



Protect

The Right to International Protection

Deliverable 9.6 The Mid-term Conference

Dissemination level: Public

Lead Beneficiary: Ryerson University

Co-lead Beneficiary: The Open University



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D9.6 Midterm Conference Report

The Right to International Protection: A Pendulum Between Globalization and Nativization?

26-27 August 2021

The midterm conference of PROTECT was held virtually at Ryerson University, Toronto, on 26-27 August 2021. The conference was originally scheduled for the end of July, however it was postponed by one month, with the approval of the REA, in order to avoid a low-activity period. The conference was organized via Zoom Webinar due to the COVID-19 pandemic related travel restrictions. At the time of the event, Canada's borders were closed to non-essential travel. Only Canadian citizens and permanent residents as well as fully vaccinated citizens of the United States were authorized to travel to Canada.

The midterm conference preparations started as early as July 2020. Work Package (WP9) and the Ryerson conference team consulted with the PROTECT partners to get their feedback as to the conference technology and potential presenters. In line with the Grant Agreement (GA), a policy forum and an academic forum have been included in the program: the relative reports are available in deliverable D9.8, as foreseen in the GA. In addition, the conference was designed to enable the PROTECT partners to present preliminary research findings and to maximize feedback from participants, including the audience.

Invitations were sent out to potential keynote speakers, policy forum and academic forum presenters, and the PROTECT work package leaders as well as to affiliated researchers in the first months of 2021.

We used a variety of channels to share information about the midterm conference, including the European Union's Cordis and EU-events services; teaser posts/videos in social media like LinkedIn, Twitter, Facebook, and YouTube; the PROTECT website, e-mail lists and social media channels of large international migration research networks, and our consortium partners' own means of information sharing. For instance, in Canada, the conference announcement and program were shared with several universities (e.g., Ryerson University, York University, University of Toronto, Université de Montréal, McGill University), as well as with governmental and non-governmental organizations. We reached out to the main research centers and associations, including the Centre for Refugee Studies of York University; International Association for the Study of Forced Migration (IASFM); Canadian Association for Refugees and Forced Migration Studies (CARFMS); Ryerson University's Canada Excellence Research Chair in Migration and Integration; Ryerson Centre for Immigration and Settlement; to disseminate the information through their listservs and to reach a broad and diversified audience in Canada and globally. The conference-information-sharing effort also aimed to create an awareness of the existence of PROTECT, its research findings, and its online information channels. We invited stakeholders that were defined as the main target groups in our dissemination, exploitation, and communication plans.

The conference consisted of two half-day sessions to accommodate the time difference between North America and Europe/South Africa, regions where the vast majority of the audience is located.

When the conference program was finalized, the PROTECT WP leaders and other presenters in the Day 2 concurrent panels were asked to pre-record their 15-minute full presentations and submit them to WeTransfer two weeks before the midterm conference. The video recordings were made available ahead of the live plenary session to maximize interaction with the audience and getting feedback. To this end, we sent out detailed instructions and links for 1) pre-recorded videos, and 2) live presentations. We also prepared guidelines intended to help presenters produce a basic video recording with readily available tools. PROTECT's WP9 co-lead Prof. Simon Usherwood made a [video](#) with useful suggestions about presenting online that we recommended presenters watch. Mari Lund Eide (the then PROTECT Communication Coordinator) prepared a [Step-by-step.docx](#) for exporting and uploading the video to WeTransfer.

The recorded presentations by the WP leaders and the concurrent panel sessions presenters were made available to all conference registrants on the [PROTECT YouTube channel](#) on August 9th, 2021.

In addition, we sent out detailed instructions to the speakers on the policy forum and the academic forum scheduled for August 27th. We invited them to deliver short presentations of 10 to 15 minutes to explore current policy priorities and issues in the governance of international protection and the rights of refugees in an age of nationalism. We requested the speakers on the policy forum and the academic forum to provide feedback on the PROTECT findings presented in the first plenary on August 26 and in the aforementioned full video recordings.

There were some unanticipated changes in the conference program. Glen Linder (Immigration, Refugees, Citizenship Canada) and Janet Dench (Canadian Council for Refugees) were not able to participate in the policy forum. Glen Linder expressed his regrets saying that with the federal election period underway, public servants are now in a caretaker period and their work is confined to necessary public business. Similarly, Janet Dench could not participate in the policy forum because she had to attend the funeral of Francisco Rico Martinez, a prominent figure in refugee protection in Canada, on August 27th.

