



UNIVERSITÀ  
di VERONA

Dipartimento  
di SCIENZE GIURIDICHE



## CONFERENCE CALL FOR PAPERS

### *Public interest litigation and migrant rights*

The conference is organised in the scope of the PilEUROPE project – financially supported by the University of Verona (BANDO PER LA RICERCA DI BASE 2017)

**Verona 30 November 2020**

The conference will be organized on ZOOM

The conference will focus on the issue public interest litigation and migrant rights in the European context.

The notion of PIL is commonly used by US scholars to identify a specific category of legal practice that aims to provide legal representation to those that cannot afford a lawyer and/or promote through courts the rights of groups that are underrepresented in the political process. While the US genesis of the practice and the idea of exceptionalism of the US legal system have justified for decades a focus on the US, more recently, increasing engagement in legal strategies from the European civil society has attracted growing scholarly attention to the EU context.

Third country nationals (TCNs) in Europe are almost a “voiceless” community. They are unable to directly exercise any pressure on national governments and shifts in public opinion, real or perceived, appear to have intensified concerns of political exposure, making those on the left of the political spectrum more cautious in taking a stand over migration issues. Taken together these two factors make migrant rights an emblematic case to study how litigation and courts matter for the protection of groups that are excluded or marginalized from the political process.

Legal scholars have done important work in analysing, from a structural point of view, the “legal tools” that EU Law and the European Human Rights Convention provide for protecting minority and other vulnerable groups’ rights, as well as the interplay between opportunities created at the supranational level and with opportunities available at the national level.

As to European Union Law, research has focused on EU Antidiscrimination Law. Within this framework, the Racial Equality Directive (RED) (2000/43/EC) and the Equal Employment Directive 2000/78/EC hold particular relevance.

Additionally, while it is acknowledged that the Tampere objectives have gradually become a “shared nostalgia” and the goal of giving TCNs legally residing in the EU equal rights compared to EU citizens has been set aside, in the last years the efforts of the EU legislature on equality and legal status of TCNs have become increasingly tangible, with the adoption of a number of equality clauses granting to varying degrees equal rights to specific categories of TCNs. Such clauses concern long-term residents (art. 11 Directive 2003/109/EC), refugees and beneficiaries of international protection (art. 28 Directive 2004/83/EC), family members of EU citizens residing in a different Member State (art. 24 Directive 2004/38/EC), blue card holders (art. 14 Directive 2009/50/EC), holders of the single permit (art. 12 Directive 2011/98/EU), seasonal workers (art. 23 Directive 2014/36/EU). Finally, EU regulation on international protection appears to have provided another route to the Court of Justice for civil society organizations engaged in the struggle for migrants’ rights.

As to the European Convention of Human Rights, art. 14, establishing that the rights and freedoms of the Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status, has assumed, starting from the late 1990s, increasing importance for protecting migrants from differential treatment, in particular in the area of access to social security and other benefits. The same is true for art 8 on

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privacy and family life, art. 9 on religious freedom, art. 2 on the right to life, art. 3 on the prohibition of torture and art. 4 on the prohibition of slavery and forced labour.

Against this background the call is addressed to scholars from different disciplines, including sociologists, political scientists and lawyers, and has the objective to trace litigation strategies in favor of migrants in the European context and contribute to highlight the role of collective actors and lawyers and the efficacy of their strategies for changing rules and promoting implementation.

Proposals that investigate the relationship between lawyers and collective actors, such as civil society organisations, engaged in litigation strategies in favor of migrant rights and between these actors and migrant communities are particularly welcome.

Proposals (max. 500 words) should be sent in English by **15/09/2020** at the following address: [venera.protopapa@univr.it](mailto:venera.protopapa@univr.it) Please include name, institutional affiliation and a brief CV.

Applicants will be informed of the acceptance or rejection of their proposal by 15/10/2020.

Proposals will be selected by Scientific committee composed by Marzia Barbera (University of Brescia), Laura Calafà (University of Verona), Scott Cummings (University of California) and Elise Muir (KU Leuven).