

DEMANDING RIGHTS

While nominally protected across Europe, the human rights of vulnerable migrants often fail to deliver their promised benefits in practice. This sociolegal study explores both the concrete expressions and possible causes of this persistent deficit. For this purpose, it presents an innovative, multifaceted evaluation of selected judgments of the European Court of Human Rights and the Court of Justice of the EU pertaining to such complex questions as the protection of persons fleeing from indiscriminate violence, homosexual asylum seekers, the Dublin Regulation and the externalisation of border control. Highlighting the demanding character of migrant rights, the book also discusses some steps that could be taken to improve the effectiveness of Europe's supranational human rights system including changes in judicial and litigation practice as well as a reconceptualisation of human rights as existential commitments.

MORITZ BAUMGÄRTEL is Assistant Professor at the Faculty of Law of Utrecht University and at University College Roosevelt. He holds a PhD from the Université libre de Bruxelles, an MPhil in International Relations from the University of Cambridge and an LLM in Public International Law from Utrecht University. In recent years, he has been a lecturer at Tilburg Law School and has held visiting positions at the law schools of the University of Michigan, Duke University, and the University of Copenhagen. Baumgärtel's research concerns the human rights of vulnerable migrants such as refugees, asylum seekers and undocumented migrants.

CAMBRIDGE ASYLUM AND MIGRATION STUDIES

At no time in modern history have so many people been on the move as at present. Migration facilitates critical social, economic, and humanitarian linkages. But it may also challenge prevailing notions of bounded political communities, of security, and of international law.

The political and legal systems that regulate the transborder movement of persons were largely devised in the mid-twentieth century, and are showing their strains. New challenges have arisen for policymakers, advocates, and decision-makers that require the adaptation and evolution of traditional models to meet emerging imperatives.

Edited by a world leader in refugee law, this new series aims to be a forum for innovative writing on all aspects of the transnational movement of people. It publishes single or coauthored works that may be legal, political, or cross-disciplinary in nature, and will be essential reading for anyone looking to understand one of the most important issues of the twenty-first century.

Series Editor

James Hathaway, James E. and Sarah A. Degan Professor of Law, and Director of Michigan Law's Program in Refugee and Asylum Law, University of Michigan, USA

Editorial Advisory Board

Alexander Betts, Leopold Muller Professor of Forced Migration and International Affairs, and the Director of the Refugee Studies Centre, University of Oxford, UK

Vincent Chetail, Professor of Public International Law, and Director of the Global Migration Centre, Graduate Institute of International and Development Studies, Switzerland

Thomas Gammeltoft-Hansen, Research Director, Raoul Wallenberg Institute of Human Rights and Humanitarian Law, Sweden

Audrey Macklin, Professor and Chair in Human Rights Law, University of Toronto, Canada

Saskia Sassen, Robert S. Lynd Professor of Sociology, and Chair of the Committee on Global Thought, Columbia University, USA

Books in the Series

The Child in International Refugee Law Jason Pobjoy

Refuge Lost: Asylum Law in an Interdependent World Daniel Ghezlbash

Demanding Rights: Europe's Supranational Courts and the Dilemma of Migrant

Vulnerability Moritz Baumgärtel

DEMANDING RIGHTS

Europe's Supranational Courts and the Dilemma
of Migrant Vulnerability

MORITZ BAUMGÄRTEL

Utrecht University



CAMBRIDGE
UNIVERSITY PRESS

CAMBRIDGE
 UNIVERSITY PRESS

University Printing House, Cambridge CB2 8BS, United Kingdom
 One Liberty Plaza, 20th Floor, New York, NY 10006, USA
 477 Williamstown Road, Port Melbourne, VIC 3207, Australia
 314–321, 3rd Floor, Plot 3, Splendor Forum, Jasola District Centre, New Delhi – 110025, India
 79 Anson Road, #06–04/06, Singapore 079906

Cambridge University Press is part of the University of Cambridge.
 It furthers the University's mission by disseminating knowledge in the pursuit of
 education, learning, and research at the highest international levels of excellence.

www.cambridge.org
 Information on this title: www.cambridge.org/9781108496490
 DOI: 10.1017/9781108677837

© Moritz Baumgärtel 2019

This publication is in copyright. Subject to statutory exception
 and to the provisions of relevant collective licensing agreements,
 no reproduction of any part may take place without the written
 permission of Cambridge University Press.

