

StratAGEic Training Report – Session 2

Strategic Litigation and Older Persons' Rights

Online, 23 June 2026 – 9:30-13:00CEST

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1. Introduction

The Peer Learning Workshop on Strategic Litigation and Older Persons' Rights was organised as the second session of the StratAGEic WP2 learning pathway on strategic litigation and the EU Charter of Fundamental Rights.

Attended by 37 participants, mostly older persons with no legal background, the workshop built on the first training session, which introduced the logic and structure of strategic litigation. While the first session focused on understanding what makes a case strategic, the peer learning workshop was designed as a

practical space for participants to apply this reasoning to concrete situations and experiences.

The session was coordinated by ENIL and included contributions from Adam Ploszka, Amnesty International Poland / Centre for Human Rights, University of Warsaw, and Sotiris Pafitis, Tilburg University.

The main objective of the peer learning workshop was to help participants move from theoretical understanding to practical application.

More specifically, the session aimed to:

- consolidate the analytical framework introduced in the first training session;
- support participants in identifying structural issues behind individual situations;
- encourage discussion on possible legal and strategic approaches;
- reflect on the role, limits and risks of strategic litigation;
- promote peer exchange between participants from different national contexts;
- prepare participants for the following session on the use of the EU Charter of Fundamental Rights in strategic litigation.

The session was not designed as a traditional lecture, but as an interactive and practice-oriented workshop. Its purpose was to create a structured space where participants could discuss concrete situations, test possible arguments and reflect on strategic choices.

3. Structure of the session

The session followed the agenda below:

- Welcome, icebreaker and introduction to the case lab methodology by Adela Santos-Lavigne
- Presentation of practical cases and experiences by Adam Ploszka;
- Small group work on strategic case analysis;
- Presentation of additional practical cases and experiences by Sotiris Pafitis;
- Small group work on legal framing, strategic choices and risks;
- Final reflections and closing by Adela Santos-Lavigne.

This structure allowed the session to combine expert input, peer learning and practical group work. The two rounds of small group discussion were particularly important to ensure that participants could actively apply the methodology rather than only listen to presentations.

4. Methodological approach

The workshop used a “case lab” methodology.

The case labs were designed as working materials to support discussion and structured reasoning. They were not intended to lead participants towards one correct answer. Instead, they encouraged participants to analyse situations step by step and to consider whether and how they could be approached from a strategic litigation perspective.

Participants were invited to reflect on the following questions:

- What is the core problem in the situation?
- Is this an individual issue, or does it reflect a broader structural pattern?
- What could potentially be challenged?
- Is there a decision, practice, omission or system design failure?
- What legal or rights-based approach could be explored?
- Would litigation be useful in this situation?
- What risks, limits or alternative strategies should be considered?

This methodology was intended to make strategic litigation more accessible, especially for participants who may not have a legal background. By starting from concrete situations, the workshop supported participants in moving gradually towards legal and strategic analysis.

5. Summary of the content

5.1 Opening and introduction

The session opened with a short introduction by Adela Santos Lavigne on behalf of ENIL – European Network of Independent Living.

The introduction recalled the purpose of the WP2 learning pathway and explained that the peer learning workshop was the practical step between the introductory training on strategic litigation and the following session on the EU Charter.

Participants were reminded that strategic litigation starts from real-life situations and structural patterns. The case labs were presented as tools to practise this reasoning in a simplified but structured way.

The introduction also emphasised that participants did not need to have advanced legal knowledge to contribute. The aim was to reflect collectively on what makes a situation strategically relevant and how organisations can begin to assess whether litigation may be appropriate.

5.2 Contribution by Adam Ploszka

Adam Ploszka provided a practical contribution on strategic litigation and older persons' rights.

His presentation highlighted that strategic litigation should not be understood as an isolated legal action, but as part of a broader strategy for change. He emphasised the importance of combining litigation with advocacy, campaigning, communications and coalition-building.

The presentation also underlined the importance of partnerships in strategic litigation. This includes collaboration between civil society organisations, lawyers, academics, affected communities and human rights institutions. To start strategic litigation, it is possible to work with lawyers on pro bono basis. Big law firms usually have a statutory requirement to do pro bono work, so it is worth contacting big law firms in national country for pro bono (free) services. It is also possible to contact Bar Associations, since they could offer some advice and usually rely on a committee on human rights or specific group rights.

