

CURRICULUM


for introductory training
on Union law: Under-
standing of European
Union law in the Protec-
tion of Human Rights

1

Translation for Croatian to English language of the original document: Kurikulum za uvodni trening o pravu Unije: **Razumijevanje i djelovanje prava Europske unije u zaštiti ljudskih prava**, available here: [link](#)

CURRICULUM FOR INTRODUCTORY TRAINING ON UNION LAW: UNDERSTANDING OF EUROPEAN UNION LAW IN THE PROTECTION OF HUMAN RIGHTS

prof. Iris Goldner Lang
assistant Luka Petrović

 CENTRE FOR PEACE STUDIES	 EUROPEAN UNION	 Zelena akcija	 EUROPEAN UNION	 REPUBLIKA HRVATSKA Pučka pravobraniteljica
 Co-funded by the European Union	Co-funded by the European Union. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or European Education and Culture Executive Agency. Neither the European Union nor the granting authority can be held responsible for them.			
 VLADA REPUBLIKE HRVATSKE Ured za udruge	Projekt sufinancira Ured za udruge Vlade Republike Hrvatske. Stajališta izražena u ovoj publikaciji isključiva su odgovornost Kuće ljudskih prava Zagreb i ne odražavaju nužno stajalište Ureda za udruge Vlade Republike Hrvatske.			

ABOUT THE SURE PROJECT

SURE project includes specialised training sessions in Croatia to equip legal practitioners and other professionals with the necessary skills and knowledge to engage in strategic litigation and leverage EU law and the EU Charter to influence national legislation and drive social change. These sessions aim to deepen practitioners' understanding of specific areas of EU law and the EU Charter, focusing on how these tools can strengthen fundamental rights, democracy, and the rule of law. Currently, only some legal professionals focus on these vital areas. Therefore, our target group comprises legal professionals and practitioners actively involved in civil society, ombuds institutions, government bodies, and law firms working on these issues. These groups require a comprehensive approach to mastering the principles and scope of EU law, particularly in asylum rights, non-discrimination, environmental protection, freedom of expression, and civil society. Intensive, in-depth training will create a new generation of professionals equipped to engage in litigation that ensures access to justice and fosters the coherent application of EU law.

OBJECTIVES OF THE TRAINING SESSIONS

Enhance the knowledge and awareness of legal professionals and practitioners in civil society organisations (csos), Ombuds institutions, state authorities, and law firms in Croatia on key aspects of EU law, particularly the EU Charter of Fundamental Rights and the available remedies and redress mechanisms for addressing critical issues related to democracy, the rule of law, and fundamental rights.

Strengthen participants' capacity to develop and implement effective litigation strategies, including how to communicate and advocate for these strategies, with the goal of bringing strategic litigation cases before national courts and the European Court of Justice (ECJ).

Promote cross-border knowledge sharing and collaboration between csos, Ombuds institutions, state authorities, and law firms in Croatia and their counterparts across other EU member states, facilitating cooperation on litigation and advocacy efforts related to EU Charter issues.

Increase legal protections for public participation by equipping legal practitioners with the tools to safeguard journalists and human rights defenders from strategic lawsuits against public participation (SLAPPS) and other forms of abusive legal action while promoting the strategic use of EU law to protect freedom of expression and fundamental rights.

INTRODUCTION

The aim of this workshop is to gain basic knowledge and understanding of the functioning and characteristics of European Union law, to learn and recognize the difference between the sources of EU law with regard to their effects, and to distinguish these sources from sources of national and international law. Concrete examples in specific areas will be examined, in order to achieve understanding of the tasks and powers of different EU institutions. Special emphasis will be placed on the Court of Justice of the European Union and the proceedings before the Court and its role in the constitutionalization and development of EU law. The principles of conferral, proportionality and subsidiarity will be discussed, as well as why is the European Union a sui generis entity, which has limited powers. The concept of the 'new legal order of European law' will be discussed through an analysis of the judgment of the Court of Justice of the EU in the Van Gend en Loos case in order to deepen the understanding of what are the main characteristics of the EU legal order, and what distinguishes it from the legal orders of the Member States on the one hand, and the legal order of international law on the other.

Participants will also, through the analysis of the case law of the Court of Justice of the EU, gain knowledge and understanding of the principle of 'direct effect' of EU law, and will learn to determine which legal sources of European Union law, and under what circumstances, can create subjective rights that national courts are obliged to protect. Participants will also acquire the ability to distin-

guish between the vertical and horizontal effect of the Treaties and secondary legal sources, understand the importance of this distinction, and develop the skill of applying the criteria to concrete situations and examples.

In addition, by analysing the case law of the Court of Justice of the EU, an understanding of the principle of 'superiority' of EU law over the law of the Member States will be gained, as well as understanding how the supremacy of EU law over national law affects the work of national courts and other bodies, and how it affects the national structure and hierarchy of legal sources. Great attention will be paid to the distinction between regulations and directives and the obligations of Member States arising from these legal acts of the European Union. Also, by analysing the relevant case law of the Court of Justice of the EU, the State's liability for damage in the event of a breach of EU law will be addressed.

Special attention will be paid to the protection of fundamental rights in the context of EU law, the evolution of their protection, and the rules and specificities of the Charter of Fundamental Rights of the European Union and the obligations it creates for the Member States and the institutions of the European Union. In this context, a number of relevant judgments of the Court of Justice of the EU will be discussed, which demonstrate the legal force and effects of the Charter, as well as the relationship between the Charter and the European Convention on Human Rights.

PARTICIPANTS

Attendees

The participants are legal experts and practitioners from civil society, ombudsman institutions, and law firms, especially those working on issues related to asylum, environmental protection, anti-discrimination, civil society, and freedom of expression.

Trainers

The introductory training is led by Prof. Iris Goldner Lang and assistant Luka Petrović. Prof. Dr. Sc. Iris Goldner Lang is Jean Monnet Professor of European Union Law, Head of the Department of European Public Law, and Vice-Dean for International and Interinstitutional Cooperation and Quality Management at the Faculty of Law, University of Zagreb. She holds the UNESCO Chair in Free Movement of Persons, Migration, and Intercultural Dialogue and is the Academic Coordinator of the Jean Monnet Centre of Excellence EU's Global Leadership in the Rule of Law.

WORKING SPACE

A collection of white dotted geometric shapes, including circles and squares, scattered across the bottom left of the yellow background.

The training is held in a space that encourages learning, with a flexible seating arrangement that supports group work and discussion. The tables were arranged in a U-shape to encourage interaction. All technical and logistical prerequisites, such as projectors and flipcharts, were provided to ensure that the working environment allows for a high level of participant engagement.

LEARNING METHODS

The training uses a variety of learning methods including theoretical overviews, case studies, practical exercises and experience sharing, to meet different learning styles and enhance understanding.

Some of the approaches used are

- theoretical overviews
- PPT presentations (lecture aspect)
- applicable legal framework
- case studies
- discussion
- practical exercises

THEMES AND LEARNING OUTCOMES

EU institutions

- The structure of the EU and the historical reasons for its current structure
- The organisation of the EU institutions and their roles and mutual relations

Learning outcomes: to discuss the reasons for European integration, to become familiar with the most important developments; to understand the reasons for the current constitutional structure of the EU; to understand the current institutional organisation at EU level.

Court of the EU and national courts as EU courts

- Court of the EU: organization and competences
- Methodology of EU law (how to find and how to read judgments of the Court of Justice of the EU)
- The role of the EU Court in the institutional framework of the European Union
- Paths of legal protection available to legal entities within the framework of EU law
- National courts as EU courts

Learning outcomes: to understand the structure of the EU judicial system, which consists of the Court of Justice of the European Union and national courts; to understand the internal organisation of the Court of Justice of the European Union and discuss the current challenges; to understand the importance of courts in creating law; to understand the importance of the role of the Court of Justice of the

European Union in the EU constitutional order; to become familiar with the jurisdiction of the Court of Justice of the European Union; to understand the mechanism of cooperation between the Court of Justice of the European Union and national courts and understand its importance.

New legal order, direct effect, supremacy of EU law

- Differences between the 'new legal order' and the legal orders of the Member States on the one hand, and the legal order of international law on the other
- Working methods of the Court of Justice of the EU and the intellectual process that takes place in decision-making
- The role of the Court of Justice of the EU in the process of constitutionalisation of EU law
- Effects of EU law in national legal orders
- National perspective on the acceptance of the new legal order
- Differences in the understanding of the concept of supremacy of EU law over national law between the Court of Justice of the EU and national constitutional and supreme courts
- Powers and obligations arising for national courts from the concept of supremacy and direct effect

Learning outcomes: to understand how the EU legal order is constitutionalised; to discuss the consequences of direct effect for different stakeholders,

in particular EU citizens, Member States and their courts; to understand the initial problems of adapting to the primacy of EU law; to understand the importance of the doctrine of direct effect and understand the difference between vertical and horizontal direct effect.

Effects of EU law

- Systematization of sources of EU law (repetition)
- Effects of EU law — Founding Treaties
- EU legal acts — differences between regulations and directives
- Legislative and non-legislative acts, delegated and implementing acts

Learning outcomes: to understand the principles of conferral, subsidiarity and proportionality; to understand the division of powers between the EU and the Member States; to understand the concept of legal basis; to learn to systematise the sources of EU law; to discuss the changes in the sources of EU law based on the Treaties; to understand the relationship between the different sources of law and the adoption procedure.

Fundamental Rights on the EU

- Fundamental rights in the Member States
- General principles of EU law
- Evolution of human rights protection in the EU
- Purpose of human rights protection in the EU
- Relationship between EU law and the European

Convention on Human Rights

- Fundamental rights and supremacy of EU law
- The Charter of Fundamental Rights of the EU — scope and limits of application
- The impact of the Charter (and its interpretation by the Court of Justice of the EU) on the limits of EU competence on the one hand, and on the application of constitutional guarantees of human rights protection in the Member States
- Relationship between the Charter and the European Convention on Human Rights

Learning outcomes: to systematise the development of EU fundamental rights from their inclusion in EU law as general principles to the adoption of the legally binding Charter of Fundamental Rights; to understand the role of the Court of Justice of the EU in the development of fundamental rights protection; to discuss the tensions in the process of achieving EU membership of the European Convention on Human Rights.

Direct effect of directives

- Direct and indirect effect of directives
- Vertical and horizontal effect of directives
- Concept of emanation of the State

Learning outcomes: to analyze relevant case law on the effect of directives in national law, to understand the difference between the effect of directives and other EU legal sources, to understand the difference between vertical and horizontal effect and

the concept of state emanation, to systematize the necessary conditions for the direct effect of directives in national law.

The obligation to interpret national law in accordance with EU law

- The concept of interpretation in accordance with a directive and the obligations arising from that concept for national courts
- The difference between direct and interpretative effect
- The limits of harmonised interpretation
- The horizontal effect of directives in combination with fundamental law (e.g. the Küçükdeveci case)

Learning outcomes: to distinguish between direct effect and interpretative effect of EU law, to recognize the limits of harmonised interpretation of EU law, to understand the prerequisites for horizontal effect of directives in national law.

State liability for damage due to a breach of EU law

- State liability for damage due to a breach of EU law
- Justification of the Court of Justice of the EU for the possibility of compensation for damage against the state for a breach of EU law
- Conditions for the emergence of state liability for damage due to a breach of EU law

- The concept of 'serious breach of EU law'
- National procedural autonomy

Learning outcomes: to discuss the necessity and justification of the institute of state liability for damage, to systematize the conditions for the emergence of state liability for damage, to analyze relevant case law in the area of state liability for damage, to understand the limitation of national procedural autonomy in state liability for damage proceedings.

LITERATURE

1. Adams M and others (eds), Judging Europe's Judges: The Legitimacy of the Case Law of the European Court of Justice (Hart Publishing 2015)
2. Alter κJ, 'The European Court's Political Power Across Time and Space' (Northwestern Law & Econ Research Paper No 09-03, 2009)
3. Barnard C, The Substantive Law of the EU: The Four Freedoms (7th edn, Oxford university press 2022)
4. Barnard C and Peers S (eds), European Union Law (Fourth edition, Oxford University Press 2023)
5. Biondi A and Farley M, 'Damages In EU Law' in Robert Schütze and Takis Tridimas (eds), Oxford Principles Of European Union Law: The European Union Legal Order: Volume I (Oxford University Press 2018)
6. Claes M, The National Courts' Mandate in the European Constitution (Hart Pub 2006)
7. Craig P and Búrca G de, EU LawText, Cases, and Materials: Text, Cases, and Materials (9th edn, Oxford University Press 2024)
8. Craig P and De Búrca G, The Evolution of EU Law (3rd ed, Oxford university press 2021)
9. Dashwood A and others, Wyatt and Dashwood's European Union Law (6th edn, Hart Publishing 2011)
10. Hartley TC, The Foundations of European Union Law: An Introduction to the Constitutional and Administrative Law of the European Union (7th edn, Oxford Univ Press 2010)
11. Rosas A and Armati L, EU Constitutional Law:

An Introduction (3rd edn, Zed Books 2018)

12. Schütze R, An Introduction to European Law (3rd edn, Oxford University Press 2020)
13. Schütze R, From Dual to Cooperative Federalism: The Changing Structure of European Law (Oxford University Press 2009)
14. Weiler JHH, 'The Transformation of Europe' (1991) 100 The Yale Law Journal 2403

Case law

15. C-157/15 Achbita, ECLI:EU:C:2017:203
16. C-617/10 Akerberg Fransson, ECLI:EU:C:2013:105
17. C-176/12 AMS, ECLI:EU:C:2014:2
18. C-188/15 Bougnaoui, ECLI:EU:C:2017:204
19. C-46/93, C-48/93 Brasserie i Factortame, ECLI:EU:C:1996:79
20. C-319/96 Brinkman, ECLI:EU:C:1998:429
21. C-60/00 Carpenter, ECLI:EU:C:2002:397
22. C-6/64 Costa, ECLI:EU:C:1964:66
23. C-159/90 Društvo za zaštitu nerođene djece (SPUC) protiv Stephen Grogan i ostali, ECLI:EU:C:1991:378
24. C-91/92 Faccini Dori, ECLI:EU:C:1994:292
25. C-413/15 Farrel, ECLI:EU:C:2017:745
26. C-188/89 Foster, ECLI:EU:C:1990:313
27. C-6/90, C-9/90 Francovich i Bonifaci protiv Italije, ECLI:EU:C:1991:428
28. C-129/96 Inter Environnement Wallonie, ECLI:EU:C:1997:628
29. C-11/70 Internationale Handelsgesellschaft, ECLI:EU:C:1970:114

30. C-80/86 Kolpinghuis Nijmegen, ECLI:EU:C:1987:431
31. C-224/01 Köbler, ECLI:EU:C:2003:513
32. C-555/07 Küçükdeveci, ECLI:EU:C:2010:21
33. C-106/89 Marleasing, ECLI:EU:C:1990:395
34. C-152/84 Marshall, ECLI:EU:C:1986:84
35. C-399/11 Melloni, ECLI:EU:C:2013:107
36. T-192/16, T-193/16, T-257/16 NF, NG & NM protiv Europskog vijeća, ECLI:EU:T:2017:128
37. C-4/73 Nold, ECLI:EU:C:1974:51
38. C-237/94 O'Flynn Adjudication Office, ECLI:EU:C:1996:206
39. C-105/03 Pupino, ECLI:EU:C:2005:386
40. C-148/78 Ratti, ECLI:EU:C:1979:110
41. C-106/77 Simmenthal, ECLI:EU:C:1978:49
42. Solange I, BVerfGE 37, 271
43. Solange II, BVerfGE 73, 339
44. C-443/98 Unilever, ECLI:EU:C:2000:496
45. C-41/74 Van Duyn, ECLI:EU:C:1974:133
46. C-26/62 Van Gend en Loos, ECLI:EU:C:1963:1
47. C-438/05 Viking Line, ECLI:EU:C:2007:772
48. C-14/83 Von Colson i Kamann, ECLI:EU:C:1984:153
49. C-638/16 PPU X & X protiv Belgije, ECLI:EU:C:2017:173