First published 2019

Printed and bound in Great Britain by Clays Ltd, Elcograf S.p.A.

A catalogue record for this publication is available from the British Library.

Library of Congress Cataloging-in-Publication Data

Names: Baumgärtel, Moritz, 1987- author.

Title: Demanding rights : Europe's supranational courts and the dilemma of migrant vulnerability / Moritz
 Baumgärtel, Universiteit Utrecht, The Netherlands.

Description: Cambridge, United Kingdom ; New York, NY, USA : Cambridge University Press, 2019. | Series:
 Cambridge asylum and migration studies | Based on author's thesis (doctoral – Universite libre de Bruxelles,
 2016) issued under title: From deficit to dilemma : an evaluation of the contribution of Europe's supranational
 courts to the promotion of the rights of vulnerable migrants. | Includes bibliographical references and index.

Identifiers: LCCN 2018048290 | ISBN 9781108496490 (hardback) | ISBN 9781108733885 (pbk.)

Subjects: LCSH: Emigration and immigration law–Europe–Cases. | European Court of
 Human Rights. | Court of Justice of the European Union.

Classification: LCC KJC6044 .B38 2019 | DDC 342.2408/2–dc23

LC record available at <https://lcn.loc.gov/2018048290>

ISBN 978-1-108-49649-0 Hardback

ISBN 978-1-108-73388-5 Paperback

Cambridge University Press has no responsibility for the persistence or accuracy
 of URLs for external or third-party internet websites referred to in this publication
 and does not guarantee that any content on such websites is, or will remain,
 accurate or appropriate.

CONTENTS

<i>List of Figures</i>	<i>page</i> ix
<i>List of Tables</i>	x
<i>Series Editor's Preface</i>	xi
<i>Foreword</i>	xii
<i>Acknowledgements</i>	xv
<i>List of Abbreviations</i>	xvii
PART I	1
1 Introduction	3
1.1 The Demanding Character of Migrant Rights	4
1.2 Theoretical Underpinnings	6
1.3 Methodology and Case Selection	7
1.4 Outline of the Book	10
2 Expanding the Rights to Stay?	13
2.1 The Legal Framework of International Protection: A Short Introduction	14
2.2 <i>Elgafaji</i> : Fleeing from Indiscriminate Violence	17
2.2.1 Decision and Law Development Effectiveness	17
2.2.2 Case-Specific Effectiveness	19
2.2.3 Strategic Effectiveness	21
2.3 <i>X, Y and Z</i> and <i>A, B, and C</i> : Persecution Due to Sexual Orientation	24
2.3.1 Decision and Law Development Effectiveness: <i>X, Y and Z</i>	24
2.3.2 Decision and Law Development Effectiveness: <i>A, B and C</i>	27
2.3.3 Case-Specific Effectiveness	29

2.3.4 Strategic Effectiveness	31
2.4 Residency Based on Family Reunification	34
2.5 <i>Zambrano</i> : Family Life and EU Citizenship	36
2.5.1 Decision and Law Development Effectiveness	37
2.5.2 Case-Specific Effectiveness	39
2.5.3 Strategic Effectiveness	41
2.6 Concluding Remarks	44
3 Establishing Responsibility?	46
3.1 The Dublin System: An Introduction	47
3.2 <i>M.S.S. v. Belgium and Greece</i>	52
3.2.1 Decision and Law Development Effectiveness	52
3.2.2 Case-Specific Effectiveness	55
3.3 <i>N.S. and M.E.</i>	58
3.3.1 Decision and Law Development Effectiveness	58
3.3.2 Case-Specific Effectiveness	61
3.4 <i>Tarakhel v. Switzerland</i>	63
3.4.1 Decision and Law Development Effectiveness	64
3.4.2 Case-Specific Effectiveness	65
3.5 The Strategic Effectiveness of the ‘Dublin Cases’	68
3.5.1 Relative Strategic Effectiveness: Comparing the Courts’ Approaches	69
3.5.2 Absolute Strategic Effectiveness I: EU and Member State Policy	72
3.5.3 Absolute Strategic Effectiveness II: Mobilizing against Dublin	75
3.6 Concluding Remarks	79
4 Reaffirming Jurisdiction?	81
4.1 The Context of the Externalisation of Border Control	82
4.1.1 Maritime Border Control including ‘Pushbacks’	84
4.1.2 Jurisdiction and Extraterritorial Human Rights Obligations	85
4.2 <i>Hirsi Jamaa and Others v. Italy</i>	87