All PROTECT partner universities were present at the conference on both days. UNHCR and ECRE were represented at high levels as speakers on the policy forum. Madeline Garlick (UNHCR) and Catherine Woollard (ECRE) were joined by François Crépeau, former UN Special Rapporteur on the Human Rights of Migrants. PROTECT's sister projects ASILE and VULNER were also represented in the midterm conference by Sergio Carrera, ASILE's coordinator, and François Crépeau, VULNER Canada team co-leader. We invited Natasha Bertaud, deputy head of cabinet of the European Commission V-P. However, we did not receive an answer from her. Our efforts to have the EU represented in the conference were not successful.

We received 316 total registration requests, including by project members (the list of the attendees is attached).

In order to enhance discussion, we encouraged the participants and the audience to use the Q&A function and the chat box on the Zoom webinar or [Padlet](#). Each session was moderated by a consortium member. The panel sessions were recorded and made available on the [PROTECT YouTube channel](#) after the conference.

Below, we provide a summary of the midterm conference plenary session discussions.

On Day 1 (August 26th), the midterm conference was opened by Dr. Idil Atak (PROTECT) from Ryerson University at 9:00 a.m. (EDT). **The welcome and opening remarks** were delivered by

Prof. Mohamed Lachemi, President and Vice Chancellor of Ryerson University. Prof. Lachemi welcomed the participants. He noted that Ryerson University is located in the most diverse city of Canada, a country with a history of opening its doors to refugees. He emphasized the importance of refugee protection and how refugees benefit receiving countries. Prof. Lachemi also remarked that the midterm conference comes at an important moment to find answers to refugee emergencies and support forced migrants.

The opening remarks were followed by **Prof. Hakan G. Sicakkan's (PROTECT coordinator)** presentation on a cleavage theory approach to international protection - the theory and conceptual framework of the PROTECT. Prof. Sicakkan underlined that PROTECT explores ways of advancing the rights of refugees in the current turbulent political context. He briefly explained the cleavage theory approach, the contestations between the main groups (e.g., nativists, nation-statists, regionalists, and globalists) in the global cleavage system, and their implications for the protection of refugees. By using newly collected data from PROTECT's social media studies and representative national surveys on global cleavages and citizens' attitudes to refugee protection, he also demonstrated how the global political cleavages affect the international protection system by structuring citizen attitudes to international protection. Prof. Sicakkan noted that PROTECT identifies the sets of protection tools – norms, governance modes, and discourses – preferred by different actors, as well as the best performing tools, and tests them in times of political or sanitary crises.

The first plenary session of the conference opened at 9:30 a.m. and was moderated by Dr. Dario Mazzola (PROTECT). It involved **short presentations of findings from the PROTECT Work Package leaders**. Each presentation lasted 5 minutes and was based on [the full pre-recorded video presentations](#) by the WP leaders. Every two WP presentation was followed by a short Q&A period.

Prof. Elspeth Guild (QMUL) provided a brief overview of WP2, its focus on refugee protection in law in the context of the cleavage theory, and on how the legally non-binding Global Compacts impact national law in the context of the EU and regional law. Dr. Guild noted that the internationalists have sought to use the Compacts to push forward for more access to procedures including asylum, to limit immigration detention, and to promote better health care services. She informed the audience of a number of PROTECT WP2 forums that will be organized in the Fall of 2021. **Prof. Jurgen Bast (JLU)** confirmed that the forums will discuss the role of actors in the implementation of the Global Compacts. He reminded that WP2 focuses on the GCM and its impact on protection seeking migrants and the global governance of migration.

WP3 was presented by **Prof. Francesca Longo (UNICT)** who recalled that this WP's main task is to assess the impacts of the Global Compacts on the governance of migration and to explore national institutional asylum architectures that achieve a high standard of protection for refugees. She said that WP3 analyzes comparatively first instance asylum decision-making bodies in Europe, Canada, and South Africa from 1975-2020. Prof. Longo shared some of the WP3 findings pertaining to the differences among the recognition rates and the implications of the externalization of asylum.

