All That Glitters Is Not Gold? Civil Society Organisations and the (non-)Mobilisation of European Union Law

KRIS VAN DER PAS
Centre for Migration Law/Department of International and European Law/Institute for Management Research, Radboud University, Nijmegen

Abstract
Increasingly, collective actors in Europe, such as in the Netherlands and Italy, turn to litigation as the preferred strategy to attain their goals. Both at the national level and at the European level, civil society organisations (CSOs) are active in high-profile cases, for example, in the field of asylum law. These CSOs operate in a different national political and legal system but do have similar European-level opportunities. However, the extent to which European Union (EU) law is mobilised differs per CSO. This begs the following key question: Why do some CSOs mobilise EU law more frequently than others? Using empirical data, this article attempts to uncover what factors are relevant for four CSOs from Italy and the Netherlands whether to mobilise EU law or not. Most importantly, the article concludes that the framing of EU legal opportunities by the CSOs is considered to be relevant in (non-)mobilisation of EU law.

Keywords: asylum law; civil society organisation; EU law; legal mobilisation; strategic litigation

Introduction

Throughout Europe, we see a rise in the use of mobilisation of the law by civil society organisations (CSOs) to attain their objectives (Ramsden and Gledhill, 2019; Vanhala, 2018; Walsh, 2017). Especially on topics related to fundamental rights, such as the environment, migration and LGBTQ rights, legal mobilisation is happening with increased frequency (Duffy, 2018; Lixinski, 2021; Muñoz and Moja, 2019). High-profile cases decided by, for example, the Court of Justice of the European Union (CJEU), do not coincidentally end up there but were the product of considerable strategic planning. This ties into the increasing role of European Union (EU) litigation in shaping the law of the EU (Kelemen, 2011). More recently, the role of individuals specifically has come to the fore as highly relevant in shaping EU law (Pavone, 2022). This development is precisely what legal mobilisation is about: ‘any type of process by which individual or collective actors invoke legal norms, discourse, or symbols to influence policy, culture or behavior’ (Vanhala, 2021). In its narrow conception, this refers to (strategic) litigation only (Lehoucq and Taylor, 2020; Vanhala, 2021), whilst a broader interpretation could include using legal norms in discourse, for example. In line with other work on EU legal mobilisation, the present article utilises the narrow application (Conant et al., 2018; Passalacqua, 2021).

Although the CJEU is an avenue used for legal mobilisation, this is not necessarily the most logical choice. Within each of the different procedural routes by which to end up

---

1The term ‘fundamental rights’ is used here as opposed to human rights, to keep in line with the terminology of the EU (Charter of Fundamental Rights).
before the CJEU, there are barriers that limit litigants from access. For example, in one of the main CJEU procedures, that of preliminary references, the most obvious roadblock is the national judge who must be willing to pose a preliminary question to the Court (Krommendijk, 2022). Still, the CJEU is frequently used for legal mobilisation purposes, for example, in the field of asylum law. In this field of law, EU legislation has (over the years) harmonised large parts of national law with the Common European Asylum System (CEAS) (Tsourdi, 2017). Moreover, with the EU Charter of Fundamental Rights becoming legally binding in 2009, the EU catalogue of legislation in this field of law has become even bigger (see, e.g., the cases of N.S. & M.E., Jawo, Commission v. Hungary).

The importance of legal mobilisation by CSOs in the field of asylum law is more pressing given the difficulties related to access to justice for asylum seekers and refugees, who often lack the resources and opportunities to mobilise the law themselves. They are therefore dependent on lawyers and collective actors such as CSOs when it comes to the enforcement of their rights. The use of the preliminary reference procedure by CSOs has produced a number of important cases with radiating effects throughout the EU. Examples include N.S. and M.E., X, Y, Z v Staatssecretaris van Veiligheid en Justitie and A, B, C v. Staatssecretaris van Veiligheid en Justitie [with involvement of, amongst others, the AIRE Centre, UNHCR and the Dutch Council for Refugees (DCR)].

The CSOs mentioned are purposefully selecting and conducting these CJEU cases, as shown by Hoevenaars (2018, pp. 212–213) and Baumgärtel (2019). On the other hand, there are legal mobilisers who are active in litigation procedures but have not (or to a lesser extent) mobilised EU law. An example of these is the Public Interest Litigation Project-Nederlands Juristen Comité voor de Mensenrechten (PILP-NJCM) of the Dutch section of the International Commission of Jurists (ICJ), which is an active litigator in the Netherlands on, amongst others, topics of asylum law. This CSO has tried to persuade national judges to pose preliminary questions but has (up until the time of writing) not participated in CJEU litigation. Moreover, PILP-NJCM does not rely extensively on EU legal norms in their argumentation. In theorisations on legal mobilisation, different factors have come to the fore as being relevant in explaining different levels of legal mobilisation. These include not only factors at the macro- or European level and at the meso- or national level but also factors at the micro-, agent/organisational level (Conant et al., 2018). Political aspects, legal aspects, and also framing and resources are part of this potentially relevant framework (Vanhala, 2011). Most recently, Passalacqua has identified three factors as relevant in explaining EU legal mobilisation in migration law: EU legal opportunities, altruism and Euro-expertise. Nevertheless, despite the presence of these factors, different levels of EU legal mobilisation cannot always be explained. This raises the following key question: Why do some CSOs mobilise EU law, whilst others do not?

The present article looks at four CSOs from two EU member states, Italy and the Netherlands, who all mobilise the law but have different levels of mobilisation of EU law. Mobilisation of EU law is understood here as using legal argumentation based on EU law and conducting legal procedures before the CJEU, notably through the preliminary reference procedure. The CSOs researched differ in terms of organisational...
structures (size, staff and resources) but are comparable due to their shared identities and overarching goals, that is, advancing fundamental rights (of asylum seekers/refugees). Similar to previous studies on EU legal mobilisation, a bottom-up perspective is deployed by looking at the litigants and their motivations (Hoevenaars, 2018; Passalacqua, 2021). This approach can be contrasted with a court-centric perspective, taking the case law of the CJEU as point of departure, for example. The current research distinguishes itself by looking at litigants in their entirety and deploying a cross-case comparison of both CSOs who are involved in EU legal mobilisation and others who are not.