PRILOG 1 Program treninga

Prvi dan

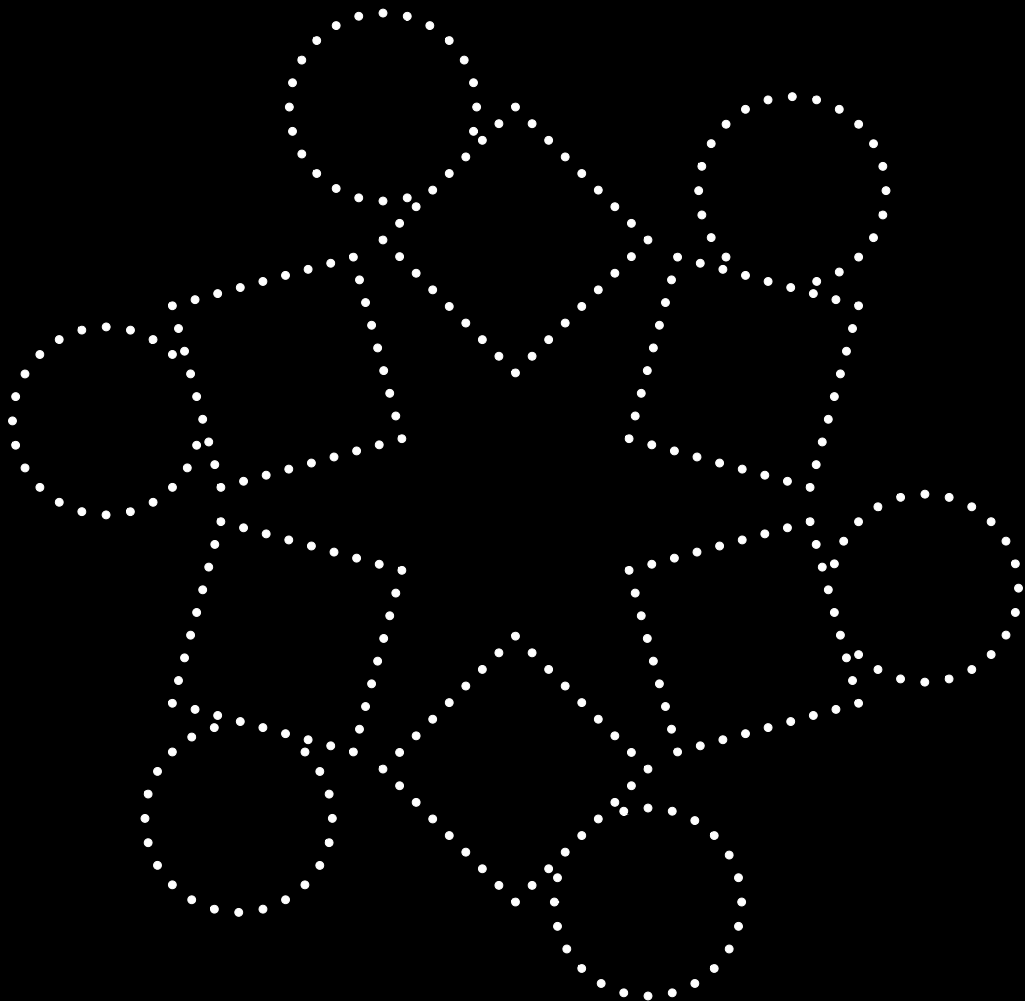
PREDAVAČICA: PROF. IRIS GOLDNER LANG

9:30 – 10:00	Dobrodošlica — ciljevi i agenda
10:00 – 11:30	Uloga institucija EU-a u provedbi i poštivanja prava EU-a
11:30 – 11:45	PAUZA
11:45 – 13:15	Vrste pravnih akata EU-a i njihovi učinci u nacionalnom pravu
13:15 – 14:00	RUČAK
14:00 – 15:30	Načela izravnog učinka i nadređenosti prava EU-a i uloga Povelje o temeljnim pravima

Drugi dan

PREDAVAČ: ASISTENT LUKA PETROVIĆ

9:30 – 10:00	Dobrodošlica nazad i rekapitulacija
10:00 – 11:30	Načelo izravnog učinka direktiva
10:30 – 11:45	PAUZA
11:45 – 13:15	Obveza usklađenog tumačenja nacionalnog prava s pravom EU-a
13:15 – 14:00	RUČAK
14:00 – 15:15	Odgovornost države za štetu zbog povrede prava EU-a
15:15 – 15:30	Zaključak i evaluacija



CURRIC ULUM

for the Training
on EU Anti-discrimi-
nation Law

2

CURRICULUM FOR THE TRAIN- ING ON EU AN- TI-DISCRIMINA- TION LAW



CENTRE
FOR PEACE
STUDIES



REPUBLIKA HRVATSKA
Pučka pravobraniteljica



Co-funded by the
European Union

Co-funded by the European Union. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or European Education and Culture Executive Agency. Neither the European Union nor the granting authority can be held responsible for them.



VLADA REPUBLIKE
HRVATSKE
Ured za udruge

Projekt sufinancira Ured za udruge Vlade Republike Hrvatske. Stajališta izražena u ovoj publikaciji isključiva su odgovornost Kuće ljudskih prava Zagreb i ne odražavaju nužno stajalište Ureda za udruge Vlade Republike Hrvatske.

ABOUT THE SURE PROJECT

SURE project includes specialised training sessions in Croatia to equip legal practitioners and other professionals with the necessary skills and knowledge to engage in strategic litigation and leverage EU law and the EU Charter to influence national legislation and drive social change. These sessions aim to deepen practitioners' understanding of specific areas of EU law and the EU Charter, focusing on how these tools can strengthen fundamental rights, democracy, and the rule of law. Currently, only some legal professionals focus on these vital areas. Therefore, our target group comprises legal professionals and practitioners actively involved in civil society, ombuds institutions, government bodies, and law firms working on these issues. These groups require a comprehensive approach to mastering the principles and scope of EU law, particularly in asylum rights, non-discrimination, environmental protection, freedom of expression, and civil society. Intensive, in-depth training will create a new generation of professionals equipped to engage in litigation that ensures access to justice and fosters the coherent application of EU law.

OBJECTIVES OF THE TRAINING SESSIONS

Enhance the knowledge and awareness of legal professionals and practitioners in civil society organisations (csos), Ombuds institutions, state authorities, and law firms in Croatia on key aspects of EU law, particularly the EU Charter of Fundamental Rights and the available remedies and redress mechanisms for addressing critical issues related to democracy, the rule of law, and fundamental rights.

Strengthen participants' capacity to develop and implement effective litigation strategies, including how to communicate and advocate for these strategies, with the goal of bringing strategic litigation cases before national courts and the European Court of Justice (CJEU).

Promote cross-border knowledge sharing and collaboration between csos, Ombuds institutions, state authorities, and law firms in Croatia and their counterparts across other EU member states, facilitating cooperation on litigation and advocacy efforts related to EU Charter issues.

Increase legal protections for public participation by equipping legal practitioners with the tools to safeguard journalists and human rights defenders from strategic lawsuits against public participation (SLAPPS) and other forms of abusive legal action while promoting the strategic use of EU law to protect freedom of expression and fundamental rights.

INTRODUCTION

Strengthening the capacity of practitioners to invoke and enforce EU anti-discrimination standards is essential not only to individual rights protection, but to the credibility and coherence of EU law as such.

This curriculum provides a structured, practice-oriented introduction to the EU's anti-discrimination framework, situating it within the broader system of primary law (Treaties, the EU Charter of Fundamental Rights, selected secondary instruments and CJEU case law). Participants work with the principal directives on equal treatment — including Directive 2000/43/EC (race and ethnic origin), Directive 2000/78/EC (religion or belief, disability, age, sexual orientation in employment), Directive 2006/54/EC (recast equal treatment of men and women in employment and occupation), Directive 2004/113/EC (equal treatment of men and women in goods and services), and associated instruments on social security, occupational schemes, pregnancy, maternity and parental leave — to map the material scope, prohibited conducts, burden of proof rules and available remedies.

Learning moves from doctrinal foundations to applied practice. Through case analysis and interactive problem-sets, participants examine how anti-discrimination norms are interpreted by the CJEU, how the Charter operates as a binding instrument in national proceedings, and how EU law constrains and empowers national authorities. A dedicated module on strategic litigation explores legal avenues for advancing equality claims with

structural effects, with particular emphasis on the tactical use of the Charter and the conditions for triggering CJEU review.

By the end of the programme, participants will be able to (I) navigate the EU anti-discrimination acquis across primary and secondary law; (II) identify breaches; (III) deploy the Charter and CJEU jurisprudence in national and supranational fora; and (IV) conceptualise and execute strategic litigation capable of securing compliance and producing systemic change.

PARTICIPANTS

Attendees

Participants are legal experts and practitioners from civil society, ombudsman institutions, and law firms, particularly those working on issues related to anti-discrimination, or in other human rights fields, while highly interested to engage in these topics. Additionally, advocacy, policy and communication NGO experts are involved, as strategic litigation requires effective legal and advocacy components. The curriculum also targets professionals in human rights institutions and other relevant stakeholders involved in strategic litigation and advocacy.

Trainers

doc. dr. sc. **Nika Bačić Selanec**, LL.M. (UMich) is an Assistant Lecturer at the University of Zagreb - Faculty of Law, Department of European Public Law, where she holds the Jean Monnet Module on 'EU-Constitutional Law and Methodology'. She obtained her LL.M. degree at the University of Michigan Law School in 2014 as Hugo Grotius Fellow (with merit) and obtained her PhD in Zagreb in 2019 (summa cum laude). She serves as the Editorial Board member of the 'Croatian Yearbook of European Law and Policy' and the President of the 'Croatian European Union Studies Association'. Her academic interests and expertise include EU constitutional law, judicial methodologies and theories of adjudication, anti-discrimination, EU citizenship and migration law.

Fran **Marko Stojković**, LL.M. (UMich) is an Assistant at the University of Zagreb — Faculty of Law, Department of Constitutional Law, and an incoming SJD student at the University of Michigan Law School (2025/2026). He obtained his master's degree in law at the University of Zagreb in 2020 (summa cum laude) and his LL.M. degree at the University of Michigan Law School in 2023. Before taking a job at the University of Zagreb, he interned in the cabinet of Judge Siniša Rodin at the Court of Justice of the EU (2021) and worked in private legal practice and the civil sector in Croatia (2021–2024). His academic interests and expertise include European constitutional law, the rule of law, the adjudication process, and anti-discrimination law.

TRAINING STRUCTURE

The training agenda is carefully designed to achieve the educational objectives while remaining flexible to the specific needs, experience levels, and expectations of the participants. Trainers employ a variety of **interactive methods**, including guided discussions, real-life case studies, practical exercises, and problem-solving scenarios, to ensure that theoretical knowledge is complemented by hands-on experience.

The agenda will deliberately **balance theoretical modules with collaborative group work**, fostering peer-to-peer learning, critical thinking, and the practical application of EU anti-discrimination law. Throughout the training, trainers actively **draw connections between modules**, revisiting and reinforcing previously discussed topics to enhance comprehension, retention, and the ability to apply knowledge in real-world legal contexts.

Participants will also be encouraged to **share their own experiences and challenges**, creating an environment where cross-sector perspectives enrich discussions and support collaborative problem-solving. By the end of the training, participants do not only understand key legal frameworks but also are equipped with practical strategies for litigation, advocacy, and cross-border cooperation.

WORK ENVIRONMENT AND WORKING CONDITIONS

The training takes place in a space designed to encourage learning, with a flexible seating arrangement that supports group work and discussion. The tables were arranged in a U-shape to foster interaction. All technical and logistical prerequisites, such as projectors and flipcharts, are provided to ensure the working environment facilitates a high level of participant engagement.

MATERIALS

Required materials include PPT presentations in accordance with the training modules described below, relevant case studies which will be presented for group work and follow up discussion questions.

EDUCATIONAL METHODS FOR CONDUCTING DIFFERENT TRAINING SESSIONS

The training employs various educational methods, including theoretical overviews, case studies, practical exercises, and experience sharing, to accommodate different learning styles and enhance understanding.

Some of the methods used include

- Theoretical overviews
- PPT presentations (lecture-based approach)
- Case studies
- Real-life examples
- Discussion
- Practical exercises

MODULES AND LEARNING OUTCOMES

The training will be divided into clearly defined modules, balancing theoretical content with practical application:

Day 1

MODULE 1

Basic concepts of EU anti-discrimination law

This module provides a comprehensive understanding of the basic concepts of EU anti-discrimination law in both primary and secondary sources of EU law, combining theoretical insights with case-law examples and practical exercise:

- early development of EU anti-discrimination law in the case-law of the Court of Justice based on the equal pay principle
- the scope of anti-discrimination guarantees in primary sources of EU law (the Treaties and the Charter)
- EU equality directives and their scope
- central concepts of EU anti-discrimination law:
 - direct and indirect discrimination
 - harassment
 - instruction to discriminate
 - discrimination by association
 - discrimination without an identifiable victim
 - victimization
 - burden of proof
 - justifications and exceptions
 - positive measures

- reasonable accommodation
- direct effect of EU anti-discrimination law in primary and secondary sources of EU law
- theoretical background of EU anti-discrimination law: formal and substantive equality, critical legal theory

Learning objectives

Gain in-depth knowledge of the foundations and core concepts of EU anti-discrimination law across primary sources and secondary legislation.

LEARNING OUTCOMES

deepen knowledge of key legal concepts (direct/indirect discrimination, harassment, victimisation, burden of proof, justifications, positive action, reasonable accommodation) and the direct effect of EU anti-discrimination norms.

MODULE 2

Direct and Indirect Discrimination (on the basis of sex and sexual orientation)

This module aims to present the development of central concepts of EU antidiscrimination law through the case law of the Court of Justice on equality based on sex and sexual orientation — direct and indirect discrimination, identifying in particular the

judicial recognition of the substantive legal critique of formalist expectations of equality.

- Overview of the case-law of the CJEU on sex discrimination and recognition of legal pragmatism in development of indirect discrimination
- Comparison with the development of disparate impact doctrine in the U.S.
- Identifying the (ir)relevance of discriminatory intent, discriminatory effect, inherent characteristics, comparators
- Exploring the exceptions from prohibited discrimination under the primary law and the directives and the principle of proportionality in determining the restrictions

Learning objectives

gain in-depth knowledge of how the CJEU has developed the concepts of direct and indirect discrimination on grounds of sex and sexual orientation, and how this case-law embodies a shift from formal to substantive equality.

LEARNING OUTCOMES

understand basic CJEU case-law on sex discrimination and indirect discrimination, compare it with the U.S. disparate impact doctrine, and identify the legal relevance of intent, effect, comparators and inherent characteristics; understand exceptions, de-

rogations and proportionality limits under primary law and directives.

Day 2

MODULE 3

Discrimination on the basis of religion

Case studies: participants will collaborate in a group exercise to analyze the distinction between direct and indirect discrimination based on religion in the CJEU's 'veil cases' (cases C-157/15 Achbita v G4S & C-188/15 Bougnaoui v Micropole), building on the fundamental disagreements on identifying these concepts, as well as the concept of religious neutrality, between the Court's two Advocate Generals, Kokkott and Sharpston.

This module provides analysis of the case-law of the Court of Justice on religious discrimination, further exemplifying the difficulties in differentiating on the relevance between forms of direct and indirect discrimination, and why the distinction matters in terms of possible justifications.

Learning objectives

learn to analyse and classify claims of religious discrimination in light of the CJEU 'veil cases' (Achbita, Bougnaoui), by reconstructing and evaluating the opposing legal characterisations offered by the

two Advocates General (direct vs. indirect discrimination), and understanding why the classification matters for outcomes.

Practical application

through group case study work, test possible justification pathways under EU law, and draft litigation-oriented arguments grounded in CJEU case-law on religion-based discrimination.

LEARNING OUTCOMES

be able to (I) compare the reasoning of the two Opinions on whether a ban on wearing the hijab at work is direct or indirect discrimination; (II) take and defend a position on which argument is more persuasive and why; and (III) explain why the distinction between direct and indirect discrimination is outcome-determinative (different justification tests, different thresholds, different likelihood of legality).

MODULE 4

Discrimination on the basis of racial or ethnic origin: exploring the avenues and instruments of strategic litigation

This module focuses on exploring the EU legislation and the case-law of the Court of Justice concerning discrimination on the basis of racial or ethnic origins.

The module also explores the instruments extrapolated from the Court's case law that strengthen the position of the non-governmental sector and independent human rights bodies for engaging into strategic litigation in anti-discrimination matters, including the irrelevance of actual comparators or concretized victims, the role of discriminatory public statements, active legitimization, collateral victims, conditionality, comparators, and the requisite standards in shifting the burden of proof.

