

StratAGEic Training Report – Session 1

Understanding and Structuring Strategic Litigation

Online, 16 June 2026 – 9:30-13:00CEST

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Introduction

The first session of the StratAGEic training pathway, titled “**Understanding and Structuring Strategic Litigation**”, took place online on 16 June 2026 from 9:30 to 13:00 CEST and was attended by 42 participants from various countries. The majority of participants were older persons with no legal background.

The session formed part of Work Package 2 of the StratAGEic project, which aims to strengthen knowledge, capacity and practical understanding of strategic litigation in relation to ageism, older people’s rights, and the EU Charter of Fundamental Rights.

This first training was designed as the opening step of a three-session learning pathway. Its purpose was to provide participants with a common foundation on strategic litigation before moving, in later sessions, towards peer learning, case analysis, legal framing, and the activation of the EU Charter in strategic litigation.

The session introduced strategic litigation not only as a legal tool, but as part of a wider process for social, legal and policy change. Attention was given to how individual cases can reveal structural injustice, how ageism may be embedded in laws, policies and practices, and how litigation can contribute to broader advocacy goals when it is grounded in the lived experience and authentic voice of older people.

The session brought together participants from different backgrounds, including civil society organisations, advocates, legal professionals, researchers and project partners. The diversity of participants was considered an important element of the learning process, as strategic litigation requires not only legal expertise, but also lived experience, community knowledge, advocacy capacity and long-term cooperation.

Structure and format

The training lasted three and a half hours and followed a progressive format combining expert input, moderation, reflection and group work.

The session was structured as follows:

- Welcome and introduction to the WP2 learning pathway
Adela Santos Lavigne, ENIL (European Network for Independent Living)
- What makes litigation “strategic” for older people’s rights?
Prof. Israel “Issi” Doron, University of Haifa
- Introduction to strategic litigation
Ann Campbell, Human Rights Lawyer
- Practical reflections from speakers
Moderated by Adela Santos Lavigne, ENIL
- Group exercise: identifying structural dimensions and strategic opportunities
- Collective discussion and reflections

- Closing and introduction to Session 2
Adela Santos Lavigne, ENIL

The design of the session intentionally moved from conceptual reflection to practical application. The first part introduced strategic litigation in the context of older people's rights and ageism. The second part translated these concepts into a practical framework for analysing potential strategic cases. The final part invited participants to apply the framework through group discussion.

Accessibility and participation were considered throughout the session. Participants were invited to contribute orally, in the chat, or through listening and reflection. The session was framed as a learning space where participants did not need previous litigation experience to engage meaningfully.

Key learnings and insights

a) Understanding strategic litigation

The session opened with an introduction to the concept of strategic litigation. Sometimes also called impact litigation, it involves selecting and bringing a case to the courtroom with the goal of creating broader changes in society. Strategic litigation aims to bring about broad societal changes beyond the scope of the individual case at hand. It aims to use legal means to tackle injustices that have not been adequately addressed in law or politics.

The session emphasised that strategic litigation should not be understood only as "winning a case". While individual cases matter deeply, strategic litigation asks a broader question: whether a case can reveal a structural problem, contribute to legal or policy change, and support other people facing similar barriers.

This framing is especially relevant in the context of ageism. During the session, ageism was presented not only as individual prejudice, but as a structural phenomenon that may be embedded in legal rules, administrative practices, services, funding decisions and social assumptions about older people's lives, capacities, autonomy and participation.

The opening also stressed that strategic litigation is rarely only a legal exercise. It requires evidence, timing, communication, alliances, advocacy, risk assessment, and meaningful involvement of the people directly affected.

b) What makes litigation strategic for older people's rights?

Prof. Israel "Issi" Doron provided the first expert contribution through a recorded presentation. His intervention introduced strategic litigation from the perspective of law, ageing and the human rights of older people.

He opened with the Weinberger case, a case from Israel concerning mandatory retirement. The case involved Libby Weinberger, an older woman employed by Bar-Ilan University who wished to continue working after reaching the mandatory retirement age of 67. Prof. Doron explained that, under Israeli law, employers could legally terminate employment based on chronological age. However, the case raised a broader question:

whether a person could be excluded from work solely because of age, without consideration of their wishes, abilities, contribution, experience or circumstances.

