

ESF Exploratory Workshop on

**RIGHTS, LEGAL MOBILIZATION AND
POLITICAL PARTICIPATION IN EUROPE**

**Athens, Greece
8-11 October 2009**

**Convened by:
Dia Anagnostou**

SCIENTIFIC REPORT

Co-sponsored

ΕΛΙΑΜΕΠ  **ELIAMEP**

ΕΛΛΗΝΙΚΟ ΙΔΡΥΜΑ ΕΥΡΩΠΑΪΚΗΣ & ΕΞΩΤΕΡΙΚΗΣ ΠΟΛΙΤΙΚΗΣ
HELLENIC FOUNDATION FOR EUROPEAN & FOREIGN POLICY

20 ΧΡΟΝΙΑ YEARS

1. EXECUTIVE SUMMARY

The workshop explored the mobilization of rights on behalf of less privileged social actors and civil society through legal and judicial processes in pursuit of collective and public interest goals in Europe. Existing studies have adopted a top-down approach focusing on judicial and legal variables to understand the expansion of rights politics. Alternatively, this workshop employed a bottom-up approach that probes into the role of individuals and civil society in mobilizing the law in a largely unexplored area of study in Europe.

There has been very little research in European comparative legal and political analysis of whether and the extent to which citizens actually pursue their interests and seek to influence political processes through the legal and judicial system. This is a glaring gap given ample evidence about a growing trend of public interest litigation across Europe. This is accompanied by social mobilization by NGOs and more recently supported by a variety of equality bodies, both at the national and at the European level. EU anti-discrimination directives also envisage a strengthened role for civil society actors and NGOs to engage in judicial and/or administrative proceedings on behalf of or in support of complainants. Yet, we still have very little systematic knowledge and country- and area-specific documentation of this flourishing activity, as well as of its consequences for political participation and electoral democracy in European polities.

Through a series of case studies focusing in specific areas of rights claims, this workshop aimed at identifying relevant conceptual and empirical tools, as well as at formulating relevant hypotheses that could pave the way for further research. Some of the questions it addresses are the following : To what extent do citizens activate legal processes and judicial institutions to claim rights that emanate from national and European (EC and human rights) law, and why? What kinds of rights claims do they raise, and which specific policies, laws and practices have come under judicial scrutiny in different countries? Which legal-judicial, as well as social and political factors appear to shape variation in the degree and patterns of legal mobilization and public interest litigation across countries? To what extent does legal mobilization through courts mount a noticeable challenge and effectively pressure government politics and decision-making? Has legal mobilization around rights claims grown over time and can it be seen as a growing form of political participation in European democracies?

Three areas of public interest litigation were explored in the frame of the workshop: *gender equality*, the *rights of immigrants*, and the *rights of historical minorities and minority nations*. These are areas that have attracted growing levels of litigation that has been significantly propelled, or at least supported by mobilization among civil society actors, NGOs but also independent state agencies such as equality bodies and national human rights institutions.

In sum, the goals of the proposed workshop in each of the selected issue areas were:

- a) To map on the basis of empirical documentation the extent and nature of legal mobilization in each country,
- b) To engage in comparative analysis of the structural-institutional and social-political factors that influence cross-national variation, as well as variation across the three different issue areas,

c) To develop and formulate *a more developed research agenda regarding rights litigation and legal mobilization* as forms of political and public participation in Europe.

The presentations and the discussions that took place after each session and at the end of the workshop showed a highly diverse landscape as far as legal mobilization across the three issue areas is concerned. They led us to broaden our perspective of what such a mobilization entails. On the whole, law, legal norms and legal terrains do appear to have become increasingly important in the struggles of marginalized individuals and social groups in claiming their rights in Europe. Significantly, this has taken place at the intersection of different levels of governance, between local/subnational, national and European levels. Besides national constitutional law, processes of decentralization and federalization have created new legal frames and spaces, as well as opportunities to appeal and mobilize through those, as the examples of the UK and Spain show. In addition, there is the EU law as authoritatively interpreted by the European Court Justice with direct effect, along with the development of a highly successful and authoritative human rights regime centred on the Convention and the ECtHR. The coexistence of these different levels of governance has led to a proliferation of legal frames and norms, which have influenced the scope and content of a variety of rights such as that of gender equality, political participation, or the rights of foreigners and non-nationals.

Concerning the contribution of the workshop in the field of socio-legal studies, it showed that our understanding and definition of legal mobilization of rights must be substantially broadened to encompass not only appeal to legal entitlements before courts, but also use of such entitlements in political discourse and action. Beyond judicial and political arenas, legal rights can be seen to encompass a broader set of norms and discursive logics that fundamentally influence the interests and identities of social actors who engage them. The workshop presentations and discussions also highlighted the decisive importance of and necessity for a comparative dimension that must be systematically pursued in the study of legal mobilization, both across different national contexts but also across different issue areas and sets of rights. Thirdly, the workshop helped bring in contact and create an interdisciplinary network among scholars who had hitherto been working separately in their own disciplines to develop a research agenda, which the participants intent to sustain by pursuing a follow-up meeting. A collective publication is planned (pending upon securing funding for a second workshop), which is tentatively entitled is “The Politics of Rights: Legal Mobilization in a Multi-Level European System” and a provisional table of contents was drafted at the end of the workshop.

2. *SCIENTIFIC CONTENT OF THE EVENT*

This workshop explored the mobilization of rights on behalf of less privileged social actors and civil society through legal and judicial processes in Europe. The mobilization of individual and collective actors to challenge state laws and policies in court by claiming protection of their rights guaranteed under constitutional law is a phenomenon well-known in the U.S. system. An increasing body of political science and European integration studies over the past ten years suggests that an American-style ‘adversarial legalism’ has been spreading in EU countries, which is partly propelled by a rise in rights claims. To the extent that such a change is actually taking place, it has far reaching implications for the nature of political participation and governance in Europe that has historically predominantly been shaped by a tradition of parliamentary rule.

The workshop began in the morning of Friday 8 October and ended on Saturday 9 October late in the afternoon. It began with a presentation by the convenor Dia Anagnostou of the theoretical and interdisciplinary underpinnings of the workshop, as well as its main themes, methodology and structure. Following the opening presentation of the workshop’s themes, structure and aims, Dia Anagnostou together with Ms. Viki Florou, the activities officer at ELIAMEP, made a brief presentation of the ESF, on behalf of the ESF representative who was unable to attend it. Individual paper presentations were followed by shorter or longer intervals of questions, comments and discussions. This report presents the workshop’s themes, structure and objectives in the next two sections. It subsequently provides an overview of the presentations and discussions that took place in the course of the workshop, and it assesses the results and the contribution that it has made to the field of socio-legal studies. The last section of this report provides information on the participants, a list of their names and affiliation, as well as the final program.