Another important point was the need to consider different legal venues. Strategic litigation may take place before national courts, but can also involve European or international mechanisms, depending on the case, the legal framework and the strategic objective. Various legal options include: the ECHR – European Court of Human Rights (process are very lengthy), the CtJEU - Court of Justice of the European Union (faster but without direct access as citizens and only through preliminary ruling; it is reported that judges of lower courts are more likely to ask questions), the UN treaty bodies and UN Special Rapporteur/Independent Experts.

Adam also connected the discussion with the current gap in the international protection of older persons' rights and the debate around the need for a UN Convention on the Rights of Older Persons. Discrimination on the ground of age is not explicitly prohibited by existing conventions, and rights related to the unique experiences of older age are not protected by existing conventions, even when older people hold other protected identities. Such context makes a future UN Convention on the Rights of Older Persons a much-needed tool.

5.3 First round of small group work

After Adam's presentation, participants moved into small groups to analyse selected case labs.

The first round of group work focused mainly on strategic case analysis. Participants were asked to identify the structural issue behind the situation, consider what could potentially be challenged and reflect on whether the case could have broader strategic value.

The discussion helped participants move from describing the facts of a case to identifying patterns such as age-based exclusion, procedural barriers, digital exclusion or lack of effective safeguards. The discussion included the role of public petition that can always be explored in parallel with or in advance of strategic litigation.

This part of the session showed the value of working with realistic situations. It allowed participants to connect the abstract idea of strategic litigation with practical examples that may resemble challenges found in their own national contexts.

5.4 Contribution by Sotiris Pafitis

The second expert contribution was delivered by Sotiris Pafitis.

This part of the session provided additional reflections and practical examples relevant to strategic litigation. It helped broaden the discussion and supported participants in considering different ways in which litigation, legal advocacy and strategic action can be developed.

The contribution also served as a bridge towards the second round of group work, which focused more specifically on legal framing, strategic choices and risks.

5.5 Second round of small group work

The second round of small group work invited participants to go deeper into the strategic assessment of cases.

The focus was not only on identifying the problem, but also on considering possible legal approaches, risks, feasibility and strategic value. Strategic litigation is considered as a means towards a goal, which can be reached also via media pressure or lobbying. Participants were encouraged to reflect on whether litigation would be the most appropriate tool, or whether other strategies such as advocacy, complaints, evidence gathering, communication or coalition-building might be needed before or alongside litigation.

This discussion was particularly important because it helped underline that strategic litigation is not an automatic response to every rights issue. It requires careful assessment of legal opportunities, risks for the person concerned,

organisational capacity, timing and potential impact. Beyond looking at the victim(s), strategic litigation also requires to analyse the family dynamics and expectations, for instance considering whether children would take over when parents are older. Victims sometimes don't complain because they are afraid of repercussions, they don't want to get into court against their children or are afraid to be abandoned.

6. Main learning points

Several key learning points emerged from the workshop.

First, the session reinforced the importance of distinguishing between an individual problem and a structural issue. A situation may affect one person directly but still reveal a broader pattern that affects many others.

Second, participants practised identifying what could be challenged. This included not only formal decisions, but also practices, omissions, procedural barriers and system design failures.

Third, the workshop showed that legal framing is a strategic choice. The most obvious argument is not always the only or strongest one. In some cases, it may be useful to combine equality, consumer protection, access to justice, accessibility or victims' rights frameworks.

Fourth, participants reflected on the limits of litigation. Some situations may be legally difficult to challenge or may involve risks that make litigation inappropriate at a particular moment. Other cases can be time-sensitive and strategic litigation may not be the best choice. In these cases, advocacy, documentation, complaints or coalition-building may be necessary first steps.

Fifth, the peer learning format allowed participants to compare perspectives and recognise that similar structural problems may require different strategies depending on the national context.

7. Facilitator observations

From a facilitation perspective, the case lab methodology worked well as a practical bridge between theory and application.

The use of realistic cases helped make the discussion more concrete and accessible. It also encouraged participants to engage with strategic litigation as a reasoning process, rather than as a purely technical legal exercise.

The small group format was useful because it created more space for participation. It allowed participants to discuss doubts, test ideas and compare approaches in a less formal setting before returning to plenary.

At the same time, the session confirmed that clear instructions are essential. Strategic litigation involves several layers of analysis, and participants benefit from simple guiding questions that help them move step by step from the facts to the structural issue, then to the legal approach and finally to the strategic assessment.

Time management was also an important factor. The group discussions showed that case analysis requires time, especially when participants are asked to consider not only legal arguments, but also risks, feasibility, organisational capacity and potential impact.