The article is structured as follows: The next section lays out the theoretical underpinnings of (EU) legal mobilisation research, establishing a framework to assess the (non-) mobilisation of EU law. Section II maps out the methodological approach, including the case selection, collection of data and analysis, and finally, some methodological limitations. The following section, Section III, presents each of the case studies, looking at the levels of mobilisation of EU law and the different reasons for the approach of the CSOs. Section IV compares these findings, looking at the different national- and organisational-level factors that play a role. Lastly, the article ends with some concluding remarks.

I. Political/Legal Opportunity Structures, Agent Characteristics and EU Law

When it comes to studies on legal mobilisation, three different strands of research can be distinguished. The first focuses on the moment of mobilisation of the law and tries to find explanations for when the law is mobilised (see for an overview of such literature Conant et al., 2018). The second focuses on how the law is mobilised (Cummings, 2008; Cummings and Rhode, 2009), and the third focuses on the potential/impact of legal mobilisation (NeJaime, 2011; Vanhala et al., 2018). The current study builds on the first strand of research mentioned. Originating from literature in political sciences on strategy choice by organisations or social movements, important theoretical explanations that have come up in this field are political opportunity structures (POS) (Kitschelt, 1986) and legal opportunity structures (LOS) (Hilson, 2002). The basic premise of both theories is that POS and LOS can be more open or more closed based on (European and) national structures, which in turn influences the ‘turn to the courts’ (Boutcher and McCammon, 2018). LOS theory in particular has gained much academic attention when it comes to the strategic choice to mobilise the law. Different aspects have been attributed to LOS over the years. These usually include access to courts, such as rules on standing and costs for legal proceedings; the availability of justiciable rights or legal ‘stock’ available; and the receptivity of the judiciary (Andersen, 2006; De Fazio, 2012; Wilson and Rodríguez Cordero, 2006).

The EU has been argued to present a new opportunity structure (Conant et al., 2018). EU law and the CJEU represent a new level of legal opportunities in the field of asylum law especially, which includes aspects that can influence the use of legal mobilisation in different ways. On the one hand, there are the additional legal norms that EU law provides, with the CEAS and the EU Charter, and the extra procedural avenue of the CJEU. On the other hand, the CJEU comes with important limitations when it comes to rules on standing. Access to the Court in direct actions based on Article 263 of the Treaty on the Functioning of the European Union (TFEU) has been made difficult due to the CJEU’s
explanation of the criteria of direct and individual concern in *Plaumann* (Eliantoni and Stratieva, 2009). Moreover, there is a dependency on national rules on standing and national judges in preliminary reference procedures based on article 267 TFEU, as litigation must first be brought before a national court and a national judge needs to pose a question to the CJEU. This domestic judge can have a variety of reasons to refer or not to refer, as established inter alia by Krommendijk (2022), and the decision to refer can therefore be hard to influence as a litigant (but not impossible; see Glavina, 2021; Muir and Kolf, 2017, pp. 29–30). Third-party interventions in both direct actions and preliminary reference procedures are difficult and, for the latter, dependent on national rules as only parties involved in the national proceedings of the preliminary question can participate before the CJEU (Krommendijk and van der Pas, 2022). Furthermore, despite the EU Charter becoming binding, it has been questioned whether the CJEU has become a full-blown fundamental rights adjudicator (Dyevre, 2021). This is emphasised by research on the fundamental rights ‘myth’ of the EU (Douglas-Scott, 2011; Smismans, 2010), and it can be empirically seen in the relatively low number of preliminary rulings where the Charter is of relevance (EU Fundamental Rights Agency, 2022, p. 42). Thus, it can be concluded that at least to some extent there is a mismatch between the EU framework and the protection of individual rights (Muir, 2021). In a field heavily influenced by fundamental rights reasoning such as the field of asylum law, this could suggest less favourable EU LOS.

Conant et al. (2018) argue that these European legal opportunities form the macro-level of a larger framework of factors that ‘encourage or discourage litigation’ (p. 1378). The meso-level is then formed by national-level factors, including national LOS (rules on standing, legal costs etc.) and aspects of POS. This is also the level where EU law should be implemented and enforced; hence, there is an interrelation between the macro-level and the meso-level. At the micro-level, agent characteristics and aspects at the organisational level are taken as the final layer of potentially relevant factors (Conant et al., 2018, p. 1382). These include the perceptions of litigants with respect to available legal opportunities (European legal consciousness), resources, identity politics and relational issues (such as networks). This is in line with research in more recent years, which has pointed towards internal, organisational factors as relevant in the decision to mobilise the law (but also individual level; see Cichowski, 2007; Pavone, 2018, 2022). These factors include ideas, values and resources (Boutcher and McCammon, 2018). For example, legal expertise within a social movement or organisation can influence the decision to litigate for a certain cause, as opposed to using another strategy such as protesting (Lejeune and Ringelheim, 2022). Specifically in the EU context, Alter and Vargas (2000) have argued that litigants should embrace and use EU law to advance their objectives. Moreover, in one of the few cross-state comparative studies on legal mobilisation and non-mobilisation, Vanhala (2018) argues that legal mobilisation studies should include elements of framing and interpreting the idea of the law, as well as the role of strategy entrepreneurs, both of which she draws from sociological institutionalist theory. The element of framing is reflected in the identity of the organisation: If the collective actor views the law as a useful and legitimate tool to attain their goals, it is more likely to turn to litigation as their preferred strategy. Strategy entrepreneurs, on the other hand, are individuals who are likely to promote the use of a certain strategy, such as lawyers stimulating organisations to mobilise the law. In the context of EU law, this could (for
example) pertain to the way in which EU law is viewed and consequently acted upon. Other research has pointed to the relevance of framing as well, by speaking of the ‘perception’ of litigants when deciding to mobilise or not to mobilise the law (Lejeune and Ringelheim, 2019, 2022).

More specifically, as regards the legal mobilisation of EU migration law, Passalacqua (2021) has identified three factors that are present when the preliminary reference procedure is successfully mobilised by defenders of migrant rights. The first factor is the presence of altruism: There must be individuals and groups that mobilise on behalf of migrants. Second, Euro-expertise needs to be present with the organisation. This factor is partially based on the seminal study on one-shotters and repeat-players of Galanter (1974), who argues that the ‘haves’ of expertise come out ahead in litigation procedures. The expertise of the state in migration law and the imbalance of power that arises therefrom can, according to Passalacqua (2021), be countered through resources and expertise from collective actors or their networks (pp. 767–768). Lastly, an open EU legal opportunity structure needs to be present. This is open if EU law presents a comparative advantage, that is, it provides better protection of migrants than national law, and if national judges are willing and able to refer a preliminary question to the CJEU. Passalacqua’s study combines the aforementioned research and applies it to the mobilisation of EU law; however, it focuses on successful mobilisation on a specific piece of EU migration law in each of the selected states. This leaves open the possibility of the successful mobilisation of EU law even in the absence of the factors identified above. On the other hand, the presence of these factors does not necessarily imply successful mobilisation of EU law. The present study engages, for that reason, with both mobilisers and non-mobilisers of EU law in different national contexts in a specific field of law, to further assess the framework established above.

