

Call for Papers

Reverse Strategic Litigation by Governments on Migrants' Rights?

Amsterdam Centre for Migration and Refugee Law (ACMRL) & Human Rights Discourse in Migration Societies (MeDiMi)

Vrije Universiteit Amsterdam, Netherlands

27-28 March 2025

We are pleased to invite you to contribute to the workshop “Reverse Strategic Litigation by Governments on Migrants’ Rights?” that will take place at the **Vrije Universiteit Amsterdam** on 27 and 28 March 2025.

The workshop focuses on the practices of Governments before human rights courts and committees in migration-related cases. Whereas migration has long looked like the last bastion of sovereignty,¹ developments in human rights law have given rise to successful claims raised by migrants and other social actors seeking to limit the Governmental power to control migration. Well-established instruments of migration control, such as expulsion or refusal of entry at the border, are no longer purely within the discretion of states.² However, Governments themselves are actors in the interpretation and litigation of human rights law before international Courts and treaty bodies – and as such are involved in the legal processes that shape human rights law as it relates to migration control.

Central questions for this workshop are: **What are the practices of Governments before human rights courts and committees in migration-related cases?** How do Governments contribute to and engage in human rights litigation? Do they act as ‘doctrinal entrepreneurs’, engaging in ‘reverse strategic litigation’ in order to shape the meaning of human rights law?³

¹ Catherine Dauvergne (2008) *Making People Illegal: What Globalization Means for Migration and Law*, CUP, 2.

² Jurgen Bast (2024) ‘The Rise of Human Rights Limits to Migration Control – A European Perspective’, 118 *AJIL Unbound* 208–213, <https://doi:10.1017/aju.2024.35>.

³ Janna Wessels (2024) ‘Reverse Strategic Litigation by Governments? Negotiating Sovereignty and Migration Control before the European Court of Human Rights’, 118 *AJIL Unbound* 214–218, <https://doi.org/10.1017/aju.2024.36>

We invite you to explore these questions with us. We are interested in both legal-doctrinal and/or empirical contributions from different regions and Courts/treaty bodies, engaging with one or more of the following elements, among others:

- What litigation strategies do Governments engage in, both in their role as respondents and beyond?
- What (tacit) tactics and mechanisms might Governments be using to shape courts' and treaty bodies' jurisprudence?
- Discussions of case/s or situations or specific doctrinal or procedural developments where a litigation strategy of Governments can be identified;
- Case studies of Government practices in the migration jurisprudence of a particular court or treaty body or on a particular element of migration policy;
- Case studies on how the relevant decision-making on Governmental litigation strategies is organised at the national level;

We welcome researchers at all career stages and disciplines to examine these questions with us and advance the understanding of litigation practices of Governments on migrants' rights.

If you are interested in participating in the workshop, please submit your abstract **by 20 December 2024, 23:59** to j.klueger@vu.nl and m.avila.curras@vu.nl in an email with the subject "Reverse Strategic Litigation by Governments workshop". The abstract should have 400 words maximum in a PDF file with your name, affiliation, and e-mail address.

Participants will be asked to submit a short draft (3-7 pages) ahead of the workshop as a basis for discussion. We are planning a joint publication of original contributions afterwards in the form of a special issue or edited volume and will discuss the specifics together during the workshop itself. Participation in the subsequent publication is not a prerequisite for participation in the workshop.

We look forward to your submissions. For queries, please email us!