2.1 Theoretical origins and analytical underpinnings of the workshop theme

Studies in political science, legal sociology and European integration over the past decade show a growth in the authority of courts to review and strike down state laws or policies in response to claims that these infringe upon fundamental rights. The expansion of rights jurisdiction in European and EU countries can be attributed to a number of partly inter-related factors. In the first place, notwithstanding significant cross-national variation, many countries have bolstered judicial review of legislation or public acts by establishing constitutional courts with extensive rights jurisdiction. Furthermore, the establishment of EU law that can be enforced by individuals in national courts or the ECJ has created new rights linked not only to economic interests, but also to broader public interests that encompass environmental protection and gender equality. The formal or substantive incorporation of the European Convention of Human Rights by national systems has further bolstered judicial rights review domestically.

If European judges increasingly engage in judicial review (or are expected to do so) to protect the rights of individuals vis-à-vis the government and state policies, this significantly broadens the space for rights politics. It provides new opportunities for citizens to use the courts in pursuit of their own policy goals, an alternative (to electoral participation) form of political engagement. Hitherto scholarship, however, has largely been court-centered both in its analytical approach and in the empirical

documentation from which it draws. It adopts a top-down approach that explores the impact of judicial and legal variables to understand the expansion of rights politics. Courts, however, defend or create rights as long as individuals and other social actors bring cases to them. By mounting a legal challenge, individuals and other civil society actors ask courts to interpret what are often abstract rights principles in relation to concrete practical contexts and specific policy areas.

Judicial rulings that impart legitimacy to certain kinds of claims are resources that can be employed in political action, and provide incentives for more individuals and social actors to engage in litigation. Pursuing a legal challenge of public laws and state policies in an effective and sustained manner requires not only substantial financial means but a variety of other resources and structures of legal support. What has been termed ‘strategic litigation’ uses the judicial system in order to pressure for broader social change. While the individual’s interest may be an objective too, legal action in this sense is directly or indirectly centrally interested in law and policy reform, with case selection aiming at bringing to surface broader problems. Besides seeking to challenge existing laws and policies, strategic litigation can have less ambitious but equally important goals such as to clarify laws, to promote human rights consciousness and public attitude change, to document injustices, or to empower vulnerable groups. Favourable judicial decisions can be a lever of pressure for social actors, but also for political and administrative elites to promote reform in a particular direction. Capitalizing upon favourable judgments to challenge government policy and influence public opinion often requires broader collective mobilization and organizational initiative.

Within the broader field of comparative judicial politics, the workshop explored and sought to understand better the uncharted terrain of legal mobilization in pursuit of collective and public interest goals in Europe. While the subject of a flourishing scholarship over the past couple of decades in the US, there has been very little research in European comparative legal and political analysis of whether and the extent to which citizens actually pursue their interests and seek to influence political processes through the legal and judicial system. This is a glaring gap in social science and legal scholarship, given ample evidence about a growing trend of public interest litigation, accompanied by social mobilization by NGOs and more recently supported by a variety of equality bodies, both at the national and at the European level. This is also likely to be on the rise in the context of national-level implementation of the EU anti-discrimination directives, which envisage a strengthened role for civil society actors and NGOs to engage in judicial and/or administrative proceedings on behalf of or in support of complainants. Yet, we still have very little systematic knowledge and country- and area-specific documentation of this flourishing activity, as well as of its consequences for political participation and electoral democracy in European polities.

The workshop theme is interdisciplinary: it lies at the crossroads between political science, comparative law, political sociology, and European integration studies. It employs a sociological and political approach that seeks to unravel bottom-up processes of mobilization and political engagement in pursuit of social change through legal processes and the courts. Its interdisciplinary nature was also reflected in the composition of scholars who were invited to participate in it.

Given the embryonic development of this interdisciplinary field in Europe, the workshop had an exploratory character. By employing a bottom-up approach, it probed into the role of individuals and civil society in mobilizing the law, as well as in being mobilized by it. Through a series of case studies focusing in specific areas of rights claims, it sought to identify relevant conceptual and empirical tools, as well as formulate relevant hypotheses that could pave the way for further research.

2.2 Structure and aims of the workshop

The three main sessions of the workshop that took place on Friday morning and afternoon, as well as Saturday morning were structured on the basis of each of the three sets of cases that had been selected for study: gender equality, the rights of immigrants, and the rights of historical minorities and minority nations. These are areas that have attracted growing levels of litigation in pursuit of equality, social integration, better treatment by public authorities, cultural, political and civil rights, both at the national and the European level. Such litigation has been significantly propelled, or at least supported by mobilization among civil society actors, NGOs but also independent state agencies such as equality bodies and national human rights institutions.

In the workshop, the study of each of the selected issue areas was undertaken through a number of country-based case studies. A total of ten EU country cases and one associate EU state were covered: UK, Germany, Greece, Poland, France, the Netherlands, Italy, Spain, Estonia, Belgium and Turkey. Despite substantial variation in their legal-judicial structures and traditions, all of these countries (with the exception of the UK) now have in place enumerated individual rights and a judicial and constitutional review of rights.

The papers and presentations of participants addressed the following questions in relation to each of the three selected areas of rights claims:

- ▶ To what extent do citizens activate legal processes and judicial institutions to claim rights that emanate from national or European (EC and human rights) law? Why do they do so, and do they seek to challenge public acts and government policies in pursuit of broader political and social goals?
- ▶ What kinds of rights claims do litigants in the selected issue areas raise, and which specific policies, laws and practices have come under judicial scrutiny in each country case? Do courts engage in expansive interpretation of rights in the three policy areas under study?
- ▶ What are the national and transnational structures and resources of legal support for individual litigants in the selected areas of study in each country?
- ▶ Which are the civil society actors, NGOs and state agencies that engage in and/or support legal strategies on behalf of individuals or groups, and in what ways do they do so? Under what conditions are they likely to be supported by political elites?
- ▶ Which legal-judicial, as well as social and political factors appear to shape variation in the degree and patterns of legal mobilization and public interest litigation across countries?

- ▶ To what extent does legal mobilization through courts mount a noticeable challenge and effectively pressure government politics and decision-making?
- ▶ Has legal mobilization around rights claims grown over time and can it be seen as a growing form of political participation in European democracies? How does its nature and scope differ in comparison to unconsolidated democracies?

The workshop set out to accomplish the following goals:

- a) To **map on the basis of empirical documentation the extent and nature of legal mobilization** in each country,
- b) To engage in **comparative analysis of the structural-institutional and social-political factors** that influence cross-national variation, as well as variation across the three different issue areas,
- c) To develop and formulate a **more developed research agenda regarding rights litigation and legal mobilization** as forms of political and public participation in Europe, and
- d) To **further pursue this research agenda through a research proposal**, or through other follow-up research activities.