II. Methodological Approach

Case Selection

The theorisations above paint a mixed picture for the field of asylum law. At the macro-, European level, the CJEU has presented CSOs with a new forum at which to litigate: a potential extra ‘asylum court’ (Tsourdi, 2017). Additionally, the CEAS (including diverse directives and regulations5) and the EU Charter have brought a range of available justiciable rights and additional ‘legal stock’ to the field of asylum law. This leads to the assumption of more open EU LOS and, thus, more incentives for all CSOs involved in this research to mobilise EU law, that is, use EU law in their legal argumentation and mobilise before the CJEU. However, as mentioned, reaching the CJEU is restricted: Direct actions are difficult to initiate; in the preliminary reference procedure, there is a dependency on national judges; and third-party interventions are nearly impossible. Moreover, as also indicated, there are doubts about the CJEU as a fundamental rights litigator. This could discourage the CSOs from mobilising EU law. All CSOs involved have these similar European-level opportunities, and therefore, differences lie at the meso-, national level and the organisational, micro-level.

5Including, amongst others, the Regulation 604/2013 (Dublin III), Directive 2013/32 (Asylum Procedures) and Directive 2011/95 (Qualification).
In order to select the states, first, a list of EU member states and CSOs active on asylum issues has been created (Appendix A). From this overview, only states with at least two CSOs pursuing litigation strategies (to allow for a within-state comparison of organisations) are suitable, namely, Belgium, Germany, Greece, Italy and the Netherlands. An overview of two specific aspects of national LOS (rules on standing in direct legal action and amicus curiae/third-party intervention) has accordingly been made of these states, to establish which state has more open or more closed LOS on these aspects.

As is clear from Table 1, the Netherlands theoretically has the most open LOS, allowing for direct legal actions by CSOs and amicus curiae briefs, and has therefore been selected. The other four states have more closed LOS. Italy has been selected as a second state given the relatively long average duration of legal proceedings (8 years for civil proceedings and 5 years for administrative proceedings; Mazzeschi, 2020), which leads to even more closed LOS as legal costs will rise with longer judicial proceedings.

Two CSOs from each state have been selected accordingly. One of the CSOs from each state demonstrates an active engagement with EU law and EU litigation [Associazione per gli Studi Giuridici sull’Immigrazione (ASGI) and DCR], whilst the other does not or does so only to a lesser extent [Associazione Ricreativa e Culturale Italiana (ARCI) and PILP-NJCM]. This engagement has been found by searching the CSO websites and existing literature on the CSOs (such as Hoevenaars, 2018). Several general preliminary comments can be made on the common characteristics of the CSOs selected, which have been visualised in Table 2. First, they are all working on issues of asylum and mobilise the law to attain their goals. This makes them all altruist organisations, the factor established by Passalacqua (2021). Second, the CSOs selected deploy lawyers themselves and/or are involved in networks with lawyers (a relevant factor as established by Vanhala, 2018). This means that in terms of resources, all CSOs have legal staff available and it can be assumed that there is some level of Euro-expertise. As many factors are common to all or several of the CSOs selected (see Table 2), another factor should account for the difference in level of EU legal mobilisation, namely, the framing of certain issues by the CSOs and their members, which is researched further below.

Table 1: Legal Opportunity Structures – Possible CSO Involvement in Legal Proceedings.

<table>
<thead>
<tr>
<th>Country</th>
<th>Direct legal action (actio popularis)</th>
<th>Amicus curiae/third-party intervention</th>
</tr>
</thead>
<tbody>
<tr>
<td>Belgium</td>
<td>No (only if CSOs have an ‘acquired and immediate interest’)</td>
<td>No (only possible if requirements on standing for direct legal action are met)</td>
</tr>
<tr>
<td>Germany</td>
<td>No (only if CSOs’ ‘personal’ rights are involved)</td>
<td>No (but a possibility of ‘added party’ and ‘expert advice’)</td>
</tr>
<tr>
<td>Greece</td>
<td>No (only if CSOs are the holders of a subjective right)</td>
<td>No (only if there is a direct legal interest)</td>
</tr>
<tr>
<td>Italy</td>
<td>No (only if CSOs are the holders of a subjective right and in non-discrimination issues)</td>
<td>No (only if the third party can show its own interest in the case)</td>
</tr>
<tr>
<td>The Netherlands</td>
<td>Yes (if CSO is mandated to protect public interest)</td>
<td>Before the highest civil court and the highest administrative courts</td>
</tr>
</tbody>
</table>

Notes: This table and the CSOs selected have also been selected as part of my bigger PhD research project. Abbreviation: CSOs, civil society organisations.
Data Collection and Analysis

In order to establish the explanations for (non-)mobilisation of EU law, different sources are relied upon in the current study. First, interviews form the main data gathered for the research. To that end, multiple representatives of all CSOs have been interviewed. For each organisation, senior-level staff were interviewed (such as co-ordinators of strategic litigation of the CSO or directors of the litigation or asylum programme of the CSO). Other interviewees included lawyers working with or for the CSO and legal (supporting) staff. The answers of these interviewees, which have been anonymised and coded via Atlas.ti, are attributed to the CSO as a whole. Qualitative data gathering is preferred over quantitative, as the number of cases in which EU law is mobilised does not provide sufficient information to establish the reasons for differing levels of EU legal mobilisation. These qualitative interview data are supported by several other sources, such as case law, policy documents, information from the CSOs themselves (to the extent that it is publicly available) and news articles. The data are analysed by making use of the theorisations from Section I. A common approach towards EU law and EU legal mobilisation is established for each of the CSOs. Individual cases in which EU law has been mobilised are used as illustrations, as the CSOs in their entirety are looked at. Finally, the study uses an abductive approach, meaning that factors from theory are used to assess the data; however, different factors can also be derived from the data (Tavory and Timmermans, 2014).

