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Thirty years of the European Law Faculties Association

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Editorial

We are honoured to present this special edition of the European Journal of Legal Education, reflecting the active and influential work of the European Law Faculties Association (ELFA) over the thirty years since its foundation. As editors, we have valued the experience, patience and determination of our colleagues: Konstantin Taney and Boyka Cherneva of the University of National and World Economy in Bulgaria; Greta Bosch as editor in chief and other members of the editorial team who provided much moral and practical support, our patient and thoughtful authors and a group of dedicated peer reviewers from a number of institutions across Europe.

Many of the contributions focus, as might be expected, on the history and achievements of ELFA. The tone is set in Andreas Ziegler's article on 'Cooperation in legal education in Europe - the role of the European Law Faculties Association (ELFA) in its first thirty years of existence and the challenges for the future'. Laurence Gormley adds to this in his comprehensive tabulation of ELFA thesis awards from 2013, demonstrating a phenomenal range, both geographically and in content, as well as the enduring influence of winners and those considered *proxime accessit* in universities and institutions across the region.

We then move to the pan-European significance of legal education at both conceptual and practical levels. Both the keynote speech from the 2025 ELFA conference, by European Court of Human Rights judge Diana Kovatcheva, and an article by British researchers Jade Brailsford and Simon Sneddon ('Embedding freedom of expression in legal education: rights-based pedagogy and participatory practice') emphasise the significance of the European Convention on Human Rights for our communities and demonstrate its place in legal education.

Legal education, both in its current regulatory and practical form, and as we look towards an increasingly digitised future, requires us to consider, and share, our own perspectives on initiatives, challenges and solutions. In the regulatory and practical context, two authors discuss challenges for legal education in countries 5000 kilometres apart. Ibidun Olude and her colleagues, in 'The

impact of legal literacy in enhancing access to legal aid for vulnerable groups: an innovation for law clinics in Nigeria's criminal justice system' explore the challenges, but also the benefits of legal clinics in Nigeria. In 'European pathways and methodological foundations in legal education: the need for Georgian legal reform, digitalisation, and pedagogical innovations' Mikheil Bichia proposes reforms to legal education in Georgia. Key amongst these is the need to address increasing use of technology, and to prepare our students better for it. This theme is pursued – further afield again – by Soukaina Abdallah-Ou-Moussa and Jivko Draganov in their investigation of 'University approaches to the use of AI in Bulgaria and in Morocco'.

A common European symbol for a thirtieth anniversary is a pearl: pearl wedding, *parelhuwelijk*. The symbolism of the pearl is different in different cultures, but we like to think that the connotations of sincerity, patience, endurance and perhaps even strength through hardship, represent ELFA now, and will continue to do so in the future.

Jane Ching, Nottingham Trent University, UK

Sjoerd Claessens, Maastricht University, Netherlands

Cooperation in Legal Education in Europe - The role of the European Law Faculties Association (ELFA) in its first thirty years of existence and the challenges for the future

Andreas Ziegler*

Introduction

The European Law Faculties Association ELFA is an association of European law faculties founded in 1995.¹ Thus, it celebrated its 30th anniversary in 2025. This constitutes a welcome opportunity to look back, particularly since the COVID-19 pandemic made it so that the planned celebration at the University of Warsaw (Poland) in 2020 for the 25th anniversary had to be postponed to the first in-person meeting in the same university in April 2022 and, therefore, did not get the attention it deserved. Obviously, the legal and political landscape in Europe (and beyond) has considerably changed during this time and has thus also affected the work of ELFA. This short contribution tries to give an overview of ELFA's work during this last quarter century and contribute to a better knowledge about the challenges and opportunities with regard to the cooperation of law faculties in Europe.

Origins

One of the key persons in the foundation of ELFA was Professor Frans Vanistendael (1942-2021), a tax law expert representing the Law Faculty of the Catholic University of Leuven (KUL). He was to become the first President of ELFA from 1995-1997 and organized the inaugural conference in December 1996 in Leuven. He had shown a lot of personal engagement and enthusiasm following the work of a commission of experts convened by the European

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¹ A good overview on the early days of the association can be found in Norbert Reich, *Report on the European Law Faculties Association (ELFA)*, (ZEuP 2001), 180-186. This article largely draws on the factual findings in this contribution regarding the early days of the association. Other useful information was obtained from the archives of ELFA at the current secretariat of the organisation at the Universitat Autònoma (UAB) in Barcelona (Spain).

Commission in the early 1990s. This commission had presented a report on "Legal education and training in tomorrow's Europe" based on national reports² that was discussed at a meeting in Metz in October 1994.³

A little over 80 institutions founded ELFA in 1995.⁴ During the first five years of ELFA's existence, about half of the law faculties from EU countries and faculties from countries of the European Economic Area (EEA), or associated countries (Switzerland) had joined but also some universities from other European countries (such as Russia). In addition, institutions that offer continuing legal education at postgraduate level, such as the Academy of European Law Trier (ERA) were associated.

With the accession of Central and Eastern countries, the association became an interesting venue for the cooperation between law faculties in the old and the new EU member states. Unfortunately, the interest by the universities in new member states was by far bigger than by the old members who often had existing cooperation schemes among them. This led to a continuous withdrawal by many law faculties from the old member states despite the increasing number of law schools from Central and Eastern Europe joining the association. As a result the overall number of members remained more or less stable⁵ or grew again slightly in recent years but the participation of law school in many Western European countries diminished.

The fact that the interest in ELFA was often linked to a specific member of the law school and that the transmission of knowledge in this respect is often not particularly well organized led also to many original members leaving the

² Regarding Germany, Norbert Reich reports that the German member of this commission was Professor Fenge from the University of Hanover. The German Law Faculties' Conference (Deutsche Juristen-Fakultätentag - DJFT) welcomed the initiative taken in this respect in 1995 in Würzburg and discussed the coordination of the suggestions from the German side on the formulation of the planned organisation at a coordination meeting of the interested faculties in Hanover. After these suggestions were largely taken into account, the members of the annual meeting of the DJFT in Jena in 1996 were encouraged to join ELFA, see Reich, (n1) 181. The expectation was also expressed that German should become one of the working languages.

³ See Margaret L Ross, 'Legal education and training in tomorrow's Europe – A review of the Metz Conference, October 1994' (1995) 3European Review of Private Law 515

⁴ See ELFA, 'Articles of Incorporation' (ELFA 2013) <https://elfa-edu.org/wp-content/uploads/2018/04/aoi_2013_eng.pdf> accessed 21 April 2026.

⁵ Though in 2016 there were more than 200 members reported on the webpage (see ELFA, 'European Law Faculties Association - Members' (ELFA, 5 March 2016) <<https://web.archive.org/web/20160305014407/http://elfa-afde.eu/about-elfa/members/>> accessed 21 April 2026.)

association as the current deans of administrative staff were no longer aware of the origins and the reasons that had led to membership. Under the assumption that there exist about 500 law faculties or schools in Europe, the membership is respectable but has never reached the majority of the potential members.⁶

In addition, globalisation and the intensified exposure of many universities (e.g. in the United Kingdom) to market forces due to lower public funding led often to a reorientation towards non-European markets and/or the creation of specific university associations uniting specific law schools (such as the Law Schools Global League⁷). While these two types of cooperation in a regional (European) specific network and a more intensive specialised choice of strategic partners can easily co-exist and could be mutually beneficial, the latter type of co-operation seems often more attractive to promote the ranking and reputation of a law school and leads to a neglect of regional cooperation.

Structure

Currently, ELFA has over 150 members encompassing 41 countries and four continents.⁸ ELFA has deliberately never seen itself as an umbrella organisation of existing national associations of faculties, such as the Deutscher Juristen-Fakultätentag,⁹ but rather as an association of law faculties interested in cooperation in the European area, and in this respect, wish to continue the ERASMUS+ initiative of the EU.

Furthermore, ELFA does not want to represent the interests or 'lobby' of the (very heterogeneous!) European law faculties, but rather sees itself as a committee for exchanging experiences in the area of the still very different national legal training regimes and expanding it to include the European dimension. This includes such fundamental issues as the mobility of university professors and students alike, the recognition of academic leadership

⁶ See also ELFA, 'ELFA Newsletter' (*Wayback Machine*, October 2010)

<<https://web.archive.org/web/20160815130915/http://elfa-afde.com/sites/default/files/elfa.newsletter.oct2010.pdf>> accessed 21 April 2026..

⁷ See Law Schools Global League, 'Law Schools Global League' (*Law Schools Global League*, No date) <<https://lawschoolsgloballeague.com/>> accessed 21 April 2026.

⁸ ELFA, 'ABOUT – ELFA' (*ELFA*, No date) <<https://elfa-edu.org/abouteuropeanlawfacultiesassociation/>> accessed 21 April 2026. /

⁹ See Deutscher Juristen-Fakultätentag, 'DJFT' (*Deutscher Juristen-Fakultätentag*, No date) <<https://djft.de/>> accessed 21 April 2026. The Deutscher Juristen-Fakultätentag is a member of ELFA while a (relatively) small number of German law faculties are also members. Nevertheless, it seems that for many German law faculties, the participation of the Deutscher Juristen-Fakultätentag makes their own membership seem less interesting.

certificates within the framework of the ECTS (European credit transfer system) and its further development, the integration of European law (both EU and ECHR law) into the legal curriculum, the promotion of language studies, the supervision of cross-border cooperation projects, the evaluation of previous stages of development to a more European-oriented legal education, the investigation of career opportunities for graduates and more.¹⁰

ELFA is registered as an association with legal capacity under Dutch law in Amsterdam and originally had an office and secretariat staff at the Catholic University of Leuven (KUL) in Belgium.¹¹ After some temporary solutions with the respective Presidents of ELFA, the secretariat is now run by a permanent staff member at the Autonomous University of Barcelona (UAB).

The objectives of the association are laid out in Article 5 of ELFA's Articles of Incorporation and are the following:

- 1) Representation of faculties and schools of legal education and research and the promotion of their interests in the institutions of the European Union in all matters of culture and education in general and legal education and research in particular;
- 2) Representation of faculties of law and schools of legal education and research and the promotion of their interests in other European and international organisations in the field of legal education and research and in organisations of the legal profession and professions closely related to the legal professions;
- 3) Representation of faculties and schools of legal education and research and the promotion of their interests with organisations outside Europe; and
- 4) The promotion of teaching and research in law, where this cannot be adequately achieved at a national level.

According to article 6 of the Articles of Incorporation, the association is authorised to undertake the following activities to achieve the previous objectives:

¹⁰ Reich, (n1) 180 et seq.

¹¹ This was without doubt due to the important role played by the first President, see above.

- 1) The collection and exchange of information on teaching programmes, teaching, examining and grading methods;
- 2) The gradual development of a common European dimension in the various areas of legal education and research in general and education and research in European Union law and comparative law of the member states in particular;
- 3) The study and gradual implementation of the mutual recognition of curricula including individual courses, examining and grading methods and various categories of law degrees;
- 4) The study and reflection on legal research and student learning with a view to achieving quality; and
- 5) In general, to undertake any activity, including co-operation with existing institutions, organisations and networks to facilitate the achievement of the objectives of the association and all other activities ancillary to the objectives and activities mentioned above.

The main body is a six-person Executive Board, whereby the term of office of each member is set to four years with a possible re-election for two more years. New elections are held annually to replace the retiring board members. The Board is granted extensive powers to implement the association's objectives and is responsible for preparing and implementing the actions, programmes and instructions discussed and approved by the General Assembly, except for those powers which are specifically reserved to the General Assembly (Article 20 Articles of Incorporation¹²).

The ELFA General Assembly takes place once a year and is the focal point for all the associations' activities. The main purpose of the General Assembly (also referred to as the annual conference) is to bring together as many member faculties as possible through their elected representatives and to discuss topics of common interest with them. Each General Assembly is on a specific relevant topic decided by the Board. To give an example, the 2023 Annual General Meeting in Lausanne was on the topic of 'Interdisciplinary Approaches to Legal Education', and last year's topic (2024, Edinburgh) was 'The Future of Global Legal Education'.

¹² Above (n4).

Activities

It is interesting that ELFA's near future goals today are not so different than they were more than 20 years ago. Every year ELFA organises its General Assembly during which members are encouraged to participate in its plenary, workshops, and round tables. And in an attempt to keep the composition of the board and, therefore, the presidency, aligned with the diversity of the membership, the conference is normally held in the place where the President of the association works. Also, the location of the annual conference attempts to bring the ideas and activities of ELFA to all regions of Europe.¹³ In chronological order, including the recent 2026 conference in Deusto, the conferences were organized by the respective Presidents of the association as follows:

2025-2026	Gema Tomás (University of Deusto, Bilbao, Spain)
2024-2025	Jivko Draganov (University of National and World Economy, Bulgaria)
2023-2024	Veronica Ruiz Abou Nigm (University of Edinburgh, United Kingdom)
2022-2023	Andreas R. Ziegler (University of Lausanne, Switzerland)
2019-2022	Marek Grzybowski (University of Warsaw, Poland) ¹⁴
2018-2019	Michele Graziadei (University of Torino, Italy)
2017-2018	Josep Maria de Dios (Autonomous University of Barcelona, Spain)
2016-2017	Vera Kalvodová (Masaryk University, Brno, Czech Republic)
2015-2016	Laurence Gormley (University of Groningen, Netherlands)

¹³ The summary of conference venues since 2015 can be found here: ELFA, 'CONFERENCE – ELFA' (*ELFA*, No date) <<https://elfa-edu.org/conference/>> accessed 21 April 2026.

¹⁴ Extended presidency and cancellation of events in 2020 and 2021 due to the pandemic.

2014-2015	Haluk Kabaalioglu (Yeditepe University, Türkiye)
2013-2014	Anne Klebes-Pélissier (University of Strasbourg, France)
2012-2013	Reiner Schulze (University of Münster, Germany)
2011-2012	Manuel Bermejo Castriello (University Carlos III of Madrid, Spain)
2010-2011	Jacek Petzel (University of Warsaw, Poland)
2009-2010	Janez Kranjc (University of Ljubljana, Slovenia)
2008-2009	Pascal Pichonnaz (University of Fribourg, Switzerland)
2007-2008	Heribert Hirte (University of Hamburg, Germany)
2006-2007	Blanca Vilà Costa (Autonomous University of Barcelona, Spain)
2005-2006	Fiona Cownie (University of Hull, United Kingdom)
2004-2005	Willibald Posch (Karl-Franzens University Graz, Austria)
2003-2004	Norbert Olszak (University of Strasbourg, France)
2002-2003	Julian Lonbay (University of Birmingham, United Kingdom)
2001-2002	Norbert Reich (Riga Graduate School of Law, Latvia) ¹⁵
2000-2001	Stefania Bariatti (University of Milano, Italy)
1999-2000	Jaap Doek (Free University Amsterdam, Netherlands)
1998-1999	Dominique Breillat (University of Poitiers, France)

¹⁵ Professor Norbert Reich was, from 1982 to 2005, a law professor at the University of Bremen but as he also acted as Rector for the Riga Graduate School of Law from 2001 to 2004, he organised the first meeting of ELFA in an Eastern European country. The next such meeting was not held until 2010, in Ljubljana (Slovenia).

1997-1998 Hilmar Fenge (University of Hannover, Germany)

1995-1997 Frans Vanistendael (Catholic University Leuven, Belgium)

In the early days, ELFA had relatively good and close relations with the respective services of the European Union. Apart from the events that led to the foundation of ELFA, it can be mentioned that in 2009, ELFA created a list of experts dealing with the European Credit Transfer and Accumulation System (ECTS) to support the respective proposals by the EU.¹⁶ In general, a lot of attention was given to the reform of legal education resulting from the Sorbonne-Bologna Declaration of 1998/1999.¹⁷ The impact of the declarations on legal studies was a topic at many of ELFA's annual conferences. Moreover, ELFA has published several documents in order to inform its members and to convey its position to the European Ministers for Education on the reform process, such as an information note for ELFA members regarding the development of European higher education and its possible impact on law studies in Europe; a letter to EU Commissioner of Education, Mrs Reding, following the follow-up conference in Prague May 2001; an ELFA Board position paper concerning the Bologna-Declaration of 31 May 2002, as well as a Report of the discussion on the ELFA Board position paper held during the Riga General Assembly.¹⁸

In line with its mission, ELFA has also, since 2012, strengthened its collaboration with sister associations, the American Association of Law Schools (AALS), and the Southeastern Association of Law Schools (SEALS), with whom ELFA has made cooperation agreements. Such collaboration agreements allow for opportunities provided by either party to be open to members of the other association.¹⁹ In 2015, the Chinese Association of Law Faculties indicated its interest in joining ELFA which, however, was not in line

¹⁶ See the detailed description of these activities in Norbert Reich, 'Recent Trends in European Legal Education: The Place of the European Law Faculties Association' (2002) 21 Penn State International Law Review 21.

¹⁷ The Sorbonne Joint Declaration on harmonisation of the architecture of the European higher education system by the four Ministers in charge for France, Germany, Italy and the United Kingdom, done in Paris, the Sorbonne, 25 May 1998 and the Bologna Declaration of 19 June 1999 (Joint declaration of the European Ministers of Education).

¹⁸ EFTA Bulletin of March 2015.

¹⁹ See Michele Graziadei, 'ELFA President Report to the General Assembly 2019' (ELFA 2019) <https://elfa-edu.org/wp-content/uploads/2019/04/ELFA_President_Report_2018_2019.pdf> accessed 21 April 2026.

with the constitution of ELFA. In 2018, an informal event was organised where in addition to representatives of ELFA, AALS and SEALS, representatives of other regions also attended without it leading, however, to a standing body or any formal commitments, so far.

Nevertheless, ELFA strives to become an international forum where important issues related to legal education are discussed, notably by providing up-to-date information about the current state of legal education in Europe via its website and the *European Journal of Legal Education* (EJLE) published online.²⁰ This journal has only recently made a comeback in 2020 after having been interrupted in 2008²¹ but is a success for three reasons.²² First, the journal allows academics as well as educators in law sciences to share their ideas and experiences, which is, after all, ELFA's main goal. Second, it allows ELFA to be recognised in the academic world among countless other publications, notably because the authors put their name and reputation, as well as those of their respective universities, behind the publication. And third, the journal legitimises and adds weight to ELFA's legitimacy, by being accessible through the association's website. The website in question has also been the subject of renewal since the current version was finished in 2018²³. Now it is important for ELFA to maintain both the journal and website and ensure their longevity, as was the case in 2001.²⁴

²⁰ Janez Kranjc, 'Teaching Law in the 21st Century European Law Faculties Association: Annual meeting (Ljubljana 25th - 27th February 2010)' (2010) 2 *Education and Law Review* 7.

²¹ The editions published starting in 2020 can be found here: *European Journal of Legal Education*, 'Archives' (*European Journal of Legal Education*, No date) <<https://publications.coventry.ac.uk/index.php/EJLE/issue/archive>> accessed 21 April 2026. The archive of the editions published between 2004 and 2007 can be found here: Taylor & Francis, 'European Journal of Legal Education List of Issues' (*Taylor & Francis*, 2026) <<https://www.tandfonline.com/loi/rejl20>> accessed 21 April 2026.

²² See Andreas R. Ziegler, 'ELFA President Report 2022-2023' (ELFA 2023) <<https://elfa-edu.org/wp-content/uploads/2023/04/ELFA-President-Report-AGM-2023-final.pdf>> accessed 21 April 2026.

²³ The current website is accessible at ELFA (n8). The previous webpages (<http://elfa-afde.org>, <http://elfa-afde.eu/> and <http://elfa-afde.com/>) can be accessed by using a service like "Wayback Machine" (<https://archive.org/web/>). Be aware that accessing these webpages directly leads to some commercial users unrelated to the association who seem to have taken over the respective addresses. Use instead:

<https://web.archive.org/web/20080504163249/http://www.elfa-afde.org/html/frameset.html>, <https://web.archive.org/web/20180223043532/http://elfa-afde.com/> and <https://web.archive.org/web/20160206215146/http://elfa-afde.eu/>

²⁴ Reich, (n1) 181.

At the European level, ELFA works with other associations with similar objectives. Most notable are the cooperation with the European Law Students Association (ELSA)²⁵ and the Council of Bars and Law Societies of Europe (CCBE). The latter, which was founded in 1960, is an international non-profit association which, since its creation, has been at the forefront of advancing the views of European lawyers.²⁶ Normally, the associations regularly exchange relevant information and participate in each other's annual meetings.

Another notable ELFA achievement, is the organisation of the ELFA Award. Since it was established in 2012, ELFA has rewarded the Best Doctoral Thesis on European Law (in a large sense) every year with a 3,000 € prize, as well as a *proxime accessit* prize worth 1,500 €. The ELFA Thesis Award exists to encourage and recognise outstanding legal research, as well as to give more visibility to ELFA thanks to the high standard of the applicants.²⁷

This is also true for the promotion of summer courses provided by member universities. The gradual development of a common European dimension in the different areas of legal education and research in general, and education and research in European Union law and comparative law of the EU Member States in particular, is one of ELFA's main aims according to article 6.2 of the Articles of Incorporation.²⁸ While ELFA does not financially support the summer courses in question, they are promoted to encourage joint work between teaching staff and researchers from different universities, and to extend the knowledge of various EU law fields to current but also to future jurists.²⁹

An important and ambitious project was started in 2004 and lasted until 2009 – 'Tuning Legal Studies in Europe'. Originally, in 2003, a committee was created to monitor and help ELFA with the effects of the emerging European Higher Education Area for legal studies in the EU and beyond. This committee took the name of QUAACAS (Quality Assurance, Accreditation and Assessment Committee). This committee then worked with an existing team of

²⁵ See ELSA, 'ELSA - The European Law Students' Association' (ELSA, No date) <<https://elsa.org/join-us/>> accessed 21 April 2026.

²⁶ See CCBE, 'Who We Are - CCBE' (CCBE, 2016) <<https://www.ccbe.eu/about/who-we-are/>> accessed 21 April 2026.

²⁷ See ELFA, 'AWARDS – ELFA' (ELFA, No date) <<https://elfa-edu.org/awards/>> accessed 21 April 2026.

²⁸ Above (n4).

²⁹ ELFA, 'Summer Courses Recognition Regulation 2023' (ELFA, 2023) 1 <<https://elfa-edu.org/summer-courses-recognition-regulation-2023/>> accessed 21 April 2026.

researchers who had been looking at various areas of educational structures in Europe since the year 2000, but not law. This existing network was based at the University of Deusto and worked under the working title of 'TUNING Educational Structures in Europe'³⁰ Using their methodology, the QUAACAS presented an intermediate report to ELFA members at the ELFA AGM in Hamburg in 2008 entitled 'Tuning Legal Studies in Europe: Initial Findings'. Due to a lack of resources, however, the project was not continued.³¹

Currently, another educational project of ELFA (that was delayed by the pandemic) is the 'European Jurist Project' - a potential Erasmus Mundus Joint Master (as sponsored by the EU), or other officially recognised cooperation scheme, between several ELFA members and with an important contribution, and under the auspices, of ELFA. Preliminary discussions by a small number of ELFA members are currently ongoing.³²

Unfortunately, however, other projects such as the potential incorporation of ELFA as a lobby member in the EU,³³ or the collaboration with the European Law Institute (which aimed to generate a hub to develop mechanisms enabling further Europeanisation of the legal profession), did not succeed.³⁴ Another frustrating experience seems to have been related to the joint research project of several ELFA member universities in the framework of an EU Grant Agreement (Thematic Network Project 1999–1023) which ultimately led to ELFA having to reimburse the sum of roughly 45,000€ to the European

³⁰ See <http://web.archive.org/web/20220318221751/http://www.unideusto.org/tuningeu/>

³¹ See Julian Lonbay, 'Executive Summary Tuning Legal Studies in Europe: Initial Findings: [Report of QUAACAS Hamburg 2008]' (2007) 4 *European Journal of Legal Education* 171 <<https://doi.org/10.1080/16841360802492675>> accessed 21 April 2026 and Tom Latrup-Pedersen, 'Tuning Legal Studies in Europe' (University of Aarhus, QUAACAS 2007)

<https://www.cebe.eu/fileadmin/speciality_distribution/public/documents/Events/20070925_Warsaw_Improving_Legal_Education_and_Training_in_a_converging_Europe/Latrup-Pedersen_T_speech.pdf> accessed 21 April 2026.

³² See ELFA, 'Meetings of the ELFA Board and the European Jurist Network' (*ELFA*, No date) <<https://elfa-edu.org/meetings-of-the-elfa-board-and-the-european-jurist-network/>> accessed 21 April 2026.

³³ See Josep Maria de Dios, 'ELFA President's Report' (ELFA 2018) <<https://elfa-edu.org/event/agmc2018/>> accessed 21 April 2026.

³⁴ See de Dios, *ibid*, and ELFA, 'ELFA-ELI Meeting on the European Jurist Project' (*ELFA*, 2018) <https://elfa-edu.org/2018/10/11/elfa_elimeeting/> accessed 21 April 2026.

Commission in 2009.³⁵ The project could never be completed, and the money, which was distributed to several member universities, could not be recovered.³⁶

Newsletters and or bulletins were distributed during certain periods of ELFA's existence. Between 1999 and 2002 seven newsletters were produced.³⁷ With the creation of the EJLE this no longer seemed necessary. From 2010 to 2015, nine documents were published³⁸ before this practice was abandoned once more, and news was directly published in a blog on the current homepage of the association.

Outlook

With all the strides that have been made in cooperation in (legal) education in Europe like those mentioned above, one could wonder why ELFA is still necessary in today's climate. But that would be the wrong way to look at things. It is in part thanks to ELFA, and associations like ELFA, that such progresses were able to be made.

Given that ELFA has never wanted to represent the interests of already existing national associations, or individual law faculties, it has always been able to look at the bigger picture. And that is always needed, especially in a field where the interests and needs of each faculty are very different. The ever-faster changing world is also something that supports the need for ELFA, as one of their goals is to make sure that subjects which are increasingly important for the formation of students are made available to as many students as possible, and with the best quality standards.

The 2022 Resolution adopted by the General Assembly, to promote legal education that embraces change while remaining true to its core values said it best:

³⁵ See ELFA Newsletter October 2010, above (n6).

³⁶ See ELFA, 'ELFA Newsletter' (*Wayback Machine*, February 2011) <<https://web.archive.org/web/20160815110337/http://elfa-afde.com/sites/default/files/elfa.newsletter.feb2011.pdf>> accessed 21 April 2026..

³⁷ See for an overview ELFA, 'ELFA' (*Wayback Machine*, 3 June 2004) <<https://web.archive.org/web/20040603102607/http://www.elfa-afde.org/html/frameset.html>> accessed 21 April 2026.

³⁸ They can be found at: ELFA, 'Newsletters' (*Wayback Machine*, 18 October 2016) <<https://web.archive.org/web/20161018144244/http://elfa-afde.com/elfa/newsletters>> accessed 21 April 2026.

Whereas the challenges that lay ahead are multiple and varied, including environmental, geopolitical, societal and economic, but are matched by our perseverance in overcoming difficulties and turning adversity into opportunity. Now, therefore be it resolved to promote legal education that embraces change while remaining true to the core values espoused by the European Law Faculties Association: humanity above instrumentality, public interest above private gain, fairness above partiality, accountability above expediency, and excellence to the exclusion of mediocrity.³⁹

There is a reason ELFA will have been active for over 30 years in 2025, and there is a reason it must stay active for many more years to come.