CONTENTS

vii

4.2.1 Decision and Law Development Effectiveness	87
4.2.2 Case-Specific Effectiveness	90
4.2.3 Strategic Effectiveness	94
4.3 Preliminary Conclusion	97
PART II	99
5 From Dilemmatic to Strategic Adjudication	101
5.1 The Perils of Dilemmatic Adjudication	101
5.1.1 Internal and External Dimensions of Dilemmatic Adjudication	101
5.1.2 Consequences for the Protection of the Rights of Migrants	105
5.1.3 Institutional Repercussions and the Question of Legitimacy	106
5.2 Elements for a Strategic Approach to Adjudication	109
5.2.1 Promoting Internal Consistency: Proposals for a Judicial Agenda	109
5.2.2 The Concept of ‘Vulnerability’ as a (Potential) Pillar of Strategic Adjudication	113
5.2.3 Ensuring External Harmony: The Case for Deepening Judicial Dialogues	115
5.3 The Reputational Capital of the Courts	117
5.4 Preliminary Conclusion	120
6 From Strategic to Consolidating Litigation	121
6.1 Inherent Constraints of Strategic Litigation: A View from Scholarship	122
6.2 The ‘Necessary Condition’ of Case Selection	125
6.3 The Importance of Consolidating Past Cases	127
6.3.1 Consolidating Actions at the European Level	127
6.3.2 Consolidating Actions at the National Level	131
6.4 ‘Setting the Stage’ and Raising the Reputational Capital of the Courts	134
6.5 Concluding Remarks	136

7	Migrant Rights as Existential Commitments	137
7.1	The Uncertain Character of Migrant Rights in Society	138
7.2	Responses from Human Rights Scholarship	140
7.2.1	Solidifying Human Rights as Law	140
7.2.2	Equating Human Rights to Social Norms	141
7.2.3	Imagining Human Rights as Existential Commitments	143
7.3	Existential Commitments and the European Courts	145
7.3.1	Existential and Legal Human Rights Commitments	146
7.3.2	The Limitations of Equality and Human Dignity	147
7.3.3	Vulnerability and the Legal Recognition of Social Processes	150
7.4	Concluding Remarks	152
8	Demanding Rights: Some Conclusions	154
8.1	The Limited Effectiveness of the European Courts	154
8.2	Reacting to the Demands of Migrant Rights	156
	<i>Appendix</i>	159
	<i>Bibliography</i>	163
	<i>Index</i>	179

FIGURES

1.1	Case law of the European courts related to ‘asylum’ (by year)	<i>page</i> 5
2.1	First-instance decisions on asylum applications (Eurostat)	23
3.1	Dublin requests and transfers from Switzerland to Italy	68
3.2	Percentage of overall asylum applications processed under the Dublin Regulation and incoming to Bulgaria, Greece, Hungary, Italy and Malta (Eurostat)	75
3.3	ECtHR cases mentioning ‘Dublin Regulation’ (HUDOC)	76
5.1	Dilemmatic adjudication in the ‘Dublin Cases’	104
A.1	Dublin requests outgoing from Switzerland to Italy, Hungary and Slovenia July 2013 to June 2016 (Swiss State Secretary for Migration)	159