Learning objectives

learn the EU legal framework on discrimination on grounds of racial or ethnic origin (directives + CJEU case-law) and understand how the Court's jurisprudence generates litigation tools usable by NGOs and equality bodies; introduce and problematise the pending Opinion on 'de-ghettoisation' measures in public housing and their compatibility with the Racial Equality Directive.

Practical application

using extracts from the Opinion as a live case study, develop a short argument on whether the Danish 'anti-ghettoisation' measure constitutes prohibited discrimination and whether justification is available.

The training aims to advance different **competences** of the participants:

- Analytical skills: analyse EU anti-discrimination

law and CJEU case-law; classify fact patterns; assess national measures against EU equality standards.

- Legal advocacy and strategic litigation: prepare litigation strategies using the Charter, directives, and case-law; leverage procedural tools like NGO standing, burden-shifting, and public statements.
- Collaboration and coalition-building: work with legal professionals, equality bodies, and civil society to design coordinated litigation strategies.

LEARNING OUTCOMES

be able to (I) classify the contested Danish measure in doctrinal terms (direct discrimination, indirect discrimination, or another legal category), (II) argue for or against its justifiability under EU law, and (III) identify from case-law the instruments that enable strategic litigation without comparators or named victims, and relying on public statements, active standing, collateral victims and burden-shift standards.

OVERVIEW OF EXISTING AND RELEVANT LITERATURE

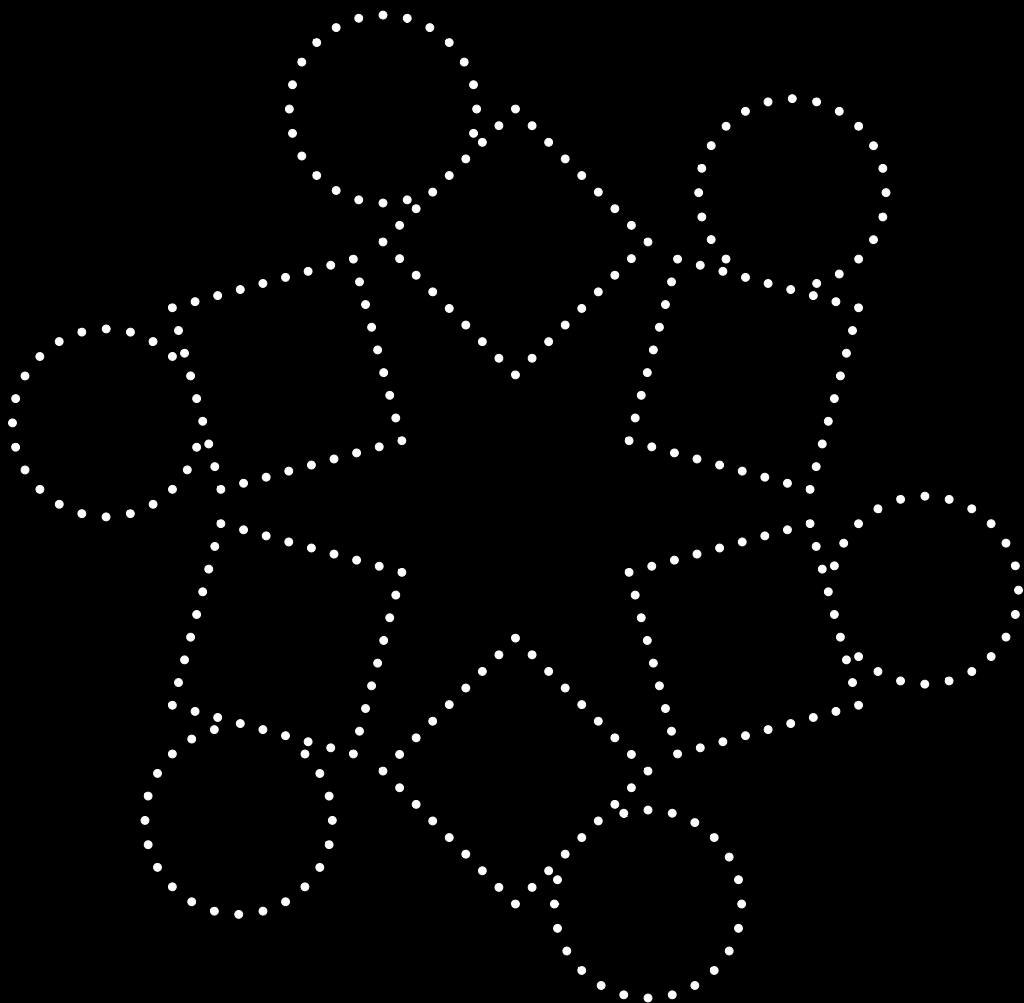
1. Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin
2. Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (religion or belief, disability, age and sexual orientation)
3. Proposal for a Council Directive implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation COM (2008) 426 Final 2 July 2008
4. Consolidated Version of the Treaty on European Union
5. Treaty on the Functioning of the European Union
6. Charter of Fundamental Rights of the European Union
7. Academy of European Law (ERA), European Union anti-discrimination law, October 2014.
8. European Union Agency for Fundamental Rights, Handbook on European non-discrimination law (2018)
9. Goran Selanec, Zbirka izabranih presuda — Kritički pogled na primjenu antidiskriminacijskih jamstava u praksi Suda pravde Europske unije (CMS 2013)
10. Evelyn Ellis, Philippa Watson, EU Anti-Discrimination Law (2nd edn, OUP 2015)
11. Mark Bell, Anti-Discrimination Law and the European Union (OUP 2002)
12. Uladzislau Belavusau and Kristin Henrard, EU

Anti-Discrimination Law Beyond Gender (Hart 2018)

CJEU case-law

13. 80/70 (1971) Defrenne v Belgium (Defrenne I)
14. 43/75 (1976) Defrenne v Sabena (Defrenne II)
15. 149/77 (1978) Defrenne v. Sabena (Defrenne III)
16. 96/80 Jenkins v Kingsgate (1981)
17. 170/84, Bilka-Kaufhaus v. Karin Weber von Hartz (1986)
18. C-177/88 Dekker (1990)
19. C-450/93, Kalanke v. Freie Hansestadt Bremen (1995)
20. C-158/97, Badeck v. Hessischer Ministerpräsident (2000)
21. C-409/95, Marschall v. Land Nordrhein-Westfalen (1997)
22. C-285/98, Kreil v. Federal Republic of Germany (2000)
23. 184/83, Hofmann v. Barmer Ersatzkasse (1984)
24. C-13/94, P v. S (1996)
25. C-249/96, Grant v. South-West Trains (1998)
26. C-267/06, Maruko v. Versorgungsanstalt der deutschen Bühnen (2008)
27. C-267/12, Frédéric Hay v. Crédit agricole mutuel de Charente-Maritime (2013)
28. C-157/15 Achbita v. G4S (2017)
29. C-188/15 Bougnaoui v. Micropole (2017)
30. C-804/18 and C-341/19 WABE and Müller (2021)
31. C-54/07 Firma Feryn (2008)
32. C-81/12, Asociația ACCEPT v. Consiliul Național pentru Combaterea Discriminării (2013)

33. C-668/15 Jyske Finans (2017)
34. C-83/14 CHEZ (2015)



CURRIC ULUM

Outline for
Training on EU
Environmental
Law

3

CURRICULUM OUTLINE FOR TRAINING ON EU ENVIRONMENTAL LAW



CENTRE
FOR PEACE
STUDIES



Co-funded by the
European Union

Co-funded by the European Union. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or European Education and Culture Executive Agency. Neither the European Union nor the granting authority can be held responsible for them.



VLADA REPUBLIKE
HRVATSKE
Ured za udruge

Projekt sufinancira Ured za udruge Vlade Republike Hrvatske. Stajališta izražena u ovoj publikaciji isključiva su odgovornost Kuće ljudskih prava Zagreb i ne odražavaju nužno stajalište Ureda za udruge Vlade Republike Hrvatske.

INTRODUCTION

This training focuses on the core aspects of EU environmental legislation, starting with the EU Treaties, the EU Charter of Fundamental Rights, the substantive and procedural provisions of secondary law, the Aarhus Convention and the Espoo Convention.

The training will cover the most relevant EU laws on climate change, energy (the EU Climate Law, the Governance Regulation, the Effort Sharing Regulation, the Renewable Energy Directive, the Carbon Border Adjustment Mechanism, and the Emission Trading System) specific secondary legislation documents which envisage public participation in the decision-making process such as the strategic environmental assessment, environmental impact assessment, industrial emissions permitting procedure, the Water Framework Directive, the Habitat and Birds Directives.

During the training, EU and international complaint mechanisms and strategic litigation avenues and instruments will be discussed and results of EU-level environmental legal research will be shared.

PARTICIPANTS

—
13 IN
TOTAL

Attendees

Participants will include:

- Legal professionals and practitioners from civil society organizations
- Representatives from Ombudsperson institutions and state authorities
- Legal experts from law firms specializing in environmental and public participation law
- Advocacy and policy experts from NGOs
- Professionals from human rights institutions and other stakeholders involved in strategic litigation and advocacy

Trainers

Trainers will be professionals from the Association of Justice and Environment, an European network of environmental csos with extensive expertise in environmental law.

Dr. **Zsuzsanna Berki** is working for EMLA, Environmental Management and Law Association as environmental attorney. Main activities cover environmental legal expertise and litigation. Its focus is primarily public participation in environmental matters, providing legal counselling and representation for NGOs and private stakeholders. She works for Justice & Environment as member of the climate topic team. Since 2015 she is member of its Executive Committee as well.

Dr. **Agnes Gabriella Gajdics** has worked as an attorney at law in Budapest for 16 years. Her expe-

riences in environmental and energy law have been gained through conducting legal research for the Association of Justice and Environment, the WWF Hungary and the Friends of the Earth Hungary. For the past 16 years, she has participated in projects focusing on transposing and implementing EU legislation concerning environmental assessments, water protection, water management, environmental protection and circular economy into Hungarian legislation. She had been a guest lecturer on environmental law at the Technical University of Budapest and at other institutions of higher education for 8 years. Key legal research in which she currently participates concerns the legal pathways for decarbonising the steel industry and the possibilities for human rights-based climate litigation at the EU and national levels. Ms Gajdics also provides legal advocacy and representation of environmental impact assessment cases in Hungary, which gives her greater insight into the practical implementation of the environmental law.

TRAINING STRUCTURE

The training agenda will be designed to meet educational goals and adapt to the group's specific needs, experience, and expectations. Trainers will employ interactive methods such as presentations, discussions, questions and case studies. The agenda will balance theoretical modules with practical examples and case studies. Although the agenda covers different topics, trainers will continually make links and refer back to previously discussed material to connect topics with each other and ensure comprehension and information retention.

WORK ENVIRONMENT AND WORKING CONDITIONS


The training will be held in a space conducive to learning, with flexible seating arrangements supporting group work and discussion. A U-shape or circular setup is recommended to promote interaction. Ensure that all technical and logistical requirements, such as projectors and flipcharts, are available to support a high level of engagement.

MATERIALS

Necessary materials will include

- PowerPoint presentations
- Case studies and discussion questions
- Videos

EDUCATIONAL METHODS FOR CONDUCTING DIFFERENT TRAINING SESSIONS

The background of the left half of the page is a solid yellow color. In the lower-left corner, there are several faint, white, dotted-line geometric shapes, including circles and squares, some of which are tilted at angles.

A variety of educational methods will be employed, including

- Theoretical overviews
- Case studies
- Discussion of concrete administrative and judicial practical examples on national and EU level

OBJECTIVES, EXPECTED LEARNING OUTCOMES, AND COMPETENCIES

By the end of the training, participants will achieve the following outcomes:

Objectives

Gain in-depth knowledge of the interconnection between the principles of EU environmental laws, the ECHR and the EU Charter of Fundamental Rights.

Develop a comprehensive understanding of the key EU environmental laws and the application of participatory rights.

Learn strategic litigation methods for addressing climate change within the EU legal framework.

Expected Learning Outcomes

Deepen knowledge of EU environmental legislation, the EU Charter of Fundamental Rights, the Aarhus Convention and the Espoo Convention with an emphasis on their practical application

Critically examine the interconnection between EU fundamental rights and environmental law, including EU legislation on climate and energy, with particular attention to the public's participatory rights in environmental decision-making.

Recognise the key provisions and case law from the CJEU and ECHR relevant to participatory rights and their application in practice.

Understand the role of environmental assessment procedures, public participation, and environmental rights, as well as national, EU, and international legal avenues.

Practical Application

Apply the EU Charter of Fundamental Rights, the Aarhus Convention, the Espoo Convention and related legal instruments to public participation cases, focusing on issues such as access to information and justice through interactive discussions and practical examples.

Develop practical litigation skills for public participation cases, incorporating recent examples to teach how to utilise interim measures and other legal mechanisms to protect the rights of the public to participate in environmental matters.

Demonstrate the ability to create effective litigation strategies tailored to specific issues arising from the implementation of the ECHR, the EU Charter and EU environmental law.

Learn how to navigate the access to justice challenges, integrating theory with practical problem-solving methods to address complex issues in public participation and environmental law through discussion of recent case scenarios.

Competencies

Analytical Skills: Interpret and analyze complex EU environmental law and case law. Assess the impact of EU legislation on environmental practices and public participation.

Legal Advocacy: Skilled in public participation law and litigation. Experienced in using the EU Charter for environmental rights litigation.

Communication and Collaboration: Effective communication of complex legal concepts to diverse stakeholders. Ability to collaborate with legal professionals, civil society organizations, and advocacy groups to advance litigation efforts.

MODULES

The training will be divided into clearly defined modules, balancing theoretical content with practical application:

DAY 1

MODULE 1

Understanding the EU environmental law, the European Convention on Human Rights (ECHR) and the EU Charter of Fundamental Rights

This module provides a comprehensive understanding of the general principles governing the EU environmental law, the ECHR and the EU Charter of Fundamental Rights and their application in practice. The most important types of procedures (infringement procedure, direct action and preliminary ruling) of the European Court of Justice (ECJ) and the European Court of Human Rights (ECtHR) will be introduced with relevant decisions in the environmental field. The module will present how the human right to a clean, healthy and sustainable environment has been evolved in the jurisprudence of the ECtHR. This module will introduce the preliminary ruling procedure of the ECJ in detail because it has a significant influence on the uniform application of the EU environmental law, as this procedure is used in cases where the interpretation or validity of EU law is in question and where a decision is necessary for a national court to give judgment, or where there is no judicial remedy under national law.

Participants will gain an understanding of various litigation avenues available at the national and European levels.

MODULE 2

Understanding the Aarhus Convention and the laws of the EU on public participation in environmental matters.

By combining theoretical insights with relevant case-law examples and discussions, this module gives an overview of the historical and sociological background, adoption and implementation of the Aarhus Convention. The general provisions, definitions of the Convention, the concept of environmental information and the public concerned will be discussed in detail. The three pillars of the Convention, namely access to environmental information, the right to participate in environmental decision-making, and the right to have access to justice will be analysed not only from the legal-theoretical side but also from a practical aspect via cases. The participants will gain knowledge on the compliance procedure and relevant decisions of the Aarhus Compliance Committee and on the application of the Convention.

This module also gives an overview of the EU directives and Regulations on public participation in environmental matters, which implement certain requirements of the Convention, the procedure for

requesting internal review, and relevant cases from the ECJ's jurisdiction in this field.

MODULE 3

The Espoo Convention and international complaint mechanisms

This module provides the historical background and the analysis of the UNECE Espoo Convention which is the key instrument for transboundary environmental impact assessment and for bringing together all stakeholders to prevent environmental damage before it occurs. Besides the responsibilities of the competent authorities and points of contacts designated by the Parties to the Convention, the different steps of transboundary environmental impact assessment (such as the screening, the formal notification of the affected party, the preparation of the assessment documentation, the planning and conducting the public consultation procedures, the communication of the final decision) will be discussed. The possibilities of the public to participate and obstacles in exercising participatory rights will be illustrated via a case study and practical examples. The second part of the module focuses on the most relevant complaint mechanisms established by different international agreements and institutions, including the right of EU citizens to file petition or the compliance mechanisms at the EBRD or the EIB.

MODULE 4

Environmental assessment procedures

This module will analyse and discuss the main tools for assessing environmental impacts in decision-making processes in the EU. Participants will gain an understanding of the legislative framework and engage in practical discussions to address potential issues.