In the course of the presentations of and discussions among participants, we compared patterns of rights litigation, legal mobilization and judicial response among the eleven European countries. We sought to identify and systematically formulate the salient factors and dynamics that appeared to influence cross-national differences in this highly relevant, yet thoroughly unexplored area of study in Europe. We also examined national patterns and processes of legal mobilization in areas (i.e. human rights and employment rights), in which supranational European law has most thoroughly infiltrated. Understanding patterns and structures under which individuals and groups acquire rights consciousness and mobilize rights under national and European law, has high policy relevance for state implementation of EU anti-discrimination legislation that has been transposed over the past couple of years across member states.

2.3 Overview of the workshop's presentations and discussions

Following the presentation of the workshop's themes and aims by Dia Anagnostou, Michael McCann, professor of political science in the University of Washington, made a presentation. Besides being a leading scholar in the interdisciplinary field of socio-legal studies in the USA, professor McCann has been one of the central figures who have shaped this field and its research agenda and analytical contours with his research and writings on rights. McCann provided a broad definition and comparative perspective on legal mobilization as a vehicle of social change, as well as on the opportunities and obstacles that define it. McCann started his presentation with a broad definition of what we understand and mean by legal mobilization. Making claims in terms of rights is an act, a practice and a dynamic activity, which is not exhausted in litigation and recourse to courts. In fact, rights can and are also mobilized in everyday life and through everyday practices, which is evidenced in how individuals appeal to and bring rights to bear upon their relationship with others and with institutions. A great deal of rights mobilization involves activities and practices that take place in "the shadow of law" rather than in courts and other legal fora.

McCann provided a broad definition of legal mobilization as a practice of claiming rights, which may involve a variety of actors including administrative officials, the police, legal actors like lawyers and judges, among others. In this broader perspective, law can be understood as a set of discursive conventions, a language of a sort. In a common law tradition, law is open-ended, which is not necessarily the same in civil law tradition. Law is inherently plural. It is not a coherent system, neither a determinative or unitary one. Instead, in society there is an intersection of multiple, overlapping and intersecting systems of law, including state and religious law, among others. Some important questions that arise are: which tradition and rules of law are really binding? Should religious law be more binding in kinship relations as opposed to state law?

The outcomes of legal mobilization depend on social context. It depends on who is mobilizing the law, the resources that one brings to this activity, and the institutional and non-governmental structures of support that are available, among others. All these matter for engaging in legal mobilization. A further important issue to consider is what affects responses from judicial actors. What are the factors that matter in this regard? Why have courts arguably emerged as leading actors in social and political change? McCann is skeptical about the role of courts in this regard. Courts are quite ineffective for changing the world. We need to rethink about the capacity of courts to deliver.

In his presentation McCann emphasized and discussed further the following factors as shaping legal mobilization and its consequences. In the first place, the resources that different social actors can bring are of decisive importance, along with the identity and social status of those engaged in mobilizing, the capacity to advance a claim, to bring together groups of people and to raise money. For instance, compare gender-related mobilization, which involves well-organized groups of feminists and experienced political practitioners and organizations, with legal activism on behalf of immigrants, who are very difficult to organize and bring together under a coherent set of claims. Secondly, the context of opportunities matters: to what extent are structural relations vulnerable to challenge and change? Thirdly, party politics is often important for legal mobilization and the kinds of alliances that political parties forge with social actors such as trade unions. Trade unions have often been opposed to civil rights advocacy. Fourthly, legal mobilization involves legal tactics. Lawyers often play problematic and contradictory roles. Sometimes they are good and capable at mobilizing for social change while other times they are not. Lawyers can play a positive role but it often requires other things to also be present, such as media advocacy. Overall, litigation can be part of larger processes, but it rarely is in and of itself effective.

While the definition of 'legal mobilization' in the literature is often related to courts, McCann's presentation emphasized that this is not necessarily the case. It also put under question the assumption that 'rights and courts are good', indeed, they are not necessarily progressive for marginalized groups, which can discourage rights claims and litigation. In the USA for instance, courts have been rather conservative in their approaches to claims pertaining to marginalized social groups. Furthermore, courts are rather weak institutions in their ability to enforce their decisions. It must be noted that legal mobilization does not end with courts. The feedback effect of judicial rulings can also be influential. In fact, sometimes losing a battle in court can be a boost for action. Courts may also issue authoritative statements that can be appealed to in the course of further social mobilization or political action.

The first session of the workshop focused on the area of *gender equality*. It examined and comparatively analyzed the cases of the UK, Germany, Greece and Poland. Women's rights organizations have used the courts to pursue gender equality in all four countries, albeit in variable degrees and ways linked to different points in time when each country a) made the transition to democracy and b) acceded to the EC/EU. EC legislation and ECJ rulings provided further precision and content to sex equality principles contained in the democratic constitutions of each country. The UK did not have a written constitution with a bill of rights until relatively late (the adoption of the Human Rights Act in 1998), and formally adheres to the doctrine of parliamentary sovereignty. Yet, European law has enabled British courts to review the validity of statutes with EU rules. Employment rights that emanate from the latter have been mobilized extensively and particularly actively by women's rights organizations in Britain.

Dia Anagnostou presented her paper on "European integration and gender equality in Greece: from the feminist movement of the 1970s to the judicial battles of the 2000s". The paper explored the changing reception of gender equality rights in the Greek legal and political context from the 1974 transition to democracy until the present. Its main aim was to examine the causes and factors that have led to the growth of gender equality claims (pertaining i.e. to social benefits, discrimination in employment, and political participation), which have been brought in front of Greek higher courts from the late 1990s onwards. It also explored the impact of judicial outcomes in equality-related policies. Following Greece's entry into the EC in 1981, the battle over gender equality important reforms were introduced partly linked to the country's obligations to conform to EC law, and partly propelled by the feminist movement that had flourished in the post-1974 period. From the 1980s onwards, however, the movement declined. The analysis considered the argument that Greece's integration in the European Community/Union (EC/EU) and EC legal provisions relating to the common market bolstered gender equality claims and contributed decisively to more expansive interpretations by Greek courts. Through the examination of the Greek case, it sought to contribute to the broader debate about the role of EU integration in gender equality and the dynamics that develop between European supranational institutions and the politics of rights through courts at the national level.

Professor Susan Millns and lecturer Charlotte Skeet presented the UK case. Whilst there is much debate within feminist legal scholarship about the focus of feminism's challenge to the oppression or subordination of women, and upon the role which the law may usefully play in improving the conditions of the lives of women there are a number of themes (such as power, representation and participation) which re-occur. Drawing upon these themes in feminist thought, the paper that Millns and Skeets presented explored the extent of women's participation in the legal process in the United Kingdom in order to pursue claims for gender equality and gender justice. The analysis was set in the context of an initial and brief consideration of the role of the women's movement in the UK and its campaigns for women's equal rights. It then looked at patterns of litigation in the courts considering the types of individual cases which have come to prominence in the advancement of gender equality alongside larger public campaigns for legislative reform. This was followed by an examination of various campaign groups working in the UK at the present time and their effect upon claims for equal rights. The paper concluded by evaluating a number of governance and representation issues which arise from women's participation in

public life, set in the context of the programme of devolution which has characterised the last ten years of UK politics.