The case was brought by the NGO “The Law in the Service of the Elderly”, founded by Prof. Doron and colleagues to provide legal representation in strategic litigation concerning the human rights of older people. The legal arguments were based on constitutional and anti-discrimination principles, including human dignity, freedom of occupation and prohibition of discrimination in employment.

Although the case did not abolish mandatory retirement as such, it produced an important precedent. The court held that employers could not automatically dismiss older workers who expressed a wish to continue working without first carrying out an individual hearing and considering their personal circumstances. This outcome had impact beyond the individual applicant. It changed retirement processes in Israel and influenced the wider legal understanding of age discrimination.

The Weinberger case illustrated several key elements of strategic litigation:

- an individual harm affecting a real person;
- a wider structural issue concerning age-based exclusion;
- a human rights question linked to dignity, equality, autonomy and participation;
- a legal argument capable of influencing wider practice;
- and an outcome with impact beyond the individual applicant.

Prof. Doron then situated the case within the broader invisibility of older people in law and human rights. He noted that law and ageing have historically been marginal in legal education and legal practice, and that older people have often been absent from traditional human rights instruments and debates.

A central concept in his presentation was ageism. He described ageism as a social phenomenon involving stereotypes, stigma, prejudice and discrimination based on chronological age. He also highlighted the problem of self-ageism, where older people may internalise negative assumptions and may not always feel empowered to challenge discriminatory treatment.

This led to one of the central messages of the presentation: strategic litigation is needed because it can help challenge ageism and contribute to wider social change. Prof. Doron compared this potential with the history of strategic litigation by women’s rights movements, racial justice movements and LGBTQIA+ movements, which have used litigation to reshape social and legal landscapes.

He also emphasised that, in the field of older people’s rights, there remains a major untapped potential for strategic litigation in Europe. He referred to different possible legal avenues, including the European Social Charter, the European Convention on Human Rights and the EU Charter of Fundamental Rights.

Another important message was the need to involve older people themselves. Prof. Doron stressed that strategic litigation cannot be developed without the authentic voice of older people. Civil society organisations have a crucial role in connecting lived experience, legal expertise, advocacy and broader social change.

The presentation closed with a second example concerning a 74-year-old volunteer who was excluded from community police volunteering because of his age. Prof. Doron left participants with an open question: whether the case was won. This invited participants to reflect on what “winning” means in strategic litigation, and whether a case may still have symbolic, educational or social impact even when the formal legal outcome is uncertain or incomplete.

c) Introduction to strategic litigation

Ann Campbell, human rights lawyer, personal coach and trauma specialist, delivered the second expert contribution. Her session provided a practical introduction to strategic litigation, drawing on her extensive experience in advocacy and litigation before European and international human rights mechanisms.

Her presentation moved from conceptual definitions to practical case planning. She began by distinguishing between litigation, strategic litigation and strategic change. Litigation was explained as asking a court to remedy an injustice where someone has been harmed or treated unfairly. Strategic litigation was presented as the deliberate use of litigation to change a law, policy or practice that harms many people. Strategic change was framed as the moment when a court case becomes part of a broader initiative for change.

Ann Campbell emphasised that strategic litigation works best when it forms part of a wider strategy. Litigation should be connected to evidence, advocacy, media work, legal action, policy reform and implementation. A central strategic question was: what needs to change, who has the power to change it, and how can litigation add pressure?

To illustrate this, she presented the example of *Validity v Czech Republic*, concerning the use of netted cage beds in psychiatric hospitals, including against women and older people with dementia. The case showed how litigation can be used as pressure within a wider advocacy initiative. Even though the formal legal outcome was not a traditional “win”, the case contributed to the amendment of the law and helped create a strong precedent against the use of cage beds.

This example reinforced one of the key lessons of the session: the success of strategic litigation should not be assessed only by the formal result before a court, but by the change achieved.