At the level of plans and programmes, the strategic environmental assessment (SEA) will be the focus, covering the provisions of Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment

The EU's Environmental Impact Assessment (EIA) Directive (2011/92/EU) will also be analysed in detail regarding the permitting of projects likely to have a significant environmental impact.

The module focuses on each stage of the SEA and EIA procedures, including screening, scoping, environmental report preparation, consideration of baseline information and reasonable alternatives, the consideration of climatic factors and industrial accidents, the process of public consultation and participation, decision-making, and monitoring. This module aims to present also the main changes in the EIA system introduced by Directive 2014/52/EU and the impacts

thereof on the quality of the EIA processes in the Member States. The module includes case studies and discussion on the practical implications and challenges in implementing the EIA.

MODULE 5

This module comprehensively overviews additional environmental assessment legislative instruments shaping EU environmental law and public participation therein. The participants will gain knowledge on the coordinated and/or joint procedures under Article 2(3) of the EIA Directive, the Natura 2000 Directives and other Union legislation (e.g. SEA, Directive 2010/75/EU on industrial emissions, Directive 2000/60/EC establishing a framework for Community action in the field of water policy, the Birds Directive 2009/147/EC and the Habitats Directive 92/43/EEC). The module will analyse how these coordinated and joint procedures improve the effectiveness of the assessments, reduce administrative complexity and increase economic efficiency, where the obligation to carry out assessments related to environmental issues arises simultaneously from the EIA and other Union legislation.

In the second part of the module, different environmental instruments will be analysed as follows:

- the IED (Directive 2010/75/EU on industrial emissions): objectives, scope, general principles of the procedures, BAT, public participation;

- the WFD (Directive 2000/60/EC establishing a framework for Community action in the field of water policy): objectives, river basin management plans, quality standards, applicability assessment, concept of overriding public interest, public participation;
- the Birds Directive (Directive 2009/147/EC) and the Habitats Directive (Directive 92/43/EEC): scope, objectives, appropriate assessment and the concept of overriding public interest;
- discussion on the assessments in the permitting procedures with a focus on access to information, participation in decision-making, access to justice and procedural fairness

MODULE 6

Fight against climate change and protection of environment and biodiversity in the EU

Participants will explore the main EU legislation adopted under the Fit for 55 package, with a focus on integrating environmental protection and biodiversity interests into climate and energy laws and exercising participatory rights.

- Presentation of main instruments:
 - EU Climate Law (Regulation (EU) 2021/1119): key provisions, obligation of the Member States, adaptation strategies, information to the public;
 - Climate and Energy Governance Regulation

- (2018/1999/EU): national energy and climate plans, public participation in adoption of NECPS;
- EU ETS Directive (Directive 2003/87/EC as amended): main provisions, synergies with the IED;
- CBAM Regulation (Regulation (EU) 2023/956): basic provisions of carbon border adjustment mechanism, the role of the public in notifying practices of circumvention of the CBAM, process of the European Commission;
- Effort Sharing Regulation (Regulation (EU) 2018/842): obligations of the Member States, procedure of corrective action;
- Renewable Energy Directive II and III (Directive (EU) 2018/2001 as amended by Directive 2023/2413): targets set for the Member States, provisions on accelerated areas, renewable energy project acceleration, the concept of overriding public interest
- Discussion on the influence of the new climate and energy laws, the accelerated permitting and the concept of overriding public interest on environmental assessments.
- The adoption of NECPS and public participation in climate planning in the practice

OVERVIEW OF EXISTING AND RELEVANT LITERATURE

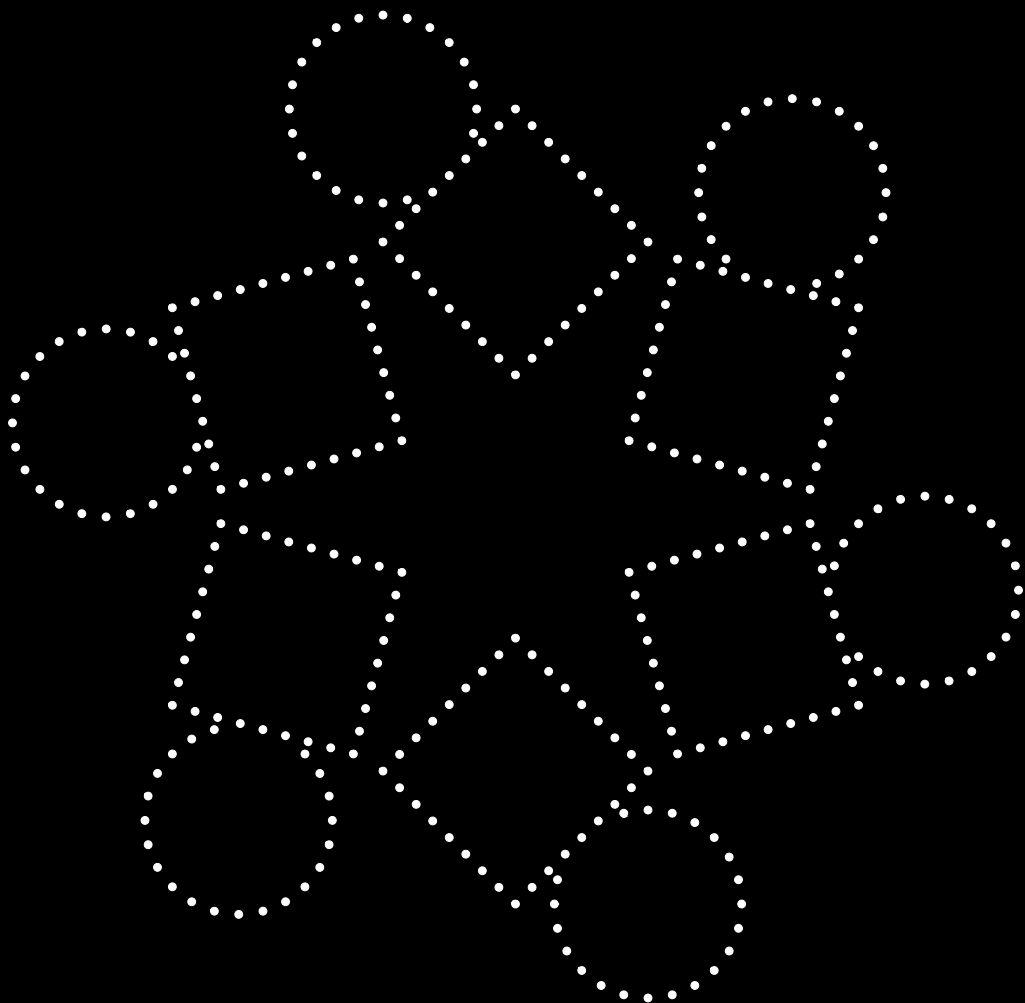
1. The STELLAR Rights, https://justiceandenvironment.org/wp-content/uploads/2024/11/EU-level-study-STELLAR-final_web.pdf
2. Monitoring report on the status of the national climate laws in selected EU countries, 2024 https://justiceandenvironment.org/wp-content/uploads/2025/03/JE_Monitoring-report_Climate-Framework-Laws_final.pdf
3. Reporting on the monitoring of EU administrative acts eligible for RIR in 202, <https://justiceandenvironment.org/wp-content/uploads/2025/03/RIR-OJ-monthly-monitoring-conclusions-2024.pdf>
4. Legal practices in the assessment of climatic factors in EIA and SEA, <https://justiceandenvironment.org/wp-content/uploads/2025/03/LEGAL-PRACTICES-IN-ASSESSMENT-OF-CLIMATIC-FACTORS-in-EIA-and-SEA.pdf>
5. How can public participation in environmental impact assessment may be more effective? https://justiceandenvironment.org/wp-content/uploads/2025/03/How-Can-Public-Participation-in-Environmental-Impact-Assessments-Be-Made-More-Effective_full.pdf 2024
6. Climate litigation case study collection, <https://justiceandenvironment.org/wp-content/uploads/2025/03/Climate-Litigation-Case-Study-Collection-2024.pdf>
7. Legislation and litigation for the integration of climate aspects in spatial planning, <https://justiceandenvironment.org/wp-content/uploads/2025/03/Climate-in-spatial-planning-study-2024.pdf>

8. Climate litigation case study collection (CJEU and ECtHR), <https://justiceandenvironment.org/wp-content/uploads/2025/03/Case-study-collection-2024-CJEU-ECtHR.pdf>
9. Case law of the Court of Justice of the European Union on access to environmental information, https://justiceandenvironment.org/wp-content/uploads/2024/11/CJEU-ATOI-Case-Law_final-for-web.pdf
10. Assessing the impact on climatic factors in SEA and EIA, practical considerations, https://justiceandenvironment.org/wp-content/uploads/2023/07/JE-Guidance_SEA-and-EIA-on-Climate_2021_rev_2023.pdf
11. Appropriate assessment under Article 6(3) of the Habitats Directive — a Justice and Environment position paper, https://justiceandenvironment.org/wp-content/uploads/2023/02/AA_position-Paper_2021_final.pdf

Literature and other sources

12. Tobias Lock: Rights and Principles in the EU Charter of Fundamental Rights, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3447798, 2019
13. Order of the Court (Ninth Chamber), 8 May 2014 Ferdinand Stefan v Bundesministerium für Land- und Forstwirtschaft, Umwelt und Wasserwirtschaft <https://curia.europa.eu/juris/liste.jsf?language=en&num=C-329/13>
14. Judgment of the Court (Fifth Chamber), 21 March 2013, Salzburger Flughafen GmbH v

- Umweltsenat, <https://curia.europa.eu/juris/liste.jsf?num=C-244/12&language=EN>
15. <https://www.undp.org/sites/g/files/zskgke326/files/2023-01/UNDP-UNEP-UNHCHR-What-is-the-Right-to-a-Healthy-Environment.pdf>
16. https://environment.ec.europa.eu/law-and-governance/environmental-assessments/environmental-impact-assessment_en
17. <https://unece.org/env/pp/tfaj-case-law-related-convention>



CURRICULUM

for the Training on EU
Migration and
Asylum Law

4

CURRICULUM FOR THE TRAINING ON EU MIGRATION AND ASYLUM LAW



CENTRE
FOR PEACE
STUDIES



Co-funded by the
European Union

Co-funded by the European Union. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or European Education and Culture Executive Agency. Neither the European Union nor the granting authority can be held responsible for them.



VLADA REPUBLIKE
HRVATSKE
Ured za udruge

Projekt sufinancira Ured za udruge Vlade Republike Hrvatske. Stajališta izražena u ovoj publikaciji isključiva su odgovornost Kuće ljudskih prava Zagreb i ne odražavaju nužno stajalište Ureda za udruge Vlade Republike Hrvatske.

ABOUT THE SURE PROJECT

SURE project includes specialised training sessions in Croatia to equip legal practitioners and other professionals with the necessary skills and knowledge to engage in strategic litigation and leverage EU law and the EU Charter to influence national legislation and drive social change. These sessions aim to deepen practitioners' understanding of specific areas of EU law and the EU Charter, focusing on how these tools can strengthen fundamental rights, democracy, and the rule of law. Currently, only some legal professionals focus on these vital areas. Therefore, our target group comprises legal professionals and practitioners actively involved in civil society, ombuds institutions, government bodies, and law firms working on these issues. These groups require a comprehensive approach to mastering the principles and scope of EU law, particularly in asylum rights, non-discrimination, environmental protection, freedom of expression, and civil society. Intensive, in-depth training will create a new generation of professionals equipped to engage in litigation that ensures access to justice and fosters the coherent application of EU law.

OBJECTIVES OF THE TRAINING SESSIONS

Enhance the knowledge and awareness of legal professionals and practitioners in civil society organisations (csos), Ombuds institutions, state authorities, and law firms in Croatia on key aspects of EU law, particularly the EU Charter of Fundamental Rights and the available remedies and redress mechanisms for addressing critical issues related to democracy, the rule of law, and fundamental rights.

Strengthen participants' capacity to develop and implement effective litigation strategies, including how to communicate and advocate for these strategies, with the goal of bringing strategic litigation cases before national courts and the European Court of Justice (ECJ).

Promote cross-border knowledge sharing and collaboration between csos, Ombuds institutions, state authorities, and law firms in Croatia and their counterparts across other EU member states, facilitating cooperation on litigation and advocacy efforts related to EU Charter issues.

Increase legal protections for public participation by equipping legal practitioners with the tools to safeguard journalists and human rights defenders from strategic lawsuits against public participation (SLAPPS) and other forms of abusive legal action while promoting the strategic use of EU law to protect freedom of expression and fundamental rights.

INTRODUCTION

EU asylum and migration law sits at the intersection of fundamental rights protection, border governance, mutual trust, and compliance with supranational adjudication. It is also the domain in which Member States most visibly contest, stretch, and sometimes ignore EU obligations — producing legal uncertainty, divergent practice and systemic rights-risks. Against this backdrop, the ability of practitioners to understand, invoke and enforce EU law is not merely technical: it is essential to the rule of law, to the credibility of the EU's human rights commitments, and to the protection of individuals at Europe's borders.

This curriculum offers a concise, practice-oriented pathway into the core instruments of EU asylum and migration law and their operation within the broader EU legal framework. It begins with the EU Charter of Fundamental Rights as the normative anchor of the system and traces how Charter guarantees — including human dignity, the right to asylum, the best interests of the child, protection against ill-treatment, privacy and the right to an effective remedy — inform administrative and judicial practice through CJEU and ECtHR case law. The programme then examines the New Pact on Migration and Asylum (Screening Regulation, Asylum Procedure Regulation, Recast Reception Conditions Directive) and the shift from Dublin III to the Asylum and Migration Management Regulation. Further modules address the Qualification Directive and the Schengen Borders Code, focusing on implementation frictions at the border (pushbacks, detention,

access to procedure, principle of non-refoulement).

Learning is structured from foundations to application through case studies, hypotheticals and peer-reviewed exercises that translate doctrine into litigation and advisory work. A dedicated module on strategic litigation supplies tools for identifying high-leverage cases and designing integrated litigation-plus-advocacy strategies capable of producing structural effects.

By the end of the programme, participants can expect to (i) navigate and interpret the principal instruments of EU asylum and migration law; (ii) diagnose rights-relevant defects in national practice; (iii) deploy EU law arguments before national and European fora; and (iv) design strategic litigation and advocacy interventions that drive compliance and systemic improvement. In doing so, the training contributes to the enforcement capacity that the EU legal order presupposes for its credibility and coherence.

PARTICIPANTS

Attendees

Participants are legal experts and practitioners from civil society, ombudsman institutions, and law firms, particularly those working on issues related to migration and asylum, or in other human rights fields, while highly interested to engage in these topics. Additionally, advocacy, policy and communication NGO experts are involved, as strategic litigation requires effective legal and advocacy components. The curriculum also targets professionals in human rights institutions and other relevant stakeholders involved in strategic litigation and advocacy.

Trainers

Trainers are professionals from the European Council on Refugees and Exiles (ECRE), an international NGO with extensive expertise in migration and asylum law.

Iryna Hnasevych — a Senior Legal Officer at the European Council on Refugees and Exiles (ECRE) in Brussels, Belgium. She works in the Legal Support and Litigation Team, focusing on temporary protection-related litigation and the new Pact on Migration and Asylum. Before joining ECRE, Iryna worked as a lawyer at the Halina Nieć Legal Aid Centre, providing legal aid to those in need of international protection in Poland. Iryna holds a PhD in international public law from Jagiellonian University, Krakow, and an MA in European Interdisciplinary Studies from the College of Europe, Natolin.

Frankie McClean — a Legal Officer at the European Council on Refugees and Exiles (ECRE) in Brussels, Belgium. Frankie has been part of the Legal Support and Litigation Team at ECRE since September 2021, where she has engaged with their work on strategic and impact litigation and ELENA trainings, and research. Prior to working at ECRE, Frankie was a caseworker with Legal Centre Lesvos, working with asylum seekers as they navigated the asylum procedure in Greece. Frankie holds an LLM in International Migration and Refugee Law from the Vrije Universiteit Amsterdam and a Bachelor of Law International from University of Galway.