Regarding the legal mobilization around gender issues and the responses of the UK courts, the presentation of the British case study pointed to the unfolding of a fairly progressive story over time, even though this varies across different issue areas. While the 1960s and 1970s were the heyday of the radicalization of the women's movement, the 1980s saw a shift to legal processes and courts. Since the 1990s, there has been a partial backlash against women's rights. The EU influence has been decisive in advancing rights pertaining to equal pay and in prohibiting sex discrimination in employment. On the other hand, there are few litigants and cases in the European Court of Human Rights (hereby ECtHR), which is reflective of the fact that human rights have not proved very suitable for addressing women's rights. One point that was raised in the discussion is the fact that mobilization of women around constitutional change took place in the context of devolution in Scotland and Northern Ireland in the 1990s. Similarly, in Wales devolution was a window of opportunity to establish more gender-balanced representation structures.

Subsequently, Anna Sledzinska-Simon from the Helsinki Foundation of Human Rights presented the case study of Poland. Despite formal guarantees of women equality in law, there is wide acceptance (or ignorance) of the fact that equality does not exist in various social relations. The picture of unequal balance of power between men and women in Poland shows not only typical discrimination cases with a comparator of the opposite sex; but also arbitrary treatment of women solely because of stereotype or prejudice. Interestingly, legal mobilization in the area governed by antidiscrimination laws encounters much less problems due to mechanisms of enforcement of a gender-neutral (male) standard and a consensus about their "righteousness". In this regard the jurisprudence of domestic courts is largely influenced by the EC law and case-law of the European Court of Justice. Still, the real "hard cases" concerning gender equality usually invoke questions of public morality and lie outside the reach of antidiscrimination directives. They are likely to mobilize the NGOs on both sides on the ideological divide. However public interest litigation concerning the most sex-differential abuses of women is relatively rare because of high individual costs of a victim who becomes a public figure.

In this context, the question arises why a particular case is selected in a common effort of a particular organization, their coalition or the Ombudsman for intervention – is it the scale of the legal problem it tries to solve or rather the probability of success or other criteria prevail? The seminal case of Alicja Tysiąc is used here to explain problems with enforcement of judgments of the European Court of Human Rights in the national legal system. The paper briefly analyses implementation of antidiscrimination directives in Poland, judicial interpretation of the principle of equal treatment of men and women with regard to retirement age, the institutional framework for gender equality, as well as social and procedural aspects of access to justice for claimants and NGOs acting on their behalf.

In Poland, Anna Sledzinska-Simon said that right wing political forces have strongly opposed the feminist movement, which is identified with the left wing. One interesting difference is that while in reproductive rights and the rights of homosexuals there has been a great deal of litigation, legal mobilization has been very limited in the area of social rights and benefits. In the first place, there are more resources and support structures for legal activism in the former. But reproductive

rights legal activism has also been spurred by a restricting constitutional principle that sees life to start at conception. Overall, gender equality rights represent a highly divided field with little unity, divided by professional and social status, among others. Sledzinska-Simon also noted that if public interest litigation requires media publicity in order to be effective, in gender rights cases women litigants may not always wish to be exposed to such publicity. Polish courts are very cautious in abortion cases. One issue to consider in public interest litigation is how cases are selected for litigation. What are the criteria that guide such selection?

Following the presentations of the three gender-related case studies, a discussion among participants took place. Rachel Cichowski noted that the inter-relationship between the European, national and regional levels emerged as a key component of the conceptual frame of rights mobilization, and that we must disaggregate law and its impact across the different levels. Bruno De Witte pointed that national developments have also influenced European level legislative changes, referring to the role of feminists and activists from the national level, who have taken their issues in and influenced the agenda at the European level.

Regarding the effectiveness of legal mobilization and the responses of courts, De Witte also noted that these do not appear to be related at all to whether a country has a civil law or a common law tradition, but it has more to do with general constitutional provisions on equality. Referring to the example of abortion issues in Poland, Klaus Sieveking noted that legal mobilization is also linked to ethical issues. Considering the emphasis of the three gender case studies on the role of courts, formal institutions, and legal and political actors, Prakash Shah wondered whether we are really talking about bottom-up processes of mobilization here. McCann replied that bottom-up movements of legal mobilization are never entirely bottom-up. If you do not build a solidarity base for litigation, how do you then turn court rulings into social change later?

The afternoon session of Friday 8 October was devoted to the case study of *immigrants' rights*. Four country cases were studied: Italy, Germany, France, the Netherlands, all home to large numbers of immigrants, while one presentation addressed the European level changes and legal norms (Shaw). All countries have experienced growing levels of litigation on behalf of immigrants mainly at the domestic but also partly at the European level (i.e. in the European Court of Human Rights against France and Sweden).

Serena Sileoni presented her paper on "Legal mobilization and the human rights of immigrants in Italy" with particular emphasis on the European Convention of Human Rights (ECHR) that has emerged as important for immigrants rights in Italy over the past few years. This must first be understood in relation to the notable evolution in the significance of the ECHR and ECtHR judgments in the domestic legal and political order over the past 10 years. The original role of the country's Constitutional Court was to avoid conflicts between ordinary legislation and the constitution, and it only indirectly included the protection of individual rights. The development of national human rights review is mainly linked to the Convention and the jurisprudence of the ECtHR. Even though since its ratification, the ECHR only held the status of ordinary law, over time it has evolved to gain a certain primacy over the latter.

Since 2000, however, increasing academic and scholarly interest in the ECHR and the Strasbourg Court, legislative changes, and the presence of NGOs willing to

take recourse to it on behalf of immigrants and asylum seekers, signals an important shift. What factors prompted this change and promoted immigrant-related litigation? A couple of recent and high-profiled immigrant and mass expulsion cases represent a starting point for a new perception of the ECHR's instruments in Italian legal culture. Most have appealed to Article 3 ECHR that safeguards the principle of *non-refoulement*, namely, the prohibition of returning an immigrant to a country of origin where he or she is likely to face torture or ill treatment. In the famous *Saadi* case, the UK government acted as a third party intervener in support of the Italian government's position. Another case concerned the mass expulsion of 64 immigrants to African countries. It is significant that for the first time, claims were not simply lodged as a further stage of proceedings or in order to obtain individual monetary compensation. Instead, they were submitted as a step within a broader mobilisation for changing legislation and practices on matters where the Italian legal and political system fails to fully address rights protection. While the impact of these judgments on Italian policy towards immigration is still weak, for the first time, Italy has been ordered to comply with ECtHR jurisprudence regarding immigrants.