Ann then introduced a practical framework of eight steps for strategic litigation:

1. Clarify the problem
2. Gather support
3. Assess risk
4. Plan client supports
5. Develop the case plan
6. Collect evidence
7. Conduct litigation

8. Implementation

The main focus of her presentation was on the first five steps.

Under Step 1, “**Clarify the problem**”, she explained the importance of moving from the individual harm to the root cause and strategic objective. This involves asking what exactly is happening, which rights are involved, who is affected, and what needs to change. The problem may relate to law, policy, practice or social perception.

The case of TJ v Hungary was used as a practical example. The case involved the death of a woman with disabilities in an institution and raised issues linked to legal capacity, guardianship, institutionalisation, lack of community-based services, ill-treatment, deaths in institutions, lack of investigation and impunity. Ann explained that some strategic objectives could be pursued through litigation, while others required advocacy, research, awareness-raising and other strategies.

Under Step 2, “**Gather the right support**”, Ann stressed that strategic litigation is rarely a solo effort. It requires legal expertise, issue expertise, evidence expertise, advocacy and media capacity, as well as sustainable support. This includes funding, staff capacity, emotional support, boundaries and debriefing.

Under Step 3, “**Develop the case plan**”, she explained that legal choices must serve the strategic goal. Strategic planning includes deciding where to start, considering the need to exhaust domestic remedies, thinking ahead to international or European mechanisms, matching remedies to the desired change, and checking procedural requirements such as standing, evidence, testimony, interim measures and admissibility.

The presentation also compared different legal routes, including United Nations’ Treaty Bodies, the European Court of Human Rights and the Court of Justice of the European Union. Ann explained that the “best” forum depends on the strategy, the remedies sought, the evidence available, the risks, and the public narrative.

Under Step 4, “**Assess risk**”, she highlighted that risks are part of the strategy and should not be treated as an afterthought. Client-related risks may include fatigue, withdrawal, reprisal, intimidation or changes in circumstances. Strategic risks may include resource constraints, staff changes, conflict with other movements, political changes or non-compliance. Legal risks may include bad precedent, procedural dismissal, adverse costs and jurisdiction issues.

Under Step 5, “**Plan client supports**”, Ann invited participants to begin by asking what might prevent the person from participating effectively. Supports may include reasonable or procedural accommodations, travel and communication support, referrals to therapy, healthcare, legal aid or safe accommodation, and clear boundaries about what the legal team can and cannot provide.

The final part of the presentation briefly addressed steps 6 to 8: collecting evidence, conducting litigation and implementation. Ann stressed that the strategy must remain alive after the case is filed and after a judgment is delivered. Evidence, advocacy, communication, follow-up action and implementation monitoring are all essential parts of strategic litigation.

d) Practical reflections

Following the two expert contributions, Adela Santos Lavigne moderated a short reflection connecting Prof. Doron's presentation on older people's rights and ageism with Ann Campbell's practical framework for strategic litigation.

The moderation focused on three central questions:

- how to distinguish between an individual injustice and a structural problem;
- how to decide whether litigation is the right tool within a wider strategy;
- and how to ensure that strategic litigation is developed with older people, rather than about them.

The discussion reinforced the idea that a case may have strategic potential when the individual harm is not accidental, but reflects a wider rule, policy, practice or assumption. In the context of older people's rights, this is particularly important because ageism is often normalised and may appear as protection, efficiency, care or administrative convenience.

The reflection also connected strongly with ENIL's rights-based approach. Strategic litigation should not replace the voice of affected people or communities. Instead, it should support their priorities, strengthen their claims, and contribute to structural change.

e) Group exercise: identifying structural dimensions and strategic opportunities

After the break, participants were invited to apply the strategic litigation framework in small groups.

The exercise was designed to help participants practise the first step of strategic thinking: looking at a situation and asking whether it reflects a broader structural problem.

Participants were offered two options:

- Option A: to use a law, policy or practice from their own context that they might want to change;
- Option B: to use a prepared fallback scenario on digital exclusion in public transport.