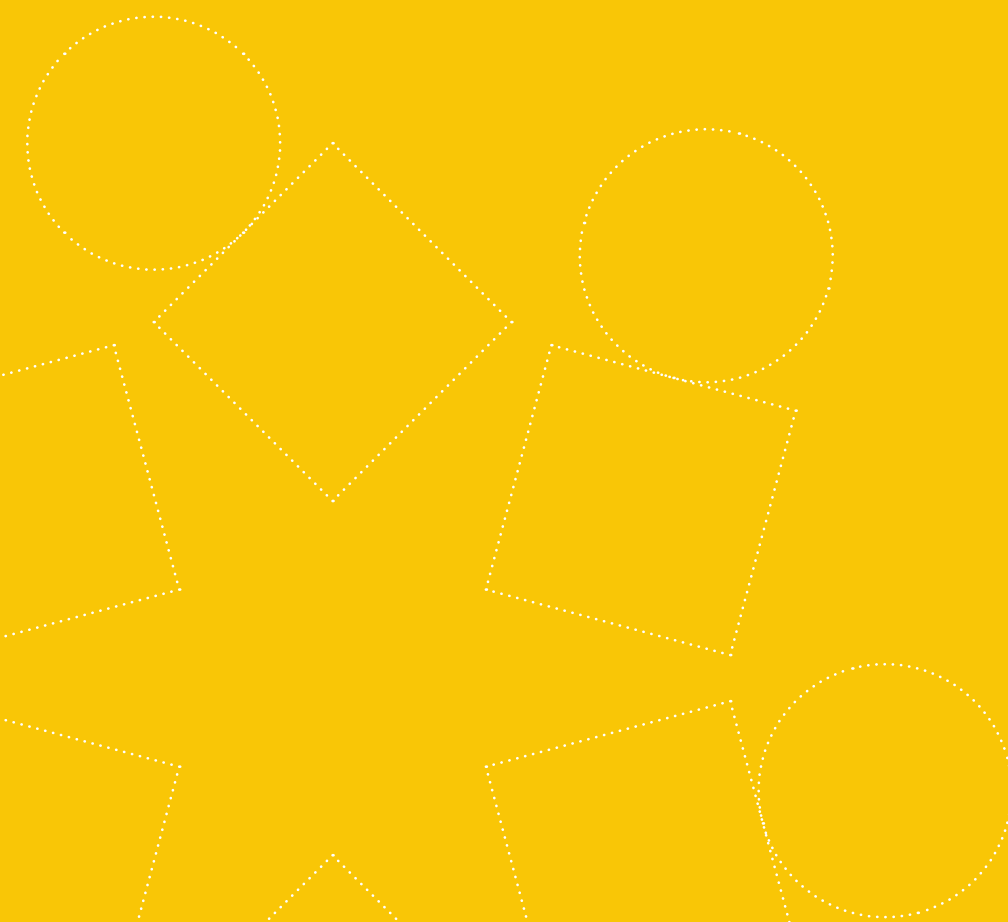
TRAINING STRUCTURE

The training agenda is carefully designed to achieve the educational objectives while remaining flexible to the specific needs, experience levels, and expectations of the participants. Trainers employ a variety of **interactive methods**, including guided discussions, real-life case studies, practical exercises, and problem-solving scenarios, to ensure that theoretical knowledge is complemented by hands-on experience.

The agenda will deliberately **balance theoretical modules with collaborative group work**, fostering peer-to-peer learning, critical thinking, and the practical application of EU migration and asylum law. Throughout the training, trainers actively **draw connections between modules**, revisiting and reinforcing previously discussed topics to enhance comprehension, retention, and the ability to apply knowledge in real-world legal contexts.

Participants will also be encouraged to **share their own experiences and challenges**, creating an environment where cross-sector perspectives enrich discussions and support collaborative problem-solving. By the end of the training, participants do not only understand key legal frameworks but also are equipped with practical strategies for litigation, advocacy, and cross-border cooperation.

WORK ENVIRONMENT AND WORKING CONDITIONS

A series of white dotted geometric shapes, including circles and squares, are scattered across the bottom left of the yellow background.

The training takes place in a space designed to encourage learning, with a flexible seating arrangement that supports group work and discussion. The tables were arranged in a U-shape to foster interaction. All technical and logistical prerequisites, such as projectors and flipcharts, are provided to ensure the working environment facilitates a high level of participant engagement.

MATERIALS

Necessary materials include PPT presentations following the modules described below, relevant case studies which will be presented for group work and follow up discussion questions, pre-reading materials shared in advance:

- ECtHR, 'Dublin' cases
- ECtHR, Interim measures
- ECtHR, Collective expulsions of aliens
- European Commission, Pact on Migration and Asylum
- European Commission, Commission presents the Common Implementation Plan for the Pact on Migration and Asylum

EDUCATIONAL METHODS FOR CONDUCTING DIFFERENT TRAINING SESSIONS

The training employs various educational methods, including theoretical overviews, case studies, practical exercises, and experience sharing, to accommodate different learning styles and enhance understanding.

Some of the methods used include

- Theoretical overviews
- PPT presentations (lecture-based approach)
- Case studies
- Real-life examples
- Discussion
- Practical exercises

MODULES

The training will be divided into clearly defined modules, balancing theoretical content with practical application:

Day 1

MODULE 1

Understanding the EU Charter and its role in asylum law

This module provides a comprehensive understanding of the EU Charter of Fundamental Rights and its application in asylum law, combining theoretical insights with case-law examples and practical exercise:

- Introduction to ECRE: overview of the European Council on Refugees and Exiles (ECRE) and its work.
- Scope of the Charter: examination of Article 51 and the Charter's relevance in the context of asylum procedures and policies.
- Rights under the Charter violated during violent illegal pushbacks of migrants over the green border (Articles 1,4,18,19,47)
- Human dignity in asylum: discussion on the fundamental role of Article 1 (human dignity) in protecting asylum seekers.
- Protection of vulnerable groups:
 - Best interests of children (Article 24).
 - Rights of persons with disabilities (Article 26).
- Right to privacy: analysis of Article 8 and its

implications for data protection and privacy in asylum cases.

- Access to justice: exploration of Article 47 and its importance for ensuring effective remedies for asylum seekers.
- Case study exercise: group work to apply the module's learning to a case study scenario.

Learning objectives

gain in-depth knowledge of the interconnection between EU migration laws and the EU Charter of Fundamental Rights.

Practical Application

Apply the EU Charter of Fundamental Rights and related legal instruments to real-world asylum cases, focusing on issues such as human dignity, privacy, and access to justice, through interactive group work and practical tasks.

LEARNING OUTCOMES

critically examine the interconnection between EU fundamental rights and migration law, with particular attention to the rights of asylum seekers, refugees, and vulnerable groups through interactive case studies; deepen knowledge of EU migration and asylum legislation, focusing on the EU Charter of Fundamental Rights.

MODULE 2

The New Pact on Migration and Asylum

This module aims to present main changes in the EU asylum system introduced by the New Pact on Migration and Asylum. The module focuses on Pact's key components, implementation plans, and implications for legal challenges in the asylum process. Participants will gain an understanding of the legislative framework and engage in practical discussions to address potential issues.

- Overview and implementation plans: introduction to the New Pact, its goals, and strategies for enforcement across EU Member States.
- Presentation of main instruments:
 - Screening Regulation: key provisions and their impact on initial asylum procedures.
 - Asylum Procedure Regulation (APR): Overview of procedural safeguards, accelerated processes, and relevant changes.
 - Recast Reception Conditions Directive (rRCD): Examination of updated standards for the reception of asylum seekers.
 - Regulation on Crisis and Force Majeure and Instrumentalisation (Crisis Regulation): introduction of the main concepts and derogation mechanisms.

Interactive exercise

participants will collaborate in a group exercise to identify and analyze the most problematic issues of the New Pact, focusing on challenges faced in their work with asylum seekers in Croatia.

Learning objectives

develop a comprehensive understanding of the New Pact on Migration and Asylum; critically analyze the main changes introduced by the New Pact and their implications on EU Member States and asylum seekers.

Practical Application

critically evaluate the practical implications of the New Pact on Migration and Asylum for asylum seekers, exploring challenges and identifying potential legal challenges in Croatia, with guidance on how to approach these issues in litigation.

LEARNING OUTCOMES

deepen knowledge of EU migration and asylum legislation, focusing on the New Pact on Migration and Asylum, with an emphasis on practical application in the Croatian context; analyze the main legal changes introduced by the New Pact on Migration and Asylum, focusing on its impact on asylum processes, responsibility-sharing, and procedural safeguards.

MODULE 3

The Dublin III Regulation and the New Asylum and Migration Management Regulation

This module provides analysis of the Dublin III Regulation, its application in practice, and its evolution under the new Asylum and Migration Management Regulation (AMMR). The objective of the module is to present key legal provisions, landmark case law, and practical implications for the asylum system.

- Part. I: Dublin III Regulation:
 - Overview of the main provisions governing responsibility for examining asylum applications in the EU.
 - Examination of relevant CJEU, ECHR and national case law addressing legal challenges and interpretation issues surrounding Dublin III.
- Part II: New Asylum and Migration Management Regulation:
 - Presentation of the main changes introduced by the new regulation.
 - Discussion of their potential impact on the functioning of the EU asylum system, with a focus on responsibility-sharing and procedural fairness.

Interactive exercise

the module will conclude with a group case study

exercise, allowing participants to apply their knowledge by analyzing a practical scenario.

Learning objectives

develop a comprehensive understanding of the Dublin Regulation

Practical Application

learn how to navigate the Dublin system and respond to its challenges, integrating theory with practical problem-solving methods to address complex issues in asylum and migration law through hands-on exercises and case scenarios.

LEARNING OUTCOMES

deepen knowledge of EU migration and asylum legislation, focusing on the Dublin III Regulation, with an emphasis on practical application in the Croatian context; recognize the key provisions and case law from the CJEU and ECHR relevant to the Dublin III Regulation and its application in practice.

Day 2

MODULE 4

Other key legislative instruments in EU Asylum and Migration law: Qualification Direc-

tive (2011/95/EU) vs. Qualification Regulation (2024/1347), Schengen Borders Code, Returns Directive (2008/115/EC)

- This module provides a comprehensive overview of additional critical legislative instruments shaping EU asylum and migration law. Participants will explore the Qualification Directive (2011/95/EU) and the forthcoming Qualification Regulation (2024/1347), with a focus on their impact on refugee status determination and protection standards.
- The module will also cover the Schengen Borders Code, its key provisions, and implications for border management;
- as well as the Returns Directive (2008/115/EC) and its upcoming reform, addressing return procedures and safeguards for third-country nationals.

Case studies

Practical implications and challenges in implementing these legislative instruments.

LEARNING OUTCOMES

deepen understanding of other key EU asylum and migration legislation.

MODULE 5

Strategic litigation avenues and instruments

This module focuses on strategic (impact) litigation, exploring its significance in advancing asylum and migration rights. Participants will gain an understanding of various litigation avenues available at the national, regional, and UN levels.

- Introduction to Strategic/Impact Litigation: what it is, the importance of using legal strategies to create systemic change in asylum law and migration policy and how to choose the optimal litigation avenue for the desired legal outcome.
- ECHR Instruments:
 - Application for interim measures (Rule 39 of the Court) and its role in urgent protection cases.
 - Practical aspects of filing an application with the European Court of Human Rights (ECtHR).
- ECRE'S Role in Litigation: Overview of ECRE'S litigation work, including how the organization can support lawyers and engages in strategic legal actions to uphold refugee rights.

Practical Exercise

In the final segment, participants will apply the knowledge gained to develop a litigation strategy

based on one of the issues identified during Module 2 (focused on the New Pact on Migration and Asylum). This collaborative exercise will provide hands-on experience in designing a litigation plan tailored to pressing legal challenges.

Learning objectives

learn strategic litigation techniques for addressing violations of migrants' fundamental rights within the EU legal framework.

Practical Application

develop practical litigation skills for asylum cases, including how to utilize ECHR interim measures and other legal mechanisms to protect the rights of asylum seekers, incorporating real-world examples; demonstrate the ability to create effective litigation strategies tailored to specific issues arising from the implementation of the New Pact on Migration and Asylum, using case study exercises.

The training aims to advance different **competences** of the participants:

- Analytical Skills: ability to interpret and analyze complex legal texts and case law; assessing the impact of EU policies and legislation on migration and asylum practices.
- Legal Advocacy: preparing case strategies and engaging in litigation processes, especially to leverage the EU Charter of Fundamental Rights

as a tool in strategic litigation to protect the rights of migrants and asylum seekers effectively, including identifying avenues for cross-border advocacy.

- Collaboration: ability to collaborate with legal professionals, civil society organizations, and advocacy groups to advance strategic litigation efforts.

LEARNING OUTCOMES

understand the role of strategic litigation in advancing asylum and migration rights, including avenues at national, regional, and international levels.

OVERVIEW OF EXISTING AND RELEVANT LITERATURE

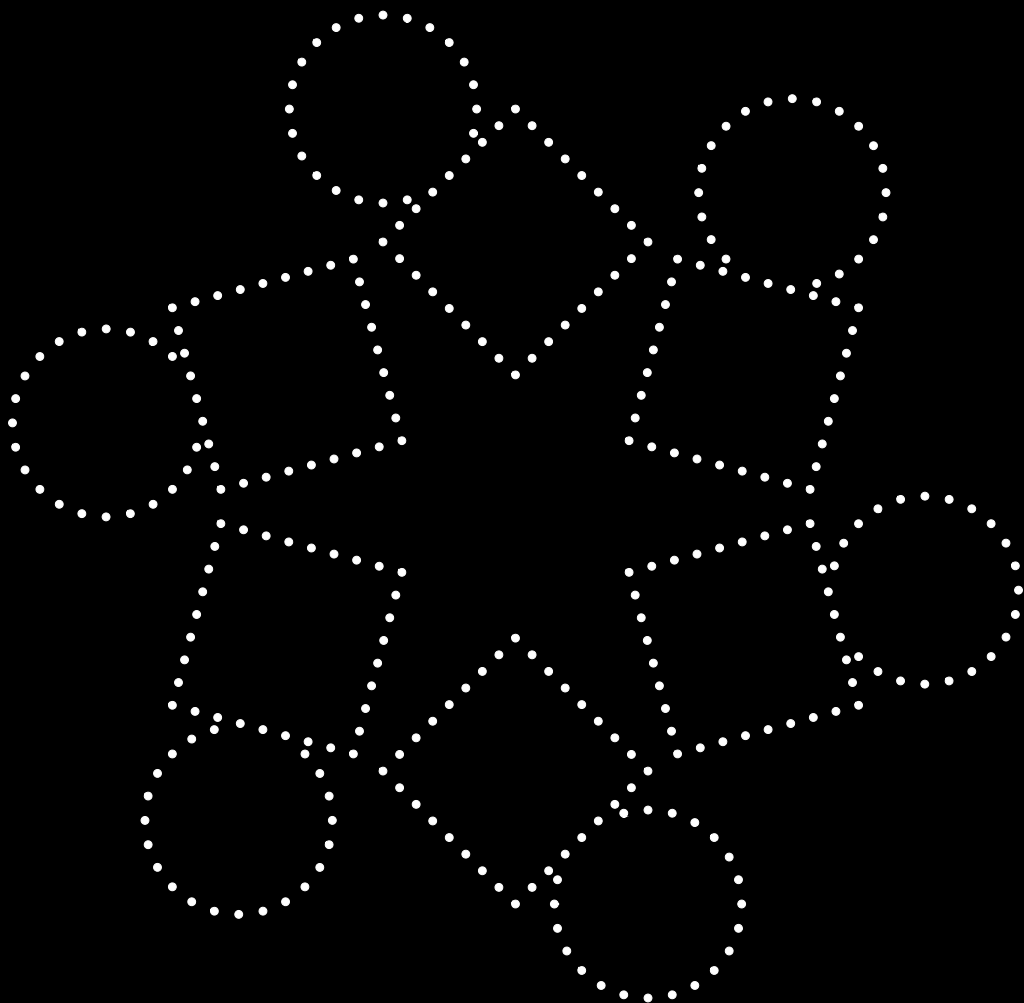
1. ECRE, DCR, The application of the EU Charter of Fundamental Rights to asylum procedural law, October 2014.
2. ECRE, HFHR, The EU Charter of Fundamental Rights; an indispensable instrument in the field of asylum, January 2017.
3. ECRE, Chartering a way to protection: the EU Charter Of Fundamental Rights — an indispensable instrument in the field of asylum ECRE's overview of how the Charter can be used to further the rights of those in need of protection, 2017.
4. ECRE, The guarantees of the EU Charter Of Fundamental Rights in respect of legal counselling, assistance and representation in asylum procedures, June 2024.
5. ECRE Comments on the Regulation of the European Parliament and of the Council on Asylum and Migration Management, Amending Regulations (EU) 2021/1147 And (EU) 2021/1060 and Repealing Regulation (EU) No 604/2013, May 2024.
6. ECRE Comments on the Regulation of the European Parliament and of the Council addressing Situations Of Crisis And Force Majeure in the field of migration and asylum and amending Regulation (EU) 2021/1147, May 2024.
7. ECRE Comments on the Directive (EU) 2024/1346 of the European Parliament and of the Council Of 14 May 2024 Laying Down Standards For The Reception Of Applicants For International Protection (Recast), September 2024.
8. ECRE Comments on the Regulation of the European Parliament and of the Council establishing

a common procedure for international protection in the Union and repealing Directive 2013/32/EU, October 2024.

