



EDUC WORKSHOP & SEMINAR

A FEEDBACK ON JUSTICE, INEQUALITY AND INCLUSION

*ACCESS TO JUSTICE FOR MIGRANTS AND REFUGEES IN THE
EUROPEAN UNION*

In line with one of the main objectives of the EDUC partner universities, which is to encourage and strengthen cooperation in research, the University of Paris Nanterre organized a two-day workshop in October 2023. Several EDUC partners participated in the research meeting, whose main goal was to explore and discuss the European Union's legal approach towards migrant and refugee policies, while also endorsing the involvement of Master's students.

The seminar contents have been proposed and conceived by a group of female researchers of UPN who aimed to explore the link between justice, inequality and inclusion, from a European perspective. Through an interdisciplinary perspective, and by exchanging practices and knowledge with the EDUC partners, they intended to focus on migration in the European Union and deal with three main issues:

- **Access to justice for migrants and asylum-seekers in Europe** : what is the scope of the rights that migrants and asylum seekers should enjoy? What are the various means and requirements under regional, international and national law to ensure the enforcement of those rights and provide remedies in case of violation?

- **Barriers migrant workers are facing in accessing to justice**, including the ability to assert legal rights in the workplace and to access to mechanisms for legal redress or remedy ?

- **Acquirement of justice rights and means for children in the context of child refugees and migrants** (especially unaccompanied minors and young asylum seekers) ?

WORKSHOPS SESSION

The **first workshop** gathered 15 students from the Master of European Law, Isabella Soi, Associate Professor in African History at the University of Cagliari and Marjolaine Roccati, Associate Professor in Private International Law at the University of Nanterre.

This workshop, dedicated to the notion of “Access to Justice”, discussed first the decision rendered by the General Court of the EU the 6th of September 2023, where the Court refused to characterise liability for an alleged unlawful conduct of Frontex, the European Border and Coast Guard Agency. The discussion then moved on the articulation of liabilities for violations of fundamental rights committed to migrants and asylum seekers, between Frontex, Member States and European authorities. The workshop also permitted to address more specifically the issue of Access to Justice for migrants and asylum seekers when they arrive in France and are kept in waiting areas. The evolution of French law was examined, to that regard, after the condemnation from the ECtHR (*Gebremedhin c. France*, req. n° 25389/05, 26/04/2007). Finally, the discussion focused on Access to Justice as a means to reduce substantial rights of a person, with the illustration of a decision rendered by the French Conseil Constitutionnel (n°2017-691 QPC, 16/02/2018, *M. Farouk B*). The latter authorised severe restrictions to the freedom of movement of persons, based only on suspicion and without any former judicial condemnation, since these persons may challenge such restrictions in front of a Court.

The second **workshop** gathered 15 students from the Master of European Law, Isabella Soi, Associate Professor in African History at the University of Cagliari, Myriam Benlolo Carabot, Professor in European Law at the University of Nanterre and Legal Secretary at the European Court of Justice, and Daniel Muller, international lawyer working in international dispute settlement.

This workshop dedicated to access to justice for children and future generations in order to prevent forced migration, discussed the legal and judicial strategies to help children of the Pacific Ocean region and throughout the world, including future generations, to defend their right to continue to benefit from their traditional environment and living space; or, in other words, their “right” - if such a right existed - not to become “climate refugees”.

Procedural possibilities and difficulties of access to a judge in order to challenge existing legal instruments, such as the Paris Agreement and European regulations establishing the framework required to achieve climate neutrality (“European Climate Act”), have been deeply discussed. Students have been challenged in order to create means and strategies, to think about the consistency of the “right” not to become a refugee, the urgent need to protect future generations and the implications of such a conclusion on current legislation and political liabilities. A special focus has been made on the European legal system, the New Green Deal and the European Climate Act.

The Master's students participated actively in all the workshop sessions, contributing to discussions and presenting their research. Their involvement not only enriched the dialogue with fresh perspectives but also fostered further scientific cooperation among EDUC researchers. This active participation by students underscored the commitment to integrating emerging scholars into important academic and policy debates.

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