Methodological Limitations

Certain limitations to the approach taken remain within the present study. The first of these is linguistic, as the present author is able to read and write in Dutch and English, but not in Italian. This has been attempted to overcome by translating certain websites and other sources. Moreover, the involvement of CSOs in case law is not always visible (see also Tsourdi, 2017). The selected CSO ASGI, for example, is a network of lawyers

Table 2: Overview CSOs and Possible Factors Influencing EU Legal Mobilisation.

<table>
<thead>
<tr>
<th></th>
<th>DCR (NL)</th>
<th>PILP-NJCM (NL)</th>
<th>ASGI (IT)</th>
<th>ARCI (IT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>LOS</td>
<td>+</td>
<td>+</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>Altruism</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
</tr>
<tr>
<td>Euro-expertise</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
</tr>
<tr>
<td>Mobilisation of EU law</td>
<td>+</td>
<td>–</td>
<td>+</td>
<td>–</td>
</tr>
<tr>
<td>Perception/framing of EU law</td>
<td>?</td>
<td>?</td>
<td>?</td>
<td>?</td>
</tr>
</tbody>
</table>

Abbreviations: ARCI, Associazione Ricreativa e Culturale Italiana; ASGI, Associazione per gli Studi Giuridici sull’Immigrazione; CSOs, civil society organisations; DCR, the Dutch Council for Refugees; EU, European Union; IT, Italy; LOS, legal opportunity structures; NL, the Netherlands; PILP-NJCM, Public Interest Litigation Project-Nederlands Juristen Comité voor de Mensenrechten.

For DCR, the main co-ordinator and part-time co-ordinator of the Committee Strategic Litigation, a lawyer working with the Committee and an academic working with the Committee were interviewed. For the PILP-NJCM, the litigation director, a lawyer and a legal expert (who is now also a lawyer for the CSO) were interviewed. For ASGI, six lawyers from different parts of Italy were interviewed (including one regional co-ordinator of the CSO). For ARCI, the head of the immigration and asylum department, a project officer for a strategic litigation project and a legal consultant were interviewed. All CSOs and interviewees approached agreed to participate to the current research.
and not strongly institutionalised. Therefore, involvement in each case is difficult to track, as lawyers affiliated with ASGI conduct proceedings under their personal name. Interviews counter this problem (in part), as knowledge can be retrieved that is not visible in public documents. Interviews, finally, are a form of self-reporting and can contain post rationalisations and socially desirable answers. To overcome this limitation, several actions have been taken. First, a recent timeframe has been adopted and interviewees have been asked to come up with concrete examples. Second, there has been cross-checking of interviews by interviewing several CSO members. Lastly, the interview data have been triangulated with other sources, such as case law, press releases and policy reports (see also Krommendijk, 2022, p. 26).

III. Case Studies

*Dutch Council for Refugees*

DCR is the main organisation in the Netherlands representing the interests of refugees and asylum seekers. This is done via a range of strategies, such as lobbying, media campaigns, giving out individual legal advice and litigation. This CSO has a specific Committee for Strategic Litigation [Commissie Strategisch Procederen (CSP)] that writes legal analyses to support legal proceedings. These legal analyses are not publicly available: Sometimes, they are brought into legal proceedings via asylum lawyers, whilst at other times, they are made available on the website VluchtWeb, which has restricted access. The CSP consists of members of DCR, external asylum lawyers and academics (of migration law). On their website, DCR highlights several important victories of their litigation campaigns (Vluchtelingenwerk, 2023). Some of these victories consist of CJEU judgments, whilst others have been secured at the national level.

This CSO has an active involvement in EU legal proceedings and often mobilises EU law. A quick search of the Dutch database of judgments, rechtspraak.nl, shows mentions of the CSP 17 times, most of which are cases involving EU law. Often in these cases, preliminary questions are asked by a national judge as requested by the CSO or (at least) a request for a preliminary reference is made to the judge by the CSP. A search of the CJEU database curia.eu, on the other hand, does not generate any hits. This could lead to the assumption that no legal mobilisation of DCR takes place at the CJEU level. Nevertheless, from the interviews, it became clear that this is not the case. Often in cases where preliminary questions are posed by a Dutch judge in the field of asylum law, the CSP is asked (or requests itself) to co-draft the written observations (with the lawyer involved in the case) for the CJEU judgment. Thus, DCR is actively involved in EU legal mobilisation both at the national level, by invoking EU norms in their memos, and at the CJEU level, by aiding (and sometimes indirectly replacing) the lawyer in preliminary reference procedures.

The explanation for this active use of EU legal mobilisation can be traced back to the early days of the CSP. The part-time co-ordinator of the CSP stated: ‘After some examples, we said: Hey, the ECHR, that is an important possibility when the [Dutch] Council

---

7VluchtWeb is a website for DCR and asylum lawyers, on which recent developments are shared and knowledge is exchanged. I was granted access to this website for research purposes.

8A sidenote is that this database does not contain every single judgment of Dutch courts.
of State does nothing, then we have access to the ECtHR [European Court of Human Rights]. And then EU law came. (…) If we could move the national judge to ask preliminary questions to the CJEU, we can achieve something.’ Because of dissatisfaction with Dutch legislation, Dutch policy and Dutch court judgments, EU law was mobilised. The ECtHR and the CJEU provided for an extra legal avenue. One of the interviewees even stated that, with the creation of EU asylum law, an extra asylum judge was gained. An important reason for this focus on the European courts, as opposed to, for example, United Nations (UN) treaty bodies (which also provide for some sort of appeal opportunity), is that ECtHR and CJEU judgments are binding, whilst UN treaty body decisions are not (Krommendijk, 2014). Whilst there is a dependency on national judges to pose a preliminary question, this was not viewed as a persistent limitation in the Dutch context. One of the academics of the CSP even stated: ‘It’s easier to do it via Union law than the ECHR. Because in Strasbourg, you are so dependent on all of these factors that are uncertain, the admissibility phase, getting kicked out.’

The working method of DCR through a memo resembles the submission of a third-party intervention or amicus curiae brief, but in an informal manner. This does not grant DCR access to the CJEU proceedings if a preliminary question is asked, which is seen as a downside. However, the option of submitting an official amicus brief is not used either. The DCR would like to be involved as an expert in legal proceedings in a more formal way, similar to how UNHCR at times participates at the national level, which would also enable access to CJEU proceedings.