9. ECRE, Schengen Borders Code Amendments: more hostile borders; less space for human rights. ECRE's assessment of the Commission Proposal For Amendments To The Schengen Borders Code.
10. ECRE, The implementation of the Dublin III Regulation in 2022, November 2023.
11. ECRE, Legal submissions.
12. ECRE, Knowledge sharing platform. Case-law guides on ECHR articles.
13. EU AA case-law database: <https://caselaw.euaa.europa.eu/Pages/default.aspx>
14. EU AA practical tools and guides: <https://euaa.europa.eu/practical-tools-and-guides>
15. EU AA country of information portal: <https://coi.euaa.europa.eu/>

Literature

16. Steve Peers, The new EU asylum laws: taking rights half-seriously, Yearbook of European Law, 2024, <https://doi.org/10.1093/yel/yeae003>
17. Evangelia (Lilian) Tsourdi and Cathryn Costello, The Evolution of EU Law on Refugees and Asylum: Forthcoming in Paul Craig and Gráinne de Búrca (eds.), The Evolution of EU Law (forth. OUP, 2021) : https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3735345
18. Odysseus Network, Blog Series about the instruments of the pact on migration and asylum, 2024.



CURRIC ULUM

for the Training
on utilising the EU
law for the prote-
ction of the civic
space

5

CURRICULUM FOR THE TRAINING ON UTILISING THE EU LAW FOR THE PROTECTION OF THE CIVIC SPACE



CENTRE
FOR PEACE
STUDIES



Co-funded by the
European Union

Co-funded by the European Union. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or European Education and Culture Executive Agency. Neither the European Union nor the granting authority can be held responsible for them.



VLADA REPUBLIKE
HRVATSKE
Ured za udruge

Projekt sufinancira Ured za udruge Vlade Republike Hrvatske. Stajališta izražena u ovoj publikaciji isključiva su odgovornost Kuće ljudskih prava Zagreb i ne odražavaju nužno stajalište Ureda za udruge Vlade Republike Hrvatske.

ABOUT THE SURE PROJECT

SURE project includes specialised training sessions in Croatia to equip legal practitioners and other professionals with the necessary skills and knowledge to engage in strategic litigation and leverage EU law and the EU Charter to influence national legislation and drive social change. These sessions aim to deepen practitioners' understanding of specific areas of EU law and the EU Charter, focusing on how these tools can strengthen fundamental rights, democracy, and the rule of law. Currently, only some legal professionals focus on these vital areas. Therefore, our target group comprises legal professionals and practitioners actively involved in civil society, ombuds institutions, government bodies, and law firms working on these issues. These groups require a comprehensive approach to mastering the principles and scope of EU law, particularly in asylum rights, non-discrimination, environmental protection, freedom of expression, and civil society. Intensive, in-depth training will create a new generation of professionals equipped to engage in litigation that ensures access to justice and fosters the coherent application of EU law.

OBJECTIVES OF THE TRAINING SESSIONS

Enhance the knowledge and awareness of legal professionals and practitioners in civil society organisations (csos), Ombuds institutions, state authorities, and law firms in Croatia on key aspects of EU law, particularly the EU Charter of Fundamental Rights and the available remedies and redress mechanisms for addressing critical issues related to democracy, the rule of law, and fundamental rights.

Strengthen participants' capacity to develop and implement effective litigation strategies, including how to communicate and advocate for these strategies, with the goal of bringing strategic litigation cases before national courts and the European Court of Justice (CJEU).

Promote cross-border knowledge sharing and collaboration between csos, Ombuds institutions, state authorities, and law firms in Croatia and their counterparts across other EU member states, facilitating cooperation on litigation and advocacy efforts related to EU Charter issues.

Increase legal protections for public participation by equipping legal practitioners with the tools to safeguard journalists and human rights defenders from strategic lawsuits against public participation (SLAPPS) and other forms of abusive legal action while promoting the strategic use of EU law to protect freedom of expression and fundamental rights.

INTRODUCTION

A series of overlapping, dashed-line geometric shapes, including circles and squares, are arranged in a cluster in the bottom-left corner of the page. The shapes are white and stand out against the solid yellow background.

Across the European Union, the civic space — the environment that enables individuals and organisations to associate, assemble, speak and participate in public life — is visibly shrinking. Civil society organisations, journalists, human rights defenders and activists are increasingly confronted with administrative and financial constraints, surveillance, smear campaigns, SLAPPS, criminalisation of solidarity and the instrumentalisation of security and migration frameworks. What was once treated as a collection of isolated incidents has materialised into a pattern that weakens democratic governance and the rule of law within the Union. In this context, strengthening the capacity of practitioners to invoke and enforce EU law for the protection of civic space is both urgent and essential. EU law contains tools that can be deployed to require compliance with fundamental rights and to restrain national authorities when they act outside the limits of the Union's legal order. Yet many civil society actors and legal professionals still lack the practical knowledge, methods and confidence to activate those tools in litigation, advocacy or monitoring.

This training responds to that need. It offers a structured, practice-oriented introduction to the EU framework relevant to civic space, rooted in primary law — the Treaties, the EU Charter of Fundamental Rights — the case law of the Court of Justice and in secondary instruments such as the GDPR, the ESF Regulation and directives that govern association, participation and the enabling environment for human rights defenders. Participants work through the

substance of the freedoms of association and peaceful assembly, and the trends of criminalisation and securitisation affecting those engaged in rights-based work. A core component of the programme is the development of the capacity to identify 'entry points' — the moments when Member States implement or apply EU law — and to convert those hooks into enforceable arguments capable of triggering EU review. Special emphasis is given to the Charter of Fundamental Rights and to recent CJEU jurisprudence, which is rapidly becoming a functional source of protection in civic-space-related litigation.

The curriculum does not stop at doctrine. It equips participants to combine litigation, advocacy and monitoring: to translate standards into pleadings, to use the Charter tactically in national courts with a view to CJEU referral, and to leverage EU-level reporting and oversight mechanisms — such as the European Commission's Rule of Law Report — as protection and pressure tools. By the end of the training, participants are expected to be able to analyse civic-space restrictions through the lens of EU and ECHR standards, identify and articulate legal breaches, deploy EU law in national and supranational proceedings and design strategic interventions capable of producing systemic change. The ultimate premise of the programme is that preserving an open civic space is not ancillary to EU law, but constitutive of its credibility: a Union that proclaims fundamental rights must equip those exposed to shrinking civic space with the means to enforce them.

PARTICIPANTS

Attendees

Participants include lawyers and attorneys, legal practitioners more broadly, activists and other professionals whose work engages the protection of human rights, the rule of law and civic action in any form — including individual human rights defenders and staff working within the Office of the Ombudsperson. The training is designed not only for litigators but also for those who document violations, advocate before institutions, provide support to at-risk defenders, or shape public policy affecting civic space. It is equally relevant to those working within organisations, independent experts, and professionals embedded in national oversight bodies, who require a deeper command of EU law to strengthen their daily defence of fundamental rights and democratic participation.

Trainers

Kersty McCourt is a human rights lawyer and advocate with twenty years' experience leading human rights, justice reform and civil society programmes. She currently leads advocacy for the Civil Liberties Union for Europe in Brussels alongside freelance and teaching work. Prior to that she led advocacy programmes at Front Line Defenders and the Open Society Justice Initiative and from 2017-2020 was the co-chair of the Human Rights and Democracy Network in Brussels. From 2005, Kersty was Head of Mission for the Danish Institute for Human Rights in Rwanda and subsequently deve-

loped access to justice programmes for DIHR across several countries. Kersty qualified as a lawyer in London and over the last years has designed and taught postgraduate courses on human rights and civic space in Venice, Yerevan and Beirut.

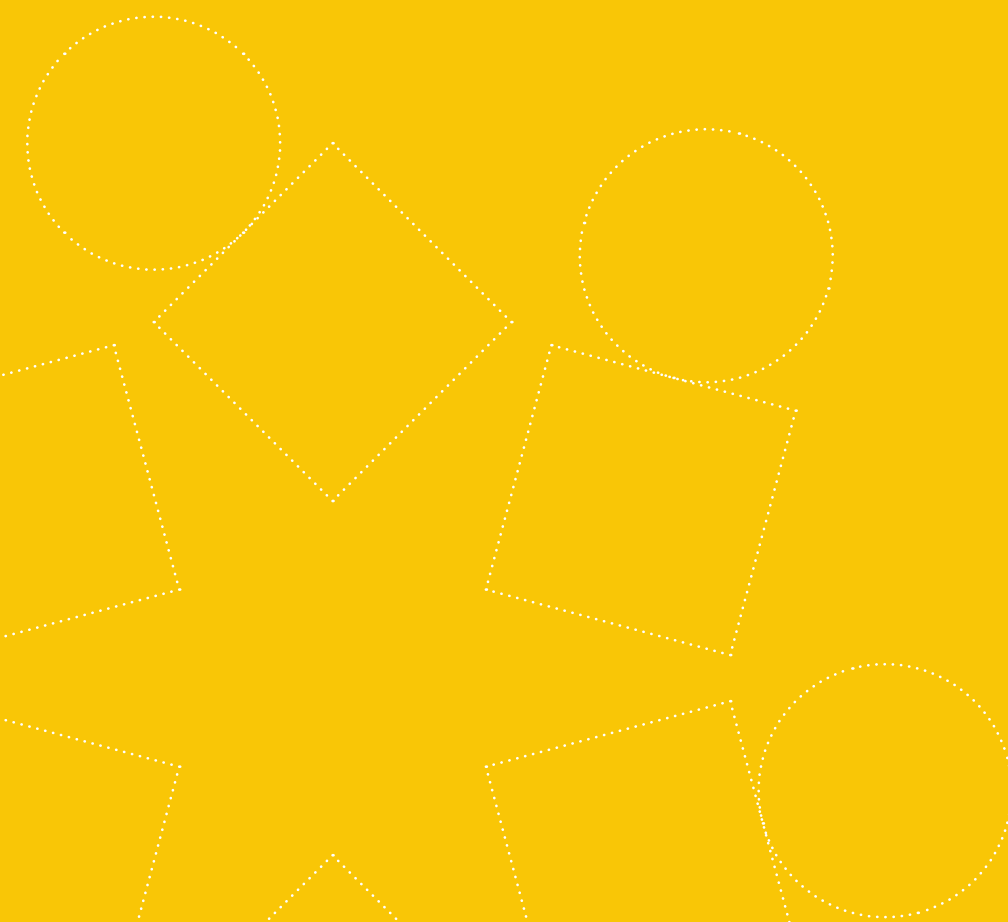
TRAINING STRUCTURE

The training agenda is carefully designed to achieve the educational objectives while remaining flexible to the specific needs, experience levels, and expectations of the participants. Trainers employ a variety of **interactive methods**, including guided discussions, real-life case studies, practical exercises, and problem-solving scenarios, to ensure that theoretical knowledge is complemented by hands-on experience.

The agenda will deliberately **balance theoretical modules with collaborative group work**, fostering peer-to-peer learning, critical thinking, and the practical application of EU migration and asylum law. Throughout the training, trainers actively **draw connections between modules**, revisiting and reinforcing previously discussed topics to enhance comprehension, retention, and the ability to apply knowledge in real-world legal contexts.

Participants will also be encouraged to **share their own experiences and challenges**, creating an environment where cross-sector perspectives enrich discussions and support collaborative problem-solving. By the end of the training, participants do not only understand key legal frameworks but also are equipped with practical strategies for litigation, advocacy, and cross-border cooperation.

WORK ENVIRONMENT AND WORKING CONDITIONS

The bottom left of the page features a decorative pattern of white dotted geometric shapes on a yellow background. These shapes include circles and squares of various sizes, some of which are tilted at angles, creating a modern, abstract design.

The training takes place in a space specifically designed to encourage active, workshop-style learning, with a flexible seating arrangement that maximises interaction. Instead of tables, chairs are arranged in a circle to foster open discussion, collaboration, and peer-to-peer engagement. This setup is particularly suited to the variety of practical exercises included in the programme, including role-plays, group problem-solving, and simulation activities, allowing participants to apply knowledge in real time. All necessary technical and logistical support, such as projectors, flipcharts, and other materials, is provided to ensure a fully functional environment that facilitates dynamic participation and hands-on learning.

MATERIALS

Required materials include PPT presentations in accordance with the training modules described below, relevant case studies which will be presented for group work and follow up discussion questions.

EDUCATIONAL METHODS FOR CONDUCTING DIFFERENT TRAINING SESSIONS

The training employs various educational methods, including theoretical overviews, case studies, practical exercises, and experience sharing, to accommodate different learning styles and enhance understanding.

Some of the methods used include

- Theoretical overviews
- PPT presentations (lecture-based approach)
- Case studies
- Real-life examples
- Discussion
- Practical exercises
- Simulations

MODULES AND LEARNING OUTCOMES

Objectives of the training include:

- Understand the current context, trends and developments resulting in a deterioration of civic space both regionally and nationally
- Deepen knowledge of the existing legal standards, the interaction between EU and international standards and how to access and apply the EU Charter of Fundamental Rights
- Learn how to develop complimentary litigation and advocacy strategies to protect civic space

Expected Learning Outcomes of the training include

- Heightened ability to identify and respond to the early warning signs that threaten the existence of a vibrant civic space
- Clear understanding of the applicable international and regional standards and the ways in which civic freedom rights can be limited
- Ability to identify the entry points into EU law and application of the EU Charter of Fundamental Rights
- Analysis of recent cases and how to apply the case law
- Capacity to develop clear and effective strategies that address civic space restrictions using a combination of litigation and advocacy

Practical Application

Participants should be able to use the learnings both for national level litigation and advocacy and to work with regional organisations to collectively advocate towards the EU, Council of Europe and UN (but with a primary focus on the EU). The content will enable participants to identify the entry points into EU law and use this to strengthen their work, legal arguments and approaches towards government. Learning from prior cases and tested strategies participants will be able to adapt to the Croatian context and know where some of the challenges and obstacles lie.

The training will be divided into clearly defined modules, balancing theoretical content with practical application:

Day 1

MODULE 1

Protection of Civic Space: Overview of trends and developments

This session focuses on developing an understanding of the regional and national trends limiting civic space and how the regional trends are reflected and replicated in Croatia. Participants will gain an understanding of the work of different organisations to document and monitor civic space and discuss

recent research in Croatia and how and why it's important to respond to the early warning signs.

Specifically, the session includes

- A practical exercise to develop a map illustrating the regional trends. Each participant will choose a county in the region and assess whether the space is closed, repressed, obstructed, narrowed or open.
- Review of the trends, definitions and key reports documenting civic space. Participants will discuss the map developed reflecting on recently published data.
- A presentation and discussion with Human Rights House Zagreb to locate the national / regional experience and the main challenges faced in Croatia.

LEARNING OUTCOMES

- Understand the current context, trends and developments
- Understand where some of the challenges lie and the obstacles to a safe and enabling environment
- Compare the regional and national experience

MODULE 2 AND 3

International and regional standards with a

focus on freedom of association and assembly

This session focuses on the legal frameworks and how they can be applied to Croatia and the existing civic space challenges. Participants will discuss the definitions of civic space and human rights defenders to understand the scope and context of those definitions and how they are reflected in international legal standards. We will look specifically at the similarities and differences between the ECHR and the Charter and the ways in which civic freedoms are protected. Focusing on the freedom of association and assembly participants will look at the international and regional standards, understand the ways in which these rights can be restricted, discuss recent cases in Croatia and the region and recent guidance from UN Special Rapporteurs.