³⁹ ELFA, 'European Law Faculties Association 2022 Resolution to Promote Legal Education That Embraces Change While Remaining True to Its Core Values' (ELFA 2022) <https://elfa-edu.org/wp-content/uploads/2022/05/RESOLUTION_AGM_2022_final.pdf> accessed 21 April 2026..

ELFA Thesis Awards

Laurence W. Gormley*

The ELFA Thesis Award is now an established part of the research furniture in EU Law, and a permanent and very tangible sign of ELFA's interest in research as well as in teaching. The award comes with a prize of 3,000 Euro for the winner, and 1,500 Euro for the *proxime accessit* (i.e. the runner-up). The designation of the latter reflects the Oxonian heritage of a closely involved person.

The competition each year is open to those who have, in the relevant period, submitted a thesis for a doctorate in the area of European Law, broadly conceived. Thus, the scope embraces EU Law, European Human Rights Law, the law of the Council of Europe, and the comparative law of European countries. The theses may be written in English, French, German, and Spanish, which are the working languages of ELFA. An invitation to submit is announced each year on the ELFA website and is widely circulated,

The following is the list of winners and of those who were *proxime accessit* each year. Where we have details of what they are doing now, and of the thesis being published, these are mentioned. The published versions are frequently adapted versions of the thesis, in line with the advice 'Get the book out of the thesis'.

* President, ELFA 2015-2019; Honorary Professor of the College of Europe, Bruges; Emeritus Professor of European Law, University of Groningen; Bencher, Middle Temple, London.

Year	Name	Winner/ <i>Proxime</i>	Title	University	Comments
2013	Alexandre Saydé	Winner	<i>Abuse of EU Law and Regulation of the Internal Market</i>	EUI	Legal Secretary ECJ. Thesis published by Hart, Oxford, 2014. ¹
2013	Fausto Vecchio	<i>Proxime</i>	<i>Primacia del derecho europeo y salvaguarda de las identidades constitucionales</i>	Catania	Professor of Comparative Law at Kore University of Enna, Sicily. Thesis published by Agencia Estatal Boletín Oficial Del Estado, Madrid, 2015. ²
2014	Anzhela Yevgenyeva	Winner	<i>Direct Taxation and the Internal Market: Assessing Possibilities for a More Balanced Integration,</i>	Oxford	Senior Research Fellow, Oxford University Centre for Business Taxation, Saïd Business School and Associate Member, Oxford University Law Faculty.
2014	Vesselin Paskalev	<i>Proxime</i>	<i>The Power of Reason(s): Argumentative Rationality and EU Regulation</i>	EUI	Hon. Senior Lecturer, Brunel University, London.
2015	Damien Gérard	Winner	<i>Managing diversity in the European union: cooperation, convergence and mutual trust</i>	Univ. Cath. Louvain	Prosecutor General, Belgian Competition Authority

¹ Alexandre Saydé, *Abuse of EU Law and Regulation of the Internal Market* (Hart Publishing 2014).

² Fausto Vecchio, *Primacia del derecho europeo y salvaguarda de las identidades constitucionales. Consecuencias asimétricas de la europeización de los contralímites* (Agencia Estatal Boletín Oficial del Estado 2015).

Year	Name	Winner/ <i>Proxime</i>	Title	University	Comments
2015	Barend van Leeuwen	<i>Proxime</i>	<i>European Standardisation of Services and its Impact on Private Law Paradoxes of Convergence</i>	EUI	Professor of European Union Law and Director, Durham European Law Institute Thesis published by Hart, Oxford, 2017. ³
2016	Alexander Hoogenboom	Winner	<i>Balancing Student Mobility Rights and National Higher Education Autonomy in the European Union</i>	Maastricht	Judge at the Centrale Raad voor Beroep in Utrecht. Thesis published by Brill Nijhoff, 2017. ⁴
2016	Christina Joanna Angelopoulos	<i>Proxime</i>	<i>European Intermediary Liability in Copyright</i>	Cambridge	University Associate Professor University of Cambridge; Fellow and Director of Studies (Newnham College) Thesis published by Kluwer Law International, 2016. ⁵
2017	Francisco Joel Reyes y Ráfales	Joint Winner	<i>Unterschiedslose Beschränkungen des Warenexports in andere Mitgliedstaaten als Eingriffe in</i>	Bonn	Notary in Wissen, Rheinland-Pfalz. Thesis published by Mohr Siebeck,

³ Barend Van Leeuwen, *European Standardisation of Services and Its Impact on Private Law: Paradoxes of Convergence* (Hart Publishing 2017).

⁴ Alexander Hoogenboom, *Balancing Student Mobility Rights and National Higher Education Autonomy in the European Union* (Brill Nijhoff 2017).

⁵ Christina Angelopoulos, *European Intermediary Liability in Copyright* (Kluwer Law International 2016)

Year	Name	Winner/ <i>Proxime</i>	Title	University	Comments
			<i>die EU- Warenverkehrsfreiheit gem. Art. 35 Alt. 2 AEUV?</i>		Tübingen, 2017. ⁶
2017	Zane Rasnača	Joint Winner	<i>First or one among equals? The CJEU and the construction of EU social policy.</i>	EUI	Researcher at the European Trade Union Institute; affiliated to the Institute for European Law at the KU Leuven.
2018	Vestert Borger	Winner	<i>The Transformation of the Euro: Law, Contract, Solidarity.</i>	Leiden	Assistant Professor of European Law, Leiden. Thesis published by Cambridge University Press, 2020. ⁷
2018	Felix M Wilke	<i>Proxime</i>	<i>A Conceptual Analysis of the Private International Law of the European Union and its Member States</i>	Bayreuth	Finished <i>Habilitation</i> at Bayreuth, now doing 'representation' at Chairs. Thesis published by Intersentia, Cambridge, 2019. ⁸
2019	Lola Avril	Winner	<i>Le costume sous la robe. Les avocats en professionnels multi- cartes de l'état régulateur</i>	Université Paris I	Professeure junior (CNRS/Paris 1 Panthéon-

⁶ Francisco Joel Reyes y Ráfales, *Die Warenausfuhrfreiheit: ein Beschränkungsverbot. Eine Synthese unionsverfassungsrechtlicher, rechtsökonomischer und rechtsprechungsbasierter Auslegung zu einem »Wettbewerbsgleichheits-Rechtswahlmechanismus«* (Mohr Siebeck GmbH & Co KG 2017).

⁷ Vestet Borger, *The Currency of Solidarity* (Cambridge University Press 2020).

⁸ Felix M Wilke, *A Conceptual Analysis of European Private International Law: The General Issues in the EU and Its Member States* (Intersentia 2019).

Year	Name	Winner/ <i>Proxime</i>	Title	University	Comments
			<i>européen: genèse, consolidation, contestations (1957—2019)</i>	(Panthéon-Sorbonne)	Sorbonne, CESSP), titulaire de la chaire REGANET.
2019	Andrej Lang	<i>Proxime</i>	<i>Die Verfassungs-gerichtsbarkeit in der vernetzten Weltordnung. Rechtsprechungskoordination in rechtsordnungs-übergreifenden Richternetzwerken</i>	Freie Universität Berlin	Universitätsprofessor an der Technischen Universität Chemnitz. Thesis published by Springer, 2020. ⁹
2020	Pierre Auriel	Winner	<i>L'équivalence des protections des droits fondamentaux dans l'Union européenne</i>	Université Paris-II (Panthéon-Assas)	Postdoc Researcher, Université Jean Moulin (Lyon 3) Thesis published by Bruylant, 2020. ¹⁰
2020	Luigi Lonardo	<i>Proxime</i>	<i>Coping with distinctiveness: common foreign and security policy in EU Law</i>	King's College, London	Associate Professor in European Law, University of Luxembourg
2021	Leticia Díez Sánchez	Winner	<i>Integration through Law and its Discontents: Unveiling the</i>	EUI	Assistant Professor, Maastricht

⁹ Andrej Lang, *Die Verfassungsgerichtsbarkeit in der vernetzten Weltordnung: Rechtsprechungskoordination in rechtsordnungsübergreifenden Richternetzwerken*, (Springer 2020)

¹⁰ Pierre Auriel, *L'équivalence des protections des droits fondamentaux dans l'Union européenne*, (Bruylant, 2020).

Year	Name	Winner/ <i>Proxime</i>	Title	University	Comments
			<i>distributive impact of judge-made law in the EU</i>		
2021	Aleksandra Jolkina	<i>Proxime</i>	<i>Till Residence Card Do Us Part? The Concept of Marriages of Convenience and EU Free Movement Law: The Case of the United Kingdom</i>	Queen Mary, University of London	Research Affiliate with the Refugee Law Initiative, University of London, and the Democracy Institute at Central European University.
2022	Sophia Ayada	Winner	<i>From contesting gender stereotypes to questioning anti-stereotyping. A critical analysis of the CJEU gender equality jurisprudence</i>	EUI	Research Fellow, University College London, Faculty of Laws.
2022	Eun Hye Kim	<i>Proxime</i>	<i>The Advocate General as an Actor of Change – or Consolidation – in EU Competition Law</i>	EUI	Assistant Professor, University of Leeds.
2023	Mariza Avgeri	Joint Winner	<i>A transgender studies approach to gender identity and expression- based asylum claims based on a critical doctrinal and discourse analysis of CJEU and ECtHR jurisprudence</i>	Maynooth University	Associate Lecturer in Law, Culture and Society, International Law and Public Law at the Open University, Milton Keynes.
2023	Moritz Schramm	Joint Winner	<i>The Power, Politics, and Performativity of the DSA and the Oversight Board</i>	Humbolt University, Berlin	Research Scholar, Institute for International Law & Justice; Fellow, Institute for International Law and Justice,

Year	Name	Winner/ <i>Proxime</i>	Title	University	Comments
					and Adjunct Professor of Law at New York University School of Law. Thesis to be published by Cambridge University Press in June 2026. ¹¹
2023	Aurélie Villanueva	<i>Proxime</i>	<i>Culture in European Union Law: Between Market and Society</i>	EUI	Assistant Professor, University of Groningen
2024	Jacob van de Beeten	Joint Winner	<i>In the Name of the Law: A Critique of the Systemic Rationality in EU Law</i>	LSE	Emil Noël Fellow, New York University, Marie Curie Fellow-elect, Saxo Institute at the University of Copenhagen
2024	Catharina Ziebritzki	Joint Winner	<i>The EU's Responsibility in the Asylum Administration</i>	EUI	Humboldt University Berlin and Hochschule Rhein Main.
2024	Alberto Nicõtina	<i>Proxime</i>	<i>Constitutional Strategies in the Face of Multi-Level Governance: An Empirical Legal Theory of EU Integration</i>	University of Antwerp	Postdoctoral Researcher and Lecturer, University of Amsterdam
2025	Tine Deschuytere	Winner	<i>EU values in action? Shaping sustainable trade in services mobility</i>	EUI	Postdoctoral Fellow, Centre for International Law, National University of Singapore.

¹¹ Moritz A Schramm, *Governance by Emulation: The Oversight Board, the Digital Services Act, and the Struggle for Platform Accountability* (Cambridge University Press 2026)

Year	Name	Winner/ <i>Proxime</i>	Title	University	Comments
2025	David Garcíandía Igal	Joint <i>Proxime</i>	<i>Unseen influence: the diffusion of human rights law from the European Union to China</i>	Oxford	College lecturer in EU law, University of Oxford (Oriel College).
2025	Benedikt Schmitz	Joint <i>Proxime</i>	<i>Rethinking the Consumer Conflict Rule: Article 6 (2) Rome I Regulation and Party Autonomy in Light of Principles, Efficiency, and Harmonisation</i>	Groningen	Assistant Professor, University of Groningen. Thesis to be published by Edward Elgar, 2026. ¹²

¹² Benedikt Schmitz, *Choice of Law for Consumer Contracts in Theory and Practice: A Guide to Article 6 Rome I Regulation* (Edward Elgar, 2026).

As will be apparent from this list, a good number have become academics, and some are now in senior positions. Various others have ventured into other pastures, having been academics before starting their current positions. Being placed as winner or proxime in the annual competition for the ELFA Thesis Award has been felt by all concerned to be a very positive experience. Indeed, the standard has been so high that also the theses of various participants who were not placed in the award process have been, or are in the process of, being published by renowned publishers.

My sincere thanks to those of my friends and colleagues who have so generously given their time over the years – some on many occasions – to act as members of the independent jury for the award. Both ELFA and I recognise that this takes a lot of time and effort, as well as dedication. It is fitting that I should also pay tribute here to ELFA's Secretary, Milagros Orozco Hermoso, who has been such a tower of strength in the organisation of this award.

I very much hope that readers and their colleagues will continue to recommend their good PhD candidates to submit their theses for consideration for the award in future years.

30 years of ELFA: legal education between traditions and modernities

Diana Kovatcheva*

Keynote speech: 2025 ELFA Conference, 23-25 April 2025, Sofia.

Ladies and gentlemen, esteemed colleagues,

It is a profound honour to stand before you today as we commemorate the 75th anniversary of the European Convention on Human Rights. This milestone is not just a celebration of a historic document, it reaffirms our unwavering commitment to the principles of justice, equality, and human dignity, which we should not take for granted.

Seventy-five years ago, in the aftermath of the Second World War, the European Convention on Human Rights, a landmark document, was adopted in Rome. It was a beacon of hope, a testament to the collective agreement of European nations to ensure that the horrors of the past would never be repeated. The Convention established a comprehensive framework for the protection of human rights and fundamental freedoms across Europe.

Central to the Convention's success is the European Court of Human Rights, based in Strasbourg. With its numerous judgments, called to address a lot of contemporary challenges, the Court turns the Convention into a living instrument which should be read in the light of the present day. Over the decades, the Court in Strasbourg has delivered landmark judgments that have shaped the legal landscape of Europe, reinforcing the principles of democracy, rule of law, and respect for human rights.

As a judge at this prestigious court, I am extremely happy to be the keynote speaker for such an excellent audience about a topic that is not only fundamental to the practice of law but also to the very fabric of our society. As we navigate the complexities of the modern world, the role of legal education

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in upholding and advancing human rights has never been more critical. As we gather here, we are reminded of the profound impact that legal education has on shaping the minds and hearts of future legal professionals. Today, I will discuss how integrating human rights into legal education not only enriches the curriculum but also fortifies the very foundation of justice and equality in our society.

The concept of human rights has evolved significantly over the centuries, from the Magna Carta to the Universal Declaration of Human Rights. Legal education has always played a crucial role in this evolution, serving as the bedrock upon which the principles of justice and equality are built. By embedding human rights into the core curriculum, we ensure that future legal professionals are equipped with the knowledge and skills necessary to uphold these fundamental principles.

Human rights are not granted by any government, institution, or authority; they are inherent to all human beings by virtue of their humanity. Humanism, as a philosophical and ethical approach, has contributed a lot and was pivotal in shaping the trajectory of human rights. It has transformed law from a mere tool of governance into a means of safeguarding human dignity and upholding individual rights. In its essence, humanism emphasises the central value of the individual and the moral responsibility of society to protect the well-being and rights of every human being. This philosophical approach is directly linked to the development of human rights as we know them today. For Aristotle, for example, the law should reflect the nature of human beings and their capacity for reason, morality, and social cooperation. According to him, the rule of law is better than the rule of any individual.¹ As these philosophical traditions evolved, humanism contributed significantly to the development of legal systems that prioritise the protection of human dignity and the recognition of inherent human rights. Humanism emphasises that law should not simply serve as an instrument of power, but rather be a mechanism for safeguarding the dignity and freedom of individuals.

This is why human rights have, and should have, a special place in legal education.

¹ Aristotle, *Politics*, Books III and IV.

Human rights are the cornerstone of justice, equality, and dignity. They are the universal principles that protect individuals from abuses and ensure that everyone can live with freedom and respect. Legal education plays a paramount role in entrenching these values in future legal professionals.

The evolution of human rights protection underscores the need for a deeper understanding of these principles within legal education. Modern human rights principles are foundational to the international legal instruments that govern our societies today, such as the Universal Declaration of Human Rights (1948), the UN Covenants on human rights and the European Convention on Human Rights (1950), which enshrine fundamental rights like life, liberty, security, and equality before the law. Though legal positivism often stands in contrast to the natural law school of thought, contemporary legal scholars and practitioners increasingly view the concept of human rights as an intersection of both approaches - on one hand, as a moral and philosophical imperative, and on the other, as a practical legal reality embedded in both national and international law.

Human rights education in universities plays a crucial role in bridging these philosophical perspectives together and preparing future legal professionals to defend and uphold human rights in their practice. Law students must be equipped not only with technical legal expertise but also with a deep understanding of the values underpinning human rights and their central role in the justice system. Through the study of human rights, law students are introduced to concepts of equality, social justice, and the protection of vulnerable groups: values that are integral to modern legal practice. Human rights education, therefore, is not merely an academic pursuit for its own sake but a vital foundation for cultivating socially responsible and ethically grounded legal practitioners.

This is why modern law schools are rethinking curricula to integrate human rights law as a core subject rather than an optional one. And I am happy that Bulgaria is among them. Today it would not be exaggerated to say that the integration of human rights into the core curriculum is at the heart of modern legal education. This includes the development of specialised courses, interdisciplinary seminars, and empirical learning opportunities that connect theory with practice. Law schools around the world are ensuring that students are well-versed in international human rights treaties and conventions, as well as the mechanisms for their enforcement. This foundational knowledge is

essential for any legal professional who aims to advocate for justice and equality. Through the study of landmark cases and real-world scenarios, students gain a deep understanding of how human rights are protected and challenged in various contexts.

The growing emphasis on human rights within law schools is a recognition of the fact that law is not merely a set of technical rules, but a tool for advancing human dignity and social progress. Human rights education, therefore, plays an indispensable role in ensuring that legal professionals remain deeply attuned to the ethical implications of their work, ensuring that justice is not merely administered but is done so in a manner that respects and upholds the dignity of every individual.

Universities have the capacity to serve as hubs for human rights advocacy. Through legal aid clinics, public lectures, and collaborative projects with non-governmental organisations, law schools can extend the benefits of human rights education to the broader community, reinforcing the connection between academic learning and societal impact.

Effective human rights education within legal institutions demands substantial institutional commitment. Adequate funding, targeted faculty training, and strategic partnerships with international organisations are foundational to this integration.

The Council of Europe's Committee of Ministers further underscores this necessity, advocating for comprehensive human rights training in legal education to improve compliance with international standards and minimise human rights violations at the national level.² Institutional support not only ensures proper resources but also legitimises human rights as an indispensable component of professional training for all legal professionals.

It could be argued that human rights education not only provides knowledge of international protection mechanisms, but also develops analytical thinking, critical judgement, and a sense of social responsibility. This form of education equips future lawyers with the tools they need to engage with the broader issues

² See Julian Lonbay and Katerina Spanou, 'The Council of Europe's Programme on Human Rights Education for Legal Professionals (HELP): Its Utility for University Teaching' [2024] *European Journal of Legal Education* 191.

of justice that shape the legal system as more effective, compassionate, and just.

Therefore, it will not be exaggerated to argue that profound human rights education for legal professionals at the universities is a must.

Since the individual is the central subject of law, the question of human rights is not merely an academic issue but a fundamental pillar of legal science and practice.

Without a strong foundation in human rights principles, legal professionals may interpret laws narrowly or in ways that fail to protect vulnerable individuals. A human-centred legal education ensures that future judges and lawyers approach cases with an awareness of justice, fairness, and the broader social impact of their rulings.

As society evolves, so do challenges to human rights. Issues such as privacy in the digital age, artificial intelligence, environmental rights, and refugee protections require legal professionals to apply human rights law to new and complex situations. Without a deep understanding of human rights principles, lawyers and judges may find it difficult to interpret laws in ways that protect human dignity in an evolving legal landscape.

Therefore we should be aware that education on human rights in the universities offers numerous benefits, however we should be aware that today it confronts many serious challenges.

On the level of benefits we should mention first its role in the protection of **the rule of law and preventing abuses of power.**

History has demonstrated that legal systems can be used as tools of oppression when detached from human rights principles. Authoritarian regimes often manipulate the law to justify discrimination, censorship, and repression. Legal professionals with a profound education in human rights are better equipped to resist legal manipulation, advocate for justice, and uphold the rule of law, ensuring that legal systems serve people rather than oppress them.

In the second place an important asset of education in human rights is the building of public trust in legal institutions.

A legal system that fails to prioritise human rights loses legitimacy in the eyes of the public. Legal professionals trained in human rights law are more likely to engage in transparent, ethical, and socially responsible legal practices, fostering trust between citizens and the legal system. When people believe that the law serves justice rather than power, democratic institutions are strengthened.

In the third place, education in human rights enhances analytical and critical skills

Incorporating human rights into legal education significantly enhances students' analytical abilities and critical thinking skills. Human rights education moves beyond theoretical tuition, emphasising 'practical exposure' that develops students' ability to critically evaluate laws within broader moral, ethical, and international contexts.

Then, we can also argue that human rights education can be seen as the foundation of legal excellence as it improves the quality and efficiency of legal practice.

No legal professional can be truly competent without an in-depth education in human rights. More than just a specialised field, human rights law is the foundation of all legal practice, guiding legal professionals to interpret laws ethically, apply justice fairly, and protect human dignity above all else. Human rights can be found in all branches of law today – civil, criminal and administrative. As legal challenges continue to evolve, those who understand and internalise human rights principles will be best positioned to shape the future of justice, democracy, and the rule of law.

In addition, education in human rights enhances international and cross-cultural legal competency

In an era of globalisation and international legal cooperation, legal professionals must navigate international treaties, transnational cases, and human rights frameworks. Profound human rights education enables lawyers and judges to engage in international legal discourse, collaborate with global institutions, and advocate effectively in cases involving cross-border human rights violations.

It should be noted that education in human rights contributes to ethical and professional responsibility

Human rights principles lie at the heart of legal ethics and professional responsibility.

For example, the European Court of Human Rights has repeatedly noted the importance of adequate human rights training in ensuring impartiality, ethical decision-making, and resistance to undue external influences of judges. I am citing here the case of *Kaçiu and Kotorri v. Albania*.³ According to this case legal education must embed human rights principles at its core, shaping a professional ethos committed to human dignity, fairness, and justice.

Moreover, the UN Declaration on Human Rights Education and Training (2011)⁴ asserts that human rights education is not just about imparting knowledge but about developing the skills and attitudes necessary for legal professionals to uphold human rights in their work. The declaration highlights that education and training in human rights contribute to the prevention of human rights violations and abuses, promote equality and sustainable development, and enhance participation in democratic decision-making processes. Legal professionals trained under these principles are better equipped to uphold these standards in their daily practices.

Last, but not least, human rights education actively promotes diversity and tolerance by exposing students to different legal traditions, cultural values, and social perspectives. This broadens students' intercultural competence, essential for legal professionals operating in an increasingly pluralistic and interconnected world. Such education challenges biases, breaks down prejudices, and contributes significantly to a more inclusive and culturally sensitive legal system.

And finally, university education in human rights strengthens the role of academia

Human rights education significantly empowers academia, transforming universities from passive institutions into active participants in human rights advocacy, research, and policy formulation. Academic institutions increasingly

³ 33194/07 – Chamber Judgment, [2013] ECHR 586, 33192/07.

⁴ Resolution 66/137, A/RES/66/137, 19 December 2011.

collaborate with civil society, government entities, and international organisations, fostering a comprehensive, integrated approach to human rights challenges.

As we speak about the benefits of human rights education, we should not neglect the numerous challenges it meets today.

On the one hand, it is important that human rights education **overcomes traditionalism**.

One significant challenge in integrating human rights education within legal studies is the entrenched traditionalism that marks many legal education systems. Conventional methods such as lecture-based instruction and a narrowly domestic legal focus often resist integration with broader, interdisciplinary human rights content. Legal education should transform to embrace international perspectives, which fosters intercultural competence and promotes universal respect for human rights principles. Educational institutions, therefore, must proactively adapt curricula, incorporating global exchanges and diverse pedagogical methodologies to prepare students for an increasingly interconnected legal landscape. Overcoming this challenge requires sustained institutional leadership and advocacy from educators committed to pedagogical innovation.

On the other hand, legal education in human rights is called upon to bridge theory and practice.

One of the most pressing challenges in legal education is the disconnect between theoretical knowledge and practical application. Many legal professionals receive formal instruction in human rights law but lack the practical skills required to apply these principles effectively in real-world settings.

Theoretical knowledge alone is insufficient. Legal education must provide students with practical training opportunities that allow them to apply their knowledge in real-world settings. Moot courts, internships, and legal clinics focused on human rights cases internships, interdisciplinary courses, and research projects can create a more human rights-oriented learning environment to offer invaluable hands-on experience. These programmes not only enhance students' legal skills but also instil a sense of responsibility and commitment to human rights advocacy. They provide students with the

opportunity to apply their knowledge in real-world scenarios, preparing them to tackle human rights issues effectively in their professional career. Therefore, real-world engagement enriches student understanding, allowing them to critically evaluate and practically implement human rights standards.

Another significant challenge for contemporary education in human rights is the need to adapt to a globalised legal landscape

Traditional legal curricula often focus narrowly on domestic issues. However, globalisation demands that law graduates possess a multinational perspective. Today's legal professionals must navigate a globalised legal environment characterised by complex cross-border human rights issues. Exposure to human rights law encourages intercultural competence and a broader understanding of diverse legal traditions, preparing students to navigate legal disputes that transcend borders.

In our interconnected world, a global perspective on human rights is indispensable. Legal education must teach students about the universal nature of human rights and the importance of international co-operation in protecting these rights.

Additionally, but importantly, new legal challenges emerge, such as artificial intelligence, cybersecurity, environmental justice, digital privacy and refugee protection. They require a more dynamic and interdisciplinary, even intercultural, approach to human rights education. The contemporary development of international law and transnational legal norms requires a new generation of legal professionals trained in human rights law, capable of addressing complex and evolving global challenges”.

And, let's face it, we live in a world of AI which deeply marks contemporary education, including education in human rights in the universities. We should never turn a blind eye to this. For the moment AI will not replace humans as educators, but it will influence the way human rights are taught. If we take good advantage of AI it will create more immersive, personalised, and data-driven learning experiences but we have to ensure that ethical considerations remain at the forefront of technological advancement in education: universities must teach students about the ethical use of AI. Today, it is our primary task as university professors but also as human beings. In a best-case scenario, AI-powered platforms can bring more life to human rights education - they can

connect students, activists, and scholars from different parts of the world, enabling cross-cultural discussions on human rights. AI-driven discussion forums can analyse debates and provide insights, helping students to engage in more meaningful conversations. AI can create role-playing exercises where students act as human rights lawyers, activists, or policymakers, providing real-life experience. AI can analyse student learning patterns and tailor educational materials accordingly. Interactive AI-driven platforms can provide additional explanations, case studies, or quizzes to enhance comprehension. Virtual mentors can guide students based on their specific interests in human rights law, activism, or policy-making. Speech-to-text and text-to-speech technologies can assist students with disabilities, making learning more inclusive. Chatbots and AI tutors can provide 24/7 assistance, ensuring no student is left behind due to time or geographical constraints.