The fallback scenario concerned a rural bus service that had stopped selling tickets on the bus or at the station. Tickets could only be bought through a smartphone app after scanning a QR code. The scenario included several barriers: the app did not support screen readers, the instructions were complex, the font was very small, and there was no phone support or human assistance. The practical impact included difficulties reaching grocery shops, attending medical appointments, maintaining social participation and preserving independence.

Participants were asked to consider the following guiding questions:

- What law, policy or practice would you like to change?
- What rights are engaged?
- How many people might be affected?
- Do you know people who might be willing to take a case?
- What expertise and resources would be needed?
- What change or remedy would be needed from the court?
- What risks or challenges can be identified?

The aim was not to produce a perfect legal strategy, but to practise strategic thinking. Participants were encouraged to identify three key points: the strategic problem, the change sought, and the risks or supports that would matter most.

The exercise also invited participants to apply Prof. Doron's message about the authentic voice of older people. Groups were encouraged to ask whether older people were merely affected by the problem, or whether they were also shaping the response.

4. Participation and engagement

The structure of the session supported different forms of engagement. Participants were able to follow expert presentations, contribute through reflections, and take part in small-group work. The group exercise allowed participants to move from theory to practice and to test how strategic litigation analysis can be applied to real or hypothetical situations.

The session also fostered cross-sector learning. Legal and non-legal participants were encouraged to work together, recognising that strategic litigation requires different forms of knowledge: legal expertise, lived experience, advocacy, evidence, communication and implementation capacity.

The discussion highlighted the need to make strategic litigation accessible to organisations and advocates who may not have previous litigation experience. By using practical examples and guiding questions, the session helped demystify strategic litigation and present it as a structured but collaborative process.

5. Key outcomes

The session achieved several important outcomes.

1. It established a shared understanding of strategic litigation as a tool for legal and social change, rather than as a narrow court-based process.
2. It connected strategic litigation to the specific context of older people's rights and ageism. Participants were invited to consider how ageism may be embedded in laws, policies, practices and assumptions that are often treated as normal or inevitable.
3. It introduced the importance of identifying structural dimensions behind individual cases. The practical examples showed how individual harm can reveal wider patterns of discrimination, exclusion or institutional failure.

4. The session emphasised that strategic litigation must be part of a wider strategy. Litigation also requires evidence, advocacy, media, coalition-building, policy reform and implementation.
5. The session highlighted the importance of risk assessment and client support. Strategic litigation should be carefully planned, with attention to the person affected, the family, their will and preferences, possible reprisals, emotional sustainability, adverse costs, bad precedent and implementation challenges.

Finally, the session reinforced that strategic litigation must involve the authentic voice of older people. Civil society organisations can play an important role in connecting lived experience with legal expertise and advocacy strategies, but litigation should not be developed without the people whose rights are at stake.

6. Conclusion and next steps

The first StratAGEic training session provided a strong foundation for the project's learning pathway on strategic litigation, ageism and the EU Charter of Fundamental Rights.

The session showed that strategic litigation begins with a concrete injustice, but becomes strategic when it reveals a broader structural problem and is connected to a wider objective for change. In the context of older people's rights, this requires particular attention to ageism, invisibility, autonomy, dignity, equality and participation.

Prof. Doron's contribution helped participants understand the specific importance of strategic litigation for older people's rights. His examples demonstrated how litigation can challenge age-based exclusion, make invisible rights issues visible, and create legal and social impact beyond the individual case.

Ann Campbell's contribution translated these ideas into a practical framework. Her presentation showed that strategic litigation requires careful problem definition, support-building, risk assessment, client support, case planning, evidence collection, litigation and implementation.

The group exercise allowed participants to begin applying this framework to their own contexts and to a prepared scenario on digital exclusion. This helped connect the theoretical and practical dimensions of the session.

The following session of the StratAGEic learning pathway built on this foundation by moving further into peer learning and case analysis.

