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LECTURE SERIES IN PUBLIC & COMPARATIVE LAW

LAW AT THE BORDER - NEW BORDERS OF LAW?

THE ROLE OF THE ECTHR IN THE CONTEXT OF
EUROPEAN BORDER POLICY

28 APRIL 2022,
6.30 PM CEST

The virtual Hamburg Lecture Series in Public & Comparative Law includes presentations across the entire spectrum of public and comparative law with a focus on current developments in the field(s).

Through an extensive interpretation of the collective expulsion prohibition, the European Court of Human Rights (ECtHR) has for decades compensated for the lack of procedural rights in the European Convention on Human Rights in the expulsion and rejection of migrants at the border. Influenced by internal pressure due to diverging views of its judges and external pressure from member states, the ECtHR pursued a more regressive approach since 2016, culminating in 2020 in its *N.D. and N.T. v. Spain* judgment on Spain's policy of «hot returns».

Can this shift and its consequences be contextualized inter alia analysing dissenting votes, judgments, and state practice? Could this line of jurisprudence serve as a basis for justifying proposed European border procedures in the long run? Are there effects beyond the ECHR member state context?

Speaker:

Dr. Lena Riemer, Yale University School of Law

Commentator:

Prof. Vincent Chetail, PhD, Geneva Graduate Institute

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