

CONFERENCES AND REPORTS

Report from the International Conference on Legal Aspects of Migration, 28th February 2019

Biannual International Conference on Legal Aspects of Migration took place on 28th February 2019 in the venues of the Charles University Faculty of Law. The first conference on this topic was held in the turmoil year of 2016, when events of the so called 'refugee crisis' occupied the main pages of the newspapers. In the beginning of 2019, migration is no longer such a hot topic due to the fact that the peak of the migration wave is over and the European countries as well as the European Union have put certain preventive measures in place. Despite that, the question whether we learned from past migration crisis and above-mentioned measures are as effective as promised is obvious elephant in the room. Therefore, the conference provided space for discussion on the current state of affairs and participants at least tried to provide their views on many partial aspects of migration situation nowadays. To secure plastic picture, the conference attendees had been selected from various backgrounds and opinions of academics faced those of practitioners. Moreover, Czech national views could be challenged from the position of Hungarian, Slovak or Polish experience.

The first panel chaired by Professor **Michal Tomášek**, Vice-Dean of the Faculty of Law, Head of European Law Department, was dedicated to comparative analysis and international public law context. In this respect, Professor **Jan Kuklík**, Dean of the Faculty of Law, opened the conference with welcoming speech dedicated to historical roots of Mediterranean migrations. It was followed by critical assessment of legally non-binding Global Compact on Migration by Professor **Pavel Šturma**, Head of Public International Law Department. During his presentation, Professor Šturma raised a provocative question what the purpose of this so-called Marrakesh Compact is, because it does not include any legal tools to enforce its declarations. In his presentation Professor **Richard Pomahač** analysed Australian experience of Fast Track Assessment in light of the High Court of Australia's ruling in *Plaintiff M174/2016 v Minister for Immigration and Border Protection*.

Nataša Chmelíčková from the Czech Ministry of Interior took the conference back on the European soil and consecrated the rest of the participants into negotiations on the EU level, where seven proposals reacting to migration crisis had been presented by the European Commission. The atmosphere of the Hungarian refugee debate was described by Dr. **Tamás Lattmann** from the Prague based Institute of International Relations. He presented the Hungarian government's aggressive political opposition against EU decisions, for example against the emergency refugee quotas, and showed how the governing party hijacked the crisis and used it for its own political gains. Associate-Professor **Jana Plaňavová-Latanowicz**, representing the Center for Europe of the University of Warsaw, and Dr. **Ján Škrobák** from the Faculty of Law of the Comenius University in Bratislava took participants back to legal aspects of migration and presented migration crisis from Slovak and Polish experience so that positions of all four Visegrád Group countries had been addressed.

In the afternoon, the conference concentrated on substantive and procedural aspects of dealing with asylum affairs mainly in the Czech Republic. The panel chaired by the conference coordinator and Associate Professor **Lenka Pítrová** begun with a lecture given by Dr. **Magdaléna Svobodová**, European law Department, on the ineffective return policy which undermines the credibility of the Common European Asylum System and stimulates migrant smuggling. Moreover, Dr. Svobodová was not convinced that the new directive proposal has a potential to address the problem. Asylum system as a mechanism providing shelter to asylum seekers fleeing from repressive regimes or environmental disasters is logically closely linked to the area of human rights. Therefore, **Alžběta Králová** from the Czech Office of the Public Defender of Rights dedicated her paper to the topic of immigration detentions. She presented her views on a recast of the Return Directive, which tends to change the principle of detention as a measure of last resort and compared it to the current immigration detention decision-making practice in the Czech Republic.

As it was shown, the refugee crisis as well as emergency relocation mechanism resonated within the V4 countries public as well as it got response on the parliamentary floor. Migration as a topic of the highest political priority had dominated parliamentary debates at all levels (plenary and committee ones). Interestingly enough, within the Committee on European Affairs, a special sub-committee to discuss migration policies has been established during two consecutive electoral terms. **Eva Sochorová** from the Parliamentary Institute (the research service of the Czech Parliament) presented her experience from deliberations in the Chamber of Deputies. Importance of refugee crisis discussion was stressed also by Dr. **Jan Grinc** who is the secretary to the Committee on EU Affairs of the Senate of the Parliament of the Czech Republic. Regardless whether we are discussing refugee crisis on the parliamentary floor or on the street with general public, many criminal-related arguments and stereotypes are put on the table. These were covered by a presentation given by Dr. **Jaromír Hořák**, Department of Criminal Law. His speech was dedicated to the issue of culture-related criminality and stressed the importance to distinguish between criminality originating from cultural background of immigrants and from their socioeconomic situation in the hosting country, what might be a problem connected to the assimilation or integration struggles.

Despite the main task for experts on migration lays in the field of advising to decisionmakers, Dr. **Věra Honusková's** lecture stressed sometimes underestimated area – the education about asylum law and transferring expertise to newly coming generations of (not only) lawyers to secure that lesson from the refugee crisis is truly learned. Resigning on this educative role by the universities would otherwise doom future generations to repeat the same mistakes. Therefore, Věra Honusková as faculty guarantor presented steps taken by the Charles University Faculty of Law in asylum law education including legal clinics, internships secured in cooperation with the Ministry of Interior and NGOs and research activities in this area done by the students.

The conference presentations brought a lot of new thoughts and information about a complex topic of legal aspects of migration. We might be happy that the second conference could be conceived as retrospective analysis of ending crisis, but it is clear that climatic changes and geopolitical conflicts might cause even worse migration within a few years. Therefore, Europe must be well prepared for such a situation on political as well as legal level. Let us hope that during next conference in two years we will be able to 'just' continue in analysis of our current experience.

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