TABLES

1.1 Selected key cases and their proxy indicators' scores	<i>page</i> 9
3.1 Outgoing 'Dublin requests' from Belgium (Eurostat)	56
3.2 Outgoing 'Dublin requests' from Switzerland (Eurostat)	66
3.3 Overall asylum applications and relative and absolute number of proceedings under the Dublin Regulation in Europe (Eurostat)	74
6.1 Number of NGO submissions made to the Council of Ministers of the CoE regarding the execution of judgments; Department of Execution of Judgments of the European Court of Human Rights; 'Decisions adopted by the Committee of Ministers'	131
A.1 Selection of key ECtHR cases on the basis of proxy indicators	160
A.2 Selection of key CJEU cases on the basis of proxy indicators	161
A.3 Requests, decisions and transfers under the Dublin Regulation incoming to Bulgaria, Hungary, Italy and Malta (2009–2014) (Eurostat)	162

SERIES EDITOR'S PREFACE

What can we learn about the value of courts as a site for the advancement of migrant rights from careful analysis of the work of Europe's two supranational judicial bodies – the European Court of Human Rights (ECHR) and the Court of Justice of the European Union (CJEU)? According to Moritz Baumgärtel, quite a lot – though mostly about what needs to change.

Moving beyond classic scholarship that takes up doctrinal debates or seeks simply to identify implicit judicial biases, *Demanding Rights: Europe's Supranational Courts and the Dilemma of Migrant Vulnerability* is fundamentally a forward-looking effort to harness the courts as sites of positive engagement. Despite arguing that the ECHR and CJEU judgments on points display incoherence, doubt and ambiguity – which in turn predispose national courts to adopt their own, often narrower, interpretations – Baumgärtel does not allow himself to dwell on the negative but instead moves quickly beyond description to sketch a constructive way forward. First, he explains why there needs to be a judicial effort to anticipate 'hard cases' in the interest of ensuring greater adjudicative consistency. Second and most important, he contends that the ECHR's concept of group vulnerability could evolve to serve as the basis for a transformative jurisprudence of migrant rights, liberating courts from their natural propensity to embrace pro-state conservatism.

Of particular value, Baumgärtel does not merely define the content of a way forward but grapples in detail with the strategic questions of how to get there. Responding to what he sees as a dearth of scholarship on the value of strategic human rights litigation to advance migrant rights, he engages with the hard questions of what judicial outcomes should properly be regarded as successes, and how best to avoid flooding the courts with so many cases that judges cease to engage with them meaningfully.

This ground-breaking study is at its core a plea to see migrant rights not just as legal norms but also as bespeaking an ethos that is responsive to new challenges and structural forces. In this sense it is very much a work of critical legal scholarship. In line with the best examples of that genre, it refuses simply to describe and lament. Instead, it pushes us all to re-imagine migrant rights in ways that are fundamentally practical, even if appropriately provocative.

James C. Hathaway
Editor, Cambridge Asylum and Migration Studies

FOREWORD

Three years ago, Europe saw the biggest influx of migrants since the Second World War, with rising numbers of desperate people travelling across the Mediterranean or over land through Southeast Europe. Among the 1.8 million refugees who have arrived in Europe since 2014, more than 1 million came in 2015 alone. None of us can forget the pictures of severe human distress illustrating the dangers of the migrants' journey but also the treatment many have received on arrival in Europe. To the pictures of drowned children whose bodies were washed up on European beaches and of corpses of people who died from thirst in the desert, we have to add those of despairing individuals stuck behind barbed wires when the Balkan route was closed, pictures of the infamous 'jungle' in Calais and of the Moria camp on the island of Lesbos where 'living' conditions have been so appalling that even the Greek migration minister has warned they could be life-threatening. First and foremost, the European refugee crisis is a human disaster, but for the European Union it is also a major political failure. As we are writing these lines, two rescue boats carrying 350 migrants are stranded in the Mediterranean; a Kafkaesque symbol of such a failure.

How do we reconcile this dead-end situation with the values on which Europe was rebuilt after the Second World War? How do we place these distressing pictures in a system of protection of European and international human rights that is supposed to shelter all humans? How can we talk about the rule of law without it feeling hollow?