At the organisational level, this CSO has a clear international focus, alongside its national focus. DCR is one of the founding members of the European Council on Refugees and Exiles (ECRE), and in that capacity, there is a lot of interaction with similar organisations in other European states. The situation of asylum seekers and refugees throughout Europe is monitored via this network, next to the domestic situations in other states. DCR also supports CSOs in other EU member states with legal mobilisation activities. Together with ECRE, the AIRE Centre and the ICJ, it submits third-party interventions at the ECtHR invoking EU law provisions.

Public Interest Litigation Project-Nederlands Juristen Comité voor de Mensenrechten

PILP-NJCM is a project of the Dutch section of the ICJ, exploring possibilities for strategic human rights litigation in the Netherlands. It works on a variety of human rights-related fields, such as privacy, discrimination and socio-economic rights. Many of the litigation procedures that PILP-NJCM works on are highly mediatised (NOS, 2021; Volkskrant, 2020). Its usual way of working is through civil litigation procedures, in which this CSO is a direct litigant together with individuals and/or other organisations, suing the state of the Netherlands. Many of the legal claims and arguments that PILP-NJCM submits can be found publicly on their website. This CSO works on four topics related to the field of asylum: statelessness, immigration detention, refugee children in one specific asylum seeker centre and Afghan asylum seekers excluded from refugee status based on article 1F of the Refugee Convention.⁹

⁹In essence, article 1F Refugee Convention excludes people from obtaining a refugee status if they have committed war crimes.

© 2023 The Authors. JCMS: Journal of Common Market Studies published by University Association for Contemporary European Studies and John Wiley & Sons Ltd.
Within the different pleadings and arguments advanced by PILP-NJCM and researched for the purpose of the present study, there is no structural mobilisation of EU law that can be discerned. This CSO uses many human rights instruments in its reasoning. Nevertheless, the EU Charter is merely mentioned in passing and not elaborated on extensively (PILP-NJCM, 2021) or not mentioned at all (PILP-NJCM, 2016). For example, in one amicus brief, Article 4 of the EU Charter is mentioned; however, it is explained in a footnote that the analysis is limited to the ECHR equivalent, article 3 ECHR. The other human rights instruments are viewed as much more specialised and useful for the CSO’s litigation procedures. In one specific asylum case, EU law was extensively relied upon. This case concerned Afghan asylum seekers who were refused refugee status in the Netherlands, as they were alleged war criminals. The allegation is based on a memo from the Dutch Ministry of Foreign Affairs that has been criticised extensively (Van der Pas, 2021). Especially the compatibility of the Dutch practice with EU law was questioned, although Dutch administrative courts refused to pose preliminary questions on the matter to the CJEU. Therefore, PILP-NJCM attempted to use a civil procedure to get the matter at the CJEU level in collaboration with other organisations representing the Afghan asylum seekers and human rights lawyers. Nevertheless, these efforts failed.

One of the interviewees reflected upon this, stating: ‘Well, the Court of Justice you can reach through the national judge, so that is not in our hands, we tried it a few times, but no preliminary reference has been made.’ Thus, more emphasis is placed on other international legal instruments. Another reason is that this CSO focuses mainly on the national context: International law and international judicial bodies are used only to improve national matters. In this regard, the ECtHR is a preferred institution; however, it is rather difficult to reach (i.e., get through the admissibility stage). Moreover, for this CSO, it does not make a huge difference that judgments of the European courts are binding: They feel that the Dutch government tends to take UN treaty body decisions equally serious, despite their non-binding legal status.

Associazione per gli Studi Giuridici sull’Immigrazione

The Italian CSO ASGI is a network of lawyers, academics and other professionals that works on matters related to migration and asylum. These ‘members’ are associated with ASGI; however, they are not employed by this CSO. The activities of ASGI consist of campaigning, advocacy, education and, for a large part, litigation. Within their litigation strategies, roughly two different strands can be distinguished. First, there are individual lawyers, members of ASGI, who conduct cases as part of their regular work. These cases can have a strategic impact and often legal victories are then attributed to this CSO. Second, ASGI has several projects on certain topics that are accompanied by ‘bigger’ litigation campaigns. Of these projects have an explicit European component to them, as they concern issues at the external and internal borders of the EU. In many of these (international) projects, use is made of international litigation, such as proceedings before the ECtHR but also UN treaty bodies.

In that sense, EU law is mobilised by this CSO. This has already come to the fore in the study of Passalacqua (2021), where it is described that ASGI was involved in a

https://en.asgi.it/projects/.

© 2023 The Authors. JCMS: Journal of Common Market Studies published by University Association for Contemporary European Studies and John Wiley & Sons Ltd.
mobilisation of the preliminary reference procedure on EU Directive 2008/115 (Returns). Also, in other cases, ASGI regularly refers to EU norms (ASGI, 2021a, 2021b, 2022). Furthermore, this CSO has been actively mobilising EU law in combatting discriminatory benefit measures of the Italian government that exclude non-EU citizens (e.g., asylum seekers and refugees).\footnote{11https://www.asgi.it/tematica/discriminazioni/} This has culminated most significantly in a CJEU judgment decided in 2021, wherein the Court declared one of these Italian measures (on a ‘family card’) to be discriminatory and incompatible with EU law as it excluded third-country nationals (CJEU ASGI; Minderhoud, 2022). Thus, in certain areas of asylum law, ASGI shows high levels of engagement with EU law.

From the interviews, several aspects came to the fore in terms of EU legal mobilisation by ASGI. First, one interviewee mentioned that Italian law is at times incompatible with EU legislation, specifically the CEAS. The Charter did not come up explicitly in this regard; the interviewees found other international fundamental rights instruments more relevant. Second, one interviewee stated: ‘To go to the CJEU usually you have to find an Italian judge that poses the question to the European Court of Justice and that is more difficult than to the ECtHR for example’ (also in line with findings by Pavone, 2018, p. 312). This was partially related to the long timeframe of Italian proceedings. Therefore, it takes a long time for a case to end up before the CJEU. Instead, this CSO regularly relies upon the ECtHR and its mechanism for interim measures based on article 39 ECHR. This procedure is much faster as it bypasses the admissibility requirement of the ECtHR of exhaustion of domestic remedies [see article 35(1) ECHR]. Additionally, sometimes, a preliminary reference is declared inadmissible by the CJEU as a reasoned order in situations where already (pending) judgments deal with the same matter. Similarly, at times, preliminary questions have not been correctly formulated by an Italian judge, which also leads to an inadmissibility decision of the CJEU. Still, the CJEU and the ECtHR were preferred by several members, as these produce legally binding judgments.