While AI offers incredible benefits, we must also recognise and address the ethical threats such as lack of transparency and bias in AI algorithms, privacy concerns, and the potential misuse of AI in mass surveillance and discrimination. As we integrate AI into human rights education, universities must also teach students about responsible AI development and use and about its ethical implications. Students will need to understand how AI can be both a tool for justice and a potential threat if misused.

In conclusion, it could be said that comprehensive human rights education in legal curricula is not merely advantageous but imperative. It strengthens ethical reasoning, enhances analytical skills, and equips future legal professionals to address complex human rights challenges. As globalisation evolves, this education becomes crucial for fostering justice and protecting human dignity worldwide. Law schools must, therefore, prioritise human rights education as foundational, empowering legal professionals to contribute positively and effectively to global justice and societal equity.

The imperative for comprehensive human rights education in legal training is clear: without it, legal professionals risk misapplying human rights law, leading to systemic injustices and violations of fundamental freedoms.

As global legal challenges become more complex, the demand for well-trained, ethically grounded, and globally competent legal professionals continues to grow. Institutions must ensure that human rights education is not an afterthought, but a core element of legal training, equipping future lawyers,

judges, and policymakers with the knowledge, skills, and ethical commitment required to uphold justice and human dignity in an increasingly interconnected world.

Ultimately, integrating human rights education represents a profound investment in the future of legal practice and the broader protection of human dignity, reinforcing the fundamental values of justice, democracy, and human rights globally.

Embedding freedom of expression in legal education: rights-based pedagogy and participatory practice

Jade Brailsford* and Simon Sneddon†

Abstract

This article argues that freedom of expression, protected under article 10 of the European Convention on Human Rights (ECHR), should be understood not only as a legal doctrine but as a pedagogical principle central to democratic legal education. Drawing on the Level 4 module LAW1024 Ethics, Discrimination and Human Rights, it examines how article 10 reasoning can structure classroom dialogue, assessment, and institutional practice. The analysis combines doctrinal interpretation with critical and discomfort-based pedagogy, proposing that students learn law most effectively when they practise justification, pluralism, and deliberation within the learning process itself. While lecture capture and digital monitoring enhance accessibility, they may also inhibit openness and dialogic teaching, producing self-censorship that limits academic freedom. Embedding article 10, therefore, requires re-examining classroom norms, assessment design, and institutional governance to ensure that expression is both protected and purposeful. The article advances a model for integrating rights-based pedagogy into law curricula, positioning legal education as a space for civic reasoning and democratic participation.

Keywords: article 10 ECHR, legal education, pedagogy of discomfort, academic freedom, deliberative democracy.

Introduction

The role of legal education in fostering democratic culture is under renewed scrutiny. As academic freedom is limited across Europe and authoritarian

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discourse re-enters mainstream politics, the question is no longer whether legal education should engage with civic values and human rights, but how it does so, and with what effect.¹ In this context, the teaching of human rights law demands more than doctrinal enquiry; it requires critical engagement with the institutional, political, and pedagogical frameworks that shape students' understanding of law and power. Freedom of expression is central to this task, not only as a fundamental human right under article 10 of the European Convention on Human Rights (ECHR),² but as a pedagogical condition for legal education itself. It is the right through which other rights are claimed, challenged, and publicly justified.

The domestic courts and European Court of Human Rights (ECtHR) have repeatedly characterised freedom of expression as the 'essential foundation' of a democratic society.³ The framework demands justification and proportionality of interference, even where the expression at issue is provocative or disruptive. Yet, despite its constitutional weight, article 10 is commonly taught detached from the environments in which legal knowledge, and, indeed, rules, are produced, debated, and developed. There remains little systematic exploration of what it means to practise freedom of expression within domestic legal education itself. It is submitted that legal educators should treat freedom of expression not only as a subject of legal analysis but as a principle that informs how law is taught. The authority to teach legal rules is not ideologically neutral; the act involves choices about content, framing, and legitimacy.⁴

Consequently, classrooms can inevitably reflect normative and political assumptions, and legal education conditions what counts as legitimate disagreement, acceptable speech, and authoritative knowledge. In doing so, it

¹ European Parliament, *EP Academic Freedom Monitor* (2023) PE 757.798; Michael Ignatieff and Stefan Roch, *Academic Freedom: The Global Challenge* (Amsterdam University Press 2018); Peter Maassen, Mari Elken and Jens Jungblut, 'De Facto Academic Freedom in the European Union – Threats and Trends' (2025) 33(S1) European Review S28.

² Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights ECHR as amended) (Adopted 4 November 1950, entered into force 3 September 1953) CETS 005; ECHR hereafter.

³ *R v Secretary of State for the Home Department Ex p Simms* [2000] 2 AC 115 [126] (Steyn LJ); *Handyside v United Kingdom* (1976) 1 EHRR 737 [754]; *Stoll v Switzerland* (2008) 47 EHRR 59 [155]; *Pentikäinen v Finland* App no 11882/10 (ECtHR, 20 October 2015) [87]–[88]; *Morice v France* (2016) 62 EHRR 1 [124].

⁴ Hilary Sommerlad, Richard Young, Steven Vaughan and Sonia Harris-Short, *The Futures of Legal Education and the Legal Profession* (eds) (Hart Publishing 2015) 1–22.

can either support or undermine the deliberative ideals on which democratic legality depends.⁵ Embedding article 10 within legal education means cultivating an environment where pluralism, dissent, and justification are not only taught but practised. This is not optional; it is a necessary consequence of teaching students about rights that derive their meaning from contestation and accountability.

The argument advanced in this article is grounded in practice. It draws on LAW1024 Ethics, Discrimination and Human Rights Law, a compulsory Level 4⁶ LLB (Hons) undergraduate module taught in an English university, in which freedom of expression is taught through case studies and structured classroom activities. In the 2024/25 academic year, activities included, inter alia, materials on protest, LGBTQ+ rights, and gender-critical speech. Article 10 pedagogy seeks to further the ‘marketplace of ideas’,⁷ in which students are encouraged to think for themselves through exposure to a plurality of views.⁸ The educational environment can be viewed as a microcosm of a democratic society, one that must accommodate dissent, plurality, and disagreement. Within LAW1024, this marketplace is structured around deliberation, with students acting as judges and advocates who test whether restrictions on expression meet the thresholds of legality, legitimacy, and necessity. Through this process, they learn that the freedom to express is inseparable from the responsibility to justify.

Nevertheless, there can be a reluctance to engage with political and so-called ‘identity-based’ speech, which is caused by prior educational and social

⁵ Joshua Cohen, ‘Deliberation and democratic legitimacy’ in Alan Hamlin and Phillip Pettit (eds), *The good Polity: Normative Analysis of the State* (Blackwell 1989) 23; Seyla Benhabib, ‘Toward a Deliberative Model of Democratic Legitimacy’ in Seyla Benhabib (ed) *Democracy and Difference: Contesting the Boundaries of the Political* (PUP 1996) 67–94.

⁶ First year.

⁷ For critical discussion of the ‘market place of ideas’ see Jill Gordon, ‘John Stuart Mill and the “Marketplace of Ideas”’ (1997) 23(2) Soc Theory & Prac 235; Jeffrey Howard, ‘Free Speech and Hate Speech’ (2019) 22(1) Annual Review of Political Science 93, 96–100; Jeremy Waldron, *The Harm in Hate Speech* (HUP 2012) 155; David O Brink, ‘Mill’s Liberal Principles and Freedom of Expression’ in C L Ten (Ed), *Mill’s On Liberty: A critical guide* (CUP 2009) 40–61.

⁸ See for example, *Tinker v Des Moines Independent Community School District* (1969) 393 US 503; Jacqueline A Stefkovich and William C Frick, *Best Interests of the Student: Applying Ethical Constructs to Legal Cases in Education* (3rd edn, Routledge 2021) 73.

environments in which ‘perceived’ dissent is avoided or penalised.⁹ This tendency disproportionately affects race, sex, gender, and sexuality discourse, where institutional avoidance of discomfort can result in the silencing of marginalised or contested perspectives. In the UK, school-level citizenship education prioritises order, compliance, and emotional safety over robust deliberation, leaving students underprepared for disagreement in higher education.¹⁰ When dissent is not practised early, discomfort becomes a barrier to discussion. Nevertheless, it is precisely these moments of tension that reveal the pedagogical risk of teaching freedom of expression, exposing who is permitted to speak, under what conditions, and with what forms of institutional support.

These pedagogical tensions are symptomatic of a broader institutional climate in which freedom of expression is defended in principle but constrained in practice by reputational concerns and managerial oversight. In the UK, recent developments such as the Higher Education (Freedom of Speech) Act 2023 and Office for Students guidance on ‘controversial’ content signal heightened political interest in regulating academic discourse.¹¹ At the same time, universities face increasing reputational pressure to avoid offence, manage dissent, and present a depoliticised image of legal knowledge. The result is a paradox. While legal education purports to train critical thinkers, it frequently fails to model the justificatory practices on which that ideal depends.

This article addresses that contradiction by bringing together doctrinal and pedagogical perspectives on freedom of expression. Drawing on the authors’ respective expertise in human rights law and legal education practice, it situates article 10 of the ECHR as a subject of study and a pedagogical framework. Its normative claim is twofold: first, that legal education should prepare students to understand the limits and demands of free expression in law; and second,

⁹ David Pilgrim, ‘Identity Politics and Freedom of Expression’, in *Identity Politics* (Karnac Books 2022) Ch 2; Kathryn Ecclestone and Dennis Hayes, *The Dangerous Rise of Therapeutic Education* (Routledge 2019); Olivier Roy, *The Crisis of Culture: Identity Politics and the Empire of Norms* (Oxford University Press 2024) 11–31.

¹⁰ Audrey Osler and Hugh Starkey, *Teachers and Human Rights Education* (Trentham 2010).

¹¹ Higher Education (Freedom of Speech) Act 2023; Office for Students, ‘Freedom of speech’ (Regulations and guidance for freedom of speech in English higher education) (*Office for Students*, no date) <<https://www.officeforstudents.org.uk/providers/freedom-of-speech/>> accessed 10 October 2025.

that it should embody those values in the way it structures debate, dialogue, and dissent in the classroom.

This analysis is informed by critical legal and discomfort pedagogy, which challenges the myth of neutrality in legal education and foregrounds the political dimensions of curriculum and assessment.¹² It also engages with deliberative democratic theory, which treats public justification and reason-giving as the foundation of legitimate authority within both law and education.¹³ These frameworks converge in article 10 jurisprudence, which demands that restrictions on expression be justified in ways that are accessible, transparent, and proportionate.

Article 10 of the ECHR – an introduction

The focus on article 10 of the ECHR reflects the institutional and legal context in which the case study module is taught. LAW1024 forms part of a UK undergraduate law programme in which the ECHR occupies a central place through the Human Rights Act 1998 and its incorporation into domestic legal reasoning. Article 10 provides a doctrinal framework that students are required to understand as part of their legal training. While comparable guarantees of freedom of expression exist in other instruments, such as article 19 of the International Covenant on Civil and Political Rights (ICCPR), the ECtHR jurisprudence offers a particularly developed body of case law concerning proportionality, democratic necessity, and pluralism. These features make article 10 of the ECHR especially suitable as a pedagogical framework for teaching justificatory reasoning in law. Nevertheless, the pedagogical model proposed here is not limited to the European system. The emphasis on justification, proportionality and democratic deliberation could be adapted to other freedom of expression frameworks, including constitutional free speech traditions such as the First Amendment to the United States' Constitution or

¹² Joy Twemlow, 'Let me introduce my friend, law: a pedagogical tool for supporting diversity and critical thinking in the legal classroom' (2023) 57(3) *The Law Teacher* 239; Richard Abel, 'Legal Pedagogy and Its Discontents' (2020) 16(1) *International Journal of Law in Context* 77; Kenneth A Armstrong, Maksymilian Del Mar and Sally Sheldon, 'Contextual Legal Pedagogy: Still Radical?' (2022) 18(4) *International Journal of Law in Context* 365; Susanna Menis, 'Non-Traditional Students and Critical Pedagogy: Transformative Practice and the Teaching of Criminal Law' (2016) 22(2) *Teaching in Higher Education* 193.

¹³ Joshua Cohen, above (n5); Seyla Benhabib, above (n5).

the Canadian Charter of Rights and Freedoms, as well as international human rights instruments such as article 19 of the ICCPR.

Article 10(1) of the ECHR protects ‘the right to freedom of expression’, including the freedom to hold opinions and to receive and impart information and ideas ‘without interference by public authority and regardless of frontiers’.¹⁴ It is framed in broad and inclusive terms, encompassing not only spoken or written words but a wide range of expressive conduct, from ‘obscene’ art, symbolic acts, journalistic reporting, to political protest.¹⁵ However, the right is not absolute. Under article 10 (2) of the ECHR, states may impose restrictions if they are (i) prescribed by law, (ii) pursue a legitimate aim (such as national security, public safety, or the protection of the rights of others), and (iii) are necessary in a democratic society. This three-part test creates the framework within which the ECtHR assesses limitations on expression.

The nature of this framework is distinctive when compared with other ECHR rights. For example, article 5 (liberty and security), article 8 (private and family life), and article 1 of Protocol 1 (property) are framed primarily as defensive rights; they operate to shield the individual against arbitrary interference by the state. Thus, if a person is detained, searched, or has their possessions seized, the ECtHR examines whether the state has crossed the threshold of the protected sphere and whether the interference falls within narrowly drawn exceptions. The presumption is one of non-interference. For example, liberty may not be curtailed save in accordance with lawful arrest or detention, private life must remain free from unjustified intrusion, and possessions may not be taken except under due legal process. These provisions are essentially structured as barriers against state action.

Article 10, by contrast, is designed around a positive justificatory burden. The presumption lies with freedom of expression, and restrictions are treated as exceptional.¹⁶ Whenever speech or conduct falls within the broad scope of article 10(1), the onus shifts to the state to demonstrate that its interference meets the strict requirements of article 10(2). In practice, this demands that States provide publicly reasoned justifications, open to scrutiny, showing why

¹⁴ ECHR, above (n2) art 10(1).

¹⁵ See for example, *Müller v Switzerland* App No 10737/84 (ECtHR, 24 May 1988); *Women on Waves v Portugal* App No 31276/05 (ECtHR, 03 February 2009).

¹⁶ *Reynolds v Times Newspapers Ltd* [1999] 4 All ER 609 [628] (Lord Steyn).

an interference is not only lawful but necessary in a democratic society. As Gunatilleke notes, freedom of expression has ‘special normative value’ within liberal constitutionalism, because the starting point is that expression is permitted, and only compelling reasons grounded in public reason can justify its limitation.¹⁷

The emphasis on necessity ‘in a democratic society’ positions free expression not merely as a private liberty, but as a condition for democratic governance. As the ECtHR held in *Lingens v Austria*,¹⁸ free political debate is ‘at the very core of the concept of a democratic society’. Similarly, in *Vogt v Germany*,¹⁹ the ECtHR found that the dismissal of a public employee for political affiliation required particularly strict scrutiny under article 10, as it implicated the legitimacy of public institutions themselves. Legal education has much to gain from engaging seriously with this justificatory structure. The proportionality test under article 10(2) demands more than procedural compliance; it requires the state to show that its interference responds to a pressing social need and is proportionate to the aim pursued.²⁰ This model of rights reasoning, emphasising justification, balance, and democratic accountability, offers a valuable pedagogical resource. In LAW1024, students are required to apply the article 10(2) test not only by identifying legitimate aims but by evaluating the quality of the justification offered for interference.

A core element of article 10 jurisprudence is the ECtHR’s insistence that expression deserving the highest level of protection is that which contributes to public debate. This includes political speech, journalism, and expression aimed at matters of legitimate public concern.²¹ In *Handyside v United Kingdom*,²² the ECtHR held that pluralism and tolerance are foundational democratic values, and that the protection of expression extends to ideas that ‘offend, shock or disturb’. The democratic rationale is not merely procedural: it affirms that disagreement and discomfort are integral to democratic life. In the context of legal education, this rationale compels educators to resist

¹⁷ Gehan Gunatilleke, ‘Justifying Limitations on the Freedom of Expression’ (2021) 22(1) Human Rights Review 91, 103.

¹⁸ (1986) 8 EHRR 407 [42].

¹⁹ (1996) 21 EHRR 205.

²⁰ *Sunday Times v United Kingdom* (No 1) (1979) 2 EHRR 245 [59].

²¹ *Thorgeirson v Iceland* (1992) 14 EHRR 843 [63].

²² (1976) 1 EHRR 737 [49].

curricular sanitisation and to engage students in complex, contested questions actively.

At the same time, the ECtHR's own jurisprudence has not been without criticism. In *Otto-Preminger-Institut v Austria*,²³ the ECtHR upheld the seizure of a satirical film critical of Catholicism based on religious offence, giving a wide margin of appreciation to the national authorities.²⁴ Similarly, in *Animal Defenders International v United Kingdom*,²⁵ the ECtHR upheld a blanket ban on political advertising, accepting the state's justification without clear evidence that less restrictive alternatives had been considered. These cases illustrate that article 10's justificatory structure is not always consistently applied, particularly where sensitive topics or institutional authority are implicated. From a pedagogical perspective, these cases present opportunities for critical engagement with judicial reasoning and the role of courts in managing contested expression.

One way to approach this in the classroom is through what legal theorists have called the 'speech hierarchy', the idea that certain types of speech (for example, political or journalistic) receive greater legal protection than others (for example, commercial, artistic, or offensive speech).²⁶ This distinction has helped structure student analysis, especially when exploring how the ECtHR balances article 10(2) against competing rights under articles 8 and 9. It also opens up space to discuss whether such hierarchies reproduce existing power structures or reinforce assumptions about what counts as 'legitimate' discourse.

When taught carefully, article 10 jurisprudence offers students a model of legal reasoning that values transparency, justification, and pluralism. These values should be reflected in the way law is taught, through deliberative discussion, open disagreement, and critical assessment of institutional authority. Understanding freedom of expression doctrinally is essential, but embedding it pedagogically is what prepares students to engage with law as a living practice

²³ *Otto-Preminger-Institut v Austria* (1995) 19 EHRR 34.

²⁴ The margin of appreciation allows for discretionary judgments that recognise that 'national authorities are in principle better placed than any international court to evaluate local needs and conditions': *Buckley v UK* (1997) 23 EHRR 101 [129]. See also *Reinboth v Finland* (2013) 57 EHRR 34; and Dominic McGoldrick, 'A defence of the margin of appreciation and an argument for its application by the Human Rights Committee' (2016) 65(1) ICLQ 21.

²⁵ (2013) 57 EHRR 21.

²⁶ Frederick Schauer, *Free Speech: A Philosophical Enquiry* (Cambridge University Press 1982).

of justification. The structure of article 10 reasoning is its presumption of freedom, demand for transparent justification, and emphasis on democratic necessity. This structure provides a model for how legal reasoning itself might be taught, which will be explored below. In the classroom, this means treating disagreement not as disorder but as evidence of active learning: a process through which students practise balancing rights, weighing legitimacy, and articulating reasons that others can contest. Embedding article 10 within legal education, therefore, moves beyond teaching its case law; it enacts the democratic values that the ECHR was designed to protect.

Teaching freedom of expression in practice: a case study and pedagogical reflections

LAW1024 Ethics, Discrimination and Human Rights is a compulsory Level Four²⁷ module on the LLB (Hons) and Law with Criminology BA (Hons) courses taught in England at the University of Northampton. In the 2024/25 academic year the module enrolled approximately 180 students across five workshop groups. The discussion that follows draws primarily on teaching activities delivered during that academic year, although the pedagogical structure described here reflects an approach that has developed across several iterations of the module. The case study is presented as a reflective account of pedagogical design rather than an empirical study of student responses. Ethical approval was not sought for the systematic collection of classroom data, and no identifiable student contributions are reproduced. The purpose of the analysis is therefore to illustrate the design of teaching activities and the pedagogical reasoning underpinning them, rather than to examine individual classroom interactions. While moments of disagreement or discomfort inevitably arise when discussing controversial questions of freedom of expression, the discussion does not reproduce individual student contributions to preserve anonymity. The focus instead is on how the teaching design seeks to structure and manage such tensions within a legal framework grounded in article 10.

LAW1024 introduces freedom of expression through case-based learning that obliges students to engage with the justificatory structure of article 10(2) of the ECHR. Rights are introduced through their application in reasoning, rather than

²⁷ First year.

as abstract principles. Classroom activities are deliberately structured around ECtHR case law to rehearse how justification operates in a democratic society.

The first workshop opens with a discussion of why expression matters in a democracy before turning to *Handyside*,²⁸ discussed above. This immediately unsettles students' assumption that offensive speech is excluded from protection. *Pentikäinen v Finland*²⁹ is then used to consider the detention of a journalist covering a protest, highlighting that the legality of restrictions depends on necessity and proportionality. These cases teach that article 10 presumes protection, while restrictions demand justification.

Later workshops use structured case studies to apply the article 10(2) test of legality, legitimate aim, and necessity in a democratic society. In *Lilliendahl v Iceland*,³⁰ where the applicant had posted online comments describing homosexuality in derogatory terms, characterising it as 'disgusting' and drawing comparisons between same-sex relationships, sexual deviance and animal behaviour, the ECtHR agreed with the national court that the comments were so 'serious, severely hurtful and prejudicial' as to fall outside article 10. Another exercise considers *Forstater v CGD Europe*,³¹ where the Employment Appeal Tribunal (EAT) ruled that gender-critical beliefs were protected under the Equality Act 2010, and that the expression of such beliefs does not in itself seek to destroy the rights of trans persons.

More recent controversies involving the burning of flags or religious texts, such as Qur'ans, have similarly tested the limits of tolerance under article 10, prompting debate about whether symbolic acts that offend deeply held beliefs remain protected expression or constitute incitement to hatred.³² A notable recent UK case involved Hamit Coskun, whose conviction for burning a Qur'an outside the Turkish consulate in London (while allegedly making anti-Islamic remarks) was overturned on appeal.³³ The appellate court (Crown Court) held that the act could not properly be found to be disorderly or to have

²⁸ Above (n22) [49].

²⁹ App no 11882/10 (ECtHR, 20 October 2015).

³⁰ App no 29297/18 (ECtHR, 12 May 2020) [45].

³¹ [2021] UKEAT/0105/20/JOJ [111] (Choudhury J).

³² *Donaldson v France* App no 60856/16 (ECtHR, 10 November 2022).

³³ *Rex v Hamit Coskun* (2 June 2025) WMC (*Courts and Tribunals Judiciary*, 2025) <<https://www.judiciary.uk/wp-content/uploads/2025/06/Rex-v-Hamit-Coskun.pdf>> accessed 10 October 2025; *Rex v Hamit Coskun* (10 October 2025) SWC (*Courts and Tribunals Judiciary*, 2025) <<https://www.judiciary.uk/wp-content/uploads/2025/10/Rex-v-Hamit-Coskun.pdf>> accessed 10 October 2025.

caused harassment, alarm or distress, emphasising that freedom of expression must include the right to offend, shock or disturb. This case demonstrates that while symbolic acts may in principle qualify as protected expression, in practice, the boundary can shift depending on context. Even when states attempt to restrict such acts through public order legislation, courts must assess whether aggravating factors (such as location, audience, accompanying speech, or proximity to sensitive sites) transform expression into a threat, harassment, or incitement.³⁴ Utilising scenarios based on such cases, students act as judges and advocates, rehearsing whether restrictions are defensible in legal terms. This requires them to articulate reasons, not preferences, and to test the quality of justification offered by the state.

Unsurprisingly, these activities provoke discomfort. Students may feel reluctant to defend positions contrary to their beliefs, especially on identity-based questions. Given the wider public hostility toward gender-critical individuals, and in particular women, there can also be a hesitation to articulate positions that might be misread as discriminatory. Such reluctance is itself legally significant, reflecting the tension article 10 seeks to regulate between the protection of belief and the prevention of hate speech, the exercise of expression depends on the ability to justify restrictions through law, not on the popularity of the view expressed. Yet discomfort is deliberately framed as integral to the pedagogy. Mercer and McDonagh argue that ‘growth comes from discomfort’, as students recognise ‘a knowledge gap between one’s social experiences and the experiences of other social identities’.³⁵ Drawing on Crenshaw’s intersectional analysis,³⁶ they emphasise how identities such as race, gender and ability are social constructs that ‘turn into prejudices and biases that become ingrained in our everyday lives’.³⁷ By situating case law on contested identity issues within classroom activity, LAW1024 requires students to confront those constructs in a structured legal framework.

Boler similarly describes a pedagogy of discomfort as one that asks students to critically engage with their own emotions, beliefs and perception of others as

³⁴ For example, under the Crime and Disorder Act 1998 and the Public Order Act 1986.

³⁵ Lisa Elzey Mercer and Deana McDonagh, ‘The Pedagogy of Discomfort: Transformational Experiential Learning’ (2021) 2(2) *International Journal of Design for Social Change, Sustainable Innovation and Entrepreneurship* 23.

³⁶ Kimberlé Crenshaw, *Demarginalizing the intersection of race and sex: A black feminist critique of antidiscrimination doctrine, feminist theory and antiracist politics* (University of Chicago Legal Forum, 1989) 139–167.

³⁷ Lisa Elzey Mercer and Deana McDonagh, *above* (n35), 24.

well as the beliefs of others.³⁸ Freire characterised this process as encountering ‘limit situations’ that produce critical consciousness (‘conscientização’).³⁹ Biesta frames education as a willingness to accept the risk of being interrupted by the other, to be ‘open to receiving the gift of teaching’ from what or whom we cannot control.⁴⁰ In this sense, discomfort is not incidental but essential to practising article 10 reasoning. During the LAW1024 workshops, students learn that what shocks or offends cannot simply be dismissed as unlawful but must be justified or lawfully restricted within a proportionality framework.

However, the literature also warns against uncritical celebration of discomfort. Zembylas notes that pedagogies of discomfort risk ‘ethical violence’ when students are compelled to participate without adequate care for their emotional well-being.⁴¹ While discomfort may prompt learning, it can also inflict harm, particularly where the encounter reactivates trauma. The burden of producing discomfort could fall unequally, with minority students expected to represent their group or relive painful experiences. Ahmed argues that those who do not inhabit the norms of the institution are more often required to take on the additional task of transforming those norms.⁴² In practice, this means that the responsibility for making institutions more inclusive falls on those already marginalised, making the burden of diversity unequal. As such, even where institutions claim to value dialogue, such practices risk reproducing the inequalities they purport to challenge.

There is also the risk of student disengagement. Boler cautions that the discomfort invited by critical inquiry can provoke resistance. Students may ‘retreat to defensive anger, or fall into the “guilt” side of the binary trap’, rather than remain engaged.⁴³ Without careful scaffolding, classroom discomfort can entrench division and hostility. Moreover, discomfort rhetoric can be co-opted if it is reduced to interpersonal encounters rather than linked to broader structures of inequality. Nevertheless, Hughes *et al* caution that approaches

³⁸ Megan Boler, *Feeling Power: Emotions and Education* (Routledge 1999) 176.

³⁹ Paulo Freire, *Pedagogy of Hope: Reliving Pedagogy of the Oppressed* (Robert R Barr tr, Bloomsbury Academic 2021) 109–140.