8. Challenges identified

The session also highlighted some challenges.

First, strategic litigation remains a complex topic, particularly for participants who do not have a legal background. This confirms the importance of using plain language, concrete examples and structured templates.

Second, the time available for group work was limited in relation to the depth of the questions discussed. Participants may need more time in future sessions to fully explore the legal framing and strategic value of each case.

Third, the diversity of national contexts means that not all approaches are directly transferable. However, this diversity is also one of the strengths of the peer learning format, as it allows participants to compare barriers and opportunities across countries.

Finally, some cases showed that not every structural injustice can immediately become a litigation case. This is an important learning outcome in itself, as it helps participants understand the need to assess litigation alongside other strategies.

9. Relevance for the WP2 learning pathway

The peer learning workshop played an important role in the overall WP2 learning pathway.

The first training session introduced participants to the logic and structure of strategic litigation. The peer learning workshop then allowed participants to apply that logic to practical situations through case-based analysis. The third and closing session on the EU Charter built on this work by focusing more specifically on legal activation, EU law links and Charter-based arguments.

In this sense, the peer learning workshop helped prepare participants for the third session by strengthening their ability to:

- identify structural problems;

- define what could be challenged;
- recognise possible legal hooks;
- assess strategic value;
- and reflect on risks and feasibility.

The workshop therefore contributed to the gradual progression from understanding strategic litigation to applying it in practice and preparing for more developed legal reasoning.

10. Conclusions and next steps

The Peer Learning Workshop successfully contributed to the practical application of the StratAGEic WP2 methodology.

The case lab approach proved useful for helping participants move from concrete situations to broader strategic analysis. It supported discussion on structural problems affecting older persons, possible legal approaches, risks and the role of litigation within wider strategies for change.

The session also confirmed the value of peer learning as a method for building confidence and analytical capacity. By working in small groups, participants were able to engage actively with the material and reflect on how similar issues may appear in their own national contexts.

As next steps, it is recommended to:

- continue using practical scenarios in the third training session;
- connect the case labs more explicitly with the EU Charter and EU law;
- maintain the use of guiding questions to support participants without advanced legal knowledge;
- allow sufficient time for group discussion and feedback;
- and continue linking litigation with advocacy, communication, evidence gathering and coalition-building.

The lessons from this workshop supported the final WP2 training session on the EU Charter of Fundamental Rights and contribute to the transition towards WP3, where partners will further explore possible litigation strategies in their national contexts.

Annexes

The following documents are connected to this session and may be kept as supporting materials:

- Session agenda;
- Presentation and Case Labs' materials
- Participants' evaluation form results and analysis

Annex I – Session’s agenda

Time	Session
9:30 – 9:45	Introduction to the case lab methodology Adela Santos Lavigne, ENIL
9:45 – 10:15	Presentation of practical cases / experiences Adam Ploszka, European University Institute (Florence), University of Warsaw and Amnesty International
10:15 – 11:00	Small group work: strategic case analysis
11:00 – 11:15	Break
11:15 – 11:45	Presentation of additional case / experience Sotiris Paphitis, University of Tilburg
11:45 – 12:30	Group work: legal framing, strategic choices and risks
12:30 – 12:50	Collective reflections and comparison of approaches
12:50 – 13:00	Closing and introduction to Session 3 Adela Santos Lavigne, ENIL

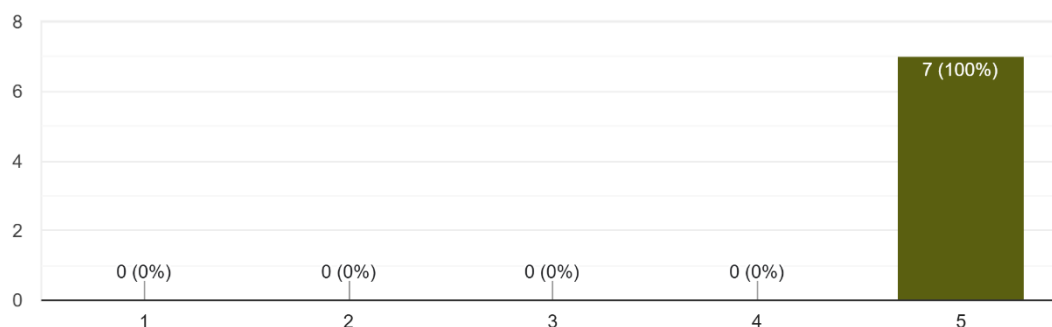
Annex II – Presentation and group work’s materials