Specifically, the session includes

- The definitions of civic space and human rights defender
- Review the key UN, CofE, OSCE and EU laws and frameworks
- Focus in on EU law and the Charter of Fundamental Rights
- A practical exercise to re-create the Charter comparing to the ECHR standards. Using post-it notes participants will create a visual Charter based on the different categories of rights, identifying which are included in the ECHR and those which are unique to the Charter.
- Mini case studies and practical exercise to iden-

tify the limits of the police in relation to different types of assemblies and a discussion on the circumstances under which certain limitations might be justified / steps the police should have taken to facilitate the right to peaceful protest.

- Discussion on recent cases and how restrictions have been applied.

LEARNING OUTCOMES

- Understand the existing international and regional laws and standards
- Understand core definitions
- Understand the content and development of the right to freedom of peaceful assembly and freedom of association
- Understand what constitutes an assembly/association and when rights can be restricted.

SESSION 4

Entry points into EU law

The session focuses on the entry points into EU law or how to find the 'hook'. It looks at how member states need to apply the Charter when 'implementing EU law', the circumstances in which this is the case and the most likely hooks in civic space cases. This might include the four EU freedoms of capital, services, people and goods or specific EU directives such as the General Data Protection Regulation, the

Audio-Visual Services Directive and the AI Act.

Specifically, the session includes

- When member states are implementing EU law and how to find the 'hook'
- Group work to study and assess a case study of the Hungary Lex NGO case, what was the hook into EU law, the key elements of the case and assessment of the judgment.

LEARNING OUTCOMES

- Understand how to find your entry point or 'hook' into EU law
- Apply EU law and the Charter of Fundamental Rights to key civic space cases

Day 2

SESSION 5

Threats, trajectories and impacted groups

Different civil society groups and individual HRDs experience the threats to civic space in different ways — with many facing intersectional challenges. This session explores some of those cases to help participants better identify the early warning signs, the factors impacting different groups and the global trends — such as the securitisation agenda that have been particularly challenging for HRDs.

This session includes

- The criminalisation of HRDs specifically those working on migration
- The way in which the security playbook is deployed

LEARNING OUTCOMES

Understand how different groups are impacted and the trajectory of different threats

SESSION 6

Litigation, Advocacy and the Architecture of Protection

This session looks from a practical perspective at the steps needed to get cases to the CJEU and the specific actions needed within both advocacy and litigation strategies. The two primary routes or infringement proceedings and preliminary references will be looked at. Participants will look at the basics of how to design an advocacy strategy looking in particular at mapping your advocacy targets using the power-interest matrix.

Specifically, the session includes

- Key tools to develop an advocacy strategy including the power-interest matrix

- Ways to get your case to the CJEU, including how to file a complaint to the European Commission, complimentary advocacy and the steps needed to get a preliminary reference before the court
- The ongoing advocacy to improve the protection landscape for HRDs in the EU and how groups in Croatia can feed into the forthcoming consultation by the European Commission on a civil society strategy.

LEARNING OUTCOMES

- Understand how to combine litigation and advocacy to protect civic space
- Understanding of the protection landscape in Europe

SESSION 7

Simulation Exercise

During the session using a fictitious but realistic case study participants will prepare for a meeting with the European Commission to present and advocate for the Commission to bring a legal case, prepare a press conference and accompanying social media post.

The case study includes questions around: -

- Limits on the right to protest

- NGO laws and the impact of legal measures imposed to restrict freedom of association
- SLAPPS

Participants are asked to prepare

- A 5–10 minute intervention for the meeting with the Commissioner where you:
 - Set out the EU law violations
 - Call for specific action from the Commissioner
 - Highlight why it is urgent and the trajectory Terrania is on
- A 1–2 minute press conference in Brussels setting out your case
- A short social media post you will use on the day of your meeting

LEARNING OUTCOMES

- Applied knowledge gained during the training
 - both of the legal frameworks, strategies and key messages

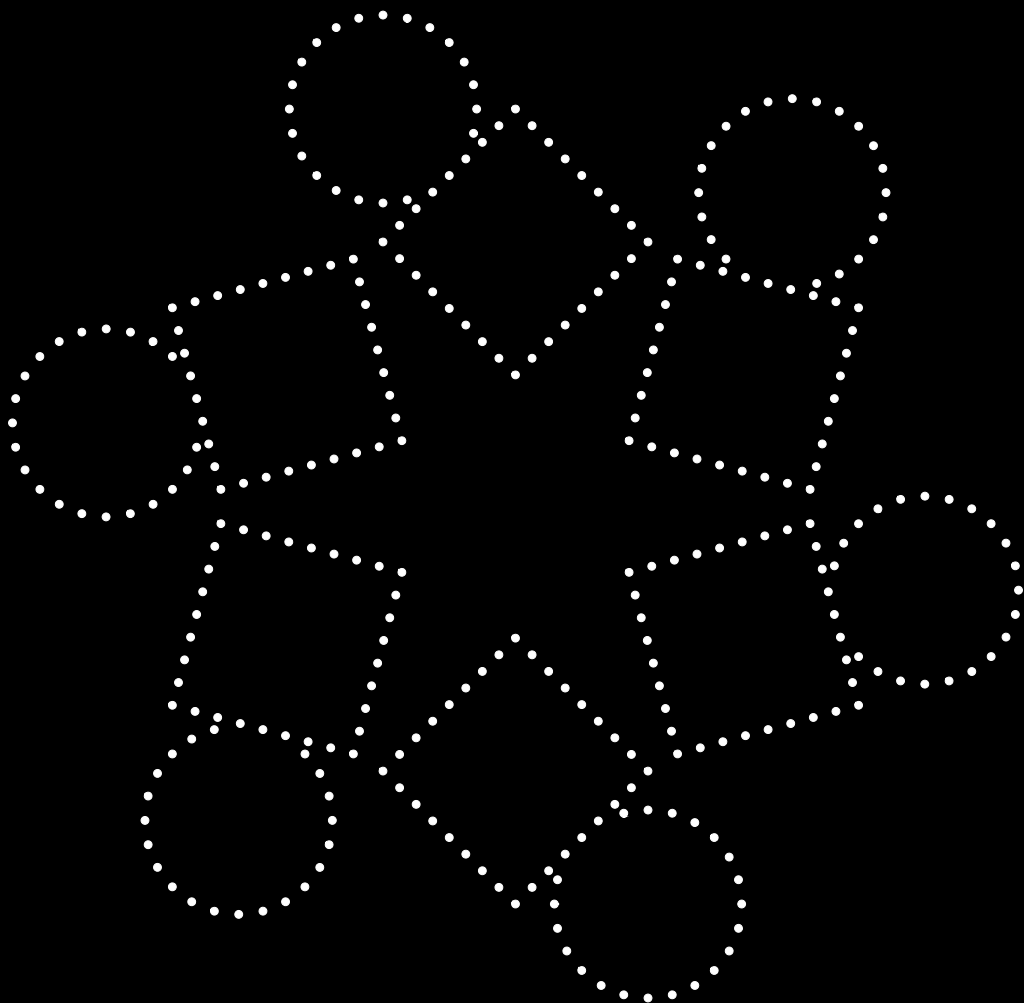
OVERVIEW OF EXISTING AND RELEVANT LITERATURE

TOOLS AND RESOURCES

1. FRA Work on Civic Space: <https://fra.europa.eu/en/cooperation/civil-society/civil-society-space>
2. ODIHR, Guidelines on the Protection of Human Rights Defenders (2024): <https://www.osce.org/odihr/guidelines-on-the-protection-of-human-rights-defenders>
3. UN Declaration + 25 <https://ishr.ch/25-years-un-declaration-on-human-rights-defenders/>
4. ODIHR Human Rights Handbook on Policing Assemblies
5. ODIHR Handbook on Monitoring Freedom of Peaceful Assembly: Second Edition
6. Reports on HRD Protection - <https://www.liberties.eu/en/stories/protection-mechanism-mapping/45162>
7. Artistic Freedom Initiative: reports on artistic freedom <https://artisticfreedominitiative.org/our-programs/advocacy-for-artistic-freedom/research-2/>

Art Work

8. <https://fineacts.co/belonging>
9. <https://fineacts.co/reimagining-human-rights>
10. Aysha Tengiz for Fine Acts
11. Cecilia Castelli
12. Anina Takeff
13. Asis Percales for Fine Acts



CURRICULUM

for education on
freedom of expres-
sion through EU law
– hate speech and
SLAPP



6

from

Translation for Croatian to English language of the original document:
Kurikulum za edukaciju o slobodi izražavanja kroz pravo EU – govor mržnje i SLAPP. Original document prepared by Vesna Alaburić and Vanja Jurić, available here: link

Link: <http://www.kucaljudskihprava.hr/publikacije/5706/>

CURRICULUM FOR EDUCATION ON FREEDOM OF EXPRESSION THROUGH EU LAW — HATE SPEECH AND SLAPP

 CENTRE FOR PEACE STUDIES	 EUROPEAN UNION	 Zelena akcija	 EUROPEAN COMMISSION	 REPUBLIKA HRVATSKA Pučka pravobraniteljica
 Co-funded by the European Union	Co-funded by the European Union. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or European Education and Culture Executive Agency. Neither the European Union nor the granting authority can be held responsible for them.			
 VLADA REPUBLIKE HRVATSKE Ured za udruge	Projekt sufinancira Ured za udruge Vlade Republike Hrvatske. Stajališta izražena u ovoj publikaciji isključiva su odgovornost Kuće ljudskih prava Zagreb i ne odražavaju nužno stajalište Ureda za udruge Vlade Republike Hrvatske.			

Na engleskom

ABOUT THE SURE PROJECT

SURE project includes specialised training sessions in Croatia to equip legal practitioners and other professionals with the necessary skills and knowledge to engage in strategic litigation and leverage EU law and the EU Charter to influence national legislation and drive social change. These sessions aim to deepen practitioners' understanding of specific areas of EU law and the EU Charter, focusing on how these tools can strengthen fundamental rights, democracy, and the rule of law. Currently, only some legal professionals focus on these vital areas. Therefore, our target group comprises legal professionals and practitioners actively involved in civil society, ombuds institutions, government bodies, and law firms working on these issues. These groups require a comprehensive approach to mastering the principles and scope of EU law, particularly in asylum rights, non-discrimination, environmental protection, freedom of expression, and civil society. Intensive, in-depth training will create a new generation of professionals equipped to engage in litigation that ensures access to justice and fosters the coherent application of EU law.

OBJECTIVES OF THE TRAINING SESSIONS

- Enhance the knowledge and awareness of legal professionals and practitioners in civil society organisations (csos), Ombuds institutions, state authorities, and law firms in Croatia on key aspects of EU law, particularly the EU Charter of Fundamental Rights and the available remedies and redress mechanisms for addressing critical issues related to democracy, the rule of law, and fundamental rights.
- Increase legal protections for public participation by equipping legal practitioners with the tools to safeguard journalists and human rights defenders from strategic lawsuits against public participation (SLAPPS) and other forms of abusive legal action while promoting the strategic use of EU law to protect freedom of expression and fundamental rights.

What is SLAPP?

The term 'SLAPP' (Strategic Lawsuit Against Public Participation) was coined by American scholars in the 1980s and 1990s to describe a specific type of lawsuit that was then being pursued in the United States. They believed that these were lawsuits whose sole purpose was to suppress public discourse on topics of general social interest, or that SLAPP plaintiffs were abusing existing legal mechanisms, turning them into instruments of intimidation and silencing their critics. We still treat SLAPPS in a similar way today — as lawsuits that are mostly completely unfounded, without sufficient factual and legal basis — and their purpose is not to protect

any legitimate right of the plaintiff, but to abuse the duration and costs of the legal proceedings as a means of pressure.

Unlike ‘regular’ legal proceedings, the goal of a SLAPP lawsuit is to exhaust the defendant — financially, existentially and professionally — to the point of giving up further public speaking on a certain topic. SLAPP lawsuits thereby produce the so-called ‘chilling effect’ on freedom of expression.

The plaintiffs in these proceedings are usually politicians, government officials, corporations and influential individuals, while on the other hand they are journalists, publishers, non-profit media, activists, civil society organizations and whistleblowers — that is, those who are often in an unequal position with regard to resources and influence.

SLAPP lawsuits are not unknown in Europe either, but serious institutional attention to this phenomenon within the EU began to be given only after the assassination of Maltese journalist Daphne Caruana Galizia in 2017. Caruana Galizia reported on corruption in Malta and the links between the Maltese Government and organized crime, and at the time of her murder, more than forty court proceedings were pending against her, initiated precisely because of her public activity in exposing corruption.

Some of the common features of a SLAPP lawsuit include:

- lack of legal and/or factual basis;
- the subject matter of the lawsuit relates to public speaking (public participation) in relation to a matter of public interest;
- the proceedings most often concern claims for damages, although others are not excluded;
- the claims are often excessively high or disproportionate;
- the initiation of several parallel proceedings against the same or more defendants;
- abuse of procedural mechanisms to delay and increase costs;
- a clear imbalance of power between the parties;
- the defendants are most often journalists, activists, the media, civil society and whistleblowers.

Croatian legislation does not yet recognize the concept of SLAPP, nor do most EU member states, but this will soon change — with the adoption of the Anti-SLAPP Directive in 2024, all member states have a two-year period to adapt their legislation.

ANTI-SLAPP DIRECTIVE

In order to combat the abuse of court proceedings against public activity, in April 2022 the European Commission proposed a Directive on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings ('Strategic lawsuits against public participation') — the so-called The Anti-SLAPP Directive, which was adopted in April 2024.

The basis for the adoption of the Directive is found in Article 81 of the TFEU, which gives the Union powers in the field of judicial cooperation in civil matters. This is the reason why the directive is applicable only to cases of a civil and commercial nature, so it also excludes, for example, criminal proceedings which, along with lawsuits for damages, were often (and still are) one of the main mechanisms of putting pressure on SLAPP victims. Secondly, due to the question of the competence of the EU to regulate such issues — the Directive is applicable only to procedures that have an international (cross-border) element, that is, only to those cases that have a cross-border dimension.

Nevertheless, with obvious limitations, the text of the Directive tried to maximally broaden the definition of a cross-border element, with the aim of making the protective mechanisms prescribed by the Directive applicable in as many cases as possible: 'A matter should be considered to have cross-border implications unless both parties are domiciled in the same Member State as the court seised and all other elements relevant to the situation concerned

are located in that Member State.’ Thus, the case will be considered to have cross-border implications, unless both parties and all elements of the case are exclusively connected to one Member State. With regard to the idea of regulation, it is recommended, as a good practice, that member states extend the application of the Directive to domestic SLAPP procedures as well.

The Directive distinguishes two key categories of SLAPP proceedings

- manifestly unfounded actions
- abusive court proceedings.

Although the Directive itself does not use the acronym ‘SLAPP’, it speaks of ‘abuse of judicial proceedings against public participation’. The protection covers any person who publicly participates in a debate on a matter of public interest, so the protection does not only include journalists, but also civil society organizations, whistleblowers, academia and others.

The concept of public participation, which is crucial in the context of understanding whether a procedure can be considered a SLAPP procedure — includes any statement or action in the context of exercising freedom of expression on matters of general interest, including activities such as submitting petitions, complaints, participating in public hearings, etc.

Although it is not possible to define precisely what is considered a matter of public interest, as it will always depend on the circumstances of each specific case, public interest is considered to be all those matters that affect the public to the extent that the public can legitimately be interested in them, in areas such as:

- public health, safety, the environment, climate or the fundamental rights;
- activities of a person or entity in public or of public interest;
- matters that are the subject of public debate or that are subject to review by a legislative, executive or judicial body or any other public official procedure;
- allegations of corruption, fraud or crime;
- activities aimed at combating disinformation.

The Directive provides for three key protection mechanisms

- a guarantee for costs and damages — to protect the defendant during the proceedings;
- early dismissal of manifestly unfounded claims — to prevent lengthy and costly proceedings;
- compensation for costs and damages to the victim of a SLAPP.

The possibility of early dismissal of a claim is limited only to cases where the unfoundedness of the claim/action is ‘manifest’, even if its main purpose is to ‘prevent, restrict or penalise public participa-

tion'. The reason for this solution is to ensure the protection of the fundamental rights of the claimant, such as the right of access to court. The burden of proof lies with the claimant, who must prove the merits of his claims.