Ann Cary Dana (lawyer and member of GISTI – Groupe d'Information et de Soutien des Immigrés) explored the relations between trade unions and migrant workers in France. The French case seemed to contradict the frequent tension that is often encountered between civil rights and trade unions. Following a tradition of trade union alliances with migrant workers (i.e. in the automobile industry in 1968, with Moroccan workers in the coal mines of northern France, and with Turkish workers in the Sentier in the 1980s), trade unions and migrant seasonal workers in the 'Bouches-du-Rhone' district of southern France went on strike in April 2008. Such action received a great deal of media publicity and exposure. Some of the questions that the French case study raised were: what kind of action do trade unions develop in support of immigrants? Legal action or other? What has been the role of NGOs like GISTI? Early on, unions brought competence and expertise in supporting immigrants. More recently, however, they have focused on changing the perceptions of immigrants.

Prakash Shah presented his paper on "The complexity of strategies in legal pluralism: The case of Britain's ethnic minorities". It explored the field of minority legal adaptation in the British context. Britain, not exceptionally among Western societies, is now a thoroughly plural, 'superdiverse' society with diasporic populations originating from many areas of the world. Yet one sees quite limited and mixed results in terms of the recognition offered to minority 'otherness', even though minority claims are frequently raised all through the official legal order often, but not limited to, using anti-discrimination law. In essence, the official strategy amounts to keeping the religions and cultures of ethnic minorities unofficial, while also monitoring their compliance with modern, Western notions of human rights. Further, unsatisfactory responses (from the perspective of minorities) have led to their developing alternative strategies outside of formal legal contexts (for example, the much debated *sharia* councils). Interestingly, these developments are now forcing official law to reluctantly 'catch up' with developments at the socio-legal level, but with dissatisfaction on all sides. The paper also discussed how much of our knowledge of such processes is actually grounded in evidence of socio-legal patterns, highlighting how much more research needs to be conducted in these fields.

The immigrants-related presentations confirmed that there is a clear trend in employing legal tactics to solve immigration problems and issues. Reflecting on the

immigrants' papers, the discussant and participants raised a number of questions and intervened with comments. Who can claim immigrants' rights? What are the effects of such rights' claiming? There is a class dimension in when we talk about immigrants, who need the support of and advocacy by NGOs and lawyers. But immigration issues also intersect with gender, as examples from the UK case suggested. One question addressed to Shah regarded the practical implications of accommodating religious and legal pluralism: what are these implications? Overall, the legal issues occurred everywhere across the different cases, however, much less in terms of influence of common European law. The protection of religious freedom coming from the ECtHR in Strasbourg is rather restrictive in responding to and protecting the religious rights of immigrants. At the same time, their cultural freedom claims are increasingly protected under EU non-discrimination law. Another important point noted is that there are different levels of legal norms, with individuals turning to different bodies at the national, subnational and European level to claim their rights.

The shift of those advocating immigrants' rights to law is understandable if we consider the fact that we are talking about people who lack social power. Immigrants do not have access to partisan politics. At times, trade unions may turn out as allies, but most of the times this is not the case. So immigrants and their supporters turn to law. Litigating may not change policy but it shapes the agenda. What would be the political alternative? Immigration cases must also be distinguished from integration cases, which raise economic, cultural or religious claims that relate to the ability of non-nationals to achieve social integration in the host country. At the same time, there is an overlap between immigration and integration issues because states are changing their practices. Unless people become citizens and participate in the political life, they cannot influence governments to change their policies and practices.

Klaus Sieveking and Jo Shaw's papers addressed the issue of political representation of immigrants and non-nationals in Germany and in the EU, respectively. Sieveking's presentation focused on mobilization in pursuit of the right to political participation on behalf of non-nationals in Germany. Claiming such rights has been made largely possible in the context of EU integration. In Germany, such claims have not primarily taken place through courts, which have proved rather reactionary in citizenship and nationality questions (especially constitutional courts). Instead they have been pursued through political strategies that appeal to political participation rights emanating from EU law, such as the right of non-nationals to vote in local elections. Such strategies have so far been unsuccessful in giving full effect to the call of political participation of migrants not holding German citizenship because it has been impossible to mobilize sufficient political majorities to proceed with amendment of the Basic Law.

Shaw's presentation emphasized the intra-state and inter-government contestation between different levels. There has been a process of decentralization and at the same federalization of voting rights. Which level of government should regulate which kind of voting rights? The possibility of non-nationals who are EU citizens to vote in local elections has created in subnational units of government a space for immigrants' political participation. Furthermore, Article 19 of EU law requires all member states to accord to nationals of other member states resident in their territory the right to vote for the European Parliament on the same basis as nationals. While different member states apply different restrictions to define the scope of this (i.e. Spain and the Netherlands, which Shaw's paper compared), overall it is notable that

voting rights are dissociated from nationality and citizenship for EU citizens within the EU. In some countries, such as in the Netherlands, this shifting context has pushed such a dissociation to be extended further and to also include non-EU citizens residing in the EU or in overseas territories. New rights about political representation and citizenship are created.

The third session of the workshop focused on rights related to the *protection of minorities and minority nations*. It examined and comparatively analyzed the cases of Spain, Belgium, Estonia and Turkey, all multi-ethnic and multi-national societies with smaller or larger numbers of historical minorities, who have taken recourse to national and European courts to claim their rights against state policies and practices.

In his presentation entitled “Historical Minorities in Western Europe: Rights without Litigation” De Witte explored the legal mobilization of historical linguistic minorities in Western Europe focusing on the cases of UK, Italy, France and Belgium. Such minorities were able to have their language rights and their interests enhanced through the domestic political process, with little or no recourse to judicial or international legal mobilization. The presentation provided a number of explanations for the ‘rights without litigation’ thesis. In the first place, the very success of political mobilization made legal mobilization unnecessary: forms of regional devolution brought to power governments dedicated to minority interests; but also successful emergences of minority interests in national political discourse (minority languages as part of the country’s overall identity). The post-Cold War context was also important: the elaboration of European minority protection instruments, primarily intended to prevent conflict in central and eastern Europe, has had an unanticipated knock-on effect in western Europe by entrenching ‘best practices’. Another explanation for the absence of litigation is the objective difficulty in formulating language rights enforceable through court litigation, because of the fact that minority protection often requires positive measures rather than straightforward non-discrimination. The lack of dedicated NGOs in this issue area that could develop sustained litigation campaigns is also linked to this (now changing perhaps, with the extension of the European Roma Rights Centre’s activities to western Europe). European-level factors such as the lack of support by the ECHR regime to the language rights of minorities (see the early Belgian linguistics case, for example), as well as the existence of non-judicial monitoring bodies established under the Framework Convention and the Charter on languages. They do not fit in a court-based account, but – like international courts – they do exercise pressure on the national actors.

