

**EUROPEAN COURT OF HUMAN RIGHTS**  
**CRIMINAL LAW GROUP**

*in cooperation with Liverpool John Moores University, Department of Legal Studies of the University of Bologna,  
Zagreb Faculty of Law and 'Beyond Detention' Interest Group*

Webinar Training Series

**Webinar II: Border Crossing and the Right to Liberty**

Thursday 22.04.2021

4.00 pm (Rome time)

**The full programme of the event and registration are available on the [Event page](#).**

**Programme**

*Chair*

- Ksenija Turković (Vice-President, ECtHR)

*Introductory Remarks*

- Triestino Mariniello (Senior Lecturer, Liverpool John Moores University)

*Speakers*

- Catherine Costello (Professor, Oxford University; Co-Director, Centre for Fundamental Rights at Hertie School, Berlin)

- Martin Mits (Judge, ECtHR)

*Discussant*

- Mariagiulia Giuffrè (Reader, Edge Hill University)

**Description**

This event is the second in the webinar training series 'Punishment, Detention, Crisis: Academic Judicial Dialogues' (see below for further details, next appointments and previous events).

States have the right to determine the entry, residence and expulsion of aliens in an immigration context. In exercising this power, States increasingly rely on confinement of irregular migrants and asylum seekers in transit zones and reception centres. However, these restrictions imposed on foreigners must comply with the right to liberty enshrined in Article 5 of the Convention.

Through the lens of the Court's case law, speakers will explore, *inter alia*, the following issues: the tensions between border confinement of foreigners and the European system of protection of human rights; the conditions under which confinement in transit zones and reception centres amounts to deprivation of liberty; the lawfulness requirement and procedural safeguards under Article 5 as developed by the Court in relation to the detention of migrants and asylum seekers.

The Court's factsheet on 'Migrants in Detention' is available [here](#).

Relevant cases that will be discussed:

- [Amuur v. France](#);
- [Z.A. and Others v. Russia](#);
- [Ilias and Ahmed v. Hungary](#);
- [R.R. and Other v. Hungary](#)

This event is part of:

## **Webinar Training Series – “Punishment, Detention, Crisis: Academic Judicial Dialogues”**

### **Next Events**

#### **Webinar III – Detention during Pandemic**

Thursday, 20 May, 4 pm

*Chair*

- Fionnuala Ni Aolain

*Speakers*

- Triestino Mariniello

- Roberto Chenal

*Discussant*

- Liora Lazarus

#### **Webinar IV – Police Power and National Emergency**

Thursday, 24 June, 4 pm

*Chair*

- Darian Pavli

*Speakers*

- Julie Alix

- Latif Huseynov

*Discussant*

- Manfred Nowak

### **Previous Events**

Webinar I – ‘Human Punishment: Life Imprisonment and the Right to Hope’, Monday, 22 March (Robert Spano, Ksenija Turković, Dirk van Zyl Smit, Bernard Harcourt, Paolo Lobba).

The video recording of this event may be viewed [here](#).

### **Description of the Webinar Training Series**

The criminal law today is pushing its limits. Breaking through new frontiers, it extends beyond its traditional province, affecting increasingly more facets of individual liberty. As the criminal law flourishes in times of crisis, novel far-reaching provisions are incorporated into our legal systems. Emergency legislation has thus been normalised.

In this context, various questions arise as to the nature, aims and scope of punishment and detention. What makes punishment ‘human’ or ‘just’? When does a restrictive measure qualify as deprivation of liberty? To what extent, if any, does a pandemic impose additional limits to the resort to detention? Which restraints must remain in place in time of emergency to rein in the broad discretionary powers vested in the police?

This series of webinar offers a forum that brings together leading scholars, judges and practitioners to advance vibrant and constructive conversations between the Court and the academia on the tensions between deprivation of liberty and human rights standards. While the webinars are first of all training events for the Court’s staff, they warmly invite the active participation of the general public. The proposed audience includes scholars, students, and human rights law practitioners.

#### Webinar Training Series

*Scientific Director:* Judge Ksenija Turković

*Organizers:* Paolo Lobba and Triestino Mariniello