Associazione Ricreativa e Culturale Italiana

The final CSO researched for the purpose of this study is ARCI, an Italian organisation working on a range of topics related to fundamental rights. These topics include promoting culture, anti-mafia, solidarity and migration. ARCI is one of the biggest Italian non-profit CSOs and consists of a head office and numerous local (independent) institutions throughout Italy (ARCI, 2016). Its activities are widespread and diverse, including the organisation of festivals, campaigning, education and, to a lesser extent, legal action. An example of such legal action is the challenging of an Italian decree that closed off ports for disembarkation of migrants rescued at sea, as these ports were no longer safe due to the coronavirus (Infomigrants, 2020a). Nevertheless, no structural litigation campaigns can be retrieved through the data collected.

ARCI has been involved in one specific instance of EU legal mobilisation, which involves a request to the European Court of Auditors (ECA)\footnote{12The European Court of Auditors is the financial supervisory mechanism of the EU.} on EU financial complicity in the ‘push-backs’ of migrants from the European territory to Libya (Infomigrants, 2020b). The request was made in a collaborative effort with the
aforementioned CSO ASGI and the Global Legal Action Network (GLAN). The request asks the ECA to review the financial means provided by the EU to the Libyan authorities, who subsequently use these funds to violate fundamental rights (GLAN, ASGI and ARCI, 2020). This type of requests is not common and an inventive use of EU (procedural) law. It was accompanied by a petition presented to the European Parliament on the same topic (European Parliament, 2020). The ECA responded to the request that it would not initiate legal review (GLAN, 2020).

ARCI’s main focus is, as mentioned, not on mobilisation of the law. Its activities are diverse and the staff of this CSO reflects that. In the national head office, there are employees with a legal background; however, they engage in a range of activities including but not limited to legal action. When inquired specifically about whether any requests for preliminary references had been made by the CSO, one interviewee replied: ‘No, no, I am not aware of any, so I don’t think so.’ Furthermore, according to one interviewee, ARCI has a specific national focus, which is a reason why international litigation is explored to a lesser extent by this CSO. If international judicial bodies are called upon, this is mostly done in collaborative efforts (see also ECRE, 2018), due to the ‘time and energy’ that goes into international litigation. Interviewees mentioned that if there were to be a trade-off between different international judicial bodies, then the CJEU would be preferred due to the legally binding nature of judgments.

IV. Discussion

The theorisations provided in Section I paint a mixed picture, further complicated by the different CSOs and their mobilisation of EU law. For the CSOs researched, European-level factors are similar, although they are used differently. Especially EU legislation as additional legal norms are not used as extensively by all CSOs. DCR, for example, shows a high level of engagement with EU law as a legal source, whilst PILP-NJCM relies much more upon other international legal instruments, despite working in the same field of law. This could be related to the CJEU not being fully developed as a fundamental rights court. Nevertheless, the difference in this EU-level opportunity lies in the perception thereof of the CSOs researched, which relates most to the framing of EU law. The issues that the CSOs try to tackle are framed by two of the CSOs (PILP-NJCM and ARCI) as matters in which numerous fundamental rights instruments are relevant, whereas the other two frame EU law as a particularly helpful tool.

What is noteworthy in this regard are the different identities of the organisations: The two CSOs that work on a variety of fundamental rights-related matters show less mobilisation of EU law. Already in Passalacqua’s (2021) research, the subjectivity of EU law as an aspect of LOS comes up, as she found that EU legislation on a certain topic needs to be viewed by the mobilisers as having an advantage over national law (see also Alter and Vargas, 2000). The CSOs working on asylum specifically see much more potential in the use of EU law and are used to ‘testing’ national legislation against EU standards. Thus, they frame EU law as a useful tool in legal mobilisation. The other CSOs, especially PILP-NJCM, view EU law as an instrument similar to other fundamental rights instruments. Therefore, in order for (extensive) EU legal mobilisation to take place, EU

13 Instead of GLAN, the leadership of the complaint has been taken over by the CSO De:Border Collective.

© 2023 The Authors. JCMS: Journal of Common Market Studies published by University Association for Contemporary European Studies and John Wiley & Sons Ltd.
law needs to be viewed additionally as a tool that takes preference over other international legal sources (as opposed to national law only). This finding reveals that there is a subjective element to this part of EU LOS and it incorporates an element of framing: The CSO needs to frame EU law as a useful legal tool over other national and international legal sources. Two aspects can play a role in this framing of EU law. First, the resources of the CSO are of relevance. As described by Passalacqua, there needs to be a level of Euro-expertise. This expertise can also be obtained through external relations. All CSOs involved have these relations or have this Euro-expertise in-house. The second relevant aspect relates to the identity of the organisation. If the CSO is focused on the national level exclusively, issues will be tackled that are specific to the national context and relations are sought with other national organisations. This steers the focus away from EU law in legal mobilisation, as there is more expertise gathered on national laws and practice.

A second aspect of EU LOS at the macro-level that has come up in the present study is accessing the CJEU and the legally binding nature of CJEU judgments. For three of the CSOs researched, ASGI, ARCI and DCR, the latter aspect is relevant in their considerations to mobilise EU law. For PILP-NJCM, however, decisions of UN treaty bodies are valued almost equally, because of how the Dutch government treats these decisions. What plays a role as well is that the European Court of Human Rights is perceived as difficult to reach by both Dutch CSOs. Thus, the CJEU cannot be regarded in isolation: The CSOs make trade-offs between different international judicial bodies. The restricted access to the CJEU, especially the dependency on national judges to issue a preliminary reference, came up for all CSOs involved. Within the same national context of the Netherlands, it is noteworthy that both CSOs viewed the receptivity of judges towards their request for a preliminary reference differently. DCR was more positive towards this possibility, whilst PILP-NJCM was more negative. This shows that a national LOS factor, such as judicial receptivity, can be regarded differently by CSOs in the same context. Thus, it is rather difficult to classify aspects of (EU) LOS as existing outside of the CSOs: They are very much influenced and framed by the organisations themselves, as the CSOs view these issues differently and tackle them differently. In turn, this can steer an organisation away from mobilising EU law: If the EU LOS are perceived as closed, this strategy is less likely to be used. This has less to do with EU LOS established objectively, but more so with the internal perspective on EU LOS.