⁴⁰ Gert Biesta, *The Beautiful Risk of Education* (Routledge 2016) 57.

⁴¹ Michalinos Zembylas, ‘“Pedagogy of Discomfort” and Its Ethical Implications: The Tensions of Ethical Violence in Social Justice Education’ (2015) 10(2) *Ethics and Education* 163; see also, Judith Butler, *Giving an Account of Oneself* (Fordham University Press 2005).

⁴² Sara Ahmed, *On Being Included: Racism and Diversity in Institutional Life* (Duke UP 2012) 173.

⁴³ Megan Boler, above (n38), 186.

focusing on ‘minor adjustments’ risk leaving ‘the status quo’ intact, and that genuine pedagogical transformation requires a more fundamental challenge to institutional structures.⁴⁴ These critiques highlight that discomfort is pedagogically productive only when embedded in practices of justification and supported by attention to student welfare.

Further, recent debate about trigger warnings and safe-space statements highlights the need for a more measured understanding of care and discomfort in rights-based teaching. While such measures are intended to promote safety and empathy, empirical research consistently finds little or no measurable benefit to student well-being or learning outcomes. Studies show that trigger warnings do not reliably reduce distress or avoidance.⁴⁵ Within professional education, they may also limit exposure to ethically complex content, reducing opportunities to develop resilience, autonomy, and reflective judgment.⁴⁶ Students’ perceptions of the effectiveness of trigger warnings are also inconsistent with research findings, as they frequently report positive attitudes despite little evidence of benefit.⁴⁷

Recent scholarship suggests that alternatives lie in trauma-informed and inclusive pedagogies that integrate emotional awareness with academic rigour.⁴⁸ These approaches encourage transparency, informed choice, and intellectual risk-taking by clarifying the purpose of difficult material and providing structured support. Rather than treating warnings as protective devices, educators can use them as invitations to critical reflection, aligning with Boler’s conception of discomfort as a call to inquiry and with article 10’s

⁴⁴ Joanne Hughes, Rebecca Loader and James Nelson, ‘Fostering Harmony and Dealing with Difference in Education: A Critical Review of Perspectives on Intergroup Relations’ in Michalinos Zembylas and André Keet (eds), *Critical Human Rights, Citizenship, and Democracy Education: Entanglements and Regenerations* (Bloomsbury, 2018) 130.

⁴⁵ Helen Anne Nolan and Lesley Roberts, ‘Trigger Warnings as Tools for Learning—Theorising an Evolving Cultural Concept’ (2024) 58(2) *Medical Education* 185.

⁴⁶ Helen M Stallman, Diann S Eley and Amanda D Hutchinson, ‘Trigger Warnings: Caring or Coddling’ (2017) 25(2) *Journal of the Australian and New Zealand Student Services Association* 89.

⁴⁷ A Timur Sevincer, Leonie Tenbrueggen and Marvin Sokolis, ‘Students’ Beliefs About Trigger Warnings’ (2024) *Psychological Reports*.

⁴⁸ Emily J M Knox, *Trigger Warnings: History, Theory, Context* (Bloomsbury 2017); Catherine James, ‘Trigger Warnings: To Label or Not to Label?’ (2017) 13(4) *Public Services Quarterly* 295; Alison C Cares and others, ‘“The Subject Matter Should Be an Adequate Trigger Warning”: How and Why Criminology and Criminal Justice Faculty Use (and Don’t Use) Trigger Warnings’ (2022) 34(4) *Journal of Criminal Justice Education* 598.

emphasis on deliberation and justification.⁴⁹ In practice, educators can begin each module or workshop by setting engagement expectations: explaining why contested material is addressed, outlining sources of support, and modelling how disagreement can be expressed respectfully. This reframing converts caution into empowerment and ensures that the classroom guarantees safety within deliberation, not safety from ideas. It reinforces the norm-setting and reflexivity dimensions of the LAW1024 model (below), linking emotional awareness, civic reasoning, and article 10's justificatory structure.

Within LAW1024, these risks are managed by anchoring discomfort in ECtHR case law. Students are not asked to expose personal trauma but to reason through whether restrictions satisfy legality, legitimacy, and necessity. The aim is to convert emotional reaction into legal reasoning. This structure ensures discomfort is framed as an invitation to reason rather than an imposed performance.⁵⁰ Educational ethics also justifies this approach, and the 'best interests of the student' require equipping learners to confront moral dilemmas.⁵¹ Exposure to contested rights is therefore not reckless but part of preparing students for the justificatory practices of legal and civic life. By structuring this exposure within a proportionality framework, discomfort becomes an ethical opportunity to share ideas and opinions, rather than an arbitrary burden likely to cause harm within and outside the classroom.

LAW1024 demonstrates that freedom of expression can be taught as both a doctrine and a democratic practice. Through structured case study activities, students learn not only the ECtHR framework but also the civic responsibility of justification. The supportive literature⁵² affirms the pedagogical value of discomfort, while the critical literature⁵³ cautions that discomfort must be carefully managed to avoid reproducing harm. By anchoring discomfort in the justificatory method of article 10, LAW1024 attempts to realise a substantive engagement with conflict rather than its displacement. Nevertheless, the approach exposes the vulnerability of such pedagogical spaces. Although

⁴⁹ Megan Boler, above (n38).

⁵⁰ Michalinos Zembylas, above (n41)..

⁵¹ Jacqueline A Stefkovich and William C Frick, *Best Interests of the Student: Applying Ethical Constructs to Legal Cases in Education* (3rd edn, Routledge 2021).

⁵² See for example, Megan Boler, above (n38) 176; Paulo Freire, above (n39); Gert Biesta, above (n40) 57; Lisa Elzey Mercer and Deana McDonagh, 'above (n35), 24.

⁵³ See for example, Michalinos Zembylas, above (n41); Sara Ahmed, above (n42); Joan Poliner Shapiro and Jacqueline A Stefkovich, *Ethical leadership and decision making in education* (5th edn, Routledge 2021).

academic freedom is formally recognised, it remains dependent on institutional context and easily constrained by reputational or political pressures.

Thus, within LAW1024, law students learn not only to apply legality, legitimacy, and necessity as doctrinal tests, but to practise the civic responsibility of offering reasons that others can contest. In doing so, they engage both with the doctrinal content of freedom of expression and with the democratic practices upon which its legitimacy rests.

Institutional constraints, academic freedom, and inclusion tensions

Universities increasingly operate within audit-driven cultures that prioritise satisfaction metrics and quantifiable outputs. This creates a climate in which risk-taking in pedagogy is implicitly, or indeed, explicitly discouraged, narrowing the scope for the dialogic and discomfort-based teaching that rights-based approaches demand. However, ‘tick-box’ assessment regimes encourage performativity, placing the burden of care disproportionately on minoritised staff while discouraging the kind of experimental practice that may reduce satisfaction scores in the short term but deepen learning in the long term.⁵⁴ The expectation to provide care, reassurance, and emotional labour in the classroom frequently falls on women and staff in precarious or lower-status positions.⁵⁵ In practice, this means that those least securely placed within the academy are often tasked with maintaining the appearance of institutional inclusivity while absorbing the professional costs of student dissatisfaction.

Women are more likely to be channelled into roles involving pastoral or administrative duties that are essential but undervalued in promotion frameworks.⁵⁶ Within such contexts, women who use discomfort as a teaching strategy confront an additional dilemma: their deviation from the expected ‘supportive’ role may be penalised more harshly than that of colleagues whose institutional privilege shields them from scrutiny. As Rogers has argued, this dynamic reflects the persistence of ‘care-less’ institutions, where the

⁵⁴ Fiona Cullen, Mike Seal and Michael Whelan, *Critical Pedagogies of Discomfort in Practice and Professional Education* (Bloomsbury Academic 2025) 241–264.

⁵⁵ Fiona Cullen, Mike Seal and Michael Whelan, *ibid* 255; Jason Arday, ‘Understanding race and educational leadership in higher education: Exploring the black, minority ethnic (BME) experience’ in Paul Miller and Christine Callender (eds), *Race, Education and Educational Leadership in England: An Integrated Analysis* (Bloomsbury Academic 2019) 161–182.

⁵⁶ Julia Rowlands, ‘The Domestic Labour of Academic Governance and the Loss of Academic Voice’ (2019) 31(7) *Gender and Education* 793.

distribution of responsibility for student welfare and satisfaction is deeply gendered and rarely equitable.⁵⁷ Similar findings are reported internationally, with women and minority groups disproportionately occupying less secure and lower-paid teaching roles, compounding the risks associated with innovative or critical pedagogies.⁵⁸

Embedding contested cases and discussion in classroom activity also raises issues of academic freedom. ‘Academic freedom’ and ‘freedom of expression’ have themselves become buzz phrases in higher education.⁵⁹ Universities and regulators increasingly assert their commitment to these ‘core values’, yet such assertions offer symbolic reassurance rather than substantive protection for controversial scholarship.⁶⁰ Ahmed has described this as the ‘non-performative’ character of institutional discourse, policies that promise inclusion or freedom, but do not deliver the practices that would give them effect.⁶¹ The consequence is a gap between rhetoric and reality, visible in high-profile controversies where institutions, concerned about reputational risk, have restricted speech while simultaneously declaring their support for expression in principle.

The University of Sussex, for example, was fined by the Office for Students in 2025 after an investigation concluded that its equality policies created a chilling effect on staff and students, despite the university’s repeated public statements celebrating its commitment to free speech.⁶² Similarly, in the United States, the University of Southern California cancelled its valedictorian’s commencement speech in 2024, citing security concerns, while publicly affirming its

⁵⁷ Chrissie Rogers, “‘I’m Complicit and I’m Ambivalent and That’s Crazy’: Care-less Spaces for Women in the Academy’ (2017) 61 *Women’s Studies International Forum* 115.

⁵⁸ Fiona Cullen, Mike Seal and Michael Whelan, above (n54).

⁵⁹ For discussion of academic freedom framed as a human rights issue, see Klaus D Beiter, Terence Karran and Kwadwo Appiagyei-Atua, ‘Academic Freedom and Its Protection in the Law of European States: Measuring an International Human Right’ (2016) 3 *European Journal of Comparative Law and Governance* 254.

⁶⁰ Maria Slowey, *Academic Freedom in Higher Education: Core Value or Elite Privilege?* (Taylor & Francis Unlimited 2024).

⁶¹ Sara Ahmed, above (n42) 116–121.

⁶² Office for Students, ‘University of Sussex fined £585,000 for free speech and governance breaches’ (*Office for Students*, 26 March 2025)

<<https://www.officeforstudents.org.uk/news-blog-and-events/press-and-media/university-of-sussex-fined-585-000-for-free-speech-and-governance-breaches/>> accessed 3 October 2025.

unwavering support for free expression.⁶³ Such cases illustrate how freedom of expression is frequently invoked at the very moment when its substantive application is constrained.

Academic freedom entails freedom to determine what shall be taught (curriculum); how it shall be taught (pedagogy); who shall teach; and who shall be taught.⁶⁴ Barendt characterises it as a professional freedom, recognised by law, to teach and research without interference.⁶⁵ Yet institutional autonomy cannot be assumed to safeguard these freedoms. Badamchi has argued that administrators may prioritise ‘efficiency and profit’ over academic integrity, leaving academic freedom incomplete and precarious.⁶⁶ Mégret and Ramanujam warn of ‘the chilling consequences of a climate of fear in which one never really knows if one is crossing the line’, a problem exacerbated by politicised debates over higher education in plural societies.⁶⁷ In the UK, the Prevent duty risks ‘preventing critical thinking’, producing a chilling effect on open dialogue, particularly around topics of terrorism, religion, or state power.⁶⁸

Post-pandemic practices add further risks. The normalisation and increasing use of lecture recording and digital monitoring render classroom discussions more permanent and, as a result, may inhibit open participation by students and staff. Such conditions reduce the capacity for dialogic teaching, strip away the non-verbal cues needed to read the room and increase the risk that disclosures will occur without adequate contextual sensitivity. While lecture capture can enhance accessibility and flexibility for many learners, particularly disabled

⁶³ Lipika Pelham, ‘US university cancels Muslim valedictorian’s speech’ (BBC News, 16 April 2024) <<https://www.bbc.co.uk/news/world-us-canada-68863345>> accessed 3 October 2025.

⁶⁴ Chavan Sharma Kissoon and Terence Karran, ‘Academic Freedom: Swimming against the Technological Tide’ in Frédéric Mégret and Nandini Ramanujam (eds) *Academic Freedom in a Plural World* (Central European University Press 2024) 414; Terence Karran, Klaus D Beiter and Lucy Mallinson, ‘Academic Freedom in Contemporary Britain: A Cause for Concern?’ (2021) 76(3) *Higher Education Quarterly* 563.

⁶⁵ Eric Barendt, *Academic Freedom and the Law: A Comparative Study* (Hart 2010) 15-49.

⁶⁶ Devrim Kabasakal Badamchi, ‘Academic Freedom: How to Conceptualize and Justify It?’ (2022) 48 (4) *Philosophy & Social Criticism* 619, 621.

⁶⁷ Frédéric Mégret and Nandini Ramanujam, above (n64) 8.

⁶⁸ Emily Danvers, ‘Prevent/ing Critical Thinking? The Pedagogical Impacts of Prevent in UK Higher Education’ (2023) 28(6) *Teaching in Higher Education* 1264.

and neurodivergent students,⁶⁹ its pervasive use also amplifies reputational anxieties and the sense of being constantly observed. When combined with such concerns, this can foster self-censorship and a reluctance to test difficult arguments in real time, effects noted across recent studies of surveillance and self-censorship in higher education.⁷⁰ These dynamics are especially relevant to modules such as LAW1024, which aim to develop students' ability to reason through contested moral and legal questions in a respectful but open environment. If students and staff moderate their contributions for fear of permanent scrutiny, the capacity to practise article 10 reasoning, and to articulate, defend, and challenge ideas within a democratic learning space is diminished.

These institutional and systemic constraints highlight the fragility of academic freedom in practice. While article 10 of the ECHR frames restrictions on expression as permissible only if prescribed by law, pursuing a legitimate aim, and necessary in a democratic society, universities often operate with less transparent criteria. A rights-based pedagogy rooted in justification provides a framework for navigating these tensions. Institutional restrictions on so-called 'controversial' teaching should, like restrictions under the ECHR, be justified as lawful, legitimate, and proportionate. In this way, article 10 reasoning supplies a normative anchor for balancing academic freedom, inclusion, and institutional constraint.

A model for article 10 pedagogy: practical framework for embedding expression-based democratic practice in law teaching

Building on the preceding discussion of democratic and rights-based pedagogy, this section proposes a structured model for embedding article 10 reasoning within legal education. It translates the logic of freedom of expression (legality, legitimacy, and necessity) into participatory teaching practices that cultivate deliberation, reflexivity, and expressive agency among law students.

The model presented here was not the starting point for the teaching design. Rather, it emerged inductively from reflective analysis of the LAW1024

⁶⁹ Chiara Horlin, Barbora Hronská and Emily Nordmann, 'I can be a "normal" student: the role of lecture capture in supporting disabled and neurodivergent students' participation in higher education' (2024) 88 *Higher Education* 2075.

⁷⁰ Hayden Godfrey, 'Intellectual Humility and Self-Censorship in Higher Education; a thematic analysis' (2023) 8 *Frontiers in Education* 1; Danielle Keats Citron, 'The Surveilled Student' (2024) 76 *Stanford Law Review* 1439.

module described above. The pedagogical practices developed within the module were shaped iteratively in response to specific challenges, in particular how to structure disagreement, justification, and discomfort when teaching freedom of expression. The model therefore represents a conceptual synthesis of those practices, through which the underlying logic of article 10 (namely legality, legitimacy, and necessity) became visible as a pedagogical structure.

In this sense, article 10's three-part test can be understood not only as a doctrinal framework but as a pedagogical logic. In teaching terms, the requirement that interferences be lawful, pursue a legitimate aim, and be necessary in a democratic society translates into three corresponding practices: structuring dialogue through shared norms and legal frameworks; evaluating the purposes and values that underpin competing claims; and critically assessing proportionality through reasoned justification. The model below makes this translation explicit by showing how these dimensions are enacted in classroom practice.

The three pedagogical dimensions identified in this section are democratic pedagogy, the pedagogy of legal reasoning, and critical pedagogy, and they should be understood not as discrete or pre-designed approaches, but as analytical lenses through which the underlying structure of this practice can be interpreted. Each dimension captures a different dimension of article 10 reasoning as it operates pedagogically: democratic pedagogy foregrounds pluralism and deliberation; legal reasoning pedagogy structures justificatory analysis; and critical pedagogy interrogates power, exclusion, and the limits of justification. Together, they provide the conceptual foundation for the model presented in Table 1.

Importantly, the model is not a purely abstract proposal. It reflects and systematises practices already implemented within LAW1024, while also extending them into a more explicit and transferable framework. The intention is therefore both descriptive and normative: to articulate what is already occurring in practice and to offer a structure that can be adapted across legal education contexts.

Democratic pedagogy and deliberative education

In the context of article 10 pedagogy, democratic pedagogy operationalises the value of pluralism by structuring classroom dialogue as a form of public

reasoning. Democratic pedagogy and deliberative education are complementary and overlapping approaches which focus on equipping students with the skills needed to engage meaningfully in complex and reasoned discussions, make trade-offs, and reach informed decisions. Nelson-Hurwitz and Buchthal⁷¹ have demonstrated in their context that adding a reflective session between two deliberative pedagogy sessions ‘was found to enhance student skill development’.⁷² In the specific context of legal education, Kennedy⁷³ suggests that ‘law schools have a unique and regularly overlooked obligation to cultivate students’ civic capacities and dispositions’⁷⁴ and that using a deliberative pedagogical design would help to embed this.

Legal reasoning as pedagogy

This dimension reflects article 10’s requirement of legality and structured justification, training students to evaluate restrictions through doctrinal reasoning. Wallace suggests that that developing competence in legal reasoning ‘should form a central part of an undergraduate legal education’.⁷⁵ Constructivist theories of learning argue that individuals are active in the construction of their knowledge, rather than being passive recipients of it. Social constructivists echo the active nature of knowledge construction, but argue that this is done in a group context rather than an individual one. Both can be classified as ‘situated learning theories’ which Lave and Wenger⁷⁶ argue are a ‘bridge’⁷⁷ between older views on teaching as a more transactional operation between the teacher and the taught, and ‘legitimate peripheral participation’, where learning is more community based. Wallace argues, convincingly, that ‘a combination of constructivist and social constructionist approaches to learning which best enables a legal pedagogy which is robust, critical and democratic’.⁷⁸ The model builds upon this, encouraging students to

⁷¹ DC Nelson-Hurwitz and OV Buchthal, ‘Using Deliberative Pedagogy as a Tool for Critical Thinking and Career Preparation Among Undergraduate Public Health Students’ (2019) 7 *Frontiers in Public Health* 37.

⁷² *ibid* 7.

⁷³ Jeffrey Kennedy, ‘Deliberative Experience and the Civic Aspirations of Legal Education’ (2023) 19(4) *International Journal of Law in Context* 498.

⁷⁴ *ibid* 498.

⁷⁵ Chlöe J Wallace, ‘The Pedagogy of Legal Reasoning: Democracy, Discourse and Community’ (2018) 52(3) *The Law Teacher* 261.

⁷⁶ Jean Lave and Etienne Wenger, *Situated Learning: Legitimate Peripheral Participation* (Cambridge University Press 1991).

⁷⁷ *ibid* 34.

⁷⁸ Wallace above (n 75) 271.

‘speak back’ to judgments, propose alternative framings, and debate rhetorical moves within doctrine.

Critical pedagogy and democratic lawyering

This dimension corresponds to the necessity and proportionality stage of article 10, requiring students to interrogate power, exclusion, and the adequacy of justifications offered. Critical pedagogy is, of course, an approach which is used far more widely than in legal education. Freire⁷⁹ introduced the concept in the late 1960s, and argued that education was traditionally viewed as a narrative process:

‘four times four is sixteen, the capital of Pará is Bélem.’ The student records, memorises and repeats these phrases without realizing the true significance.⁸⁰

Critical pedagogy challenges this, arguing that students should be challenged to question existing power structures and inequality. In the context of legal education, Grose⁸¹ takes it further to suggest a justice-oriented framework that interrogates exclusionary norms, hierarchy, and the institutional role of legal education.

These three dimensions supply both normative backing and a broader methodological orientation for the model. The pedagogical commitments articulated earlier can now be more firmly justified from this literature.

⁷⁹ Paulo Freire, *Pedagogy of the Oppressed* (The Continuum International Publishing Group Inc 2005).

⁸⁰ *ibid* 71.

⁸¹ Carolyn Grose, *Critical Lawyering Pedagogy: Transformational Legal Education* (2026) 44(2) *Minnesota Journal of Law and Inquiry* article 2.

Table 1: Embedding article 10 through democratic pedagogy

Focus	Article 10 Dimension	Rationale & Theoretical Basis	Indicative Practices
1. Norm-setting and Voice	Legality (structuring the conditions of expression)	Draws on democratic pedagogy to create a classroom ‘public sphere’ ⁸² reflecting article 10’s requirement that expression operates within a clear and accessible framework	Early sessions co-create dialogue norms; expressive prompts such as ‘ <i>If law could speak, what would it say?</i> ’
2. Deliberation and Shared Leadership	Legitimacy (public reasoning and pluralism)	Builds civic reasoning through structured dialogue and rotating facilitation ⁸³ reflecting article 10’s emphasis on pluralism, tolerance and the legitimacy of diverse views.	Small-group debates on free-speech limits; students take turns moderating and summarising arguments.
3. Expressive and Multimodal Learning	Legitimacy (widening participation in public discourse)	Encourages plural communication styles and disrupts formal hierarchies ⁸⁴ aligning with article 10’s protection of diverse forms of expression.	Alternative outputs: infographics, video briefs, or dissenting-voice case annotations.

⁸² DC Nelson-Hurwitz and OV Buchthal, above (n71).⁸³ Jeffry Kennedy, above (n73); Chlöe J Wallace, above (n75).⁸⁴ Carolyn Grose, above (n 81).

Focus	Article 10 Dimension	Rationale & Theoretical Basis	Indicative Practices
4. Reflexivity and Discomfort	Necessity (critical evaluation and proportionality)	Draws on critical pedagogy ⁸⁵ to interrogate power and exclusion, mirroring article 10's requirement that restrictions are necessary and proportionate	Guided reflection on who speaks, who stays silent, and how disagreement is managed.
5. Integration	Legality, Legitimacy and Necessity	Synthesises legal doctrine with democratic participation and critical reflection, demonstrating the full justificatory structure of article 10.	Student-led forums or mock hearings on contested article 10 issues; self- and peer-assessment of reasoning quality.

⁸⁵ Paulo Freire, above (n79).

The model presented in Table 1 reflects and extends the participatory methods already trialled within LAW1024, where students engage article 10 jurisprudence through deliberation and structured dialogue. By articulating these practices as a broader pedagogical framework, the approach provides a transferable model for embedding rights-based reasoning across legal education.

Implementation of the model is designed to unfold progressively across a semester, following principles of scaffolded and situated learning,⁸⁶ and reflecting the staged development of legality, legitimacy, and necessity in article 10 reasoning. Early sessions focus on establishing expressive norms and co-creating dialogue agreements through low-stakes deliberative activities. Mid-semester, scaffolding gradually recedes as students assume facilitative roles, engage in structured debates, and connect doctrinal study with article 10's justificatory reasoning. In later stages, students take greater ownership of discussion and assessment through peer review and simulations that integrate doctrinal analysis with expressive agency. This phased progression mirrors article 10's emphasis on reasoned justification and supports the development of civic and professional autonomy within legal education.

While embedding expressive pedagogy offers significant benefits, several structural challenges remain. Doctrinal curricula often prioritise coverage over deliberation, and institutional risk-aversion may discourage engagement with contested expression. Uneven participation, emotional discomfort, or concerns about assessment fairness can also inhibit open dialogue. These tensions mirror the justificatory structure of article 10 itself, as reflected in the model: expression may be limited, but only where necessary and proportionate to legitimate aims. A rights-based pedagogical framework, therefore, requires transparent justification for any institutional or curricular constraint and deliberate scaffolding to support equitable participation. In this sense, challenges to expressive teaching are not merely obstacles but opportunities to model the very reasoning article 10 demands.

The expressive pedagogy proposed here integrates naturally with legal reasoning, citizenship, and professional formation. By treating doctrinal analysis as a dialogic process, students practise justification and debate, which

⁸⁶ Jean Lave and Etienne Wenger, above (n76); Chloë J Wallace, above (n75).

mirror the reasoning article 10 demands of democratic societies. Expressive annotation of judgments and scaffolded deliberation – aligned with the model’s emphasis on deliberation and reflexivity – mirror legal reasoning as public justification, while collaborative assessment and reflective dialogue cultivate civic responsibility and professional integrity. In this sense, teaching freedom of expression is not an add-on to legal education but a method of forming lawyers as democratic participants; that is to say, professionals capable of reasoning in public, engaging disagreement, and grounding authority in justification.

Embedding article 10 as a pedagogical framework offers measurable and conceptual benefits. Students develop expressive confidence and analytical depth through structured deliberation, while learning to navigate pluralism and normative uncertainty as integral features of legal reasoning. This approach reframes legal education as a civic practice: one that forms professionals capable of public justification and reasoned disagreement. As Table 1 illustrates, these benefits arise from the integration of norm-setting, deliberation, and reflexivity within a structured justificatory framework. Future work could examine these outcomes empirically through reflective and discourse-based methods. Still, even without a formal evaluation, the model provides a template for aligning the teaching of law with the democratic values that sustain it.

The following conclusion draws these dimensions together to consider the civic and institutional implications of embedding article 10 within legal education. The model thus renders explicit the pedagogical logic already embedded within Article 10 reasoning, linking doctrinal analysis, classroom practice, and civic formation.

Conclusion: legal education’s role in shaping civic and legal participation

This article has argued that embedding freedom of expression within the legal curriculum involves transforming how law is taught, discussed, and justified. Treating article 10 of the ECHR as both doctrinal subject matter and method reveals that legal reasoning and pedagogy share a common foundation: the duty to justify interference with freedom in transparent, proportionate, and democratic terms. When applied to education, this framework exposes how institutional and pedagogical choices themselves reflect judgments about what

kinds of expression are valued, tolerated, or suppressed. As the model presented in Table 1 demonstrates, this involves structuring legal education around the same justificatory logic of legality, legitimacy, and necessity that underpins article 10 itself.

The analysis of LAW1024 Ethics, Discrimination and Human Rights demonstrates that freedom of expression can be practised pedagogically as well as studied doctrinally. When students reason through proportionality, they learn that justification is the measure of democratic integrity. The deliberate use of discomfort, structured deliberation, and reflective dialogue operationalises article 10's principles within the learning process. These practices correspond directly to the pedagogical dimensions outlined in Table 1, where norm-setting, deliberation, and reflexivity operationalise article 10 reasoning within the classroom. These classroom encounters show that disagreement and tension, if carefully scaffolded, are not threats to inclusion but necessary conditions for democratic learning. The pedagogical challenge is therefore not to eliminate discomfort but to ensure it occurs within an ethically designed environment that converts emotion into reasoning and opinion into justification.