During the Q&A, Prof. Guild responded to a question from the audience about the Global Compacts' potential effect of undermining the existing standards of international law. She emphasized that the Global Compacts are based on the principles of legality, non-discrimination, and non-regression which means that States must build on the existing laws and increase them as necessary to meet their obligations.

The key objectives and preliminary findings of WP4 were presented by **Prof. Christine Jacobsen (UiB)** and **Prof. Jo Vearey (WITS)**. They explained that WP4 deals with the concept

of vulnerability and how it is understood and implemented by key actors in different countries. Methods and ethnographic fieldwork were impacted by the covid-19 pandemic. According to the preliminary findings, vulnerability works as a filtering device and justifies restrictive policies toward some other groups of migrants. Profs. Vearey and Jacobsen remarked that tensions occur in the ground and it remains to be seen to which extent these tensions mirror political cleavages.

Prof. Simon Usherwood (Open University) explained that WP5 examines the role of civil society organizations that are seen as key actors in the operationalization of policy. A survey of CSOs in a number of countries was conducted. Preliminary results show that the ecosystem of these groups is significant in some countries and in line with the cleavage theory. Globalist/regionalists are likely to engage in refugee supporting actions. There is a generally good awareness of the Global Compacts, although the GCR seems to be less known by the CSOs. Prof. Usherwood highlighted overlaps with other WPs and the need to have a clear sight of CSOs since they are effective partners with the potential to make a difference on the ground as agents of change and their significance is likely to grow over time.

Q&A: There was a question from the audience on what PROTECT tries to achieve. Prof. Veary responded that the main objective can be summarized as generating evidence on how the politics and governance are playing out and improving the condition of protection-seeking migrants. Prof. Usherwood answered another question by drawing attention to the space for non-state actors who have a degree of agility and responsiveness. He said a more pluralistic approach creates potential for more support in favor of refugees.

Dr. Pierre Van Wolleghem (UiB) presented WP6 on citizens' recognition of the right to international protection. He said an international comparative survey measured attitudes in 26 countries in Europe and beyond and discussed some of the preliminary findings using two survey questions. One of the questions concerned the choice between two burden-sharing mechanisms: financial contribution or accepting refugee applicants. The majority of respondents would rather accept refugee applicants with some variations depending on the amount of financial contribution and the countries surveyed. Dr. Van Wolleghem said the other question was about the most serious mistake that decision-making authorities could make when they assess asylum claims, i.e., a false positive or a false negative. According to the preliminary results, a large share of respondents said that the two kinds of mistakes are equally serious, results also reveal some differences of opinion between left-wing and right-wing respondents.

Prof. Anamaria Dutceac-Segesten (LU) discussed the WP7 objectives and traditional and social media survey preliminary findings. She outlined that from 2014-2019, about 2% of the media coverage was dedicated to the topics of refugees, migration, and the UN in 18 countries surveyed. An analysis of Germany and the UK was made to check the global cleavages in the media discourse. The most prevalent discourse was human rights and globalist in the traditional media in these countries. Prof. Dutceac-Segesten said that social media discourse analysis focused on Twitter in 9 languages and revealed that migration discourse is Europeanized among citizens, national discourses on Twitter differ significantly from one country to another, but the anti-migration Twitter network seems to be denser and more populated.

Q&A: Dr. Van Wolleghem answered a question about administrative capacity and politics in the asylum procedure. He said WP3 collects data to see how actors are involved in the refugee determination process. He also provided more details concerning the aforementioned “most serious error” question: the failure to grant asylum is considered to be more serious by the research participants.

In response to a question on the level of awareness of the national decision makers, Prof. Guild said that WP2 prepares a handbook on how the GCs need to be applied by decision- and policy-makers and to bring the Common European Asylum System in conformity with the Global Compacts in order to ensure that the political commitments are translated into implementation.