In sum, several frames, thus perceptions on, EU law can be detected from the analysis above. Other factors as part of the theorisations in Section I partially shape these frames, but as the differences between the CSOs show, factors at the macro-level and the meso-level do not always play the same role for EU legal mobilisation. EU law is framed in three different ways by the CSOs involved. First, EU law is perceived by some CSOs as a useful and available tool. This frame is visible with DCR and ASGI. National structures can cater in here: The Netherlands might have a more receptive judiciary to requests for preliminary questions, but this is still subjectively assessed, as PILP-NJCM views this differently in the same national context. The Italian system, on the other hand, is less open in terms of LOS in general, which could subsequently lead to the CJEU being more difficult (but not impossible) to reach. The second frame is that EU law is an instrument amongst other international legal instruments. In this frame, deployed more by PILP-NJCM, other fundamental rights instruments and judicial bodies are regarded as equally
(if not more) useful. Therefore, mobilisation of EU law is less likely. A relevant aspect at the micro-level here is the identity of the organisation, having a fundamental rights focus or a refugee/asylum seeker focus. The third and last frame is that EU law is a possible useful tool in specific instances, but not in general. This frame can be seen with ARCI (and PILP-NJCM, to a certain extent). What plays a role at the micro-level here is the level of legal and Euro-expertise, in line with earlier research conducted by Cichowski (2007) and Pavone (2022). Lastly, the national focus and relations of the CSOs are of relevance.

Conclusions

The present article has unveiled different perceptions of EU law that in turn influence the levels of EU legal mobilisation. LOS, in that sense, ‘set the scene’: They form the context within which CSOs operate, both at the national level and at the European level. Nevertheless, many of these aspects, such as judicial receptivity, are shaped by the views of the organisations themselves, bringing micro-level considerations into the equation. Moreover, EU LOS cannot be looked at in isolation: Many CSOs active in EU legal mobilisation also mobilise other international legal instruments and judicial bodies. A certain trade-off between those sources happens within organisations as well. Different internal organisational processes thus influence levels of EU legal mobilisation, which is referred to in the article as the different frames that are adopted by the CSOs. These frames, in turn, are influenced by organisational, micro-level factors, such as the CSO’s identity and relations. Future research on legal mobilisation should incorporate the possibility of influential frames, as other factors that set the context for mobilisation can be regarded vastly different by organisations in the same national (or European) context. This finding of the importance of framing can be extrapolated to other fields of legal mobilisation as well, as in many areas of the law, there are CSOs active in legal mobilisation that each have their own internal framing processes. It is still field specific to what extent EU law is of relevance in legal mobilisation per field of law, related to the extent to which there has been harmonisation of national legal norms through EU law.

The current research has not focused specifically on the role of individuals. As touched upon in the Introduction section, legal mobilisation in the field of asylum law can enhance access to justice for a group of people (asylum seekers and refugees) that generally speaking lack the resources and opportunities to mobilise the law themselves. However, that also means that in several of the procedures described, the connection with individuals can be lost or non-existent. Especially the preliminary reference procedure may extend legal proceedings for a long period of time, which is not always in the interest of the individual asylum seeker or refugee involved. Furthermore, individuals within organisations can have an influence on the decision-making process. The methodology of the present study does not enable for the tracing of this type of influence; however, to assess (for example) the role of strategy entrepreneurs, further research is needed.

Acknowledgements

I would like to thank all my interviewees for sharing their insights with me. Moreover, I would like to thank all the participants to the European legal mobilisation workshop under auspices of the European Consortium for Political Research, and specifically, Professor Lisa Vanhala, for their useful comments.
on an earlier version of this article. Lastly, I would like to thank the anonymous reviewers for their excellent feedback and suggestions. All remaining mistakes are my own.

Correspondence:
Kris van der Pas, Centre for Migration Law/Department of International and European Law/Institute for Management Research, Radboud University, Montessorilaan 10, 6525 HR Nijmegen, The Netherlands.
email: kris.vanderpas@ru.nl

References


ASGI. (2021a) #DefundFrontex: For a State-Funded Civil Sea Rescue Program. Available at: https://en.asgi.it/defund-frontex-campaign/ [Accessed 20 March 2023].


ECRE. (2018) Case Against Italy Before the European Court of Human Rights Will Raise Issue of Cooperation With Libyan Coast Guard. Available at: https://ecre.org/case-against-italy-before-


European Parliament. (2020) Petition No 0655/2020 by Filippo Miraglia (Italian), on Behalf of Associazione Ricreativa e Culturale Italiana (ARCI), Associazione per gli Studi Giuridici sull’Immigrazione (ASGI), and Global Legal Legal Action Network (GLAN), on Mismanagement and Misuse of EU Funds by the EUTF’s Programme of Support to the Integrated Border Management in Libya. Available at: https://www.europarl.europa.eu/petitions/en/petition/content/0655%252F2020/html/missinglink [Accessed 20 March 2023].


All that glitters is not gold?


Cases Cited

C-411/10 and C-493/10, Joined cases of N.S. v. United Kingdom and M.E. v. Ireland (2011).