A first conclusion is that rights-based pedagogy clarifies the limits of neutrality in legal education. Institutions often assume that the avoidance of controversy protects equality and inclusion. Yet, as critical pedagogy and Apple's analysis of educational hegemony suggest, neutrality frequently sustains dominant norms.⁸⁷ Avoidance of conflict does not produce equality. Embedding article 10 as a teaching principle makes explicit that education is never ideologically neutral. Every curriculum, assessment, and classroom rule already expresses judgments about what counts as legitimate speech and who is authorised to make it. Recognising this transforms neutrality from an aspiration into a topic of inquiry. Students learn that impartiality is not the absence of values but the fair and reasoned application of them.

A second conclusion concerns the relationship between freedom of expression and inclusion. The two are often positioned in tension, as if protecting emotional safety requires restricting lawful expression. Yet the LAW1024 model demonstrates that these aims can be reconciled through justification. By anchoring discussion in legal reasoning rather than opinion, discomfort

⁸⁷ Michael Apple, *Knowledge, power and education: the selected works of Michael Apple* (Routledge 2013).

becomes analytical rather than adversarial. Ethical teaching does not avoid contentious speech; instead, it structures it. The goal is not to provoke students but to train them to distinguish between disagreement and harm, and to respond with reasoned argument. In this sense, article 10 provides a vocabulary for inclusion that is deliberative rather than prohibitive.

A third conclusion concerns assessment and curriculum design. The tendency for human rights and discrimination problem questions to focus narrowly on minority identities risks confining equality discourse to the margins. This inadvertently teaches that rights are situational rather than structural. Re-framing assessment to include majority speech, institutional accountability, or conflicts between competing rights communicates that human rights law applies universally and continuously. As such, assessment becomes an extension of pedagogy. Evaluative tasks based on justification rather than correctness reinforce the civic dimension of legal education and mirror the deliberative reasoning demanded by article 10 jurisprudence.

A fourth conclusion concerns the technological and institutional environment in which such pedagogy must operate. The post-pandemic university has normalised recording and digital monitoring in ways that reshape participation. While lecture capture enhances access and supports disabled and neurodivergent students, it also introduces a form of surveillance that can chill debate. The awareness of being recorded alters the quality of discussion, particularly in sessions on identity, belief, or professional ethics. As Godfrey's and Citron's research indicates, constant observation encourages self-censorship and conformity.⁸⁸ The challenge is therefore to integrate digital accessibility without eroding expressive freedom. This may require negotiated recording policies, unrecorded deliberation spaces, or reflective alternatives that preserve spontaneity while maintaining inclusivity.

The fifth conclusion concerns institutional practice. Universities frequently treat freedom of expression as a matter of regulatory compliance, and academic freedom is often expressed through policy statements rather than professional autonomy. As Barendt observes, genuine academic freedom involves independent judgment over content, method, and participants.⁸⁹ Institutional autonomy, however, does not necessarily safeguard individual freedom. A rights-based pedagogical approach requires that any institutional restriction on

⁸⁸ Hayden Godfrey, above (n70); Danielle Keats Citron above (n 70).

⁸⁹ Eric Barendt, above (n 65)

teaching or discussion be justified according to the same criteria applied under article 10 of the ECHR: it must be lawful, pursue a legitimate aim, and be proportionate. When concerns about reputation or risk management limit the scope of critical and discomfort pedagogy, the institution's commitment to freedom of expression becomes procedural rather than substantive. Applying article 10 reasoning, therefore, offers a framework for assessing whether educational practices and policies remain consistent with the values they are intended to uphold.

When considered together, these conclusions point to a reframing of legal education as civic education. Freedom of expression is not a discrete topic but a structural condition for democratic learning. Teaching article 10 doctrinally trains students to identify when restrictions are lawful and proportionate; teaching it pedagogically trains them to apply those same standards to their own reasoning and institutional contexts. This dual perspective bridges the gap between law and lived democratic practice. The model developed in this article makes this relationship explicit, showing how legality, legitimacy, and necessity can be operationalised through pedagogical design, classroom practice, and student engagement. It shows that legal education can both describe and perform the justificatory culture on which constitutional democracy depends.

Future research should test the outcomes of such pedagogical approaches empirically, examining whether structured deliberation improves students' confidence, analytical precision, and tolerance for ambiguity. It should also explore how institutional frameworks, workload policies, and digital infrastructures affect educators' ability to practise rights-based teaching. Without systemic support, individual pedagogical innovation cannot sustain itself. The next step is institutionalisation, by embedding article 10 reasoning not only in classroom practice but in quality assurance, assessment policy, and staff development.

The purpose of embedding freedom of expression in legal education is to cultivate a profession and a citizenry capable of reasoned disagreement. The democratic strength of law lies not in unanimity but in its capacity for justification. By aligning pedagogy with article 10's principles of transparency, proportionality, and necessity, legal educators can model the form of public reasoning that sustains both human rights and democracy. The task is neither

purely doctrinal nor purely pedagogical; it is civic.⁹⁰ Through this integration, the future of legal education can move from teaching about rights to enacting them, and it avoids reproducing the structures of power that govern society.⁹¹ Thus, it ensures that future lawyers and scholars recognise freedom of expression as both a legal guarantee and a shared responsibility within a democratic society.

⁹⁰ Tonia Hap Murphy, *Fostering Civic Knowledge in Introductory Business Law and Legal Environment Courses: A Closer Look at Freedom of Speech* (2018) 35 *Journal of Legal Studies Education* 195

⁹¹ Paula McElearney, 'What Makes Them Do It? Using Discomforting Pedagogies' in Fiona Cullen, Mike Seal and Michael Whelan above (n54) 204.

The impact of legal literacy in enhancing access to legal aid for vulnerable groups: an innovation for law clinics in Nigeria's criminal justice system

Ibidun Olude, Opeyemi Adebari, Oluwafunmilayo Adeyanju and Omolade
Olomola

Abstract

In the last 20 years, law clinics have sprung up across Nigerian Law Faculties and Schools of Law to address the significant gap in access to legal aid for vulnerable groups. These clinics provide both practical legal education for students and free or subsidised legal services to the public. This article argues the effectiveness of law clinics in reaching vulnerable populations, particularly illiterates, children, and marginalised women in patriarchal communities. It also highlights the limitations faced in providing legal aid.

The article deploys Thomas Hobbes' social justice theory and Martha Fineman's vulnerability theory as a framework and adopts both doctrinal and qualitative methods. It draws on primary and secondary sources including the Constitution of the Federal Republic of Nigeria 1999 (as amended), Administration of Criminal Justice Act 2015, Child's Rights Act 2023, and the Convention on the Elimination of All Forms of Discrimination against Women (1979). The Women's Law Clinic, University of Ibadan and Chrisland University Community Law Clinic served as case studies.

Findings revealed that legal literacy efforts in indigenous languages through community radio are effective in enhancing access to justice and technology also presents opportunities to improve service delivery. The article recommends informed legal education, policy reforms, and innovative legal aid delivery models within Nigeria's justice system.

Keywords: Legal aid; vulnerable groups; law clinics; access to justice

Introduction

In the pursuit of justice, equal access to legal aid remains a distant dream for many vulnerable groups in Nigeria. The justice system can be a labyrinthine and intimidating landscape for those without the means or knowledge to navigate its complexities.¹ By demystifying the law and rendering it accessible, the gap between the marginalised and the justice system can be bridged. The evolution of law clinics such as the Women's Law Clinic (WLC), University of Ibadan and the Chrisland University Community Law Clinic (CUCLC) in Nigeria, has brought a significant increase in legal intervention for vulnerable groups. However, their impact and contribution can be better amplified by integrating legal literacy into their services. By educating vulnerable groups about their rights and the legal processes that govern their lives, law clinics can enable them to make informed decisions, assert their rights, and access justice promptly with confidence.

Nigeria is said to have one of the highest rates of female literacy in West Africa. However, in both urban and rural areas, there is still a notable disparity in literacy between men and women. According to the UNESCO Institute for Statistics, about 739 million adults aged 15 and above lack basic literacy skills and two-thirds of them are women. It is also reported that 251 million children worldwide are failing to acquire basic literacy skills.² In Nigeria, it is reported that 70% of children cannot read and understand what they read.³ These statistics justify this research in terms of the need for intentional legal literacy as a panacea for measuring access to legal aid for these vulnerable groups.

Thus, this article investigates the efficacy of law clinics reaching vulnerable groups with special needs, particularly illiterates, children and marginalised women in patriarchal communities with the objective of examining how legal

¹ Haider Ali, Tulika Sinha, Neeraj Rai, and Pankaj Choudhury, 'Legal Labyrinths? Navigating the Complexities of Justice' (2023) 16(5) Samdarshi <[https://punjabiacademydelhi.com/publication/admin/uploads/162%2045_Legal%20Labyrinths%20\(50\)-law-4_Haider.pdf](https://punjabiacademydelhi.com/publication/admin/uploads/162%2045_Legal%20Labyrinths%20(50)-law-4_Haider.pdf)> accessed 6 March 2025.

² UNESCO Institute for Statistics, 'Education and Literacy' (UNESCO, 2026) <<https://www.uis.unesco.org/en/themes/education-literacy>> accessed 23 April 2026.

³ UNICEF, 'Foundational Literacy and Numeracy' (UNICEF, 2022) <<https://www.unicef.org/nigeria/media/7736/file/UNICEF%20Nigeria%20Cheat%20Sheet:%20Foundational%20Learning.pdf>> accessed 23 April 2026.

literacy has been deployed by law clinics, particularly the clinics under review, to enhance knowledge and access to justice.

In-depth study and data were drawn from two institution-based law clinics in Nigeria: WLC and CULC.

This article adopts both doctrinal and qualitative methods of research. Non-numerical data were collected from the record of the activities at both law clinics under review and the data were content analysed. An unstructured interview was conducted with the front desk officer at the WLC who had worked at the clinic for about ten years. Their impact on access to justice for vulnerable persons was measured by document analysis of the case files and the number of complaints received, particularly after community outreaches, that included the use of legal literacy as a key component.

A radio advertisement was launched to the immediate university community and the public in the city of Abeokuta, Nigeria to create awareness of the provision of a two-day consultation services programme by the CUCLC. This radio advertisement was to attract the indigenes and hopefully increase access to justice among the community. The advertisement, however, did not convert into as many responses as anticipated, presumably as a result of the constraint of funds and time.

Conceptual Framework

Legal literacy

Legal literacy is the acquisition of knowledge of law and equity. It is perceived as the collection of four As: 'Awareness, Assertion, Attitudinal change and Action'.⁴ Legal literacy has the potential to be a very powerful tool for educating people about their rights and privileges and instilling in them a sense of qualitative knowledge.⁵ Legal literacy, encompassing the understanding of legal rights, responsibilities, and the functioning of the legal system, is

⁴ S S Patil and C Lavanya, 'A Study on Legal Literacy Among Secondary School Students' (2012) 2(7) *Indian Streams Research Journal* <<http://oldisrj.lbp.world/UploadedData/1190.pdf>> accessed 26 October 2025.

⁵ D Changmai, 'Legal Literacy: Need to Go a Long Way for the Much-Desired Impression' (2020) 2(1) *International Journal of Legal Science and Innovation* 167 <<https://www.ijlsi.com/wp-content/uploads/Legal-Literacy-Need-to-Go-a-Long-Way-for-the-Much-Desired-Impression.pdf>> accessed 23 April 2026.

increasingly recognised as a critical component for fostering informed citizenship and ensuring equitable access to justice.⁶ This foundational knowledge is not merely an academic exercise but a practical necessity for individuals to navigate various legal domains, including employment, family affairs, and criminal justice, where ignorance of the law is demonstrably common.⁷

Moreover, legal literacy is intrinsically linked to broader concepts like legal empowerment, which aims to equip individuals with the agency to utilise legal frameworks for their own benefit and to challenge injustices.⁸ This empowerment extends to active participation in law-making processes and the implementation of legal statutes, thereby facilitating social transformation.⁹ This shift from basic legal literacy to legal empowerment emphasises a proactive engagement with the law, moving beyond passive knowledge acquisition to active utilisation for societal good.¹⁰ This expanded perspective on legal education encompasses the cultivation of an informed citizenry capable of identifying and addressing societal injustices, such as inequality, poverty, and the abuse of power.¹¹ Indeed, a global legal empowerment movement actively reinforces this by strengthening communities' ability to understand, use, and shape legal frameworks, often through the efforts of paralegals and community advocates.¹² This is particularly vital for vulnerable

⁶ Kgomotso Mokoena, and Louis Koen, 'Promoting Access to Justice through the Broadcasting of Legal Proceedings' (2022). Potchefstroom Electronic Law Journal/Potchefstroomse Elektroniese Regsblad 25
<<https://www.saflii.org/za/journals/PER/2022/47.pdf>> accessed 23 April 2026.

⁷ Benjamin van Rooij, 'Do People Know the Law? Empirical Evidence about Legal Knowledge and Its Implications for Compliance' in Benjamin van Rooij and D Daniel Sokol (eds), *The Cambridge Handbook of Compliance* (Cambridge University Press 2021).

⁸ Laura Goodwin and Vivek Maru, 'What Do We Know about Legal Empowerment? Mapping the Evidence' (2017) 9(1) Hague Journal on the Rule of Law 157.

⁹ Shalu Nigam, 'Legal Literacy: A Tool for Empowerment' (2008) SSRN Electronic Journal <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2976377> accessed 23 April 2026.

¹⁰ Ajay Pandey, 'Social Justice, the Raison d'être of Clinical Legal Education' (2020) 11 Jindal Global Law Review 201.

¹¹ J M Barendrecht, 'Making the Law Work for Everyone' (2008) 57(9) *Ars Aequi* 619
<<https://research.tilburguniversity.edu/en/publications/making-the-law-work-for-everyone>> accessed 23 April 2026 [in Dutch].

¹² Peter Chapman, 'The Legal Empowerment Movement and its Implications' (2018) 87(1) *Fordham Law Review Online* article 30
<<https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1046&context=flo>> accessed 23 April 2026.

and marginalised groups, such as women, who frequently encounter significant systemic barriers to accessing justice and understanding their rights.¹³

The comprehensive approach to legal empowerment underscores the importance of fostering trust in state institutions, legal service providers, and grievance redress mechanisms.¹⁴ This broader engagement aims to cultivate a culture of rights, enabling individuals to assert their entitlements and challenge power imbalances effectively.¹⁵ This involves not only understanding existing laws but also participating in their reform and ensuring their equitable application within society.¹⁶ Such initiatives empower marginalised communities to articulate their grievances and leverage legal avenues for redress, thereby fostering greater accountability from state actors and service providers.¹⁷

The two institutions for the purpose of this study, as well as at other times, have from time to time provided legal services for the public in line with world best practices. For the benefit of the public, practising lawyers have frequently provided *pro bono* (free of charge) legal education on people's rights and obligations at CUCLC and WLC. Law students and faculty have also routinely provided this public service through the college's legal clinics by delivering public lectures and circulating legal information booklets.

¹³ Ebenezer Durojaye, Gladys Mirugi-Mukundi and Oluwafunmilola Adeniyi, 'Legal Empowerment as a Tool for Engendering Access to Justice in South Africa' (2020) 20(4) International Journal of Discrimination and the Law 224 <<https://doi.org/10.1177/1358229120969602>> accessed 23 April 2026.

¹⁴ Anuradha Joshi, Marta Schaaf and Dina Zayed, 'The Use of Legal Empowerment to Improve Access to Quality Health Services: A Scoping Review' (2022) 21(1) International Journal for Equity in Health article 136 <<https://doi.org/10.1186/s12939-022-01731-3>> accessed 23 April 2026.

¹⁵ Oğuzhan Pehlivan and Yunus Gökmen, 'Exploring the Possible Effects of Social Vulnerability Components on Terrorism' (2024) Climate and Development 420 <<https://doi.org/10.1080/17565529.2024.2380068>> accessed 23 April 2026.

¹⁶ Kristina Eberbach, 'Human Rights Legal Education in Times of Transition: Perspectives and Practices of Law Instructors in Myanmar' (2023) 24(4) Human Rights Review 485 <<https://doi.org/10.1007/s12142-023-00702-7>> accessed 23 April 2026.

¹⁷ Marta Schaaf, Joana Falcão, Ellie Feinglass, and others, 'We All Have the Same Right to Have Health Services': A Case Study of Namati's Legal Empowerment Program in Mozambique' (2020) 20(1) BMC Public Health article 1084 <<https://doi.org/10.1186/s12889-020-09190-7>> accessed 23 April 2026.

Legal Aid

Legal aid is a fundamental pillar for ensuring equitable access to justice, particularly for marginalised and economically disadvantaged individuals, and is increasingly recognised as a critical component of social and economic development globally.¹⁸ In simple terms, legal aid refers to the idea of giving indigent and deprived members of society access to free legal services. It is a basic right that ensures equal protection under the law, equality before the law, and a workable remedy for abuses of human rights. This essential service bridges the gap between legal rights and their practical realisation, fostering a society where all indigent citizens, regardless of their socioeconomic status, can assert their entitlements and defend against legal infractions.¹⁹ It is a constitutionally guaranteed right in Nigeria that entails the right of a person to counsel²⁰

In Nigeria, legal aid was first introduced in 1961 to provide impoverished Nigerians with access to justice. Considering the nation's high rates of poverty and illiteracy,²¹ enacting a legal assistance programme into law is a fundamental responsibility of the state, as upholding the rule of law is the foundation upon which true democracy is established.²² S. 17(2) of the Legal Aid Act 2011 empowers the Legal Aid Council to collaborate with non-governmental organisations or law clinics in assisting people who might

¹⁸ Agwu Sunday Okoro, "Access to Justice: The Role of Legal Aid in Society" (2022) 1(2) *Interdisciplinary Studies in Society, Law and Politics* 34, https://www.researchgate.net/publication/379973718_Access_to_Justice_The_Role_of_Legal_Aid_in_Society accessed 23 June 2026.

¹⁹ Prabhjot Singh Chahal, "Legal Aid in India: Enhancing Access to Justice for All" (2024) 6 *International Journal For Multidisciplinary Research* <<https://doi.org/10.36948/ijfmr.2024.v06i02.14836>> accessed October 2025

²⁰ Godspower Sam Anamoji, 'The Impact of The Nigerian Legal Aid Council on Accessibility and Quick Dispensation of Justice in Nigeria' (2024) 10 *Research Journal of Humanities and Cultural Studies* 3. <<https://iardjournals.org/get/RJHCS/VOL.%2010%20NO.%204%202024/THE%20IMPACT%20OF%20THE%20NIGERIAN%201-10.pdf>> accessed 23 June 2026

²¹ Akintunde Abidemi Adebayo and Anthonia Omosefe Ugoweb, 'Access to Justice through Legal Aid in Nigeria: An Exposition on Some Salient Features of the Legal Aid Act' (2019) 6(2) *Brawijaya Law Journal* 141.

²² Olubunmi Onafuwa, 'Socio-Legal Barriers to the Expansion of Legal Aid in Nigeria: Initiating Legal Reform Through the Customary Court System' (PhD, University of East London 2021) <<https://uel-repository.worktribe.com/output/481851>> accessed 31 March 2026.

otherwise be unable to access the judicial system because of their social circumstances with fair and equal justice.

In many developing nations, legal aid is particularly crucial due to prevalent illiteracy and widespread poverty, which significantly hinder access to legal recourse for a substantial portion of the population.²³ Moreover, legal aid services are vital for upholding human rights and promoting equality by providing necessary legal assistance to those who cannot afford it, thereby ensuring that economic disparities do not translate into a denial of justice.²⁴ Despite these provisions, significant impediments often hinder the successful implementation of legal aid, such as infrastructural decay and deficits, inadequate manpower, poor work attitude or apathy, inappropriate professional cultures and attitudes etc, underscoring the gap between constitutional recognition and practical enforcement.²⁵ In Nigeria, the Legal Aid Act 2011 makes provision for the indigent to access legal aid. However, this is not the reality. This is further exacerbated by inadequate manpower in the Legal Aid Council of Nigeria. The United Nations' Sustainable Development Goal Target 16.3 specifically emphasises the imperative to '[p]romote the rule of law at the national and international levels and ensure equal access to justice for all', yet many low- and middle-income countries struggle with achieving equitable access for vulnerable populations.²⁶ Consequently, legal aid mechanisms are recognised as indispensable tools for upholding the rule of law and safeguarding human rights, particularly for the impoverished and vulnerable segments of society.²⁷ The Legal Aid Act 2011 provides the statutory basis for legal assistance to indigent Nigerians. However, the provisions of the Act are not being fully realised due to the challenges already identified in this article.²⁸

²³ Md Nannu Mian and Md Mamunur Rashid, "A Critical Analysis of Legal Aid in Bangladesh" (2014) 2 *International Journal of Social Science Research* 139 <<https://doi.org/10.5296/ijssr.v2i1.5268>> accessed 23 April 2026.

²⁴ *ibid.*

²⁵ Jemialu ME and Efevwerhan DI, 'Legal aid in the administration of criminal justice in Nigeria: issues and challenges' (2021) 1(2) *International Journal of Criminal, Common and Statutory Law* 23 <<https://www.criminallawjournal.org/article/10/1-2-5-951.pdf>> accessed 23 June 2026.

²⁶ Md Jahirul Islam, Masahiro Suzuki and Nurunnahar Mazumder, "Promoting Access to Justice in Bangladesh: Towards a Hybrid Justice Model" (2024) 77 *International Journal of Law, Crime and Justice* 100655 <<https://doi.org/10.1016/j.ijlcj.2024.100655>> accessed 23 April 2026.

²⁷ Mian and Rashid, above (n23).

²⁸ Legal Aid Act 2011 (Nigeria), ss 8–9.

Law clinics, operating within university law faculties, now supplement this deficit by offering *pro bono* services and legal literacy campaigns.²⁹

Vulnerable groups

Vulnerable populations are generally defined as groups disproportionately susceptible to adverse outcomes due to various interconnected factors, encompassing social, economic, and health-related disadvantages.³⁰ The identification and protection of vulnerable groups are paramount in the discourse surrounding human rights, as these populations often face heightened risks of marginalisation, discrimination, and the violation of their fundamental rights.³¹ The concept of vulnerable groups encompasses individuals or communities who, due to socioeconomic, political, or cultural disadvantages, face systemic barriers in accessing justice and legal remedies. Vulnerability may stem from gender, age, poverty, disability, illiteracy, or displacement.³² Legal scholars such as Martha Fineman argue that vulnerability is a universal, constant feature of the human condition and thus demands a responsive and responsible state system.³³ Her vulnerability theory shifts the focus from equal treatment to the responsibility of institutions to build resilience for those structurally disadvantaged.

Women, children, the aged, and illiterate persons are, as stated above, the groups of people who are profoundly impoverished and highly susceptible to violations of their human rights.³⁴ To achieve justice, women, children, and

²⁹ Eniola Oladele, 'Clinical Legal Education and Access to Justice in Nigeria' (2021) 9(2) *African Journal of Clinical Legal Education* 45.

³⁰ Si Ying Tan and others, "Mitigating the Impacts of the COVID-19 Pandemic on Vulnerable Populations: Lessons for Improving Health and Social Equity" (2023) 328 *Social Science & Medicine* 116007 <<https://doi.org/10.1016/j.socscimed.2023.116007>> accessed 23 April 2026.

³¹ Monika Mayrhofer, "Framing UN Human Rights Discourses on Climate Change: The Concept of Vulnerability and Its Relation to the Concepts of Inequality and Discrimination" (2024) 37 *International Journal for the Semiotics of Law/Revue Internationale de Sémiotique Juridique* 91 <<https://doi.org/10.1007/s11196-023-10092-1>> accessed 23 April 2026.

³² UN Human Rights Council, Report on Equality and Non-Discrimination, A/HRC/34/32 (UNHRC, 2016). <<https://docs.un.org/en/a/hrc/34/32>> accessed 23 April 2026.

³³ Martha Fineman, 'The Vulnerable Subject and the Responsive State' (2010) 60 *Emory LJ* 251.

³⁴ Edrine Wanyama, 'Unpacking the Dialectics of Accessing Justice through Legal Aid in East Africa: An Overview of the Constitutions of Uganda and Kenya' (2013) 59(2) *African Journal of Clinical Legal Education and Access to Justice* 59.

other marginalised groups should be made aware of their rights so they can live with dignity and enjoy equality before the law.³⁵ In the Nigerian legal context, vulnerable groups include women (especially in patriarchal communities), children, the indigent, internally displaced persons, and persons with disabilities. Although section 46 of the 1999 Constitution of the Federal Republic of Nigeria (as amended)(CFRN) guarantees the right to seek redress for fundamental rights violations, many vulnerable persons lack the means or knowledge to access formal justice systems. This gap is partly bridged through legal aid schemes and clinical legal education in most developing countries.

Theoretical Framework

Vulnerable persons face significant barriers in accessing legal aid due to systemic inequalities and power imbalances. Social justice theory and vulnerability theory help us understand how these barriers perpetuate inequality and exacerbate vulnerability. By applying these theories, we can develop targeted solutions to address the root causes of inequality and ensure that legal aid is accessible and effective for vulnerable persons. This includes addressing systemic barriers, providing supportive social structures, and promoting substantive equality.

Social Justice Theory

Social justice theory is a framework that helps in figuring the causes of social disparity, how to solve those causes, and how to advance justice and fairness in society.³⁶ The fundamental tenet of social justice theory is that structural and systemic reasons, not personal faults or weaknesses, are what cause social injustice.³⁷ The idea of distributive justice is central to social justice theory which contends that advantages and resources should be dispersed equally among all members of society.³⁸ This covers having access to political representation, jobs, healthcare, justice and education. The idea of recognition of justice, which emphasises the significance of appreciating and acknowledging the diversity of social identities and experiences, is another

³⁵ Sheetal Gahlot, 'Legal Literacy Mission and the Legal Aid', in Kalpeshkumar L Gupta and Viralkumar B Mandaliya (eds), *Legal Aid and Awareness in India: Issues and Challenges* (Lambert Academic Publishing, 2018).

³⁶ John Rawls, *A Theory of Justice* (Harvard University Press 1971), 7.

³⁷ Paulo Freire, *Pedagogy of the Oppressed* (Myra Bergman Ramos tr, Continuum 1970)..

³⁸ Robert Nozick, *Anarchy, State, and Utopia* (Basic Books 1974), 90.

fundamental element in social justice theory.³⁹ This entails confronting the effects of racism, sexism, colonialism among others. According to Young,⁴⁰ social justice theory also highlights the significance of participatory justice, which entails providing forums for underrepresented groups to engage in decision-making and to have a say in the practices and policies that impact their lives. Lastly, transformational justice, which aims to confront and destroy the fundamental structures and mechanisms that uphold social inequality, is acknowledged as necessary by social justice theory.⁴¹

In summary, this theory is built on the belief that fairness and equality should guide the structure of society. It holds that every individual deserves equal access to rights, opportunities, and resources, especially the most disadvantaged. Social justice goes beyond legal rights, it calls for societal systems that actively correct imbalance and support the vulnerable. In essence, it is about creating a fairer world where justice is not just about punishment or reward, but about ensuring dignity, equity, and inclusion for all, regardless of status or background.