<https://www.age-platform.eu/stratageic-useful-training-materials-to-protect-our-rights-when-ageing/>

Annex III – Participants' evaluation form results and analysis

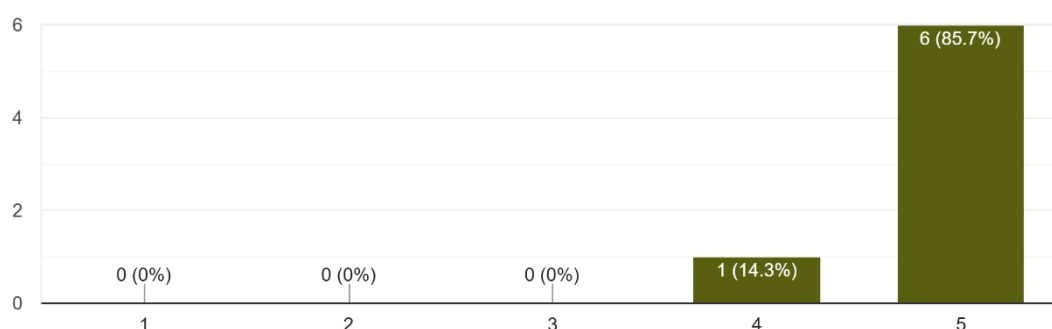
How satisfied were you with the event?

7 responses



How relevant and helpful do you think it for you?

7 responses



What were your key take aways from this event?

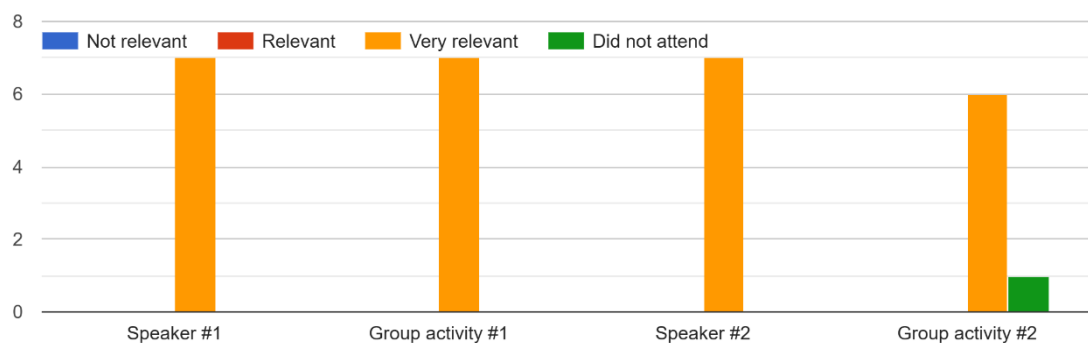
3 responses

greater understanding of ways to tackle violations of older people's rights

Raise awareness and give alternatives

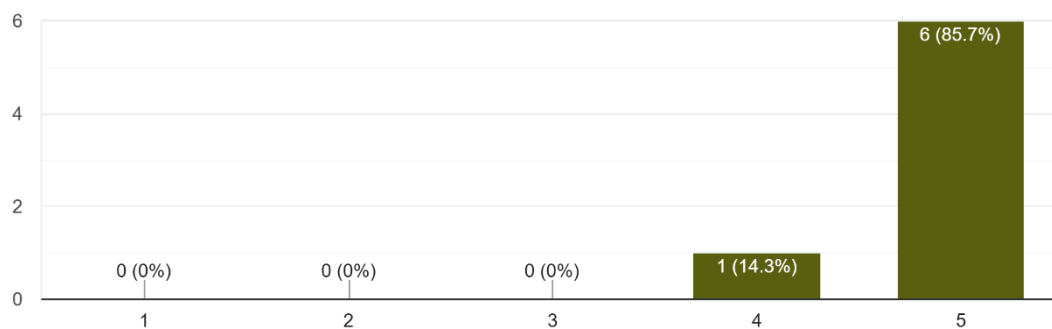
The potencial of stretategic litigation.

Which sessions did you find most relevant?



How satisfied were you with the session content?

7 responses



Any feedback on logistics?

3 responses

impeccable

very good

No.

Any additional comments regarding the sessions or overall agenda?

2 responses

Very good overall

No

Any overall feedback for the event?

2 responses

Inspiring! To make some collaborations in a European level

this thematic is very important

For more information, please contact adela.santos-lavigne@enil.eu and ilenia.gheno@age-platform.eu.