In a quest to understand and confront the political, institutional and legal mechanisms with their inconsistency, Moritz Baumgärtel has chosen to question the function of the judiciary, specifically the role of the European Court of Human Rights and the Court of Justice of the European Union towards the marginalised and vulnerable (i.e. migrants who face a denial of human rights because of their migration status). In a context where immigration is posing huge challenges to human rights protection systems in Europe, and as fears of immigration remain the key driver of populist sentiments in a growing number of countries, what is the added value of both regional courts, knowing that they are not spared by the backlash that many institutional pillars of the rule-of-law framework are facing?

Moritz Baumgärtel's reflections took place initially within the Human Rights Integration (HRI) network, a collective research project supported by the former Belgian Science Policy Office (BELSPO). HRI was dedicated to studying human rights law as an integrated whole from a users' perspective, with a particular focus on the possibility of obtaining an integrated viewpoint on fragmented legal frameworks that could shed light on the opportunities emerging in such an environment.¹ From the very beginning, HRI included

¹ See 'The Global Challenge of Human Rights Integration: Towards a Users' Perspective' (2012–2017), available at www.hrintegration.be (last accessed 13 September 2018).

empirical research on how rightsholders navigate through the complex architecture of human rights law. One of the case studies was dedicated to the human rights trajectories of foreigners in Europe in a migratory context to better identify the obstacles vulnerable human rights users encounter in pursuit of justice through the human rights labyrinth. François Crépeau, former Special Rapporteur on the human rights of migrants, stressed again in June 2017 that accessible justice is a crucial aspect of the protection of migrant rights: ‘Facilitating effective access to justice would go a long way towards, on the one hand, legitimizing new migration policies by showing that territorial sovereignty and human rights are not incompatible and, on the other, changing perceptions regarding migration by combating stereotypes.’²

Hired in October 2012 to pursue a PhD at the Law Faculty (Centre for European Law and Centre Perelman for Legal Philosophy) of the Université libre de Bruxelles (ULB), Moritz Baumgärtel developed an original research project to question ‘whether the human rights framework was effective in the first place to reduce the migrant rights deficit’. This led him to assess the role of the two European regional courts in the promotion of human rights of vulnerable migrants. This was achieved through an in-depth examination of eight of their landmark cases. Quantitative proxy indicators including judicial cross-references, third-party interventions and academic citations were used in order to select those cases regarded as the most relevant in the legal field and therefore most likely to have had a practical impact on the users, including both the specific applicants and persons in similar situations. His analysis included fieldwork in the form of qualitative interviews: lawyers, civil society representatives, judges and government officials were asked to provide a perspective on the course of the proceedings in these key cases and on their impact. The main focus in this context was on the perspectives of lawyers and representatives of supporting groups who were standing for the interests of migrants in these cases.

From the very beginning, one of the strengths of this research project was to develop an innovative and empirical methodology. Moritz Baumgärtel’s ‘issue-based’ analysis was designed to assess the effectiveness of judgments of the two European courts in protecting the rights of vulnerable migrants. The conceptualisation of this approach is embodied in a framework taking into account three dimensions of effectiveness: law development effectiveness, case-specific effectiveness and strategic effectiveness. Beyond the domain of migrant rights, the issue-based analysis applied to the European courts makes a significant contribution to sociolegal scholarship that will inspire other scholars. His approach was unanimously hailed by the members of his doctoral thesis jury: professors Eva Brems (UGent), François Crépeau (McGill, as a member of his supervising committee), Philippe De Bruycker (ULB), France Houle (UMontréal) and ourselves (as PhD supervisors).

Aside from the remarkable doctoral work, a major quality of Moritz Baumgärtel’s book is to go further than a critical assessment of the impact of the European rulings that do not offer a reliably effective venue for promoting migrant rights. While describing himself as a ‘human rights scholar attempting to strike a balance between realism and optimism’, Moritz Baumgärtel takes his share of responsibility as a scholar who adopts the perspective of migrant rights defenders. The second part of *Demanding Rights* is dedicated to innovative steps that could be taken to improve the performance of the two courts: developing a

² ‘Report of the Special Rapporteur on the human rights of migrants on a 2035 agenda for facilitating human mobility’, Human Rights Council, UN Doc. A/HRC/35/25, 28 April 2017, para. 65.

strategic approach to adjudication, deepening the concept of vulnerability, building upon the question of reputational legitimacy of the European courts, optimising strategic litigation, making the most of existing precedents and conceptualising human rights as existential commitments.