James C. Hathaway, James E. and Sarah A. Degan Professor of Law, University of Michigan Law School concluded Day 1 with a thought-provoking [keynote](#) (Q&A is also available at the link) titled 'The Global Cop-Out on Refugees: Why the World Needs a Bold Plan to Save Refugee Protection'. The keynote took place from 11:30 a.m.-12:30 p.m. Prof. Hathaway discussed the current state of refugee protection. He argued that sticking with the status quo refugee system is not an option and outlined an alternative to the current refugee protection framework. The points raised by Prof. Hathaway can be summarized as follows: The Global Compact on Refugees is a losing proposition and a vague rhetorical platform in a context where multilateralism is in decline and there is no upward limit to the numbers of refugees a state has to accept. The current approach to asylum, where accidents of geography determine who has the responsibility to protect, cannot work if it is an unlimited and one-sided obligation. It is necessary to address this perceived problem to make the system viable by taking into account local needs and interests in a binding system. 25 years ago, a number of stakeholders suggested an alternative refugee protection system that offers basic benchmarks of a workable program. Promoting access to protection would challenge the perverse logic of deterrence. Current refugee systems which are slow and overly expensive would be replaced by internationally run and group-based status assessments of refugee claims. The UN would be allowed to allocate and move refugees for protection for the duration of the risk according to a system of preference matching. It would start with pre-determined assignments and aim to empower and support refugees and host communities. This shift to a common international refugee status determination system would free up funds for real support to front-line receiving countries, refugees would be empowered as incubators of economic activity and as development engines. At the five-year mark, every refugee would have access to the permanent solution of resettlement. There are historical precedents that show that the model could work. The system would not only be cost-effective but also save lives, protection can be empowering, protracted refugee situations would end, the smuggling market would be undermined. The GCR does not eliminate barriers to access, or offer dependable assignment of refugees to protection for the duration of the risk, does not guarantee meaningful burden or responsibility-sharing nor solutions for refugees and host countries.

In the Q&A, several questions and comments were addressed to Prof. Hathaway who elaborated on the reasons for the resistance by some governments and international organizations to the model exposed and clarified the location of assessment of claims, as well as the implications of the suggested model for state sovereignty. Prof. Hathaway also discussed the mobilizations to convince states and other stakeholders to follow the model exposed. He said that there is no plan to move this model into a legally binding protocol. Prof. Hathaway expanded on preference matching as part of the suggested model. He contended that freedom of movement is part of the solution to enable people to go to places where it is easier for them to integrate and for the host communities to welcome them. To answer a question about the involvement of the courts, Prof. Hathaway said that it is not a legalistic system: there will only be an administratively constructed review. Other questions and comments touched on the situation in the host states that are not signatories to the 1951 Convention, the lack of incentives for these states to sign the 1951 Convention; potential conflict between the 1951 Convention and the suggested model. Overall,

attendees were immensely engaged with the presentations and asked many questions as well as provided enriching comments through the Q&A function of the Zoom Webinar and Padlet. Indeed, many of the Q&A periods utilized the entire dedicated time frame and participants were encouraged to continue the discussion informally. Further, the conference served as an opportunity for PROTECT researchers to share preliminary findings and discuss the Compacts through a comparative framework.

Specifically, during the presentations of WP2 and WP3 leaders, several attendees inquired about and commented on the impact of the pandemic on the GCR and access to vaccines. Prof. Guild responded that this undoubtedly has had a profound effect on our understanding on citizenship and participation in our local communities and it is something that the PROTECT team will continue to investigate. Whereas Prof. Bast commented that as per objective 14 of the GCM, protection seeking migrants can rely and claim on the commitment of states to provide access to health services, which are an especially important issue at present.

Other comments centred on the non-binding nature of the Compacts and asked the speakers about what legal avenues could be pursued to ensure a higher impact on the protection of human rights and if there is potential for the Compacts to undermine binding legal norms. Prof. Guild reminded the audience that the Compacts challenged the political commitment of States at the UN and legal requirements. Thus, the aim is not to make the Compacts binding, rather challenge national laws to ensure compliance with the political commitments of our leaders. She stressed that the preferred interpretation for our executive and judicial representatives as well as NGOs and civil society should be expansive considering the Compacts which is precisely one of the PROTECT research areas. Prof. Caestecker added that though not binding and as evident from the PROTECT research, the Compacts are indeed based on international law and legal standards and as such play an important role as they are an enormous step forward for placing migration and asylum on the global agenda. Prof. Bast also concurred and disagreed with the premise of the questions/comments from an international legal perspective. He emphasized that legally binding commitments under international law are not necessarily more impactful. That is, soft law instruments with effective review procedures that allow for the means of checking compliance and include civil society are arguably more important and effective than hard law commitments.