7. List of annexes

The following annexes may be added once available:

- Final agenda
- Presentations
- Group exercise materials
- Evaluation results

Annex I – Agenda

Time	Session
9:30 – 9:45	Welcome and introduction to WP2 learning pathway Adela Santos Lavigne, ENIL – European Network for Independent Living
9:45 – 10:15	What makes litigation “strategic” for older people’s Rights? Issi Doron, Exeter University (video)
10:15 – 10:45	Introduction to strategic litigation Ann Campbell, Validity Foundation
10:45 – 11:00	Practical reflections from speakers Moderated by Adela Santos Lavigne, ENIL
11:00 – 11:15	Break
11:15 – 12:15	Group exercise: identifying structural dimensions and strategic opportunities
12:15 – 12:45	Collective discussion and reflections
12:45 – 13:00	Closing and introduction to Session 2 Adela Santos Lavigne, ENIL

Annex II – Presentations

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

Annex III - Group exercise materials

Break out room

- What law, policy or practice you would like to change with strategic litigation?
- What rights are engaged by this issue?
- How many people do you estimate might be affected by this problem? Do you have contact with any of them who might be willing to take a case?
- What expertise and resources would you need to bring this issue to court?
- What specific change or remedies would you need from the court?
- What risks or challenges do you see in litigating this issue?

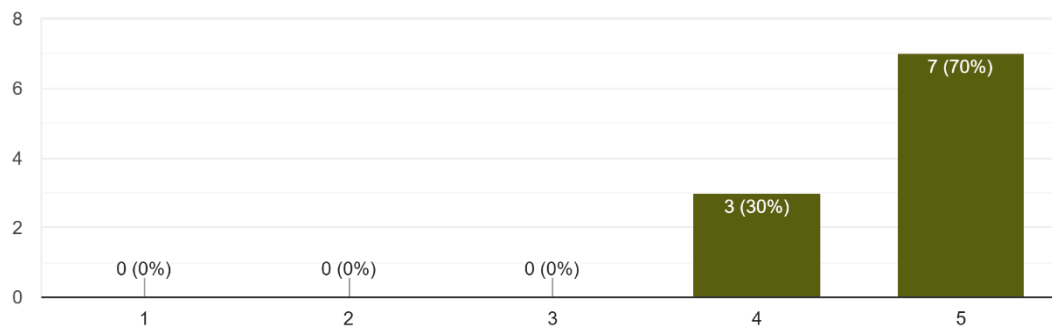
For those who do not have a particular law, policy or practice in mind, they can use the following scenario.

You live ten kilometres from the nearest town. A regular bus service runs past your house to the town centre and is your only way to get groceries, to the doctors or to socialise. Last month, the bus service stopped selling tickets on the bus or at the station. Instead, passengers must download the bus company's app on a smartphone and purchase tickets online in advance. In order to find the app, you need to scan a QR code on the side of the bus. The app does not support screen readers, the instructions on how to buy tickets are complicated and difficult to understand, and the font on the app is very small. The only customer support available is a drop-down menu of FAQs which are not helpful. There is no phone number to call and no way to speak to a person for assistance.

Annex V - Evaluation

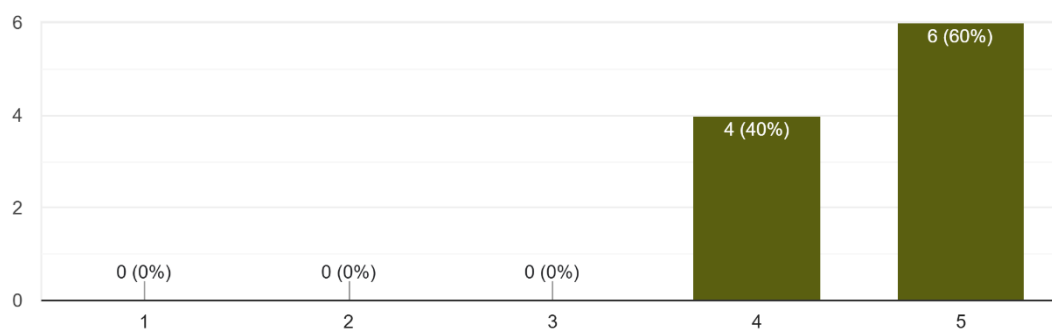
How satisfied were you with the event?