Vulnerability Theory

Vulnerability theory, was first presented by Martha Fineman in 2008. According to her, vulnerability is a fundamental and universal feature of the human experience.⁴² The theory challenges traditional notions of autonomy and independence, instead emphasising the importance of understanding and addressing the vulnerabilities that exist within all individuals.

At its core, vulnerability theory recognises that humans are inherently fragile and susceptible to harm, both physically and emotionally.⁴³ Fineman argues that this vulnerability is not something to be ashamed of or hidden but rather something that should be given recognition and support through social and

³⁹ Nancy Fraser, 'From Redistribution to Recognition? Dilemmas of Justice in a Post-Socialist Age' (1995) 212 *New Left Review* 68

<<https://www.proquest.com/docview/1301909778>> accessed 23 April 2026.

⁴⁰ Iris Marion Young, *Inclusion and Democracy* (Oxford University Press 2000), 250.

⁴¹ bell hooks, *Teaching to Transgress: Education as the Practice of Freedom* (Routledge 1994).

⁴² Martha Fineman, 'The Vulnerable Subject: Anchoring Equality in the Human Condition' (2008) 20(1) *Yale Journal of Law & Feminism* 1

<https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1131407> accessed 23 April 2026.

⁴³ Martha Fineman, 'Vulnerability, Equality and the Human Condition: Martha A.

Fineman' in Jackie Jones and others (eds), *Gender, Sexualities and Law* (Routledge 2011).

political structures.⁴⁴ One of the key tenets of vulnerability theory is the idea that vulnerability is not the same as weakness.⁴⁵

Vulnerability theory has been applied in a variety of contexts, including healthcare, law, and social policy.⁴⁶ In law, it has been argued that vulnerability theory offers a useful framework for comprehending the function of the state and social responsibility.⁴⁷ Thus, vulnerability theory offers a powerful framework for understanding the universal vulnerabilities that exist within all individuals and, when addressed by factoring in their unique needs, we create a more just and compassionate society for all.

This theory ultimately argues that all people are inherently vulnerable through age, health, disability, social position, or unexpected life events and that society should be structured to respond to this vulnerability. Rather than seeing only certain groups as ‘needy’, the theory highlights that vulnerability is universal and ongoing. It calls for stronger, responsive institutions that ensure everyone has access to resources, support, and protection. It challenges unequal power systems and pushes for fairness, care, and accountability in how society treats its members, especially the marginalised. Applying this theory, legal aid should not be viewed merely as charity but as a structural mechanism to enhance resilience and promote substantive equality. Additionally, Thomas Hobbes’ social contract theory suggests that the legitimacy of any state depends on its ability to secure justice for all, including the weak.⁴⁸ Thus, access to legal aid is not only a legal right but a measure of a just society. Most African countries are patriarchal, inclusive of Nigeria. In these countries, women and children are the most vulnerable and needy for justice. Resting on these theories, our work reveals the level of injustice to women and children and the efforts made by law clinics, particularly the WLC, to ensure that justice is secured for all, particularly the vulnerable and weak in the society.

⁴⁴ *ibid.*

⁴⁵ Martha A Fineman, ‘Vulnerability and the Institution of Marriage’ (2015) 64(6) *Emory LJ* 2089 <<https://scholarlycommons.law.emory.edu/elj/vol64/iss6/10>> accessed 23 April 2026.

⁴⁶ *ibid.*

⁴⁷ Nina A Kohnt, ‘Vulnerability Theory and the Role of Government’ (2014) 26(1) *Yale Journal of Law and Feminism* 1.

⁴⁸ Thomas Hobbes, *Leviathan* (Oxford University Press 1996) Chapter 17.

Legal Framework

Ensuring vulnerable individuals have access to legal aid is essential to advancing justice and human rights. As noted above, poor persons, women, children, and marginalised groups are among the vulnerable groups that frequently encounter major obstacles while trying to obtain legal aid, which makes them even more vulnerable. It is essential to examine both local and foreign laws that govern access to legal aid for these individuals. By examining laws through a critical lens, we can identify areas for reform and development to ensure that legal aid systems are accessible, effective, and responsive to the needs of vulnerable populations.

Constitution of the Federal Republic of Nigeria 1999 (as amended)

The CFRN ensures access to legal aid through various provisions that protect the rights of citizens, particularly the vulnerable. Section 35(3) states that ‘any person arrested or detained shall be entitled to legal aid’. Section 36(6) guarantees the right to a fair hearing, including ‘the right to legal representation’.

Additionally, section 46(1) establishes the Legal Aid Council, which aims to ‘provide legal aid to persons who are unable to afford legal services’. Section 46(2) empowers the Council to ‘provide legal assistance to persons involved in criminal proceedings’.

Section 33 of the CFRN protects children’s rights. The Fundamental Rights Enforcement Procedure Rules 2009 (as amended) provide a framework for enforcing these rights, including access to legal aid.

Overall, the CFRN demonstrates a commitment to ensuring access to legal aid, recognising its critical role in promoting justice and human rights. However, there have been some shortcomings. The CFRN lacks provisions for specific funding, implementation strategies and depends on underfunded organisations like the Legal Aid Council, which leads to subpar service delivery and hinders nationwide coverage.⁴⁹

⁴⁹ UD Yunusa ‘Legal Aid Council as a strategic partner in justice delivery system in Nigeria: A thorough appraisal’ (2024) 5(6) *Journal of Arts and Sociological Research* 153.

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) 1979

CEDAW, ratified by Nigeria in 1985, ensures access to legal aid for women through various articles that address gender-based discrimination and promote gender equality. Article 2 obliges states to 'ensure the full development and advancement of women' and 'guarantee them the exercise and enjoyment of human rights and fundamental freedoms'. Article 15 ensures women's equality before the law and participation in legal aid, stating that 'women shall have the same right as men to access to legal aid and assistance'.

Article 16 emphasizes the significance of legal aid in family matters, requiring states to 'take all appropriate measures to ensure that women have the same rights as men to access legal aid and assistance in family matters'. Additionally, General Recommendation No. 33 on Women's Access to Justice emphasises the need for states to 'ensure that women have access to legal aid and assistance, including free or low-cost legal services'.

Furthermore, CEDAW's Optional Protocol enables individuals to submit complaints to the CEDAW Committee, providing an international legal aid mechanism for women who have exhausted domestic remedies. By ratifying CEDAW, states commit to ensuring access to legal aid for women, promoting gender equality, and addressing gender-based discrimination.

The United Nations Convention on the Rights of the Child (CRC) 1989

The CRC, ratified by Nigeria in 1991, ensures access to legal aid for children through various articles that prioritise their protection and well-being. Article 12 protects the rights of children to freely express themselves and have them considered in legal proceedings. Article 37(b) requires states to 'ensure that children are provided with legal assistance' in cases where their rights are violated.

Article 40 emphasises the need for legal aid in child justice, stating that children have the right 'to legal assistance' and 'to be assisted by legal counsel' in criminal proceedings. Additionally, Article 39 requires states to 'provide appropriate assistance' to children who have been victims of exploitation or abuse.

The CRC's General Comment No. 14 on the rights of the child to have their views considered emphasises the importance of legal aid in ensuring children's participation in legal proceedings. By ratifying the CRC, states commit to ensuring access to legal aid for children, promoting their protection and well-being, and upholding their rights. These provisions demonstrate the CRC's comprehensive approach to ensuring children's access to legal aid and promoting their rights.

Child's Right Act 2003 (CRA)

The CRA is the law that guarantees the rights of all children in Nigeria. It ensures access to legal aid for children through various articles that prioritise their protection and well-being. This act was to fully implement the rights of children guaranteed by the African Charter on the Rights and Welfare of the Child and the United Nations Convention on the Rights of the Child.⁵⁰

Overall, the CRA takes significant strides in ensuring that children have access to legal aid, recognising the critical role it plays in protecting their rights and well-being. By providing legal assistance, the act aims to level the playing field and ensure that children's voices are heard in legal proceedings.

Administration of Criminal Justice Act 2015 (ACJA)

The ACJA prioritises access to legal aid in Nigeria's criminal justice system. Section 35(2) states that 'every person shall be entitled to legal aid' in criminal proceedings. Section 36(6) reiterates this right, emphasising 'the right to legal representation'. Additionally, Section 46(1) establishes the Legal Aid Council, responsible for providing legal aid to indigent persons. Section 46(2) empowers the Council to provide legal assistance in criminal matters.

The ACJA also introduces innovative measures to enhance access to legal aid, such as:

- a) section 47(1): Duty to inform suspects of their right to legal aid;
- b) section 48(1): Provision for free legal services in certain cases;
- and

⁵⁰ Oyetola Muiyiwa Atoyebe, 'An Overview on the Legal Rights of a Child in Nigeria' (Law Pavilion, 2023) <<https://lawpavilion.com/blog/an-overview-legal-rights-of-a-child-in-nigeria/>> accessed 24 June 2026.

c) section 49(1): Establishment of a Legal Aid Fund.

These provisions demonstrate the ACJA's commitment to ensuring access to legal aid, promoting fairness, and safeguarding human rights in Nigeria's criminal justice system. By guaranteeing legal representation and assistance, the ACJA aims to level the playing field and ensure justice for all, regardless of socioeconomic status, in Nigeria.

Evolution of Institution-Based Law Clinics in Nigeria

According to the Network of University Legal Aid Institutions (NULAI), a law clinic is a legal office at a university where law students provide pro bono or voluntary services. In Nigeria, law clinics offer free legal services primarily to those who are impoverished.⁵¹ This practice did not begin until NULAI came on the scene in 2003. Since its founding in 2003, NULAI, a not-for-profit and non-political organisation, has worked to advance clinical legal education, legal education reform, access to justice and legal aid in Nigeria, as well as the preparation of future public interest lawyers.⁵²

NULAI Nigeria works with law faculties across the country to establish and strengthen law clinics where students offer supervised legal services to indigent and vulnerable persons and its key objectives are to improve practical legal education for law students; enhance access to justice for underserved populations, promote human rights and legal awareness and foster *pro bono* culture among future lawyers. The inaugural Nigerian Clinical Legal Education Colloquium was held by NULAI in February 2004, introducing the idea of clinical legal education. Twenty-two law faculties and the Nigerian Law School participated⁵³ but there are currently 18 named institution-based law clinics in Nigeria. Five of these clinics are housed on the campuses of the Nigerian Law School, a post-LLB professional school that prepares candidates

⁵¹ Grassroot Justice Network, 'Network of University Legal Aid Institutions (NULAI-Nigeria)' (*Grassroots Justice Network*, 2026) <<https://grassrootsjusticenetwork.org/connect/organization/network-of-university-legal-aid-institutions-nulai-nigeria/>> accessed 23 April 2026.

⁵² *ibid.*

⁵³ Ernest Ojukwu, Odinakaonye Lagi and Mahmud Yusuf, 'Compendium of Campus Based Law Clinics in Nigeria' (NULAI 2014) <<https://nulai.org/wp-content/uploads/2019/12/Compendium-of-Campus-Based-Law-Clinics-in-Nigeria.pdf>> accessed 23 April 2026.

for admission to the Nigerian Bar. The remaining clinics are found at universities.⁵⁴

It is argued that the establishment of this kind of institution represents a critical response to the persistent challenge of under-enforced access to justice, particularly for marginalised communities.⁵⁵ These networks aim to bridge the gap between legal theory and practical application, ensuring that vulnerable populations receive adequate legal representation and advice regardless of their socioeconomic status.⁵⁶ By fostering collaboration between academic legal departments and grassroots organisations, these networks enhance the quality and reach of pro bono legal services.⁵⁷ This model, therefore, provides a dual benefit: offering indispensable legal assistance to underserved segments of society while simultaneously furnishing law students with invaluable practical experience and ethical training in real-world legal contexts.⁵⁸

Efficacy of Law Clinics in Reaching Out to Vulnerable Groups

Law clinics embedded in Nigerian university law faculties have become a critical bridge between underserved communities and the justice system. Recent scholarly research affirms their role in expanding legal access to vulnerable groups such as women, children, and indigent persons.⁵⁹ For example, the WLC reports direct interventions that enabled widows and low-income women in patriarchal settings to claim rights and remedies they

⁵⁴ Odinakaonye Lagi and others, ‘Campus-Based Law Clinics in Criminal Justice Administration in Nigeria’ (NULAI, 2019) <<https://nulai.org/wp-content/uploads/2020/01/Criminal-Justice-Clinics-Publication.pdf>> accessed 23 April 2026.

⁵⁵ Bhavya Pande, ‘Moral and Ethical Issues Confronting Students’ Legal Aid Clinics in the Outreach of Legal Services to the Resources-Less and the Poor’ (2013) 1 Journal of National Law University Delhi 33 <<https://doi.org/10.1177/2277401720130103>> accessed 23 April 2026

⁵⁶ Olubunmi Onafuwa, ‘Enhancing the Legal Aid Provision in Nigeria through Regulatory Intermediaries’ (2023) 31(2) African Journal of International and Comparative Law 133 <<https://doi.org/10.3366/ajicl.2023.0440>> accessed 23 April 2026.

⁵⁷ Agwu Sunday Okoro, above (n18).

⁵⁸ Abegunde and Joshua, above (n19).

⁵⁹ Omoyemen L Odigie-Emmanuel and Shiksha Dahiya, ‘The Role of Legal Clinics in Promoting Human Rights: The Experience of Nigeria Law School Yenagoa Law Clinic and The Legal Support and Care Centre at GD Goenka University School of Law Gurgaon India’ (2023) 30 Int J Clinical Legal Education 4 <<https://journals.northumbria.ac.uk/index.php/ijcle/article/view/1331>> accessed 23 April 2026.

otherwise could not access.⁶⁰ This was evident in one of the cases handled by the WLC, where the complainant - in a bid to exercise her legal right to claim maintenance for the upkeep of herself and her children - needed the intervention of a legal institution for the enforcement of an order that had already been given by the court against her husband. The award of money by the customary court without proper enforcement amounted to injustice. The economic status of the complainant denied her access to justice, coupled with the non-compliance by her husband with the order of the court.⁶¹

In another case handled by the WLC, a widow had approached the clinic on 20 April 2010 complaining that her in-laws were trying to deceive her by depriving her of the property her late husband had left to her and her children. She alleged that her daughter was one of the next of kin, but her brother-in-law was attempting to change the next of kin to his own name to enable him to collect the letter of administration. She alleged that her brother-in-law did so because she could not afford a lawyer. The WLC immediately contacted the office of the late husband to confirm the true status of the document. Upon true confirmation, a letter was written on her behalf to the appropriate probate registry entering a caveat on the granting of the letter of administration to the brother-in-law.⁶² These outcomes demonstrate that clinics are effective not only in legal service delivery but also in empowering marginalised voices.

With the presence of a law clinic comes free or subsidised expenses of legal services. This thus empowers clients to defend their rights and interests. The law clinics help in taking a proactive stance in matters involving violations of human rights, social injustices, and problems impacting marginalised communities. Also, the law clinics help in building people's trust, and confidence in the legal system is bolstered when they obtain free and quality legal assistance.

⁶⁰ Folakemi O Ajagunna and Ibijoke Byron, 'Clinical Legal Education and Social Justice: Assessing the Impact on Law Students in a Law Clinic in Nigeria' (2024) 31 *Int J Clinical Legal Education* 44 <<https://journals.northumbria.ac.uk/index.php/ijcle/article/view/1380>> accessed 23 April 2026.

⁶¹ WLC/CAS/023. Reported in Oluyemisi Bamgbose, "Access to justice through clinical legal education: A way forward for good governance and development" (2015) 15 *African Human Rights Law Journal* 378 <<http://dx.doi.org/10.17159/1996-2096/2015/v15n2a7>> accessed 23 April 2026.

⁶² *ibid.*

However, literature also identifies significant limitations. Under-funding, lack of institutional infrastructure, and limited outreach capacity constrain clinics' effectiveness.⁶³ One study observes that while clinics contribute to access to justice, they remain overstretched and under resourced, undermining long-term sustainability.⁶⁴ Despite ministerial endorsements and the Legal Aid Act 2011 recognising clinic roles, operational gaps remain.⁶⁵ Thus, law clinics fulfil a dual mission; educating future lawyers and offering pro bono services. But to maximise their impact for vulnerable populations, deliberate investment and stronger linkages to national legal aid architecture are essential.

Women's Law Clinic, Faculty of Law, University of Ibadan

The WLC was founded in 2007 as part of the 'The Rule of Law: Access to Justice' project of the Consortium for Development Partnerships (CDP). The CDP is a global organisation of institutions committed to working together on capacity-building and research projects in West Africa.⁶⁶ One of the CDP member institutions actively participating in the consortium's programmes is the University of Ibadan's Faculty of Law in Nigeria. The clinic is one of eight initiatives that have been created and successfully started. The clinic's successful operation under the CDP phase I project served as the catalyst for the start of the CDP phase II objectives, which included continuing to offer free legal services and intervention programmes to underprivileged (indigent) women in Ibadan and the surrounding areas. Additionally, law students are trained to use the WLC as their 'laboratory' for practising law by researching and documenting the fundamental issues with women's access to justice using clinical legal education methodologies.

⁶³ Ernest Ojukwu SAN and Mahmud Yusuf, 'Mapping the Role of Law Clinics under the Legal Aid Act of Nigeria' (2022) 11(3) *International Review of Law*, <[doi: 10.29117/irl.2022.0244](https://doi.org/10.29117/irl.2022.0244)> accessed 23 April 2026 [abstract only].

⁶⁴ Yewande Fatoke, 'The Role of University Law Clinics in Expanding Access to Justice in Nigeria' in Kabiru Aderemi Adeyemo, Simeon Olaosebikan Oni and Godwin Emmanuel Oydokun (eds), *Pursuit of Legal Education. Essays marking the 20th anniversary of Lead City University, Ibadan* (Faculty of Law, Lead City University, Ibadan 2025) <<https://zenodo.org/records/15428739>> accessed 23 April 2026.

⁶⁵ Olujemisi Bamgbose, above (n61).

⁶⁶ Omolade Olomola and Olujemisi Bamgbose, 'Collaborating with Other Disciplines: Best Practice for Legal Clinics – A Case Study of the Women's Law Clinic, University of Ibadan Nigeria' (2013) *International Journal of Clinical Legal Education* 355 <<http://dx.doi.org/10.19164/ijcle.v19i0.35>> accessed 23 April 2026.

The WLC is a women-only specialty legal clinic that started out providing legal services in the fields of family law and human rights, which are actually very broad, and has since grown to include other legal fields. It is also a live client clinic and a legal ‘hospital’ where patients could be rushed in to receive emergency and palliative care. By bringing the ‘gown to town’ through Street Law programmes and community engagement, the WLC has been able to enhance the provision of legal aid to the indigent population and provide basic legal literacy. Additionally, it serves as a clinic where students can provide *pro bono* legal assistance to underprivileged and impoverished women in the city of Ibadan for academic credit while being supervised by staff supervisors and clinicians.⁶⁷

Several cases in the areas of family law and human rights have been reported after a series of community projects and street lawyering and to date the WLC has handled over 532 cases with diverse and multifaceted issues like defilement, domestic violence, child abuse, cyber bullying and others with a criminal element. The clinic uses a multidisciplinary approach to represent impoverished women by offering free legal and counselling services and employing alternative dispute resolution (ADR) procedures (as opposed to litigation) to preserve community harmony.⁶⁸

The clinic collaborates with the police and other relevant law enforcement agencies, non-governmental organisations, the media, community and religious leaders and other academic disciplines within the university. For many residents, especially the poor and vulnerable, access to justice is still a myth rather than a reality, notwithstanding that the CFRN provides for free legal services or legal assistance (Section 46 (1)). It is crucial to note that Nigeria's current legal aid programme is not only inadequate but also narrowly focused; as a result, law school clinic models have emerged to support the government's ongoing initiatives.

⁶⁷ Oluyemisi Bamgbose, ‘Access to Justice through Clinical Legal Education: A Way Forward for Good Governance and Development’ (2015) 15 African Human Rights Law Journal 378 <<https://doi.org/10.17159/1996-2096/2015/v15n2a7>> accessed 24 April 2026.

⁶⁸ Olomola (n 66).

*Chrisland University Community Law Clinic (CUCLC)*⁶⁹

The CUCLC is a new private university-based law clinic. It was established in 2021 but began active operations in 2023. Its services are targeted towards people within the university environment and the people of Abeokuta. It focuses on rendering legal aid services to all classes of persons but with particular emphasis on vulnerable groups (illiterates, women and children) who lack legal literacy and cannot afford legal representation on both criminal and civil matters. Being a community-oriented clinic, the CUCLC has found ADR mechanisms to be useful in resolving disputes involving these marginalised groups, except in non-arbitrable matters. Also, the CUCLC is committed to sustainable development on the environment and public health. In the last two years, the clinic has advocated for a clean and sustainable environment by mitigating plastic pollution.⁷⁰

Challenges Faced by Law Clinics in Nigeria in Reaching Out to Vulnerable Groups

From the activities of law clinics in Nigeria and particularly the WLC in the last 18 years, as well as the CUCLC, the following have been identified as the major barriers in reaching out to vulnerable persons within the community.

Funding and resource constraints

Most law clinics in Nigeria operate on limited budgets, relying on university allocations or external grants. This financial constraint hampers outreach programmes, legal aid delivery, and capacity development of clinical staff. The

⁶⁹ Chrisland University, 'CUCLC' (*Chrisland University*, 2026)

<<https://chrislanduniversity.edu.ng/college-of-law/chrisland-university-community-law-clinic.html>> accessed 24 April 2026.

⁷⁰ Chrisland University, 'Celebrating World Environment Day 2024 at the College of Law Chrisland University' (*Chrisland University*, 2024)

<https://www.linkedin.com/posts/oheyemiadebari_beatplasticpollution-generationrestoration-activity-7204224218044051458-y32c?utm_source=share&utm_medium=member_desktop&rcm=ACoAACzoNsIBIxqV_ZtzRlueFz5znPsEsVQFL7k> accessed 27 March 2026; Chrisland University, 'Celebrating World Environment Day 2025 at the College of Law Chrisland University' (*Chrisland University*, 2025)

<https://www.linkedin.com/posts/oheyemiadebari_worldenvironmentday-beatplasticpollution-activity-7337219742610395138-IQgS?utm_source=share&utm_medium=member_desktop&rcm=ACoAACzoNsIBIxqV_ZtzRlueFz5znPsEsVQFL7k> accessed 27 March 2026.

inability to provide stipends for student volunteers or cover transportation costs limits the frequency and reach of community legal services.

Lack of institutional support

Universities sometimes treat law clinics as peripheral projects rather than integral components of legal education. As a result, clinics lack adequate infrastructure, trained personnel, and administrative support, which restricts their effectiveness in serving vulnerable communities.

Language and literacy barriers

Legal outreach is often hindered by linguistic and educational limitations. As identified at the beginning of this article, many individuals in rural or indigenous communities are unable to comprehend legal rights presented in English or formal legal language. Law clinics that do not adapt their communication to local dialects or fail to simplify legal content risk alienating their target audience.

Cultural and patriarchal norms

In many Nigerian communities, especially rural ones, women face limitations on mobility and autonomy. As a result, female members of these vulnerable groups are unable to access legal aid without the approval of male relatives or community leaders. This cultural barrier limits the impact of law clinics in addressing gender-based injustices.

Insufficient training of law students

Although law clinics are valuable learning platforms, many student volunteers lack adequate training in interviewing, counselling, and ethical issues relating to vulnerable clients. Without robust supervision or continuing legal education, students may mishandle sensitive cases, thereby undermining trust and effectiveness.

Technological gaps

Many clinics lack digital infrastructure that could otherwise aid in expanding their services. E-clinics, mobile legal apps, and remote consultation platforms remain underdeveloped or inaccessible due to poor internet connectivity or lack

of devices. These affect the continuity of legal aid, especially in times like the COVID-19 pandemic when physical outreach was restricted.

Insecurity and accessibility

Law clinics may hesitate to operate in certain regions due to political instability, insecurity, or logistical difficulties. This leaves communities in the northeast, Niger Delta, or other marginalised zones without access to free legal aid.

Regulatory and Ethical Restrictions

Law students are not licensed to practise law and are therefore limited in the services they can provide. This means that law clinics must rely on licensed supervising lawyers, who are often in short supply. Ethical dilemmas also arise when clinics handle sensitive cases involving domestic abuse or children, requiring careful management and compliance with legal standards.

Discussion of Findings

This article determined that legal education or legal literacy, if delivered in the native language of the people, will always result in these vulnerable groups promptly seeking and accessing justice more readily than if an offer to render legal services without charge was made in the English language. Findings reveal that the radio and market outreach usually conducted by students and staff of the WLC in the local indigenous language enhanced legal literacy and increased the number of participants at the clinic. The radio and market outreach were usually accompanied by dramatised scenarios in the native language (Yoruba) which enlightens the audience and significantly improves the impact of legal literacy. According to the front-desk officer at the WLC, ‘the purpose of the clinic: to offer legal service]es to indigent women in the community and to ensure student participation in clinical legal education, ... the selling point for our awareness’.⁷¹

Conclusion and Recommendations

Law is a tool of social control. Though it is trite that ignorance of the law is not an excuse, it is germane to educate all members of public deliberately without

⁷¹ Interview with WLC front desk officer (September 2024).

leaving out any groups indiscriminately either due to their social class or level of education. This paper recommends having both specialised law clinics such as the WLC to effectively cater to vulnerable groups through thematic community outreaches as well as community law clinics like the CUCLC, which must be tailored to the needs of the community in which they are domiciled. Secondly, educating indigenes with information in a language they can understand, access and benefit from is necessary for increased access to criminal justice. It is equally important that law clinics encourage activate participation of law students in this innovation, in other to empower them with community advocacy skills and street lawyering techniques.

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European pathways and methodological foundations in legal education: the need for Georgian legal reform, digitalisation, and pedagogical innovations

Mikheil Bichia*

Abstract

This article explores the transformation of Georgian legal education in relation to digital innovation and European integration. The study delves into how the use of technology and interdisciplinary approaches are reshaping the content and delivery of legal training, focusing on digital tools, educational reforms, and regulatory frameworks.

By using normative, analytical, comparative, and sociological methods, this research evaluates current practices and identifies areas for improvement. Normative analysis assesses the legal standards governing the integration of educational technology, whilst analytical methods examine curriculum content and patterns of technology adoption in Georgian law schools. Comparative case studies identify transferable best practices from other jurisdictions.

Key findings reveal significant institutional challenges, including inconsistent faculty readiness for digital tools, limited innovation in the curriculum, and shortcomings in the practical implementation of technology. However, successful initiatives that improve student engagement and international competitiveness are also highlighted. The research examines how technology affects key areas of contemporary legal practice such as court proceedings, electronic case management, and digital evidence. It explores whether these technological changes support or replace traditional legal skills.

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The findings underscore the need for interdisciplinary competencies, as traditional teaching methods may not adequately prepare students for technology-driven legal practice. The article advocates for curriculum modernisation that incorporates elements from fields such as economics, informatics, and data science, aiming to develop versatile legal professionals capable of navigating ongoing technological transformations.

Keywords: legal education reform; digitalisation; teaching methods; European standards of legal education; Georgian legal practice

Introduction

In the twenty-first century, technology shapes every aspect of professional and personal life. Within legal education, the integration of artificial intelligence (AI) and digital tools requires a fundamental rethinking of traditional pedagogy to prepare future lawyers for technology-driven practice. In this context, technology enables faster access to information, more efficient case management, and new forms of legal service delivery.

