

“Un altro diritto?”

Emilio Santoro

11/05/2021

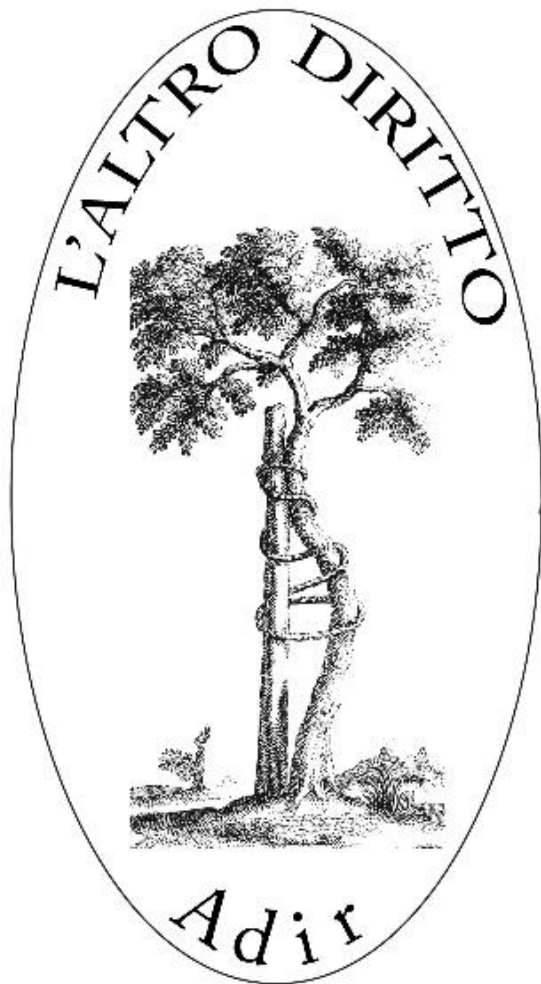


7



Co-funded by the
Europe for Citizens Programme
of the European Union





**Centro di ricerca
interuniversitario
su carcere, devianza,
marginalità e governo
delle migrazioni**

www.altrodiritto.unifi.it



Who we are

The name:

The other law

why “other” law

3 meanings



First why

Law in action versus law in books

**General norms vs. specific
(individual) norm**

**Order of legislator vs process with
many actors**

**Discrimination vs capacity to find the
solution to specific private troubles: the
single norm a way of transforming them
in legal problem**



Second why

To use the law for standing for rights

**Law as order of the sovereign
(the legislator) vs law as way of
«proceduralizing» the conflicts**



Third why *the logo*


Moral orthopedy of moral orthopedy

Correcting the a-normal => marginalization

Correcting the corrector

The society of normal people vs plural society

Proceduralized conflicts (among *different* subjects and actors) as means for integration of diversity and social evolution



Structure double
Interuniversity center
research activity and dissemination of
results
and NGO
concrete actions and intervention in
cases

Areas of interests

▶ *Government of migration*

Excluding democracy and Servile (neo-slavery) integration

▶ *Migrants*

Status, refugees, discrimination and labour exploitation

▶ *Prisons*

Rights of prisoners, migrants in jail and their return in society (without expulsion)

Excluding democracy

- ▶ Welfare crisis – perception of the end of social progress (our sons and daughters will not stay better than us).
- ▶ Economic resources are not enough we need someone to produce them without using them: migrants and underserving people.
- ▶ Prison tool of exclusion against rhetoric of social reintegration
- ▶ Exclusion of migrants and their selection: discrimination in the access to social benefits
- ▶ Exclusion of undeserving citizens

Interuniversity center

Based at the University of Florence
14 (+2) Italian universities
<http://www.adir.unifi.it/>

Journal

<https://www.pacineditore.it/laltro-diritto-2/>

Book series

<https://www.pacineditore.it/laltro-diritto-2/>

Workshop against labour exploitation with CGIL

<http://www.adir.unifi.it/laboratorio/index.htm>

Defending rights through law


- ▶ Legal counseling within prisons
- ▶ Legal counseling for migrant about defending their legal status and discrimination (access to social incomes)
- ▶ Second level of legal counseling with local administration
- ▶ Activity against labour exploitation with public prosecutors: defending victims
- ▶ Amicus curiae Human Rights European Court and Constitutional court
- ▶ Legal assistance to prisoners and migrants

NGO <http://www.altrodiritto.unifi.it/> defending rights of prisoners

- ▶ Groups in quite each prison of Tuscany and in two prisons of Emilia Romagna
Special focus on social rights of detainees
- ▶ In Tuscany legal advice for ex-detainees

Migrants's precarity of status

- ▶ Labour permit: impossible => Illegal staying
- ▶ EU long stay permit: very hard => precariousness of staying.
- ▶ Recognition of refugee status: very long (average 3/4 years, until 5/6) => precariousness of staying.
- ▶ Access to social income: very hard => vulnerability



Migrants' private troubles which must be transformed in legal problems.

- ▶ **Servile inclusion**
- ▶ **Legal and social precariousness**
- ▶ **Vulnerability => Labour exploitation**

Definition of vulnerability (Eu Directive 2011/36/EU against human trafficking Article 2, 2): "a position of vulnerability means a situation in which the person concerned has no real or acceptable alternative but to submit to the abuse involved".

NGO <http://www.altrodiritto.unifi.it/> defending rights of migrants

- ▶ Desks of legal counseling for migrants in many places of Tuscany.
- ▶ Second level legal counseling in all Tuscany for all people (in NGO or regional and local services) working with migrants.
- ▶ National second level legal counseling on labour exploitation and vulnerability caused by discrimination.