Xabier Arzoz’s paper investigated the extent and nature of language rights mobilization in Spain, which is bound up with broader questions of constitutional accommodation of nationalities and of territorial autonomy in the country. Linguistic autonomy and territorial autonomy were the central institutional arrangements to accommodate ethnic and linguistic diversity in the 1978 Spanish constitution. Language policy is a policy area in which controversial public decisions are likely to be opposed by social actors, either politically or legally. Generally, individuals and social groups rarely go to court alone. Instead, the experience in Navarre shows that civil society relies on the leadership of certain public or semi-public institutions, such as municipalities, universities or trade unions to contest public decisions affecting linguistic pluralism. As litigators, public institutions have more privileged locus standi in comparison to individuals, better legal knowledge, and resources to challenge decisions taken by regional governments. Regional courts, which have taken most of

the decisions discussed in the presentation, are very dependent on the doctrine of the Supreme Court and of the Constitutional Court, and they are not institutionally powerful enough to promote policy change. Governments do not like to face social and legal mobilization and adverse judicial decisions. The latter may bestow legitimacy on a group's demands and raise the political profile of an issue. It appears, however, that judicial decisions of regional courts do not contribute to policy change directly or indirectly, nor do they trigger shifts in public opinion. At the same time, regional governments are afraid of the political consequences of adverse judicial decisions, above all when elections are near. In this regard, it seems that social and legal mobilization on behalf of the Basque language might have had a certain impact around the elections of 2007, when a series of legal reforms and measures bolstered the protection and promotion of the Basque language.

Gallagher's presentation moved away both from courts and the political processes to examine how the rights of minorities as a discursive language operate at the level of local community, focusing on the case of Estonia. In his presentation, Gallagher argued that conferring rights (in the form of norms) does not necessarily empower people to use them. Nor does it provide a sufficient framework for a culture that values rights. On the contrary, rights as embodied into law tend to have minimal or no effect if other preconditions are not at the same time in place. Law may embody societal values but it is also fragile. It may be ignored or frustrated depending on circumstances on the ground. In order for legal norms to be effective, we must pay closer attention to 'bottom up' processes of discourse and social interaction, as well as to the perceptions of rights holders and other groups associating with them. This 'bottom-up' approach is arguably the one most likely to enhance respect for local settings, and build from local needs and aspirations rather than impose a set of values upon local actors. Thus, enhancing minority rights protections is only in part a legal problem and more one of strengthening communities.

The presentation on Turkey focused on the role of the Convention and the ECtHR is closely linked to the country's process of accession in the EU and the fulfilment of the Copenhagen criteria in which human rights reform figures prominently. Despite a series of amendments in 2001, the Turkish constitution continues to privilege state interests over the fundamental rights of individuals and, therefore, to come into conflict with basic principles of the Convention and the ECtHR jurisprudence. The large number of petitions from minorities against Turkey in the ECtHR is largely linked to the Kurdish issue. The lack of national remedies under the state of emergency that had imposed in the northeast part of the country and the activism of Kurdish lawyers in the 1990s led to scores of cases and condemnations against Turkey. Judgments vis-à-vis Turkey pertain to the dissolution of political parties, the prosecution of individuals advocating a democratic solution to the Kurdish question, the restrictions on Muslims religious freedom in public life due to the principle of secularism, but also the rights of non-Muslims.

The ECtHR case law has played an indispensable role in bringing to light the egregious human rights situation in Turkey in late 1980s and early 1990s. The Court's fact findings on disappearances, unlawful killings, arbitrary detentions, torture and destruction of property committed by members of the security forces shed light to an administrative policy of systematic violations. It also exposed the impunity of perpetrators and the unavailability of domestic legal remedies for victims, but also the absence of an impartial and neutral judiciary to uphold rule of law and human rights in Turkey. In the early years of litigation originating from Turkey, the Court's

judgments critically analyzed the legal and political situation in Turkey, and provided an invaluable resource for other international actors in monitoring the country's compliance with human rights standards.

In the afternoon session of the second day of the workshop, Cichowski's presentation moved to contribute to legal mobilization scholarship by analyzing how this evolution of a human rights system, such as the ECHR, can emerge through processes of civil society mobilization and supranational litigation. Civil society – non-governmental organizations (NGOs) and individual legal activists – has become a central player in the enforcement and development of human rights law in Europe, all with the effect of demanding a more accountable, transparent and accessible institutions of governance both at the supranational and at the domestic level. To be sure, this in no way replaces the need for legislative reforms that often fail to come following judicial decisions, but it does illuminate the importance of even individual judicial remedies in widening the protection and thus inclusion of individuals in society. Two main conclusions were drawn from this study. In the first place, ECHR rules expanded to include greater NGO participation and this has become the foundation of systematic public interest litigation strategies before the ECtHR. NGOs play varying roles, from primary legal representative to third party intervention. Secondly, court rulings can subsequently expand both domestic and Convention protections giving individuals and groups a powerful tool to engage in political participation through law enforcement.

The presentations and the discussions that took place after each session and at the end of the workshop showed a highly diverse landscape as far as legal mobilization across the three issue areas is concerned. They led us to broaden our perspective of what such a mobilization entails. On the whole, law, legal norms and legal terrains do appear to have become increasingly important in the struggles of marginalized individuals and social groups in claiming their rights in Europe. Significantly, this has taken place at the intersection of different levels of governance, between local/subnational, national and European levels. Besides national constitutional law, processes of decentralization and federalization have created new legal frames and spaces, as well as opportunities to appeal and mobilize through those, as the examples of the UK and Spain show. In addition, there is the EU law as authoritatively interpreted by the European Court Justice with direct effect, along with the development of a highly successful and authoritative human rights regime centred on the Convention and the ECtHR. The coexistence of these different levels of governance has led to a proliferation of legal frames and norms, which have influenced the scope and content of a variety of rights such as that of gender equality, political participation, or the rights of foreigners and non-nationals. They have altered the ways in which these were conceived and interpreted in the different national legal orders. Individuals and collective actors have selectively drawn upon these different legal orders, claimed new or appealed expansively to old rights, and targeted the political or judicial forum that appears to be more responsive to their claims.

While law and legal norms seem to be significant in all three areas of rights that were explored in the workshop, there are significant differences across each of these. Legal mobilization in the sense of recourse to courts seems to have been far more important and influential in the area of gender equality, while its significance varies and has on the whole been less influential in so far as the rights of immigrants and historical minorities are concerned. The greater salience of legal mobilization in the area of gender equality must be understood in relation to the existence of a robust

set of legal norms that have developed at the national and European levels concerning equality between men and women in the family, in employment and in political life. This is not the case with regard to the rights of immigrants and historical minorities. One significant development in this regard, however, has been the evolution of a set of norms on behalf of immigrants' rights in the context of the ECHR, which pertain to the entry and stay of immigrants in a country (which were in part discussed in the presentation of the Italian case study). ECHR provisions have also been appealed to by historical minorities to claim cultural rights, rights to political expression and participation, as the Turkish case showed. The recent development of EU anti-discrimination law may very well prove to be an important legal tool for immigrants and historical minorities (also for gender equality) in relation to various claims pertaining to their social integration.

