational migration in Germany (*Progressive Inklusion: Zugehörigkeit und Teilhabe im Migrationsrecht*, Springer Verlag, 2014) received multiple awards. Anuscheh Farahat publishes widely on issues of European and international migration law, citizenship law, human rights law and constitutional law (both European and national), with a specific focus on solidarity conflicts.

Chair: *Michael Knipper*, Justus Liebig University Giessen, MeDiMi Researcher (bio here)

A recording of the keynote can be found here on the MeDiMi YouTube channel.