A notable comment directed to the WP3 presenters was regarding the interaction between administrative capacity and government intervention in status determinations. Prof. van Wolleggem noted that this was a very pertinent question and that the PROTECT WP3 team is in the process of collecting more data on the legal frameworks relating to refugee status determinations with the aim of finding out how actors are involved in the decision-making process. He stressed that this question is at the centre of the WP3 quantitative work, and we are continuing to investigate.

In summary, the research conducted by the PROTECT team at this juncture was well received and participants expressed an interest to continue following the research project as data analysis and more substantial comparative findings become available to share.

The conference reached a large and diverse group of international stakeholders including academics, students, policymakers, and practitioners. Most participants identified themselves as affiliated with an academic institution and were predominately located in Europe (i.e. England, Norway, Belgium, Spain, Greece, France, Germany, Sweden, Denmark, Ireland, the Netherlands, Italy, Poland, Slovakia, Slovenia, Belarus, and Turkey) and in Canada (i.e. Ontario, Quebec,

Alberta, Saskatchewan, and British Columbia). A considerable number of academics were also located in Africa including South Africa, Nigeria, and Cameroon as well as Asia (i.e. Indonesia, India, China, Borneo, Philippines). Further, a number of attendees were located in the Americas (i.e. the U.S., Grenada, Mexico, and Brazil), New Zealand and the United Arab Emirates.

In addition, the midterm conference included a considerable number of practitioners and participants representing civil society, non-governmental as well as intergovernmental organizations operating internationally, in Europe, Canada, and in Africa. These included journalists and practising immigration and refugee lawyers and representatives from legal clinics in Europe and Canada; several representatives from the Danish Refugee Council, Portuguese Refugee Council, and the Greek Ombudsman Office; representatives from the Global Research Program on Inequality, Border Violence Monitoring Network, Refugees International, World University Service of Canada, Sinai Health, Refugee Solidarity Network, Youth Empowerment for Peace and Security, Women's Refugee Commission, Europeans United for Humanity, Fraternity - International Humanitarian Missions, Greenpeace; numerous participants working with the United Nations High Commissioner for Refugees, Red Cross, International Organization for Migration, United Nations Development Programme, Office of the United Nations High Commissioner for Human Rights, and the European Asylum Support Office.

The conference also attracted a noteworthy number of policymakers and governmental representatives including from the Canadian Immigration and Refugee Board, Immigration, Refugees and Citizenship Canada, the Foreign, Commonwealth and Development Office of the UK, the Ministry of Justice of South Africa, the Ministry of Justice of Cameroon, the Office of the Chancellor of Justice, the Greek Legal Counsel of the State Office, the Kosovo Specialist Chambers, the International Tribunal of Conscience of Peoples in Movement for Mexico, and the Commission on Human Rights of Philippines.

Lastly, the videos posted on the PROTECT YouTube channel after the conference have garnered on average 34 views each. Thus, a broader audience continues to engage with the content.

Protect Midterm Conference

The Right to International Protection: A Pendulum Between Globalization and Nativization?

Ryerson University, Toronto
26-27 August 2021

Thursday, 26 August

9:00 a.m.- 12:30 p.m. (Eastern Daylight Time)

9:00 a.m.-9:10 a.m. Welcome and introductory remarks: Mohamed Lachemi, President and Vice Chancellor, Ryerson University

9:10 a.m.- 9:30 a.m. Hakan G. Sicakkan, PROTECT Principal Investigator, University of Bergen, A Cleavage Theory Approach to Advancing the International Refugee Protection

9:30 a.m.-11:00 a.m. PROTECT Plenary Session

Chair: Dario Mazzola, University of Bergen

- Elspeth Guild, Queen Mary University of London and Jürgen Bast, University of Giessen (PROTECT Work Package (WP) 2)
- Frank Caestecker, Ghent University and Francesca Longo, University of Catania (WP3) Q&A
- Jo Veary, University of the Witwatersrand and Christine M. Jacobsen, University of Bergen (WP4)
- Simon Usherwood, Open University (WP5) Q&A
- Pierre Van Wolleghem and Cornelius Cappelen, University of Bergen (WP6)
- Anamaria Dutceac Segesten, Lund University and Boris Mance, University of Ljubljana (WP7)

Q&A

11:00-11:30 Break

11:30 a.m.-12:30 p.m. Keynote address: James C. Hathaway, James E. and Sarah A. Degan Professor of Law, University of Michigan Law School

