

Litigation for Equality

Legal Entities' Standing



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Brussels, October 2011, Margarita Ilieva

Standing Types

- On behalf
- In support
- *Actio popularis*
- Collective redress



Entity and Legal Basis Types

- NGOs/ Trade Unions
- Equality law
- General law
- Special non-equality law



Requirements

- Incorporation
- Equality/HR aims/activity
- Legitimate interest
- Permanency
- Representativeness



Requirements

- Consent (S, B, CR)
- Victim plurality (AP, CR)
- Capacity (CR)



Proceedings

- Judicial
 - civil/ administrative/ criminal
- Administrative
- Equality body



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Remedies

- Generally applicable relief
 - declaratory
 - compensatory
 - injunctive



Scope

- Uneven
 - grounds
 - fields/ proceedings
 - remedies



On behalf

Min. 5 states lack compliance



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In support

Direct intervention/

Amicus curiae

Min. 7 states lack
compliance



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Actio popularis

Available in min. 20 states



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Collective redress

Collective claims/

Class action

Available in min. 15 states



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Case law

Scarcity

Disparity

Trade Unions far less
than NGOs



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