The purpose of this research is to highlight the role of technology in Georgian legal education and practice. The article defines the scope of technology's application and critically evaluates positive and negative impacts against global pedagogical standards and local institutional challenges. It assesses how European legal education reforms provide models for overcoming these challenges, emphasising the need for cross-border harmonisation and the adoption of best practices. Special attention is given to how technology reshapes teaching methods, influences skill acquisition, and affects the quality of legal education. Understanding these changes is crucial for ensuring that technology is harnessed effectively to enhance legal practice rather than undermine it.

Key questions include whether technology improves litigation processes, whether technological advancement threatens to replace human roles in law, or whether it serves as a complementary tool. The study highlights the importance of adopting modern, interdisciplinary teaching approaches to equip future legal professionals with versatile skills that align with the demands of a technology-driven labour market.

This study accordingly addresses two distinct but interrelated challenges. The first concerns the need for technological innovation in legal education,

integrating digital tools, AI, and interdisciplinary methods into teaching and assessment. The second concerns the need to align Georgian legal education with the standards established in comparable European jurisdictions and to fulfil accreditation requirements. While analytically separate, these challenges are mutually reinforcing: technological modernisation cannot succeed without institutional reform, and institutional reform without technological integration will fail to meet contemporary market demands.

The structure of the article reflects this distinction. The section on teaching methods and European approaches primarily addresses the second challenge: examining the pedagogical and institutional standards that Georgian legal education must meet. The section on technology integration addresses the first challenge: how digital tools and methods can be incorporated into legal teaching and assessment. The final section on curriculum reform explores where both challenges converge and must be resolved together.

This study employs four complementary methodologies. The normative method establishes the legal and regulatory framework for technology integration, setting the baseline against which current practice is assessed. Building on this foundation, the analytical method is applied to examine curriculum content and technology adoption in Georgian law schools. This structured approach identifies specific shortcomings relative to the normative standards, providing an evidential basis for reform recommendations. The comparative method situates Georgian legal education within an international context. Georgia's shortcomings become apparent only when compared to countries that have already implemented similar reforms. Models from EU member states, the United Kingdom, and the Netherlands are selected on this basis, as they have undergone comparable reforms and offer lessons applicable to Georgia.

Finally, the sociological method is essential to ground normative, analytical, and comparative findings in real institutional experiences. Interviews and surveys with students and faculty verify how technology integration is actually experienced in Georgian law schools, beyond what appears on paper.

Teaching and learning in the 21st century: methods and activities (alignment with European standards)

This section establishes the pedagogical foundations that underpin both challenges addressed in this article. It provides the theoretical baseline for assessing current institutional and technological shortcomings of Georgian legal education.

Theoretical foundation and modern educational principles

Teaching involves the effective transmission of knowledge coupled with the cultivation of diverse competencies among learners.¹ Higher education serves several key purposes: it introduces students to scholarly concepts, research methodologies, and specialised fields of knowledge; fosters their cultural and critical development; and prepares them for professional life.²

In the context of Georgian legal education, implementing modern educational principles presents particular challenges. Georgia's Law on Higher Education sets ambitious goals, such as promoting democratic values, creativity, and alignment with modern standards.³ However, practical modernisation of legal education is hindered by faculty unpreparedness, limited digital infrastructure, uneven resource distribution, and institutional resistance to reform. Unlike many Western European institutions, where student-centred and skills-based approaches are systematically embedded,⁴ Georgian law schools are only beginning to move beyond traditional lecture-based teaching. This transition is further complicated by the need to reconcile established legal reasoning traditions with new demands for digital literacy and interdisciplinary competence. Adopting contemporary pedagogical models in Georgia therefore requires both conceptual clarity and targeted investment in faculty

¹ Peter Westwood, *What teachers need to know about? Teaching methods* (Council for Educational Research 2008) 1.

² Greta Bosch, 'Deconstructing Myths about Interdisciplinarity' (2020) 1 *The European Journal of Legal Education* 27, 32.

³ Law of Georgia 'On Higher Education', Art 3(1) (a)–(c) (21 December 2004) No 688-RS.

⁴ ENQA, *Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG 2015)* <https://enqa.eu/wp-content/uploads/2015/11/ESG_2015.pdf> accessed 15 March 2025; Norbert Reich, 'Recent trends in European legal education: the place of the European Law Faculties Association' (2002) 21 *Penn State International Law Review* 21, 22.

development and curriculum reform. This process should be informed by local realities as well as relevant European experience.

Law schools encounter substantial obstacles in this transformation, including disparities in digital competence among faculty and students, limited resources, and the ongoing need to balance traditional legal reasoning with the demands of a rapidly evolving digital legal landscape.⁵ These challenges highlight the urgent need for pedagogical approaches that better prepare students for real-world legal practice.

Contemporary pedagogy emphasises interconnected principles crucial for effective learning: student engagement, motivation, integration of skills and knowledge, collaboration, active learning, and critical analysis.⁶ Modern legal education benefits significantly from engaging teaching techniques, including simulated court proceedings, hands-on clinical instruction, and project-based collaborative learning. These methodologies develop analytical thinking and problem-solving skills by placing students in realistic legal scenarios.

Empirical research demonstrates that active student engagement – rather than passive reception – yields superior educational outcomes.⁷ Accordingly, optimal learning is achieved through a combination of direct instruction and independent activities, such as reading, observation, multimedia use, and practical assignments.⁸ This evidence-based approach necessitates a departure from traditional lecture-based models in favour of interactive and participatory learning environments.

Teaching methods and assessment: methodological foundations

Within this theoretical and empirical context, students consistently prefer interactive and practice-oriented methods, including Communicative Language Teaching (CLT), simulation and role play, and Content and Language Integrated Learning (CLIL). These approaches foster authentic learning environments, enabling the practical application of theoretical

⁵ Jill Alexander and others, 'Technological challenges for modern law school pedagogy: preparing graduates for the modern legal workplace' (2024) 58(1) *The Law Teacher* 32, 42.

⁶ P Papava and others, *The Use of Information and Communication Technologies in the Learning Process* (Ministry of Education and Science of Georgia, 2009) 20–21.

⁷ M Bochorishvili, N Namicheishvili and N Nabulishvili, *Interactive Methods* (Publishing House 'Ustari', 2014) 5.

⁸ *ibid.*

knowledge and the simultaneous development of language and legal skills. To align legal education with international standards, a hybrid model incorporating best practices from the United States, the European Union, and the United Kingdom is recommended.⁹ Such a model should integrate interactive methodologies — including CLT, simulation, and CLIL — into legal training to develop both substantive legal knowledge and the communicative competencies required for modern legal practice.

Although interactive and experiential teaching paradigms are increasingly prevalent in international legal education, Georgian legal education continues to lack both methodological clarity and consistent pedagogical implementation. Whilst students express a clear preference for methods such as simulations, role play, and content-based instruction – approaches that foster the practical application of legal knowledge and language skills – these innovations are often implemented inconsistently and without clear alignment to learning objectives. A persistent issue is the confusion between teaching methods, learning activities, and assessment tools, which undermines lesson planning and student outcomes. The Accreditation Council has repeatedly emphasised the need for methodological clarity, yet many programmes still lack a coherent strategy that differentiates between instructional techniques and evaluation criteria.¹⁰ As a result, activities such as moot courts or group discussions are used in isolation without being connected to a clear teaching framework.

Contemporary evaluation methodologies extend beyond traditional testing to encompass learner-centred tools such as portfolios and reflective assignments, focusing on developing skills rather than memorising information. These approaches – including case studies, presentations, and multimedia work – prioritise the learning process and support continuous development rather than merely measuring final outcomes. Collectively, such methods assess students' analytical thinking, practical competence, and conceptual understanding,

⁹ Ekaterine Keke Bakaradze and Tamari Bakaradze, 'Enhancing Legal English Education in Georgia: Comparative Analysis of Teaching Methods in Legal and Language Education' (InRAIS Conference Proceedings 2022–2024, Research Association for Interdisciplinary Studies, Paper no 0471) 178–179.

¹⁰ Decision of the Education Programmes Accreditation Council in Georgia, No 311801 (25 March 2022).

though their effective implementation requires clearly defined assessment criteria and alignment with programme-level learning outcomes.¹¹

In line with European standards such as the Bologna Process and the guidelines of the European Association for Quality Assurance in Higher Education (ENQA), legal education assessment methods are evolving towards competency-based evaluation that combines ongoing and final assessments, with a focus on applied skills, critical thinking, and the ability to connect different fields of knowledge.¹²

To address this conceptual ambiguity, it is essential to understand that a method is a means of achieving a goal. A ‘teaching method’ is considered to be a teaching technique employed by the teacher to develop the relevant competencies in students. When choosing a teaching method, educators should determine the purpose of the lesson and the expected outcome, i.e., what students should know and what they should be able to do. The method should be strategically selected to achieve the intended result. Furthermore, within the framework of the chosen method, the student should be offered a corresponding activity that reinforces learning objectives. It is often difficult to distinguish between activity and method, yet this distinction is pedagogically significant. To convey the essence of an activity, the question should be asked: What does the student perform? This methodological precision necessitates distinguishing between what students perform (activity) and how they perform it (method),¹³ ensuring that theory is effectively put into practice. Methodological precision not only supports student engagement but also ensures that theoretical knowledge is meaningfully connected to practice.

Contemporary legal education increasingly incorporates technology-focused curricula, including internet governance, cyberlaw, and information privacy courses. However, despite the availability of legal databases, online learning platforms, and digital resources, surveys indicate minimal classroom technology integration by law faculty.¹⁴ This disconnect creates a critical gap

¹¹ Irit Levy-Feldman, ‘The role of assessment in improving education and promoting educational equity’ (2025) 15(2) *Education Sciences* 224, 228.

¹² ENQA (n 4).

¹³ S Lobzhanidze, ‘Teaching Methods and Learning Strategies’, in N Ingorokva and M Bochorishvili (eds), *Interactive Methods in Practice: Teacher's Book* (National Centre for Teachers' Professional Development, 2016) 7–8.

¹⁴ Anna Williams Shavers, ‘The Impact of Technology on Legal Education’ (2001) 51(3) *Journal of Legal Education* 407, 409–410; Alexander and others (n 5) 32–33

between traditional pedagogical approaches and the digitised professional environment students will encounter.¹⁵

Addressing this challenge requires interdisciplinary collaboration, particularly between law students and computer scientists, to develop competencies in AI application and the use of digital tools.¹⁶ Such partnerships cultivate the adaptive thinking essential for navigating technological innovations, bridging the gap between theoretical knowledge and professional practice.

Modern educational theory identifies four complementary learning approaches: reproductive (memorisation), meaning-based (critical analysis), application-based (skill acquisition), and discovery-based (problem-solving).¹⁷ Rather than employing singular methods, contemporary pedagogy advocates the strategic integration of these approaches, recognising that diverse learning objectives demand varied instructional strategies.

Contemporary educational approaches are significantly enhanced through collaborative learning structures. In these environments, cooperation becomes fundamental to success. When one member succeeds, all members benefit, creating team responsibility and a more productive and supportive learning atmosphere. Group members rely on and support one another,¹⁸ fostering an environment that reflects collaborative professional practice.

Moreover, to develop a student's critical or analytical skills, the teacher should encourage discovery-based learning, heuristics, and research methods. Dynamic and communicative teaching methods, also known as interactive teaching methods, enhance learning motivation and promote critical thinking.¹⁹ These methodologies transform students from passive recipients of information into active participants in knowledge construction.

¹⁵ Alexander and others (n 5) 32–33.

¹⁶ Václav Janeček, Rebecca Williams and Ewart Keep, 'Education for the provision of technologically enhanced legal services' (2021) 40 *Computer Law & Security Review* 1, 6

¹⁷ Inge Bakkenes, Jan D Vermunt and Theo Wubbels, 'Teacher learning in the context of educational innovation: Learning activities and learning outcomes of experienced teachers' (2010) 20(6) *Learning and Instruction* 533, 535.

¹⁸ Bochorishvili and others (n 7) 7.

¹⁹ S Senthamarai, 'Interactive teaching strategies' (2018) 3(1) *Journal of Applied and Advanced Research* 36 < 10.21839/jaar.2018.v3is1.166> accessed 15 March 2025.

European approaches in legal education

This section addresses the second of the two challenges: the need to bring Georgian legal education into alignment with European standards. To understand what those standards entail, it is necessary to trace how European legal education itself has evolved – from a closed, nationally oriented system to an integrated, skills-based model. It is this reformed model that Georgian legal education must engage with.

Traditional model

According to the traditional model, European legal education was characterised by nationalism, protectionism, and regulatory rigidity.²⁰ Legal education was closely tied to the nation-state, producing a closed legal profession focused almost entirely on domestic systems. European legal training was historically national and protectionist, meaning studies focused primarily on each country's domestic legal system while largely disregarding international law or foreign elements. This approach prioritised national jurisdictions and created a closed market for the legal profession, where lawyers operated almost exclusively within their own countries. This rigidity was reinforced by strict regulations that hindered international cooperation and knowledge exchange between law faculties and professionals.²¹

In Georgia, many higher education institutions are dominated by traditionalism, which leaves little room for developing programmes that meet contemporary requirements and prepare graduates with relevant competencies.²² While some universities in Georgian legal education attempt to keep pace with innovations, only a few actively work towards these goals, offering new academic disciplines – notably Tbilisi State University (TSU), which offers a dedicated Legal Technology elective within its undergraduate

²⁰ Reich (n 4) 21–22.

²¹ *ibid.*

²² Dimitry Gegenava and Paata Javakhishvili, 'Constitutional Adjudication: A New Challenge for Georgian Legal Education' (2022) 2 *Constitutional Law Journal* 7, 8; Ekaterine Kardava, 'Regulation of Internship in Georgian and EU Legislation' (2021) 2 *TSU Journal of Law* 113.

law programme,²³ and the Business and Technology University (BTU),²⁴ which has similarly prioritised technology-oriented legal education. Accordingly, rather than incrementally adopting modern approaches, institutions must make a decisive commitment to meeting contemporary educational demands²⁵ to ensure that graduates are equipped to compete in the international legal market.

While this traditional model offered advantages such as deep domestic expertise and a strong national identity, the limitations of this model became increasingly apparent in an interconnected global legal environment.²⁶ The insular approach created barriers to innovation and cross-border collaboration, leaving lawyers unprepared for international practice. Nevertheless, an outright rejection of this model risks discarding accumulated national legal expertise that continues to hold considerable value in contemporary legal practice.

New trends: Europeanisation and de-Sovietisation

Europeanisation involves the integration of legal education at the European level, including EU exchange programmes such as ERASMUS and increased mobility for students and lecturers. This promotes the harmonisation of legal education and the acquisition of multinational experience. The expansion of international LL.M. programmes at US law schools, alongside the growth of global law firms, has intensified **competitive** pressure on European institutions. Consequently, European law schools are compelled to enhance teaching quality and diversify their curricula to remain competitive in the global market. **De-Sovietisation** refers to the reform of legal education in Central and Eastern European countries, aimed at replacing the Soviet legal legacy with democratic, European values.²⁷

²³ Ivane Javakhishvili, Tbilisi State University Faculty of Law, *Bachelor's Educational Programme in Law* (TSU 2024)

<[https://tsu.ge/assets/media/files/8/fix/სამართლის%20საბაკალავრო%20საკანმანათლებლო%20პროგრამა\(2\).pdf](https://tsu.ge/assets/media/files/8/fix/სამართლის%20საბაკალავრო%20საკანმანათლებლო%20პროგრამა(2).pdf)> accessed 5 March 2026.

²⁴ Business and Technology University, *Artificial Intelligence, Ethics and Law* (BTU 2024) <<https://btu.edu.ge/course/artificial-intelligence-ethics-and-law/>> accessed 5 March 2026.

²⁵ Lado Sirdadze and Giorgi Zhorzholiani, 'Perspektiven der Digitalisierung und Automatisierung des Gesetzgebungsverfahrens im Georgischen Parlament' (2020) 4 *Deutsch-Georgische Zeitschrift für Rechtsvergleichung* 8, 8–9.

²⁶ Reich (n 4) 21–22.

²⁷ *ibid* 24.

The European Law Faculties Association (ELFA) was established to transform European legal education by fostering collaboration between faculties and enhancing educational standards.²⁸ ELFA develops European principles of legal education, including transnational teaching methods and the strengthening of practical skills. Despite efforts towards Europeanisation, differing legal traditions and national legislation create significant disparities, complicating harmonisation; deeper integration and the development of common standards therefore remain necessary. This three-part framework identifies the main forces reshaping European legal education—external pressures such as US competition, and internal factors such as EU integration and post-communist transition. However, it oversimplifies institutional complexities and neglects digital transformation, regulatory influences, and the effects of Brexit, which have significantly disrupted academic mobility, the internationalisation of law faculties, and cross-border legal scholarship.²⁹ Moreover, the indirect but lasting influence of US clinical legal education on European institutions further illustrates the complexity that such frameworks risk understating.³⁰

Internationalisation in legal education involves extending education beyond national borders through increased mobility, international programmes, and knowledge exchange. Programmes such as ERASMUS play a significant role in promoting harmonisation at the European level and provide valuable multinational experience. This process establishes international standards for the legal profession and prepares lawyers to compete in the global market. Internationalisation encompasses student mobility, collaboration among international lecturers, curriculum recognition, and the integration of research. It necessitates adapting teaching methods and curricula to multinational and multi-systemic legal environments, rather than being reduced to formal administrative procedures alone.³¹

²⁸ *ibid* 21.

²⁹ *ibid* 21–28; Mathias Siems, 'Foreign-Trained Legal Scholars in the UK: "Irritants" or "Change Agents"?' (2021) *Legal Studies* 1, 13–14.

³⁰ Philip M Genty, 'Reflections on US Involvement in the Promotion of Clinical Legal Education in Europe' in Alberto Alemanno and Lamin Khadar (eds), *Reinventing Legal Education* (Cambridge University Press 2018) 29, 35–39.

³¹ Simon Chesterman, 'The Evolution of Legal Education: Transnationalization, Globalization' (2009) 10(7) *German Law Journal* 877, 880–881.

Legal education is becoming increasingly international and transnational, necessitating multinational, multicultural, and multi-systemic approaches.³² This entails not only the study of national law but also the integration of EU, international, and other legal systems into curricula. According to 2020 data from nearly 70 countries, 37% of approximately 370 respondents identified the strengthening of legal education's international character as the primary trend, requiring multinational and multi-systemic teaching methods.³³

This trend towards internationalisation responds to genuine market needs, although most respondents prioritise other approaches. While it addresses the demands of cross-border legal practice, the approach risks favouring breadth over depth. Key challenges include faculty preparation, resource constraints, and balancing international exposure with domestic expertise, particularly for students from smaller legal markets.

Project-based learning and future professional competencies

Within the rapidly evolving digital landscape of legal education, project-based learning emerges as a transformative pedagogical approach, surpassing traditional instructional methods by integrating practical experience with the development of diverse analytical and interpersonal skills essential for addressing modern legal challenges; this approach combines collaborative task management with creativity, analytical thinking, and effective communication to foster a synergistic environment. Students are systematically encouraged to develop core competencies, including complex problem-solving, strategic planning, and time management: skills essential for legal professionals in technology-driven settings. As a result, project-based learning enhances intellectual capabilities whilst fostering adaptability and professional identity, which are crucial for future success in the legal field.³⁴

Maintaining current curricula demands more than content revision alone; it requires a comprehensive system for managing educational quality. This includes regularly reviewing current research, consulting with legal professionals, and identifying emerging competency requirements. Central to this process is a continuous cycle: validating content currency, gathering

³² IBA Commission on the Future of Legal Services, 'Blueprint on Global Legal Education' (IBA, 2020) 2.

³³ *ibid* 2–5.

³⁴ Bochorishvili and others (n 7) 25; Papava and others (n 6) 8.

stakeholder input, and implementing ongoing improvements. For example, in one of the Georgian bachelor's degree programmes, it was concluded that the mandatory literature and admission prerequisites for the courses 'Office Computer Programs,' 'Public Speaking Skills,' and 'Intellectual Property' should be revised.³⁵ This example illustrates the ongoing need for curriculum adaptation to meet evolving educational and professional requirements.

A critical pedagogical insight recognises the inadequacy of a one-size-fits-all teaching method for diverse learning goals. In particular, mastering complex legal competencies requires integrative, participatory methodologies that actively engage students' critical and analytical thinking. Conversely, more elementary knowledge acquisition may sometimes warrant traditional, retention-focused strategies.³⁶ Therefore, a nuanced calibration between learning objectives and instructional design is essential to optimise educational outcomes.

Accordingly, the selection of teaching methods should be guided by their proven effectiveness in achieving specific learning objectives rather than by convenience or tradition.³⁷ This evidence-based approach to method selection is especially important given the rapid technological transformation reshaping professional landscapes.

According to 2020 data from 370 respondents across nearly 70 countries, 9% indicated that new skills are essential for legal practice, emphasising preparation in modern legal technologies, critical thinking, and practical skills. Additionally, 9% highlighted the integration of legal technologies – including AI, cybersecurity, and distance learning – as both a challenge and an opportunity.³⁸ While these data highlight important shifts in legal education, the 9% figure appears unexpectedly low given the rapid digitalisation of legal practice. This may reflect resistance to change or a lack of awareness regarding technology's impact. Although the focus on AI and cybersecurity is forward-thinking, further analysis of implementation barriers and adoption rates would strengthen the findings.

³⁵ Decision of the Educational Programmes Accreditation Council in Georgia No 843987 (26 July 2022).

³⁶ Sarah E Bonner, 'Choosing Teaching Methods Based on Learning Objectives: An Integrative Framework' (1999) 14(1) *Issues in Accounting Education* 11 <.

³⁷ Westwood (n 1) 17.

³⁸ IBA Commission on the Future of Legal Services (n 32) 2–5.

Against the backdrop of ongoing digital transformation, developing relevant skills and enhancing digital literacy are fundamental for future employment. New technologies, including AI and data analysis, are already integral to the core business of technology companies. While technologies increasingly replace humans in computational and predictive tasks, the subjective aspects of data analysis will remain human-driven.³⁹ This human-technology dynamic creates new educational imperatives that demand sophisticated pedagogical responses.

The incorporation of digital tools into legal practice introduces complex ethical and regulatory issues, necessitating careful adaptation of the curriculum in legal education. Technology law addresses ethical challenges, including the protection of personal data, its lawful use, and compliance with regulations such as the General Data Protection Regulation (GDPR).⁴⁰ These emerging domains require specialised knowledge that traditional legal education programmes must incorporate to remain relevant and comprehensive.

Technology integration in 21st century legal education

This section addresses the first of two challenges: the need for technological innovation in legal education, and how digital tools and methods can be effectively integrated into legal teaching and assessment.

Digital transformation and the human-technology balance in legal education

The pedagogical principles outlined above cannot be fully realised without considering the technological revolution reshaping educational delivery. The rapid proliferation of educational technology companies has transformed the academic landscape,⁴¹ creating new opportunities for student-centred and collaborative learning. These developments have expanded digital infrastructure and made innovative educational technologies more widely

³⁹ Givi Bedianashvili, Quji Bichia and Ekaterine Natsvlishvili, 'Development of Entrepreneurial Activity, Labor Market and Modern Challenges of Higher Education' (2021) 12 *Globalization and Business* 21, 28.

⁴⁰ Marcus Smith, 'Technology Law in Legal Education: Recognising the Importance of the Field' (2022) 32(1) *Legal Education Review* 19, 22; Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data (General Data Protection Regulation) [2016] OJ L119/1.

⁴¹ Abid Haleem and others, 'Understanding the role of digital technologies in education: A review' (2022) 3 *Sustainable Operations and Computers* 275, 281.

accessible across the country. This technological expansion supports the democratisation of education,⁴² addressing key objectives within Georgia's higher education framework. Ongoing initiatives are removing linguistic barriers and increasing access to online resources in regional languages, enabling inclusive approaches that were previously limited by geographical and linguistic constraints.

However, the effective integration of these technologies requires a fundamental rethinking of the educator's role. Successful implementation demands educators who possess technical proficiency while understanding the critical importance of maintaining human connections within the classroom. Although technology can facilitate both knowledge acquisition and skill development – supporting the diverse learning methodologies identified earlier – its successful adoption depends on educators' ability to balance digital tools with interpersonal engagement.⁴³

This need for technological integration was accelerated by COVID-19, which exposed both the potential and limitations of digital education. The pandemic led to a dramatic increase in technology use over two to three years, providing valuable insights into effective digital pedagogy.⁴⁴ This period effectively became an unplanned large-scale experiment in the use of educational technology, revealing opportunities and challenges that inform current best practices.

While legal practice rapidly integrates new technologies, corresponding pedagogical strategies in legal education lag behind, creating a significant disconnect. Many law professors continue to rely on conventional formats such as lectures and Socratic dialogue, supplemented only by basic tools like PowerPoint. Although these traditional approaches have historical value, they

⁴² Muhammad Imran Qureshi and others, 'Digital Technologies in Education 4.0. Does it Enhance the Effectiveness of Learning? A Systematic Literature Review' (2021) 15(4) *International Journal of Interactive Mobile Technologies* 31, 31–35..

⁴³ Haleem and others (n 41) 281.

⁴⁴ Kingsley Okoye and others, 'Technology-mediated teaching and learning process: A conceptual study of educators' response amidst the Covid-19 pandemic' (2021) 26 *Education and Information Technologies* 7225, 7252.

limit students' exposure to technology-driven competencies and fail to equip graduates with the digital skills now essential for modern legal practice.⁴⁵

This gap between what is taught and what the profession requires means that students are not adequately prepared for the collaborative, technology-driven nature of modern legal work. To meet the demands of a technology-driven legal market, curricula must embed digitally oriented competencies,⁴⁶ facilitating collaboration between law graduates and technology specialists.

The strategic adoption of educational technology offers numerous tangible benefits that directly support the learning objectives outlined in contemporary pedagogical theory. Technology saves time and effort, supports lifelong learning, and enables students to monitor their progress more effectively, all of which enhances the active learning approaches recognised as most effective. Furthermore, technology promotes academic continuity, provides access to a broader range of scientific resources, and facilitates active participation in learning from remote locations.⁴⁷

The democratising potential of educational technology is particularly evident in its capacity to serve previously marginalised populations. For example, distance learning has expanded higher education opportunities for individuals with disabilities and those living in rural areas: groups traditionally excluded by conventional education models.⁴⁸ Student surveys highlight further practical advantages of distance learning, including reduced commuting, lower costs, greater comfort, and easier access to materials.⁴⁹ These benefits directly support the student-centred educational philosophy emphasised in contemporary pedagogical approaches.

In legal education, the integration of technology must go beyond basic digital literacy to include the advanced technological skills required by modern

⁴⁵ Simon Canick, 'Infusing Technology Skills into the Law School Curriculum' (2014) 42 *Capital University Law Review* 663, 673; see also Guzal M Ergasheva and others, 'Integrating Digital Competencies into Legal Education: A Pedagogical Framework for the Future' (2025) 5(2) *Qubahan Academic Journal* 446, 455, 456.