A second factor that can be seen to account for the salience of legal strategies in the area of gender is the existence of organizations and groups of legal and political activists in this area, who are active both at the national and at the European level. In contrast, in the area of immigrant rights collective organization has been less well-developed whether at the national or transnational level. Regarding historical minorities, the significance of legal mobilization varies across countries and depends on nature of claims. Legal norms have not been very conducive to cultural and religious claims, exceptions notwithstanding. On the whole, historical minorities have pursued well-developed political strategies through electoral or institutional channels and been able to pursue their demands through these. Only in countries where such channels were restricted or closed, such as in Turkey, has recourse to legal tactics proved important, like in Turkey.

3. ASSESSMENT OF THE RESULTS, CONTRIBUTION TO THE FUTURE DIRECTION OF THE FIELD

The workshop confirmed the importance of legal mobilization as a political strategy of pursuing rights both at the individual and at the collective level in Europe. Being largely unexplored, this phenomenon invites a great deal of empirical research at the interstices of law and politics. Benefiting from the work of well-known scholars with a research record in socio-legal studies, the workshop had at least two important contributions. In the first place, it made it amply clear that legal mobilization cannot be studied solely at the national level but for most part, it must take into account the legal norms that emerge at other levels of government, such as the subnational and the European. This is particularly the case in areas of law, which simultaneously develop or are elaborated at the local/subnational and European level, such as gender equality and the rights of non-nationals.

Secondly, the workshop showed that our understanding and definition of legal mobilization of rights must be significantly broadened to encompass not only appeal to legal entitlements before courts, but also use of such entitlements in political discourse and action. Litigation in court is one central manifestation of legal mobilization, but not the only one. The latter also takes place as social actors appeal to legal norms in order to sustain or legitimate their claims in lobbying activities to pressure governments, media campaigns, or public advocacy, among others. At the same time, law casts a much wider shadow that far transcends direct judicial intervention or rights-related political mobilization and their effects on policy change and social reform. Legal rights are not only a determinate set of rules and policies but they can be seen to encompass a broader set of norms and discursive logics that fundamentally influence the interests and identities of social actors who engage them. The workshop presentations and discussions also highlighted the decisive importance of and necessity for a comparative dimension that must be systematically pursued in the study of legal mobilization, both across different national contexts but also across different issue areas and sets of rights.

A further contribution of our workshop in the field of socio-legal studies is to create an interdisciplinary network among scholars who had hitherto been working separately in their own disciplines to develop a research agenda, which we plan to sustain by pursuing a follow-up meeting. Participants benefited from the workshop, which helped them refine their case studies, their theoretical tools and methodological approach, and gave them the opportunity to enhance their networking with other scholars with whom they share a common research agenda. The participation from the USA contributed important theoretical and analytical tools for the study of rights litigation and legal mobilization that have developed out of the study of the US system and context. They drew a variety of comparisons of the US context with that of European states looking for convergent mechanisms and patterns, as well as raising common questions and addressing common challenges regarding the role of legal processes and judicial discretion in contemporary democracies and political systems.

We discussed the possibility for a collective publication on the basis of the papers that were presented in the workshop, and put together a provisional table of contents to this end (which is provided at the end of this section). Considering that nearly all of the papers need some revision in order to get better integrated in the common theme of a book, the convenor and the participants agreed that it would be necessary to hold a second workshop. Dia Anagnostou agreed to apply for funding for

a second workshop to be held within the next year to this end. The tentative title of the planned collective publication (pending upon securing funding for a second workshop) is “The Politics of Rights: Legal Mobilization in a Multi-Level European System” and a provisional table of contents is provided below.

THE POLITICS OF RIGHTS: LEGAL MOBILIZATION IN A MULTI-LEVEL EUROPEAN SYSTEM

I. *Introduction* (McCann., Cichowski, Anagnostou)

II. *Litigating rights in courts*

1. Gender in Greece (Anagnostou)
2. Gender in the UK (Millns and Skeet)
3. Gender in Poland (Sledzinska-Simon)
4. Immigrants in Italy in the ECtHR (Sileoni)
5. Civil society mobilization in the ECtHR (Cichowski)
6. Legal mobilization and language rights in Spain (Arzoz)

III. *Rights and political mobilization*

7. Rights without litigation (DeWitte)
8. Trade unions and migrant workers in France (Dana)
9. Electoral rights of non-nationals in Germany (Sieveking)
10. Voting rights of non-nationals in Europe (Shaw)

IV. *Rights and beyond: the local community level*

11. Religious practices, strategies and legal pluralism (Shah)
12. Rights as a discourse in local community (Gallagher)

V. *Conclusion*

4. FINAL PROGRAMME

Thursday, 8 October 2009

Afternoon *Arrival*

Free evening

Friday, 9 October 2009

- 09.00-09.20 **Welcome by Convenor**
Dia Anagnostou (Hellenic Foundation of European and Foreign Policy, Athens, Greece)
- 09.20-09.40 **Presentation of the European Science Foundation (ESF)**
Dia Anagnostou (presentation on behalf of the ESF)
- 09.40-10.15 **“Legal Mobilization: Comparative Perspectives on the Opportunities and Obstacles for Socio-Legal Change”**
Michael McCann (University of Washington, Seattle, USA)
- 10.15-10.30 Participants’ remarks/ discussion
- 10.30-13.30 Session I: Gender equality**
- 10.30-11.00 **“Gender equality, EU integration and legal mobilization in Greece in the post-1974 period”**
Dia Anagnostou (Hellenic Foundation of European and Foreign Policy, Athens, Greece)
- 11.00-11.30 *Coffee/ Tea Break*
- 11.30-12.00 **“Gender equality and legal mobilization in the UK context”**
Susan Millns and Charlotte Skeet (Sussex University, Brighton, UK)
- 12.00-12.30 **“Gender equality and legal mobilization in Poland”**
Anna Śledzińska-Simon
- 12.30-12.45 **Discussant, Maro Pantelidou-Malouta** (National & Kapodistrian University of Athens)
- 12.45-13.30 **Discussion**
- 13.30-14.30 *Lunch*
- 14.30-17.45 Session II: Law, policy and the rights of immigrants**
- 14.30-15.00 **“Legal mobilization and the human rights of immigrants in Italy”**

Serena Sileoni (Dept. of Law, University of Florence)

- 15.00-15.30 **“Trade unions and illegal immigrants in France”**
Ann Cary Dana (Groupe d’ Information et de Soutien des
Immigres, (GISTI), Paris)
- 15.30-16.00 *Coffee / tea break*
- 16.00-16.30 **“Legal mobilisation in immigration law and policy through
human rights litigation in the Netherlands”**
Galina Cornelisse (Utrecht University, The Netherlands)
- 16.30-16.45 **Discussant, Kostas Tsitselikis** (Macedonia University of
Thessaloniki)
- 16.45-17.20 **Discussion**
- 20.30 *Dinner*