10 responses



How relevant and helpful do you think it for you?

10 responses



What were your key take aways from this event?

7 responses

A guide outlining the steps in going through the process of handling a litigation process

I learned that strategic litigation is a powerful tool for creating social, legal, and policy change. Today's training gave me a good overview of its challenges and risks, and I look forward to learning more in the next sessions.

Sharing knowledge and experiences helps solve problems, fosters mutual learning, strengthens organizations and people, and builds relationships.

Unfortunately I attended too late, so I can't really answer to this question.

That there are many aspects and steps to consider for strategic litigation, such as making sure to detect first the need and the rights to be addressed, be aware of the target group, of the resources and the expertise one needs, and most importantly a well put argument and aim/result to expect.

The real cases that we discussed on

The relevance of right support in strategic litigation.

Any feedback on logistics?

6 responses

NOTHING

The logistics were excellent and supported an effective learning environment.

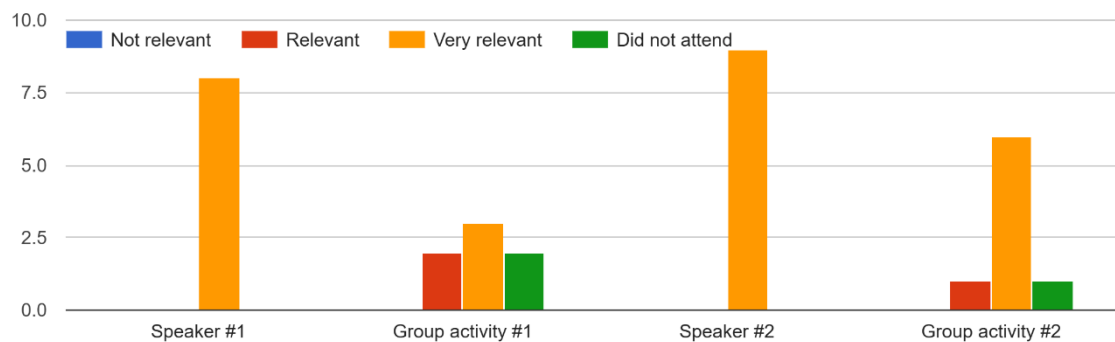
Ok.

No problems with logistics.

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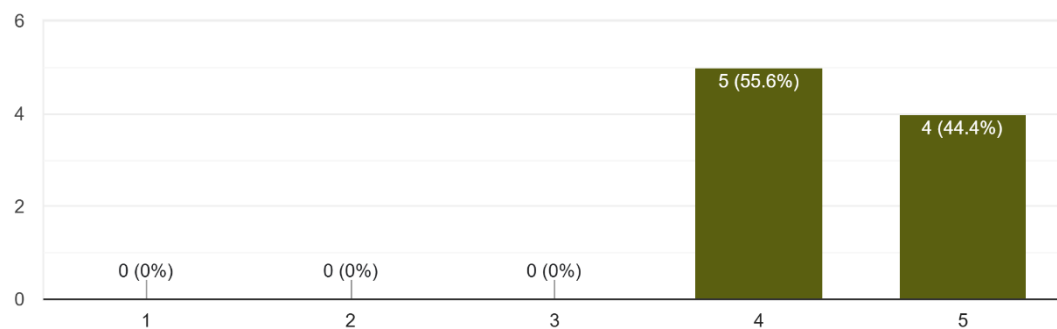
None

Which sessions did you find most relevant?



How satisfied were you with the session content?

9 responses



Any additional comments regarding the sessions or overall agenda?

5 responses

NOTHING

Quite often the terminology was rather technical and not everyone was a lawyer

The agenda and knowledge-sharing methodology were very well suited for participants who are new to the subject

To present ourselves as participants also for further connections and collaborations

We could discuss more cases before ECHR and other courts

Any overall feedback for the event?

4 responses

GREAT MEETING

It was informative, well organized, and very suitable for an introductory session

thank you!

The subject of the event is more than necessary.

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