12:30 p.m. End of discussions

Friday, 27 August

9:00 a.m.- 12:45 p.m. (Eastern Daylight Time)

9:00 a.m.-10:15 a.m. Plenary Policy Forum

Chair: Elspeth Guild, Queen Mary University of London

- François Crépeau, Professor, Faculty of Law, McGill University (VULNER)
- Madeline Garlick, Chief of Section, Protection Policy, UNHCR
- Catherine Woollard, Secretary General, ECRE

Q&A

10:15 a.m.-10:30 a.m. Break

10:30 a.m.-11:45 a.m. Plenary Academic Forum

Chair: Idil Atak, Ryerson University

- Sergio Carrera, Senior Research Fellow and Head of Home Affairs Unit, CEPS (ASILE)
- Anna Triandafyllidou, Professor, CERC, Ryerson University
- Jennifer Hyndman, Professor and Associate Vice-President Research, York University

11:45 a.m.-12:00 a.m. Break

12:00 p.m.-1:00 p.m. Concurrent Panel Sessions

Panel A - Understanding the impact of national refugee status determination systems on international protection

Chair: Frank Caestecker, Ghent University

- Eva Ecker, Ghent University: The influence of the institutional architecture on the outcome of international protection determination: The cases Belgium and the Netherlands
- Pierre-Georges VanWollegheem, University of Bergen: Explaining variation in refugee recognition rates: The role of refugee status determination architectures
- Craig Damian Smith, CERC, Ryerson University: Power politics and the Refugee Compact in Central America: Host states, containment, and the absence of international resettlement

Panel B - Assessing the role of the Global Compacts for Refugees and Migration in Europe: Discourses and Synergies

Chair: Mari Lund Eide, University of Bergen

- Elspeth Guild, Kathryn Allinson and Nicolette Busuttil, Queen Mary University of London: An Analysis of the gaps and synergies between the Common European Asylum System and the UN Global Compacts for Refugees and Migration
- Dario Mazzola, University of Bergen: Seizing the Compacts: The clash of political and normative discourses over the Global Compacts on Migration and Refugees

- Sara Schmitt & Raphael Heiberger, University of Stuttgart: Media and migration. How international protection is covered in public discourse

Panel C - Migrants' Vulnerabilities and the Global Compacts for Refugees and Migration

Chair: Simon Usherwood, Open University

- Danilo Di Mauro, Iole Fontana, Daniela Irrera, University of Catania: Managing new forms of vulnerability: The contribution of Italian civil society organizations in the migrants' protection policies
- Janna Wessels, Vrije Universiteit Amsterdam: Planned destitution: Socio-economic deprivation and as a policy tool to control migration
- Jona Zyfi, University of Toronto: The impact of the GRC and GMC on assessing vulnerability: Preliminary findings of fieldwork in Canada

Panel D - The global refugee regime and international protection in Africa: Out of step and out of time?

Chair: Jo Vearey, Director of African Centre for Migration and Society (ACMS), University of the Witwatersrand

- Kudakwashe Vanyoro, ACMS, University of the Witwatersrand: 'Now That Mugabe is Gone You Are Free' - Temporalised Governance of Vulnerability, Migration and Im/mobilities at the Zimbabwe-South Africa Border
- Noah Ssempijja, MA Refugee Protection and Migration Studies Student, University of London: Integrating Services for Host Communities and Refugees: Pathway to Local Integration for Refugees?
- Nicholas Maple, ACMS, University of the Witwatersrand: International Protection in South(ern) Africa: UNHCR and Regime Shifting in the Urban Space

1:00 p.m. Concluding remarks: Hakan G. Sicakkan and Idil Atak

PROTECT MIDTERM CONFERENCE LIST OF REGISTRANTS

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Inês Carreirinho	Portuguese Refugee Council
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Munitu Bimwala Manasse	Jean Avenue Investment CC
Erika Kalantzou	Free lance lawyer working in the refugee field since 1990
Virginia Metsini	Danish Refugee Council
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Heléne Hedberg	Malmö University
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Camilo Perez-Bustillo	Witness at the Border/Int'l Tribunal of Conscience of Peoples in Movement
Olga Djurovic	Asylum Protection Center
Francia Malvar	Lawyer
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