Saturday, 10 October 2009

- 09.00-10.00 Session II: Law, policy and the rights of immigrants
(continued)**
- 9.00-9.30 **“Political participation rights of non-EU immigrants in
Germany”**
Klaus Sieveking (University of Bremen)
- 9.30-10.00 **“The complexity of strategies in legal pluralism: the case of
Britain’s ethnic minorities”**
Prakash Shah (Queen Mary, University of London)
- 10.00-10.15 Discussion
- 10.15-10.45 *Coffee / Tea Break*
- 10.45-13.15 Session III: Legal processes of rights claims on behalf of
historical minorities**
- 10.45-11.15 **“Mobilization of language rights in Spain (1978-2009)”**
Xabier Arzoz (University of the Basque Country, Leioa, Spain)
- 11.15-11.45 **“Historical minorities in Western Europe: Rights
without litigation”**
Bruno De Witte (EUI, Florence, Italy)
- 11.45-12.15 **“Legal mobilization of minorities in Estonia”**
Michael Gallagher (Legal Advocacy Foundation, Estonia)
- 12.15-12.45 **“Legal mobilization of minorities in Turkey”, Dilek Kurban**
(TESEV, Istanbul, Turkey)

| | |
|--------------------|--|
| 12.45-13.30 | <p>Discussion: Social-legal structures and actors in rights mobilization: cross-national and cross-issue comparisons</p> <ul style="list-style-type: none"> • How has rights litigation in the three issue areas under study evolved over time and what are the differences and similarities across countries regarding the issues and policies that have come under judicial scrutiny? • How does legal mobilization on behalf of historical minorities, immigrants and women differ across countries, and between consolidated European democracies and less democratic associate states? |
| 13.30-14.30 | <i>Lunch</i> |
| 14.30-15.30 | Mobilization and sources of rights at the European level |
| 14.30-15.00 | <p>“Legal Mobilization, Supranational Courts and Political Participation”</p> <p>Rachel Cichowski (University of Washington, Seattle, USA)</p> |
| 15.00-15.30 | <p>“The politics of rights: a form of political participation in Europe?”</p> <p>Jo Shaw (University of Edinburgh, UK)</p> |
| 15.30-16.30 | <p>Conceptual and comparative discussion – formulating a research agenda (discussion continued)</p> <ul style="list-style-type: none"> • European and national parameters of rights mobilization as a form of political participation; What are the main cross-national differences in domestic structures of judicial review and how has European human rights and EU law impacted on them? • What are the differences and similarities in the legal system, the resources and the structures of support it provides for less privileged social actors to take a case to court? • What is the role of civil society in engaging the law and in supporting litigants across countries? • To what extent are state institutions and human rights agencies engaged in advocating or supporting legal mobilization? • How influential have court rulings been in shaping government policy across countries in the issue areas under study? • What should be the focus of specific research hypotheses to be explored as part of a larger project? |
| 16.30-17.15 | Discussion on follow-up activities and collaboration |
| 17.15 | <i>End of Workshop</i> |
| 20.30 | <i>Dinner</i> |

4. STATISTICAL INFORMATION ON PARTICIPANTS (AGE STRUCTURE, GENDER REPARTITION, COUNTRIES OF ORIGIN, ETC.)

Countries with which participants are affiliated:

Greece (5)

Italy (2)

UK (4)

USA (2)

Spain (1)

Poland (1)

Turkey (2)

Netherlands (1)

Estonia (1)

France (1)

Germany (1)

Gender repartition of participants

Male (9)

Female (12)

Age structure

Young researchers and scholars (3)

Mid-career (11)

Senior scholars and professionals (7)

5. FINAL LIST OF PARTICIPANTS

Convenor:

1. **Dia ANAGNOSTOU**
Senior Research Fellow
Hellenic Foundation for European and Foreign Policy (ELIAMEP)
Athens, Greece
danagnos@eliamep.gr

Participants:

2. **Michael W. McCANN**,
Gordon Hirabayashi Professor for Advancement of Citizenship
Dept. of Political Science
Director, Law, Societies and Justice
University of Washington, USA
mwmccann@u.washington.edu
3. **Xabier ARZOZ**
Senior Lecturer of Administrative and EU Law
University of the Basque Country
Leioa, Spain
daparsax@lg.ehu.es
xabier.arzoz@ehu.es
4. **Rachel CICHOWSKI**
Associate Professor
Dep. of Political Science
Law, Societies and Justice Program
University of Washington, USA
rcichows@u.washington.edu
5. **Bruno DE WITTE**
Professor, Law Department
European University Institute
Florence, Italy
Bruno.DeWitte@EUI.eu
6. **Anna SLEDZINSKA-SIMON**
Legal Expert
Helsinki Foundation of Human Rights
Warsaw, Poland
anna.sledzinska@gmail.com
7. **Galina CORNELISSE**
Lecturer
Dept. of Law, Utrecht University
The Netherlands
G.N.Cornelisse@uu.nl
8. **Susan MILLNS**
Professor in Law
Sussex Law School, UK
S.Millns@sussex.ac.uk

9. **Charlotte SKEET**
Lecturer in Law
Sussex Law School, UK
C.H.Skeet@sussex.ac.uk
10. **Jo SHAW**
Professor, Salvesen Chair of European Institutions
School of Law
University of Edinburgh, UK
jo.shaw@ed.ac.uk
11. **Michael GALLAGHER**
Director
Legal Advocacy Foundation
Tartu, Estonia
Michael@laf.ee
12. **Ann C. DANA**
Lawyer, GISTI
Paris, France
acdana.avocat@orange.fr
13. **Klaus SIEVEKING**
Professor of Law
Universität Bremen
Bremen, Germany
ksievek@uni-bremen.de
14. **Prakash SHAH**
Senior Lecturer
School of Law, Queen Mary University of London
UK
prakash.shah@qmul.ac.uk
15. **Serena SILEONI**
Research Fellow
Dept. of Law, University of Florence, Italy
serenasileoni@unimc.it
16. **Maro PANTELIDOU MALOUTAS**
Professor
Dept. of Political Science & Public Administration
National & Kapodistrian University of Athens, Greece
maloutas@ath.forthnet.gr
17. **Alexandros-Ioannis KARGOPOULOS**
Lawyer
Thessaloniki, Greece
alexkar88@the.forthnet.gr
18. **Derya BAYIR**
Lawyer
PhD candidate, Department of Law
Queen Mary, University of London, UK
derya_bayir@yahoo.com

19. Manos PAPAZOGLU

Special Advisor to Minister of Education and Religious Affairs
Visiting Lecturer, Economics University of Athens
University of Peloponnese, Greece
epapaz@yahoo.gr

20. Kostantinos TSITSELIKIS

Assistant Professor
Macedonia University of Thessaloniki, Greece
kt@uom.gr

21. Dilek KURBAN

Juris Doctor, Program Officer
Turkish Economic and Social Studies Foundation (TESEV)
İstanbul, Turkey
dilekkurban@tese.org.tr