

ESF Exploratory Workshop on

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

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

**Convened by:  
Dia Anagnostou<sup>①</sup>**

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① Hellenic Foundation for European and Foreign Policy (ELIAMEP, Athens, Greece) and  
Department of Balkan Slavic and Oriental Studies, Macedonia University of Thessaloniki  
(Greece)

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*Co-sponsored by ELIAMEP*



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### ***European Science Foundation***

1 quai Lezay Marnésia  
BP 90015  
67080 Strasbourg Cedex  
France  
Fax: +33 (0)3 88 37 05 32  
<http://www.esf.org>

### **ESF Exploratory Workshops:**

**Farzam Ranjbaran**  
Scientific Coordinator

**Valerie Allspach-Kiechel**

Senior Administrator  
Tel: +33 (0)3 88 76 71 36

**Isabelle May**

Administrator  
Tel: +33 (0)3 88 76 71 46

Email: [ew-office@esf.org](mailto:ew-office@esf.org)  
<http://www.esf.org/workshops>

**Convenor:**

**Dia Anagnostou**  
[danagnos@eliamep.gr](mailto:danagnos@eliamep.gr)

Hellenic Foundation for European and Foreign  
Policy (ELIAMEP)  
49 Vas. Sofias Avenue  
Athens 10676  
Greece

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**Theme of the Workshop:**

This workshop explores 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 employs 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.

**Main Objectives of the Workshop:**

Through a series of case studies focusing in specific areas of rights claims, this workshop aims 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 are selected for study in the frame of the proposed 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 are:

- 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.

## 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)**

**Ilona Palne Kovacs** (Standing Committee for Social Sciences (SCSS))

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*

<b>14.30-17.45</b>	<b>Session II: Law, policy and the rights of immigrants</b>
14.30-15.00	<b>"Legal mobilization and the human rights of immigrants in Italy"</b> <b>Serena Sileoni</b> (Dept. of Law, University of Florence)
15.00-15.30	<b>"Trade unions and illegal immigrants in France"</b> <b>Ann Cary Dana</b> (Groupe d' Information et de Soutien des Immigres, (GISTI), Paris)
15.30-16.00	<i>Coffee / tea break</i>
16.00-16.30	<b>"Legal mobilisation in immigration law and policy through human rights litigation in the Netherlands"</b> <b>Galina Cornelisse</b> (Utrecht University, The Netherlands)
16.30-16:45	<b>Discussant, Kostantinos Tsitselikis</b> (Macedonia University of Thessaloniki)
16.45-17.20	<b>Discussion</b>
20.30	<i>Dinner at Avissynia Café (Avissynias Square, Monastiraki, F3-4 map)</i>

## Saturday, 10 October 2009

<b>09.00-10.00</b>	<b>Session II: Law, policy and the rights of immigrants (continued)</b>
9.00-9.30	<b>"Political participation rights of non-EU immigrants in Germany"</b> <b>Klaus Sieveking</b> (University of Bremen)
9.30-10.00	<b>"The complexity of strategies in legal pluralism: the case of Britain's ethnic minorities"</b> <b>Prakash Shah</b> (Queen Mary, University of London)
10.00-10.15	Discussion
10.15-10.45	<i>Coffee / Tea Break</i>
<b>10.45-13.15</b>	<b>Session III: Legal processes of rights claims on behalf of historical minorities</b>
10.45-11.15	<b>"Mobilization of language rights in Spain (1978-2009)"</b> <b>Xabier Arzoz</b> (University of the Basque Country, Leioa, Spain)

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11.15-11.45	<p><b>"Historical minorities in Western Europe: Rights without litigation"</b></p> <p><b>Bruno De Witte</b> (EUI, Florence, Italy)</p>
11.45-12.15	<p><b>"Legal mobilization of minorities in Estonia"</b></p> <p><b>Michael Gallagher</b> (Legal Advocacy Foundation, Estonia)</p>
12.15-12.45	<p><b>"Legal mobilization of minorities in Turkey", Dilek Kurban</b> (TESEV, Istanbul, Turkey)</p>
12.45-13.30	<p><b>Discussion: Social-legal structures and actors in rights mobilization: cross-national and cross-issue comparisons</b></p> <ul style="list-style-type: none"> <li>• 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?</li> <li>• 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?</li> </ul>
13.30-14.30	<i>Lunch</i>
<b>14.30-15.30</b>	<b>Mobilization and sources of rights at the European level</b>
14.30-15.00	<p><b>"Legal Mobilization, Supranational Courts and Political Participation"</b></p> <p><b>Rachel Cichowski</b> (University of Washington, Seattle, USA)</p>
15.00-15.30	<p><b>"The Political Representation of Europe's Citizens: Developments in the ECJ"</b></p> <p><b>Jo Shaw</b> (University of Edinburgh, UK)</p>
<b>15.30-16.30</b>	<p><b>Conceptual and comparative discussion – formulating a research agenda (discussion continued)</b></p> <ul style="list-style-type: none"> <li>• 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?</li> <li>• 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?</li> <li>• What is the role of civil society in engaging the law and in supporting litigants across countries?</li> <li>• To what extent are state institutions and human rights agencies engaged in advocating or supporting legal mobilization?</li> <li>• How influential have court rulings been in shaping government policy across countries in the issue areas under study?</li> <li>• What should be the focus of specific research hypotheses to be explored as part of a larger project?</li> </ul>

16.30-17.15	<b>Discussion on follow-up activities and collaboration</b>
17.15	<i>End of Workshop</i>
20.30	<i>Dinner at Filistron (23 Apostolou Pavlou Str., Thisseion, G3 map)</i>

## European Science Foundation

### **Objectives of the ESF Standing Committee for Social Sciences (SCSS)**

The mission of the **ESF Standing Committee for Social Sciences (SCSS)** is as follows:

- to promote high quality social science research at the European level;
- to bring 'added value' to nationally funded research through European collaboration between ESF Member Organisations;
- to help support innovative research ideas and approaches emanating from the scientific community, and
- to play an institutional role in strengthening European social science research infrastructure.

#### **ESF Social Sciences Unit**

*(Contacts for general and Exploratory Workshops-related matters):*

**Balázs Kiss**

Head of Unit

**Frank Kuhn**

Science Officer

**Rhona Heywood**

Senior Administrator

**Céline Quedrue**

Administrator

Tel: +33 (0)3.88.76.71.42

Email: [cquedrue@esf.org](mailto:cquedrue@esf.org)

<http://www.esf.org/social>