## Appendix A: EU Member States and CSOs

<table>
<thead>
<tr>
<th>Country</th>
<th>CSOs</th>
</tr>
</thead>
</table>
| Austria     | Asylkoordination Österreich  
CEHRI  
Diakonie (Refugee Service)  
Plattform Asyl Für Menschenrechte  
SOS Mitmensch  
Verein Projekt Integrationshaus |
| Belgium     | Active Citizen Europe  
Fair Trials  
Flemish Refugee Action  
Ligue des Droits Humains*  
NANSEN*  
Solentra  
Soutien Belge OverSeas |
| Bulgaria    | Bulgarian Helsinki Committee*  
Bulgarian Lawyers for Human Rights†  
Bulgarian Red Cross |
| Croatia     | Centre for Peace Studies*  
Croatian Law Centre  
Human Rights House Zagreb |
| Cyprus      | Action for Equality, Support, Antiracism (KISA)*  
Cyprus Refugee Council  
Future Worlds Center  
Refugee Rights Association (RRA) |
| Czech Republic | Czech Open Society Foundation  
League of Human Rights  
Organization for Aid to Refugees (OPU) |
| Denmark     | Danish Refugee Council |
| Estonia     | Estonian Human Rights Centre*  
Estonian Refugee Council |
| Finland     | Finnish Refugee Advice Centre  
Helsinki Foundation for Human Rights* |
| France      | ActionAid France  
Entraide Pierre Valdo  
Forum Réfugiés-Cosi  
France Terre d’Asile  
French Refugee Council  
Sherpa  
VoxPublic |
| Germany     | Arbeiterwohlfahrt  
Caritas Germany  
Der Partitâtische Gesamtverband  
Diaconia Germany  
European Center for Constitutional and Human Rights (ECCHR)*  
Female Fellows  
German Red Cross  
Liberties  
Society for Civil Rights (Gesellschaft für Freiheitsrechte, GFF)*† |
<table>
<thead>
<tr>
<th>Country</th>
<th>CSOs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greece</td>
<td>Pro Asyl*</td>
</tr>
<tr>
<td></td>
<td>Equal Rights Beyond Borders*§</td>
</tr>
<tr>
<td></td>
<td>Greek Council for Refugees*</td>
</tr>
<tr>
<td></td>
<td>Greek Forum of Refugees (GFR)</td>
</tr>
<tr>
<td></td>
<td>Greek Helsinki Monitor*</td>
</tr>
<tr>
<td></td>
<td>Hebrew Immigrant Aid Society (HIAS)*</td>
</tr>
<tr>
<td></td>
<td>HumanRights360*</td>
</tr>
<tr>
<td></td>
<td>Legal Centre Lesvos*</td>
</tr>
<tr>
<td></td>
<td>Refugee Legal Support*§</td>
</tr>
<tr>
<td></td>
<td>Solidarity Now</td>
</tr>
<tr>
<td>Hungary</td>
<td>European Roma Rights Centre</td>
</tr>
<tr>
<td></td>
<td>Hungarian Civil Liberties Union (HCLU)</td>
</tr>
<tr>
<td></td>
<td>Hungarian Helsinki Committee*</td>
</tr>
<tr>
<td></td>
<td>Menedéck</td>
</tr>
<tr>
<td></td>
<td>Validity</td>
</tr>
<tr>
<td>Ireland</td>
<td>Irish Council for Civil Liberties</td>
</tr>
<tr>
<td></td>
<td>Irish Refugee Council*</td>
</tr>
<tr>
<td>Italy</td>
<td>Asilo in Europa</td>
</tr>
<tr>
<td></td>
<td>Associazione Antigone</td>
</tr>
<tr>
<td></td>
<td>Associazione per gli Studi Giuridici sull’Immigrazione (ASGI)*</td>
</tr>
<tr>
<td></td>
<td>Associazione Ricreativa e Culturale Italiana (ARCI)*</td>
</tr>
<tr>
<td></td>
<td>Italian Coalition for Civil Liberties and Rights (CILD)*</td>
</tr>
<tr>
<td></td>
<td>Italian Council for Refugees</td>
</tr>
<tr>
<td></td>
<td>MOSAICO – Action for Refugees</td>
</tr>
<tr>
<td></td>
<td>Oxfam Italia Intercultura</td>
</tr>
<tr>
<td>Latvia</td>
<td>Latvian Centre for Human Rights</td>
</tr>
<tr>
<td>Lithuania</td>
<td>Human Rights Monitoring Institute*</td>
</tr>
<tr>
<td></td>
<td>Lithuanian Red Cross</td>
</tr>
<tr>
<td>Luxembourg</td>
<td>Caritas Luxembourg</td>
</tr>
<tr>
<td></td>
<td>Passerell</td>
</tr>
<tr>
<td>Malta</td>
<td>aditus*</td>
</tr>
<tr>
<td></td>
<td>Jesuit Refugee Service Malta</td>
</tr>
<tr>
<td>The</td>
<td>Dutch Council for Refugees*</td>
</tr>
<tr>
<td>Netherlands</td>
<td>Netherlands Helsinki Committee</td>
</tr>
<tr>
<td></td>
<td>Nederlands Juristen Comité voor de Mensenrechten (NJCM, Public Interest Litigation Project)*</td>
</tr>
<tr>
<td></td>
<td>Stichting Justice Initiative</td>
</tr>
<tr>
<td></td>
<td>Universitair Asiel Fonds (UAF)</td>
</tr>
<tr>
<td>Poland</td>
<td>Polish Helsinki Foundation for Human Rights*</td>
</tr>
<tr>
<td>Portugal</td>
<td>Portuguese Refugee Council</td>
</tr>
<tr>
<td></td>
<td>União de Refugiados Em Portugal – UREP</td>
</tr>
<tr>
<td>Romania</td>
<td>ACCEPT Association</td>
</tr>
<tr>
<td></td>
<td>Association for the Defence of Human Rights in Romania – the Helsinki Committee*</td>
</tr>
<tr>
<td></td>
<td>Center for Legal Resources</td>
</tr>
<tr>
<td></td>
<td>Romanian National Council for Refugees</td>
</tr>
<tr>
<td>Slovakia</td>
<td>Human Rights League – Slovakia*</td>
</tr>
<tr>
<td></td>
<td>Slovenská humanitná rada</td>
</tr>
<tr>
<td></td>
<td>VIA IURIS</td>
</tr>
<tr>
<td>Slovenia</td>
<td>PIC – Legal-Informational Centre for NGOs*</td>
</tr>
<tr>
<td>Spain</td>
<td>Accem</td>
</tr>
<tr>
<td></td>
<td>Comisión Española de Ayuda al Refugiado (CEAR)</td>
</tr>
<tr>
<td>Country</td>
<td>CSOs</td>
</tr>
<tr>
<td>---------</td>
<td>------</td>
</tr>
<tr>
<td>Fundación Cepaim</td>
<td>Gentium*</td>
</tr>
<tr>
<td>Rescate</td>
<td>Rights International Spain</td>
</tr>
<tr>
<td>Spanish Red Cross</td>
<td>Sweden Amnesty International Sweden</td>
</tr>
<tr>
<td>Caritas Sweden</td>
<td>Swedish Red Cross</td>
</tr>
<tr>
<td>Swedish Refugee Advice Centre</td>
<td>Swedish Network of Refugee Support Groups</td>
</tr>
</tbody>
</table>


Abbreviations: CSOs, civil society organisations; EU, European Union.

*The CSOs that pursue legal mobilisation strategies.
†It is unclear from this CSOs website on what topics they pursue legal mobilisation strategies.
‡The main focus of this CSO is on privacy. They have conducted litigation on the privacy of refugees and asylum seekers (specifically reading out mobile phones).
§Active in legal mobilisation in both Greece and Germany, according to their website.
¶Based in England but also pursues legal mobilisation in Greece.