As Moritz Baumgärtel put it, ‘demanding the rights of vulnerable migrants means to make claims that are demanding’ – demanding for the European courts, for migrant rights defenders and for European societies. Not to take up the challenge will inexorably lead to the sinking of a model of protection and fundamental rights whose DNA is to resist totalitarian drifts, identitarian closure and to protect the dignity of all human beings, regardless of the absence of a social contract. We have no doubt that *Demanding Rights* will become a reference volume for those who fight for more effectiveness of the rights of vulnerable migrants.

Emmanuelle Bribosia and Isabelle Rorive

Professors at the Law Faculty and the Institute for European Studies of the ULB (Université libre de Bruxelles) and respectively directors of the Centre for European Law and the Centre Perelman for Legal Philosophy

ACKNOWLEDGEMENTS

This book evolved out of a PhD project that was defended at the Université libre de Bruxelles (ULB) in December 2016. Taking on this challenging topic was only possible because of the immense trust and support that I received from my two wonderful supervisors, Isabelle Rorive and Emmanuelle Bribosia. Critical input was also provided by the two other members of my supervisory committee, Benoît Frydman and François Crépeau. The dissertation project was a part of an Interuniversity Attraction Poles Programme, initiated and funded by the Belgian Science Policy Office, more specifically the IAP ‘The Global Challenge of Human Rights Integration: Towards a Users’ Perspective’. Throughout my time as a PhD researcher, this network offered the opportunity to develop and present ideas and to receive valuable advice from Koen de Feyter, Wouter Vandenhole, Sébastien Van Drooghenbroeck, Stefaan Smis and Paul de Hert. Thanks to the outstanding organisational skills of Eva Brems and Ellen Desmet, the Human Rights Integration project constituted both a stimulating intellectual platform and a place of true academic collaboration. I was equally fortunate to work alongside kind and talented young researchers: Thea Staes, Francisco Javier Mena Parras, Valeska David, Eline Kindt, Derek Inman, Marijke de Pauw, Mathias Holvoet and Olivier Van der Noot.

During my time at the ULB, I was a part of the Perelman Centre for Legal Philosophy, where I was welcomed by a positive group, many of whom have become dear friends. Markus Fahlbusch ensured my integration to Belgium. Sylvie Riche, Caroline Bricteux and Caroline Lequesne made me feel *chez moi* from the first day, and Sarah Ganty and Tilen Čuk towards the end. I am also grateful to have crossed paths with Arnaud Van Waeyenberge, Pauline Bégasse, Ana Maria Corrêa, Joseph Damamme, Louise Fromont, Stefan Goltzberg, Gregory Lewkowicz, Eduardo Marques, David Restrepo and Joséphine Woronoff.

Three short but inspiring stays abroad have also left their mark on this work. In spring 2015, I spent two inspiring months at iCourts, the Centre of Excellence for International Courts at the University of Copenhagen. During this time, I received valuable feedback on my work from Mikael Rask Madsen, Shai Dothan and David Thór Björgvinsson. A year later, I was able to join Duke Law School as a visiting scholar with the generous financial help of the Office of International Relations of the ULB. Discussions with Larry Helfer helped me to sharpen some of my ideas, especially regarding the role of civil society organisations in the evaluation of the effectiveness of the European courts. While in North Carolina, I met James Hathaway, who kindly invited me to the University of Michigan in the autumn of 2016. It is during the discussions with Jim in Ann Arbor, right after the submission of my dissertation, that the monograph in its present form began to take shape. In this context, I am greatly indebted to Floor Fleurke and Han Somsen, at that time my

colleagues at the Department of European and International Public Law of Tilburg University, for showing flexibility regarding my coursework, and making that research visit possible in the first place. Since then, completion has been overseen by Finola O'Sullivan and Marianne Nield from Cambridge University Press. Their firm but patient guidance has played a vital role in bringing this project to a successful close.