The Directive additionally introduces other procedural guarantees, such as the right of third parties (e.g. non-governmental organisations) to intervene in the proceedings on behalf of the defendant. Although this may not seem very important at first glance, it could significantly help more vulnerable defendants (and less expert courts), by providing support, expertise and oversight over the course of the proceedings, which has not been provided for in Croatian legislation so far.

EU REGULATIONS AND SLAPPS

Although the Directive only applies to cases brought in EU Member States, it also provides for the possibility of protection against decisions in SLAPP proceedings that may be issued in third countries, which do not provide the level of legal protection provided for by European law. In such cases, the courts of EU Member States may refuse to recognise and enforce such judgments.

However, in the context of private international law, the problem also exists within the European Union itself, given that the Brussels Ia Regulation (on jurisdiction and recognition of judgments) and the Rome II Regulation (on the law applicable to non-contractual obligations) have been in force for decades.

These regulations, although this was of course not the intention of the legislator, indirectly provide SLAPP plaintiffs with a certain scope for so-called forum shopping, i.e. for choosing jurisdictions with the most unfavourable conditions for defendants. Due to differences in the amount of legal costs in different countries and the amounts of damages that are usually awarded in individual member states, plaintiffs, as is evident from previous experience, often choose the jurisdiction of the court and the application of the law of the country in which the case law and laws allow them to impose the heaviest financial burden on the defendant.

The Brussels Ia Regulation establishes that in cases concerning non-contractual liability for damages

(which also includes cases for infringement of personality rights), the courts of the place where the harmful event occurred may have jurisdiction, but also the courts of the place where the damage may occur, which opens up room for broad interpretation. This means that SLAPP defendants are effectively exposed to the laws of several legal systems, from which plaintiffs will be able to choose those that provide the lowest level of protection of freedom of expression or the courts where the costs of the proceedings are the highest.

The meaning of ‘place where the harmful event occurred or may occur’ in the Brussels Ia Regulation is not defined, as it can refer both to the place where the harmful act was committed and to the place where the damage occurred (for example, the SLAPP plaintiff’s domicile). The European Court of Justice therefore had to clarify the meaning of this term and developed additional conditions. In the eDate Advertising and Svensk Handel cases, it was established that a claim for damages may only be brought in the defendant’s domicile or in the place of the plaintiff’s so-called centre of interests, which nevertheless reduces the possibility of abuse.

Secondly, given the serious differences between the legal systems of the Member States, the question of the duty to recognise and enforce decisions given by the courts of another EU Member State has also arisen. Under the Brussels Ia Regulation, a court of one Member State will recognise and enforce a decision of another Member State almost automa-

tically. EU law does not allow for the review of the merits of decisions given in other Member States, and the Regulation provides only very limited grounds for refusing recognition and enforcement of such decisions. A judgment of a court of another Member State will always be recognised, except in cases where (I) recognition is manifestly contrary to public policy in the State in which recognition is sought, (II) it was given in absentia, without due notice to the defendant, and (III) it is irreconcilable with an earlier decision on the same matter.

If the judgment against the SLAPP victim is issued in another Member State — the greatest possibility for the protection of the SLAPP defendant is provided by the exception relating to the institute of public policy. The defendant may challenge the recognition of such a judgment if its enforcement would mean a clear violation of the fundamental principles of the legal order of the state in which recognition is sought — for example, the right to freedom of expression. That this is also possible in practice became clear relatively recently, in the case of the plaintiff *Real Madrid v. the publisher Le Monde*, when a French court refused to recognize and enforce the judgment of a Spanish court, precisely for the aforementioned reason.

CORE LEGAL PRINCIPLES OF PROTECTION OF FREEDOM OF EXPRESSION

In order to correctly assess whether a particular case is a SLAPP lawsuit or not, it is important to know well the basic legal principles of the protection of freedom of expression, which are defined in the judgments of the European Court of Human Rights and other international courts, as well as the judgments of courts in democratic countries.

It is a fundamental principle that freedom of expression is the cornerstone of a democratic society and one of the basic conditions for its progress and for the fulfillment of every individual. The right to freedom of expression applies not only to 'information' (statements of fact) or 'ideas' (value judgments) that are favorably received or not considered offensive or cause no reaction, but also to those that offend, shock or disturb. This requires pluralism, tolerance and free-thinking without which there is no 'democratic society'.

The right to freedom of expression, however, is not an absolute human right, which could never be limited under any circumstances. This is a relative human right, which may be restricted exceptionally, if the need for the restriction is convincingly established. The following assumptions must be cumulatively met: legality, legitimacy, necessity in a democratic society and, subordinately, proportionality.

The principle of legality requires that the restriction of freedom of expression is prescribed by law. The concept of law contains a formal aspect — that it is

a regulation, a general act, adopted by a competent body of public authority and that is published and publicly available. In terms of content, the concept of law means that it must be sufficiently precise and predictable, because otherwise people cannot be required to align their behavior with the expectations of the legislator. A law is considered sufficiently precise and predictable even when an individual needs legal assistance to understand it, especially if it is a regulation that regulates the professional activity of that individual.

The principle of legitimacy means that the restriction of freedom of expression is permitted if it serves to protect legitimate goals, which are defined as such by the constitution and/or international conventions. The Constitution of the Republic of Croatia thus stipulates that certain human rights and freedoms, including freedom of expression, may be restricted in order to protect the freedoms and rights of others, the legal order, public morals and health. The European Convention defines legitimate aims of restrictions as national security, territorial integrity, public order and peace, the prevention of disorder or crime, the protection of health, the protection of morals, the protection of the reputation and rights of others, the prevention of the disclosure of confidential information, and the preservation of the authority and impartiality of the judiciary.

The test of necessity in a democratic society requires that a court before which a 'request' for the restriction of someone's freedom of expression is

brought determines whether the restriction of freedom of expression is strictly socially necessary and whether it is proportionate to the legitimate aim, and to state relevant and sufficient reasons for that restriction. The restriction of the right to freedom of expression must be considered in the context of the case as a whole, including the content of the statements and the context in which they were made.

If it finds that the restriction of freedom of expression was necessary in order to protect a legitimate aim, the court assesses the proportionality between the harm caused to freedom of expression and the benefit brought to the protection of the legitimate aim. In doing so, it is important to properly distinguish factual claims from value judgments. Factual statements are subject to proof of truth, unlike value judgments, which are not subject to proof of truth. However, for the correct application of the proportionality test, an important circumstance is whether the disputed value judgment is based on a sufficient factual basis or, due to the absence of a valid factual basis, it can be considered hasty, excessive, unfounded.

It is particularly important whether the disputed information is given in the context of a political debate on a topic of public interest, because the limits of freedom of expression are the widest for that type of speech. It is also important whether the disputed information refers to public or private persons, because the limits of permissible criticism are much wider when it comes to public persons.

This rule also applies to topics of private life, because the public has the right to know details from the private life of public figures if they are related to the public activity and public life of these persons.

Freedom of expression is most often in conflict with the right to protection of privacy, reputation and honor. Determining the correct balance between these conflicting human rights, the court takes into account all the circumstances of the specific case, and especially (I) the contribution to the debate in the public interest; (II) to what extent the person in question is known to the public and what is the content of the statements made; (III) previous behavior of the person to whom the statement refers; (IV) methods of collecting information and their verifiability; (V) the content, form and consequences of the published information; (VI) the severity of the imposed sanction and the chilling effect.

FREEDOM OF EXPRESSION AND HATE SPEECH

There are numerous definitions of hate speech - the definition of Recommendation of the Ministerial Committee of the Council of Europe states: 'the term 'hate speech' shall be understood as covering all forms of expression which spread, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance, including: intolerance expressed by aggressive nationalism and ethnocentrism, discrimination and hostility against minorities, migrants and people of immigrant origin'.

All definitions of hate speech have the following two characteristics in common

- **content**

expression of certain hateful and offensive content/ messages, which express, advocate or incite hatred, discrimination or violence, or which mock, belittle, humiliate, dehumanise or devalue

- **about**

hate speech must be directed against certain targeted social groups and their members who can be identified by certain common objective characteristics such as race, skin colour, national or ethnic origin, religion, gender, sexual orientation etc.

The purpose of hate speech is twofold

- to humiliate, defame, intimidate, discriminate, silence, isolate, attack a specific target group and its members,

- to homogenize and mobilize specific hate groups that advocate such ideas and gain new followers for them.

The purpose of hate speech is twofold

- to humiliate, defame, intimidate, discriminate, silence, isolate, attack a specific target group and its members,
- to homogenize and mobilize specific hate groups that advocate such ideas and gain new followers.

The effects of hate speech are extremely harmful, and can be devastating for individuals and society as a whole

1. causing emotional stress, feelings of humiliation and loss of human dignity (which can also have lasting psychological consequences on the mental health of individuals directly exposed to hate speech or witnesses of hate speech, especially children),
2. maintaining and further perpetuating the subordination and social and political inequality (the victims of hate speech are, as a rule, historically oppressed, marginalized and discriminated social groups — members of minority, immigrants, stateless persons, and others, depending on the specific societies in question and their historical, social, demographic, political and cultural specificities),
3. silencing victims by intimidation and threats, effectively preventing them from responding,

which has devastating consequences for the quality of the overall public discourse

4. 'Surely the greatest danger posed by hate speech is that it can have effects that surpass its immediate objectives and create a culture of hate, a culture that on a much wider scale makes hate acceptable and even worthy of respect' (Ursula Owen),
5. the possibility of inciting physical violence, individually or en masse (hate speech mediated by the mass media from a position of authority or which enjoys the explicit or tacit approval of the authorities is particularly dangerous) as it precedes the most terrible mass crimes, such as genocide, the Holocaust or ethnic cleansing.

Examples

- International Tribunal for War Crimes in Rwanda - conviction of journalist Georges Omar Ruggio for inciting genocide and crimes against humanity
- The International Tribunal for War Crimes in the former Yugoslavia — verdict convicting Vojislav Šešelj for crimes against humanity

There are numerous international regulations on hate speech, inter alia

- UN Convention on the Elimination of All Forms of Racial Discrimination (1965), art. 4:

States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discri-

mination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of this Convention, inter alia:

(a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

(b) Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;

(c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.

- **International Covenant on Civil and Political Rights (1966)**

obligates the signatory states to prohibit by law 'any propaganda for war' and 'any appeal to national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence'

- **ECHR**

guarantees the enjoyment of the rights and freedoms recognized in the Convention without discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status (Art. 14)

- **Recommendation of the Ministerial Committee of the Council of Europe on 'hate speech' No. R**

(97) 20

- recommends that member states, within the framework of a comprehensive approach to hate speech, 'establish and maintain a complete legal framework consisting of civil, criminal and administrative legal provisions on hate speech'

Hate speech is also sanctioned by Croatian regulations, and only the most serious forms of hate speech that publicly call for or incite violence or hatred towards individuals or groups of people on some racist, discriminatory basis are defined as a criminal offense.

In the context of Croatian regulations, it is important to analyze

- **Constitution of the Republic of Croatia, Art. 39.**

Any call or incitement to war or the use of violence, to national, racial or religious hatred or any form of intolerance is prohibited and punishable.

- **Penal Code, article 325:**

(1) Anyone who by press, radio, TV, computer system or network, on public gathering or in any other way, publicly incites or makes available to the public leaflets, pictures or other material that incites to violence or hatred directed towards a group of people or a member of a group on the grounds of race, religion, national or ethnic belonging, origin, skin colour, gender, sexual orientation, gender identity, disability or any other characteristics, will be punished up to three years of prison.

(2) Whoever organizes or leads a group of three or more persons for perpetrating acts from paragraph (1) of this article, will be punished from six months up to five years of prison.

(3) Whoever participates in the joint activity stated in the paragraph (2) of this article, will be punished up to one year

in prison.

(4) Anyone who publicly approves, incites or considerably lessens criminal act of genocide, crime of aggression, crime against humanity or war crime directed towards a group of people or a member of a group on the grounds of race, religion, national or ethnic belonging, origin, skin colour and in a way that is suitable for incitement to violence and hatred against such group or a member of a group, will be punished as stated in the paragraph (1) of this article.

(5) For the attempt stated in paragraphs (1) and (4) of these articles, perpetrators will be punished.

- **Anti-discrimination Act**

Članak 1.

(1) Ovim se Zakonom osigurava zaštita i promicanje jednakosti kao najviše vrednote ustavnog poretka Republike Hrvatske, stvaraju se pretpostavke za ostvarivanje jednakih mogućnosti i uređuje zaštita od diskriminacije na osnovi rase ili etničke pripadnosti ili boje kože, spola, jezika, vjere, političkog ili drugog uvjerenja, nacionalnog ili socijalnog podrijetla, imovnog stanja, članstva u sindikatu, obrazovanja, društvenog položaja, bračnog ili obiteljskog statusa, dobi, zdravstvenog stanja, invaliditeta, genetskog naslijeđa, rodACnog identiteta, izražavanja ili spolne orijentacije.

(2) Diskriminacijom u smislu ovoga Zakona smatra se stavljanje u nepovoljniji položaj bilo koje osobe po osnovi iz stavka 1. ovoga članka, kao i osobe povezane s njom rodbinskim ili drugim vezama.

(3) Diskriminacijom se smatra i stavljanje neke osobe u nepovoljniji položaj na temelju pogrešne predodžbe o postojanju osnove za diskriminaciju iz stavka 1. ovoga članka. Članak 3.

(1) Uznemiravanje je svako neželjeno ponašanje uzrokovano nekim od osnova iz članka 1. stavka 1. ovoga Zakona koje ima za cilj ili stvarno predstavlja povredu dostojanstva osobe, a koje uzrokuje strah, neprijateljsko, ponižavajuće ili uvredljivo okruženje.

- **Act on Preventing Disorders at Sporting Events Art. 4(1)(5 and 7)**

Article 1.

(1) This Law ensures the protection and promotion of equ-

ality as the highest value of the constitutional order of the Republic of Croatia, creates prerequisites for achieving equal opportunities and regulates protection against discrimination based on race or ethnicity or skin color, gender, language, religion, political or other belief, national or social origin, property status, membership in a trade union, education, social position, marital or family status, age, health status, disability, genetic inheritance, family identity, gender identity, expression or sexual orientation.

(2) Discrimination within the meaning of this Act is considered to be putting any person in a less favorable position on the basis of paragraph 1 of this article, as well as persons related to him by family or other ties.

(3) Discrimination is also considered to put a person in a disadvantageous position on the basis of a mistaken idea about the existence of a basis for discrimination from paragraph 1 of this article.

Article 3.

(1) Harassment is any unwanted behavior caused by any of the grounds from Article 1, Paragraph 1 of this Act, which aims or actually represents a violation of a person's dignity, and which causes fear, a hostile, humiliating or offensive environment.

- **Act on Preventing Disorders at Sporting Events Art. 4(1)(5 and 7)**

(1) Unlawful behavior, within the meaning of this Act, is considered: attempting to bring in, bringing in, or displaying banners, flags, or other items with text, images, symbols, or other markings expressing or inciting hatred or violence based on racial, national, regional, or religious affiliation; singing songs or shouting messages whose content expresses or incites hatred or violence based on racial, national, regional, or religious affiliation

- **Act on Misdemeanours against Public Order and Peace, Art. 5:**

Anyone, in a public place, by performing, reproducing songs, compositions, and texts, or by wearing or displaying symbols, texts, images, or drawings that disturb public order and peace, shall be fined for a misdemeanor in the amount of 700.00

to 4,000.00 euros or with imprisonment for up to 30 days.

- court decisions: Mamić, Šimunić, Perković Thompson
- decisions of Council for Electronic Media: Buja-nec, Jurič
- ECtHR decisions: Jersield v. Denmark, Vejdeland and Others v. Sweden

Should hate speech be restricted?

YES

Words can be transformed into bullets, hate speech can kill or maim, as can censorship. As passionate opponents of censorship and advocates of free speech, we must nevertheless ask ourselves: is there a point when the quantitative consequences of hate speech qualitatively change the argument about how it should be treated. And should we not distinguish between the words of those whose hate speech is a matter of belief, however ignorant, and hate speech as propaganda, i.e. the calculated and systematic use of lies to sow fear, hatred and violence in the population at large?

Ursula Owen
Hate Speech — The speech that kills

NO

We are assured that hate laws serve to protect social peace. But hasn't history proven that freedom of speech, freedom of religion, and individual freedom in general are the most effective

social mechanisms ever discovered for promoting tolerance and peace? On the other hand, censorship is one of the surest paths to victimization, political conflict, intolerance, and violence.

Pierre Lemieux