A big part of the claim of a scholarly contribution of this research lies in its empirical analysis, based on the qualitative interviews that I conducted throughout Europe. These would not have been possible without the cooperation of the many helpful interviewees (most of whom remain anonymous) who agreed to dedicate a part of their valuable time to answering my questions about old cases. Organising interviews in London turned out to be particularly difficult and would have failed without the help of Simon Cox of the Open Society Justice Initiative. Thomas Gammeltoft-Hansen, now Director of the Raoul Wallenberg Institute, facilitated the contact with some of the interviewees in Rome.

In 2017, I returned to my 'academic home', University College Roosevelt in Middelburg, to work on a new project on 'Cities of Refuge'. The intense discussions with the wonderful team including Sara Miellet, Elif Durmus and Tihomir Sabchev have come to shape the way I understand and conceptualise human rights, as can be seen in the last chapter. I will also always be tremendously grateful to three persons in particular, then my professors, now colleagues and friends. Barbara Oomen has been a continuous and indispensable source of moral and professional support for many years and has also provided valuable feedback on some of the draft chapters. Giles Scott-Smith introduced me to the world of academia and Rolando Vázquez, finally, planted the seeds of critical thinking and humility in a student who had neither.

I would also like to express my gratitude to all those friends that have not been mentioned yet, including (in no particular order) Arta Rrustemi, Fanny and Elodie Mertz, Jacky Breidlid, Pierre Escobar, Ivana Isailović, Po-Hsiang Ou, Kevin Munungu, Ezgi Yildiz, Frank Ejby Poulsen, Timo Walter, Yaelle Semana, Jean-Baptiste Trémorin, Geert Holtermann, Joost Möhlmann, Reem Radhi, Jean-Baptiste Maillart, Salvo Nicolosi, Mariana Pereira, Gerlinde and Koen Vander Stichele, Federico Buja, Giuseppe Fiorentino, Jenna Froats, Yalçın Doğan, Miri and Tiku Olloni, Djeyhoun Ostowar, Friederike vander Ven, Jing Geng, Barbara Le Guennec, Murat Kahvecioglu, Lety Elias Carrillo, Arco Timmermans, Jennifer Naouri, Damian Verschuren, Shpend Kursani, Hubertus Juergenliemk, Derek Traynor, Vincent Lauenstein, Pedro Sanchez, Manuel Galvis, Jan Pasligh and Andreas Voß. The friendship, support and distraction that they have provided have been an important source of energy.

Family is the most important thing in life and the deepest source of happiness. It inspires and makes me tremendously proud to see my sister Lilian embark on her own adventures in places as far away as Moscow and as close as Delft. The love and the upbringing of my parents Dragica and Hans Georg has given me everything in my life. Throughout the many years where we have walked the path of life together, Arlinda has never ceased to be the loyal, loving and unique person that I met in Middelburg many years ago. It is with deep gratitude that I dedicate this work to all of them.

LIST OF ABBREVIATIONS

AIRE	Advice on Individual Rights in Europe (Centre)
CAT	Committee against Torture
CEAS	Common European Asylum System
CFR	EU Charter of Fundamental Rights
CIR	Italian Refugee Council
CJEU	Court of Justice of the European Union
CoE	Council of Europe
ECRE	European Council on Refugees and Exiles
ECSR	European Committee of Social Rights
ECtHR	European Court of Human Rights
EU	European Union
IACtHR	Inter-American Court of Human Rights
ICJ	International Court of Justice
ILGA	International Lesbian, Gay, Bisexual, Trans and Intersex Association
IOM	International Organization for Migration
LGBT	Lesbian, gay, bisexual and transgender
NATO	North Atlantic Treaty Organization
NGO	Non-governmental organisation
PICUM	Platform for International Cooperation on Undocumented Migrants
SPRAR	Sistema di protezione per richiedenti asilo e rifugiati
TFEU	Treaty on the Functioning of the European Union
UK	United Kingdom
UN	United Nations
UNHCR	Office of the United Nations High Commissioner for Refugees

Cambridge University Press
978-1-108-49649-0 — Demanding Rights
Moritz Baumgärtel
Frontmatter
[More Information](#)