⁴⁶ Janeček, Williams and Keep, (n 16), 12-13.

⁴⁷ Okoye and others (n 44) 7232.

⁴⁸ John O'Donoghue, Gurmak Singh and Charmaine Green, 'A comparison of the advantages and disadvantages of IT based education and the implications upon students' (2004) 9 *Interactive Educational Multimedia* 63, 72.

⁴⁹ Kinga Stecula and Radosław Wolniak, 'Advantages and Disadvantages of E-Learning Innovations during COVID-19 Pandemic in Higher Education in Poland' (2022) 8(3) *Journal of Open Innovation: Technology, Market, and Complexity* 158, 159.

practice. Practical engagement with technology from the very beginning of law school is essential for developing these competencies. Proficiency in office applications (MS Word, Excel, PDF), effective utilisation of AI for research and document preparation, and professional digital communication are now fundamental skills for legal professionals, particularly in business law and civil procedure.⁵⁰

These technological competencies support application-based learning, which is essential for the development of complex skills. By integrating these tools early, students cultivate the technical proficiency and critical thinking skills necessary for professional practice.

However, the integration of technology into legal education is not without significant challenges that must be systematically addressed. The lack of direct contact with instructors and peers can undermine the collaborative learning approaches identified as most effective for developing critical thinking skills. Additionally, the financial burden of acquiring digital devices, motivational difficulties associated with remote learning, discomfort with technology among both students and faculty, insufficient preparation of academic staff for e-learning, and the risk of cyber threats all present considerable obstacles to effective implementation.⁵¹

These challenges underscore the importance of strategic method selection: technological tools should be chosen based on their effectiveness in achieving learning objectives rather than on novelty or convenience. Successful integration of technology requires careful consideration of how digital tools can enhance, rather than replace, the human elements of effective education.

Given these complexities, the evolution of teaching methods is imperative. Teachers must employ a variety of instructional strategies and utilise technology to enhance learning outcomes.⁵² Nevertheless, live interaction between students and teachers remains indispensable for high-quality knowledge transfer. Rather than replacing traditional education, distance

⁵⁰ Sari Graben, 'Law and Technology in Legal Education: A Systemic Approach at Ryerson' (2021) 58(1) *Osgoode Hall Law Journal* 139, 153–154.

⁵¹ Stecuła and Wolniak (n 49) 160; Constantin Aurelian Ionescu and others, 'Sustainability analysis of the e-learning education system during pandemic period - COVID-19 in Romania' (2020) 12(21) *Sustainability* 9030, 9031.

⁵² Constantinos Nicolaou, Maria Matsiola and George Kalliris, 'Technology-Enhanced Learning and Teaching Methodologies through Audiovisual Media' (2019) 9(3) *Education Sciences* 196, 197.

learning should be viewed as an expansion of its possibilities, adapting it to contemporary realities.⁵³ Thus, technology should be integrated as a supportive tool that complements, rather than supplants, human interaction in education.

The global shift towards information and communication technologies has redefined the learning process, with virtual learning environments now embedded across higher education institutions. However, the successful implementation of these technologies depends on effective management and societal adaptation.⁵⁴ This principle is exemplified by innovative approaches to legal education, where virtual reality technology is being strategically integrated into the development of practical skills. A compelling example of this integration can be found in Dutch law schools, where students practise courtroom argumentation skills using virtual reality environments. Using specially designed applications, students engage in simulated court proceedings and provide real-time feedback to their peers.⁵⁵

This technological framework enables students to download recordings of their presentations and receive feedback, creating a comprehensive learning cycle that supports continuous skill improvement. Beyond mere simulation, these virtual reality applications deliver measurable educational benefits: students build confidence, enhance practical skills, receive structured peer feedback, and develop critical reflective thinking capabilities. Most significantly, virtual reality provides learning opportunities that are impossible to replicate in traditional classroom settings, enabling students to practise complex courtroom scenarios repeatedly without real-world consequences. This evidence demonstrates how the strategic use of virtual reality can create effective learning environments that improve legal education outcomes and develop essential professional competencies required for successful courtroom performance.⁵⁶

Adapting legal education to rapidly changing technological contexts requires comprehensive reforms that strategically integrate digital technologies

⁵³ L. Diasamidze, 'Innovative Teaching Technologies in Modern Educational Environment' (2021) 1 Collection of Works of Guram Tavartkiladze Tbilisi Teaching University 63.

⁵⁴ Rebeca Mora Rodríguez, 'Implementation process of technology in education: the case of Blackboard 9.1 in the University of Manchester' (2013) 13(3) *Rec. Actual. Investing. Educ.* 1.

⁵⁵ Emanuel van Dongen, 'Pleading in the virtual courtroom: Exploring experiential learning in law through virtual-reality-based exercises and student feedback' (2024) 5(1) *European Journal of Legal Education* 157, 158.

⁵⁶ *ibid.*, 158–160.

without diminishing essential face-to-face mentorship and active student engagement.⁵⁷ Balancing digital innovation with human-centric teaching methods is critical for cultivating the competencies necessary for modern legal practice.

In legal education specifically, technology is not merely an optional enhancement but a necessity driven by the demands of the legal services market.⁵⁸ The traditional model of legal education – focused on transmitting fixed bodies of knowledge – is no longer sufficient in an era where information is freely available online. Instead, education must prioritise the development of future-oriented skills, such as critical thinking, problem-solving, and adaptability.⁵⁹

Digitalisation in law, including the dissemination and automation of legal data, has fundamentally altered how legal knowledge is represented and accessed.⁶⁰ This transformation necessitates a corresponding evolution in educational approaches. To maximise the benefits of technology in learning, educational materials must be varied, well-organised, and adapted to individual needs, incorporating references, presentations, and multimedia resources.⁶¹

These evolving requirements highlight the importance of teaching methods that specifically develop analytical skills. The Accreditation Council has emphasised diversifying teaching and learning methods to foster such skills.⁶² Despite these recommendations, some Georgian educational programmes, particularly at the master's level, still lag in this regard. The Sectoral Benchmark of Law mandates a greater focus on analytical and creative

⁵⁷ Janeček, Williams and Keep, (n 16) 6, 19-20; Konstantina Martzoukou and others, 'A study of university law students' self-perceived digital competences' (2022) 54(4) *Journal of Librarianship and Information Science* 751, 761-3.

⁵⁸ Daniel Bonilla Maldonado, 'Legal Education and Technological Innovation: A Critical Essay' (2023) 10 *Latin American Law Review* 1, 28.

⁵⁹ Mark Fenwick, Wulf A Kaal and Erik P M Vermeulen, 'Legal Education in a Digital Age: Why Coding Matters for the Lawyer of the Future', in Marcello Corrales Compagnucci and others (eds), *Legal Tech and the New Sharing Economy* (Springer, 2020) 107.

⁶⁰ Mateus de Oliveira Fornasier, 'Legal Education in the 21st Century and the Artificial Intelligence' (2021) 19(31) *Revista Opinião Jurídica (Fortaleza)* 1 7.

⁶¹ Maxim R Moskalenko and others, 'Distant Technologies in Teaching Legal Disciplines to Students of Pedagogical Training Programs' (2019) 15(3) *EURASIA Journal of Mathematics, Science and Technology Education* 1, 7.

⁶² Decision of the Educational Programmes Accreditation Council in Georgia, No 144487 (31 December 2021).

thinking,⁶³ comparative analysis, and study of judicial practice at master's level, ensuring graduates possess advanced skills necessary for higher positions in the modern labour market.

In Georgia, legal education is regulated by subject-specific characteristics for law programmes. These regulations aim to establish minimum standards for learning outcomes (covering knowledge, skills, and the capacity for independent and responsible action) required for awarding qualifications in undergraduate and graduate law programmes. The document also sets appropriate teaching and assessment methods to achieve these goals.⁶⁴ The subject-specific characteristics for undergraduate law programmes include drafting various legal documents (civil and administrative contracts, procedural documents, draft administrative acts) among minimum learning outcomes. However, these do not require legal writing as a separate course. Most Georgian programmes therefore lack such courses, meeting requirements by incorporating legal aspects into other components. Employer surveys identify legal writing difficulties as a main problem among graduates.⁶⁵

Integrating legal writing into existing courses does not develop essential practical skills. A standalone undergraduate legal writing course, paired with legal clinics, is crucial for adequately preparing students for professional demands.⁶⁶ This focused strategy significantly improves skill mastery and aligns legal education with modern workplace expectations.

Digital competencies, curriculum adaptation, and comprehensive reform

This section examines where the two challenges converge. Addressing the first challenge – technological innovation – requires not only new courses and digital tools, but a fundamental rethinking of how legal skills are taught and assessed. Addressing the second challenge – closing the gap with European standards – requires structural reform of curricula, accreditation frameworks,

⁶³ *The Sectoral Benchmark of Law for Higher Education's First and Second Levels in Georgia* (4 April 2020).

⁶⁴ Order of the Director of LEPL 'National Centre for Educational Quality Enhancement', 'On Approval of Subject-Specific Characteristics of Law Educational Programmes' No MES 12000326937 (2 April 2020).

⁶⁵ Legal Market Research in Georgia, Research Report (2021) 6; M Gogodze, *Georgian Model of Lawyer Qualification Certification* (Publishing House of Sulkhani-Saba University, 2024) 32–33.

⁶⁶ Gogodze *ibid*, 34.

and faculty development. Both must advance together: structural adaptation and technological integration cannot succeed in isolation.

Technology facilitates knowledge and skills development in education, with growing trends towards leveraging Internet capabilities in learning.⁶⁷ Educational technology applications save time and energy, help students prepare for lifelong learning, and enable more effective progress tracking. These technologies successfully improve both the digital learning environment and the quality of student outcomes.

The rise of AI and robotics in legal practice necessitates that employees develop new digital skills, including the ability to manage and make decisions involving complex technologies.⁶⁸ Although the Internet is a crucial communication tool in the 21st century, technological development simultaneously increases the risk of privacy infringements.⁶⁹ In response, lawyers working in the digital economy must develop a broad range of digital skills, including basic programming, which is becoming an increasingly important part of legal education at both undergraduate and postgraduate levels.⁷⁰

Access to up-to-date legal information is critical, as recognised by the Accreditation Council's recommendation to facilitate students' access to legal news.⁷¹ The modern labour market demands competencies such as analysis, synthesis, critical thinking, collaboration, innovation, and effective communication.⁷² To develop these skills, teaching methods must be diversified, particularly at master's level, where sectoral benchmarks emphasise creative and comparative legal analysis.

The integration of technology into legal practice not only develops essential knowledge and skills but also addresses gaps often observed in law graduates.

⁶⁷ Haleem and others (n 41) 281.

⁶⁸ Artil Chochia and Kristi Joamets, 'Artificial Intelligence and Its Impact on Labor Relations' (2020) 1 TSU Journal of Law 388–389.

⁶⁹ Mikheil Bichia, 'Structural Analyses of Article 18¹ of the Civil Code of Georgia' (2020) 1 Justice and Law 49.

⁷⁰ Maksim V Demchenko and others, 'Digital Transformation of Legal Education: Problems, Risks and Prospects' (2021) 10(2) *European Journal of Contemporary Education* 297, 300

⁷¹ Decision of the Educational Programmes Accreditation Council in Georgia, No 337409 (24 March 2023).

⁷² Lori Breslow, 'The Pedagogy and Pleasures of Teaching a 21st-Century Skill' (2015) 50(4) *European Journal of Education* 420, 421 .

However, advanced topics like computer programming should be included in the curriculum only when directly relevant to students' future careers.⁷³ This selective approach has given rise to legal informatics, an interdisciplinary field that synthesises law and information science to address the technical, systemic, and theoretical aspects of legal information.⁷⁴

Interdisciplinarity differs from multidisciplinary. Multidisciplinary involves studying different subjects separately in parallel (breadth). Interdisciplinarity, by contrast, integrates two or more disciplines to solve a single problem (depth), leading to deeper understanding and stronger critical thinking skills.⁷⁵

Upon completing technology law courses, graduates should be able to critically evaluate emerging technologies within ethical, normative, and political frameworks. They should also be capable of applying technology-based legal solutions in sectors such as healthcare, cybersecurity, and data privacy.⁷⁶ The private law protection of personal data represents one of the most significant challenges of the technological era.⁷⁷

Despite the potential negative consequences of technology – such as diminished interpersonal contact and increased risks to privacy – abandoning technological advancement is neither practical nor desirable. Instead, technology should be used as a supportive tool, while efforts are made to reduce its adverse effects through greater direct human interaction. The complexity of AI–encompassing neural networks, big data, and machine learning poses additional challenges for legal professionals, who must also ensure information security and confidentiality.⁷⁸

Specialised technology law education, comprehensive reform and future directions

As technology reshapes communication and privacy, legal education must evolve from retrospective models toward forward-looking, project-based

⁷³ Mikołaj Barczentewicz, 'Teaching Technology to (Future) Lawyers' (2021) 14(1) *Erasmus Law Review* 45.

⁷⁴ T Nozadze, *Legal Informatics* (Lecture Course, 2010) 2–4.

⁷⁵ Bosch, (n 2) 33–34.

⁷⁶ Smith, (n 40) 34–35.

⁷⁷ Mikheil Bichia, 'The Problem of Civil Legal Protection of Personal Data in the Internet Universe' VIII International scientific and practical conference: *Internet and Society*, Kutaisi, 2017) 35.

⁷⁸ *de Oliveira Fornasier* (n 60) 25.

approaches that foster creativity, interdisciplinarity, and collaboration.⁷⁹ Developing core LawTech skills – such as data literacy, agile system design, commercial awareness, and digital ethics – is essential for preparing legal professionals capable of delivering technology-enhanced legal services.⁸⁰

Optimising educational standards for digital competencies, implementing state digital innovation programmes, and ensuring cybersecurity in education have become fundamental priorities.⁸¹ Lawyers today must master a broad range of digital skills, including programming, as part of their foundational training.⁸²

Integrating technology into legal education requires a fundamental shift in pedagogy to develop digital literacy, critical thinking, and adaptability.⁸³ Only through such comprehensive reform can legal education remain relevant and responsive to the evolving legal profession.

The legal profession's adaptation to technological change necessitates parallel reforms in legal education to prepare future lawyers for emerging challenges: adopting and integrating new technologies in teaching and learning; researching technological disruptions to inform legal responses; and equipping future lawyers with relevant competencies. While some argue that technology threatens the future of legal education and practice, this view is premature.⁸⁴ Technology reduces certain routine tasks through automation and AI, yet the demand for deep intellectual and intuitive human skills remains irreplaceable.⁸⁵

Legal technology digitises services across sectors, enhancing efficiency and accuracy.⁸⁶ E-governance improves public administration,⁸⁷ and traditional law firm models are evolving as some tasks become automatable, reshaping lawyer-client relations. International frameworks recognise electronic

⁷⁹ *ibid* 35–36.

⁸⁰ Janeček, Williams and Keep, (n 15) 12.

⁸¹ Ergasheva and others (n 45) 446, 450.

⁸² Demchenko and others, (n70), 300.

⁸³ Alexander and others (n 5) 32–33.

⁸⁴ Zhiqiong June Wang, 'Between Constancy and Change: Legal Practice and Legal Education in the Age of Technology' (2019) 36(1) *Law in Context* 64.

⁸⁵ Chochia and Joamets (n 68) 388.

⁸⁶ Zviad Gabisonia, 'Digital Governance and Legal Technologies in the Justice System' (2023) 1(4) *Journal Justitia* 28, 30; G Khubua and L Sirdadze, 'Legal Technologies (LegalTech) in Georgia, Their Use in Private Companies and Public Agencies' (2022) 7 *Georgian-German Journal of Comparative Law* 1.

⁸⁷ Natalia Kandelaki, 'Prospects for the use of blockchain technology in e-Government' (2019) 3(513) *Works of GTU, Business, Management and Accounting* 11, 16.

communications and qualified electronic signatures, facilitating secure digital transactions.⁸⁸

Specifically, international legal frameworks recognise electronic communications as valid means of concluding contracts, despite challenges related to consumers' ability to evaluate products or services.⁸⁹ Building on this foundation, innovations such as qualified electronic signatures and electronic consumer agreements have been integrated into legal systems, facilitating secure and efficient digital transactions.⁹⁰

Despite concerns about technology replacing lawyers⁹¹, the humanistic core of law – empathy, reasoning, and adaptability – ensures its enduring relevance. Legal education must align with globalisation and technological innovation to meet labour market demands and enhance graduates' competencies.⁹²

The future legal landscape will increasingly require expertise in digital evidence analysis, remote hearings, electronic legal proceedings, and AI applications.⁹³ Without adequate training in these areas, Georgia risks being underprepared. Therefore, strengthening and integrating technology-focused courses into Georgian legal curricula is essential. Courses imparting general digital skills – such as fundamentals of legal technology – should be mandatory rather than elective, to guarantee competency development. Combined with specialised electives, this approach ensures lawyers are equipped to meet modern market demands.

⁸⁸ Tanel Kerikmäe, Thomas Hoffmann and Archil Chochia, 'Legal Technology for Law Firms: Determining Roadmaps for Innovation' (2018) 24(81) *Croatian International Relations Review* 91.

⁸⁹ United Nations Commission on International Trade Law (UNCITRAL 2007); N Pachuaishvili, *Contracts Concluded by Electronic Means, Grounds for Their Invalidity, Termination, Revocation, and Legal Consequences* (PhD Thesis, TSU, Tbilisi 2019) 22.

⁹⁰ Gabisonia (n 86) 37; Zviad Gabisonia, 'International Private Law Norms for Internet Use and Clauses in Consumer Agreements' (2020) 7 *Georgian-German Journal of Comparative Law* 27.

⁹¹ Richard Susskind, *The End of Lawyers? Rethinking the Nature of Legal Services* (Oxford University Press, 2008) 21.

⁹² Wang Zhiquiong (n 84) 75; *Decision of the Educational Programmes Accreditation Council in Georgia, No 1415428 (24 December 2021)*.

⁹³ Aaron Alva and Barbara Endicott-Popovsky, 'Digital Evidence Education in Schools of Law' (2012) 7(2) *Journal of Digital Forensics, Security and Law* 75, 75–76, 85.

Conclusion

This study shows that Georgian legal education faces major challenges extending well beyond deficiencies in digital infrastructure and technological resources. More fundamentally, there is an urgent need to rigorously re-evaluate both curricular content and pedagogical methods to align them with the demands of an increasingly dynamic and technologically driven legal environment. Without such critical reassessment, law faculties risk perpetuating outdated teaching models that inadequately prepare graduates for the realities of modern legal practice.

This transformation relies heavily on faculty development. Legal educators must be equipped both technically and pedagogically to effectively utilise modern tools. Traditional teaching methods,⁹⁴ which have been common in Georgian legal education for a long time, are no longer sufficient for the rapidly changing technological legal landscape. This landscape now demands the integration of practical skills and digital literacy in addition to theoretical knowledge. Continuing to rely on traditional approaches hinders the development of the necessary competencies for effective contemporary legal practice.

Moreover, existing legislative and accreditation frameworks reveal an urgent need for clearly defined competencies that combine in-depth knowledge with mandatory practical skills. These frameworks are crucial for maintaining consistent educational standards and adapting to evolving professional requirements. Despite this recognition, teaching strategies that effectively balance knowledge transfer with skill development are not yet fully integrated into academic practice.

Furthermore, the implementation of interdisciplinary teaching practices, influenced by European reforms, represents a critical step forward. These approaches promote a broader contextual understanding that includes ethical and societal aspects of law, along with technological proficiency. It is essential to incorporate emerging fields – such as data law, cybersecurity, and

⁹⁴ Ergasheva and others (n 45) 451-455, 456.

intellectual property – into the curriculum to prepare legal professionals to handle complex and multifaceted challenges with adaptability.⁹⁵

A significant lack of specialised courses, particularly in practical law, prevents students from fully meeting contemporary labour market demands. Therefore, legal education must be transformed to enhance critical thinking and practical readiness while adopting innovative project-based methods and increasing interdisciplinarity. European legal education models offer valuable guidance, emphasising strong theoretical foundations combined with practical digital tool application, interdisciplinary collaboration, and continual adaptation to technological advances.

Strengthening partnerships and mobility with European institutions aligns Georgian legal education with global standards and broadens students' professional opportunities. While local initiatives like TSU's 'Legal Tech' course effectively integrate AI-based legal research and digital skills, these efforts remain limited and uneven, highlighting systemic barriers to modernisation. Key obstacles include insufficient faculty training in digital competencies, lack of standardised digital skill requirements, and limited access to practical training such as internships. Additionally, the gap between technology education in earlier schooling and university curricula causes inconsistent student preparedness, hindering reform.

The findings of this study reveal structural and pedagogical gaps in Georgian law schools across two key challenges: regarding technological innovation, isolated good practices exist but lack systemic integration for reliable digital competency in legal training; as for alignment with European standards, significant gaps persist due to institutional inertia, inconsistent accreditation, and insufficient faculty development. Addressing these requires a fundamental reconceptualisation of legal skills teaching and assessment, alongside structural reforms in curricula, accreditation frameworks, and faculty development to advance both challenges together. To address these barriers, Georgian legal education must expand successful programmes like TSU's Legal Tech clinic, develop partnerships with legal practitioners for practical internships, and enhance faculty training in digital pedagogy. Accreditation

⁹⁵ Aranya Nath, Gautami Chakravarty and Srishti Roy Barman, 'Transforming Legal Education Through Experiential Learning: Integrating Intellectual Property Simulations and Digital Copyright Case Studies into the Law School Curriculum' (2025) 12(2) *Asian Journal of Legal Education* 198.

bodies should update standards to directly evaluate technology integration and student competencies through practical observation, moving beyond documentation alone.

The future of Georgian legal education hinges on the effective integration of global technological innovations within local contexts. By prioritising scalable, practice-oriented programmes and fostering interdisciplinary collaboration, Georgia can develop legal professionals who excel in traditional reasoning while confidently leveraging technology to address evolving demands. This combination of skills will keep graduates competitive nationally and across the European legal landscape. Future legal professionals must blend technological advancements with critical, human-centred judgment, using digital tools not as obstacles but as enablers that, combined with ethical intelligence, ensure both efficiency and integrity in legal practice.

University approaches to the use of AI in Bulgaria and in Morocco

Soukaina Abdallah-Ou-Moussa* and Jivko Draganov†

Abstract

The article analyses some of the publicly announced university policies, rules and procedures on the use of AI as well as some non-binding rules at European level. This is a topic of interest in both legal education and in other fields. However, most of the universities in Bulgaria and in Morocco have no special policies or rules for AI. In such cases they apply general antiplagiarism rules and ethical rules and standards to use of AI and of AI-created works. In Bulgaria there are just a few universities that have announced such policies or rules and procedures. In Morocco, although national strategies promoting digital transformation and AI in education have been introduced, universities have not yet adopted specific frameworks regulating the use of AI in scientific research. Most institutions continue to rely on general academic integrity and research ethics codes, which are not fully adapted to AI-generated content and its implications for authorship and originality. That leaves some issues, such as the sustainable and transparent use of AI, as well as the disclosure of AI involvement in research, unaddressed. Besides that, the general rules are not appropriate for some specifics of the use of AI in science research.

Keywords: *Artificial Intelligence, Research, Universities' policies and rules*

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Introduction¹

Artificial intelligence (AI) has already become a powerful tool that provides growing capabilities for research and analysis of scientific data and for creation of part or entire materials such as scientific articles, reports or theses. As research is one of the most important parts of universities' activities and is the major factor for academic development, it becomes crucial for the universities to be able to manage the use of AI. Academic research should result in original works of authorship and scientific results; AI should be used in a way not to jeopardise this fundamental aspect of academic growth. The free and extensive use of AI creates higher risks for reducing the originality of scientific works and also brings other threats. On the other hand, its capacity to process and analyse data may be extremely beneficial for scientific research. The universities should find a balanced approach to address those problems. This requires them to determine their policy regarding the use of AI in research as well as to establish rules and procedures to be applied in such cases.

One area with potentially high risks of the use of AI is legal science. This is due to factors such as the differences between the national legal systems and the applied significance of legal research. Universities' policies and rules should consider and address those specifics in the field of legal science and education. Dealing with that problem requires global interaction between the law schools and legal professionals. A very good example is the work of the European Law Faculties Association (ELFA) and its Annual Conference where academics and practitioners can share their experience and discuss critical issues. The 2026 Conference, organized by the University of Deusto in Bilbao, Spain was on the topic 'Artificial Intelligence and Legal Education' and the Resolution of the General Assembly especially addressed the need of developing and sharing pedagogical best practices and guidelines on the responsible academic use of AI tools in legal education.²

¹ This publication was developed as part of the project STUDIES-DIG № 101131544: Models and Instruments for Transforming Higher Education Systems through Transnational Multi-Sector Links under the Horizon Europe Programme – the Framework Programme for Research and Innovation (2021-2027), under the funding scheme of 'Marie Skłodowska-Curie Research and Innovation Staff Exchange – RISE'.

² ELFA, 'Bilbao 2026' (*ELFA*, No date) <<https://elfa-edu.org/event/bilbao-2026/>> accessed 28 April 2026.

This article examines some existing strategies, policies and rules of universities in Bulgaria and in Morocco, related to the use of AI, as well as the special and general rules that these universities apply in cases involving the use of AI. The aim is to determine what the current situation in both states is, and what is needed to address this problem. On that basis conclusions may be drawn about the most problematic aspects and the possible solutions.

Use of AI in university research – European approaches

Along with the education of undergraduates and doctoral students, a major part of the activities of universities is the conduct of scientific research. Scientific research is a prerequisite for the acquisition of scientific degrees and for the academic development of teaching staff, and scientific research activity is an essential element of attestation. In addition, universities create research units where employees exclusively or mainly carry out research activities.

Scientific research implies the presence of in-depth knowledge in the relevant field, the ability to analyse scientific literature and data, the ability to formulate scientific theses and the application of appropriate methodology. Until recently, these activities could only be performed by humans, but the emergence and development of language models and AI brought about radical changes. First the algorithms and now the AI have the potential to handle huge data sets that far exceed the capabilities of human intelligence. Generative AI is already capable of creating content that, without the use of technical means, cannot be distinguished from that created by humans. AI can not only analyse data, but also formulate scientific hypotheses. It is fully capable of conducting scientific research on a given problem by analysing its state, literature and existing research, formulating a scientific hypothesis, and subjecting it to verification, including drawing the relevant scientific conclusions based on the research thus conducted. These capabilities undoubtedly open up new and significantly larger horizons for the development of science, but at the same time they also raise a number of new questions that relate to the ways and limits of using artificial intelligence in universities for research, including in other subjects, such as law.

Algorithms and AI are not the first to facilitate the extraction and processing of data in conducting scientific research. Their use as research tools would undoubtedly contribute to the processing of larger volumes of information and, accordingly, to more in-depth and comprehensive studies that would not be

within the capabilities of an individual researcher. Consequently that becomes a stimulus for researchers to benefit from the use of AI.³ While AI may support research as a highly productive tool, some questions emerge related to academic progression and to the assessment of the work of the academic staff. First, the question arises, once scientific research is carried out by a specific person and this person is indicated as its author, is it permissible to use AI, and if so, which elements and how much of the research can be the result of AI? Second, should it be indicated what was done by AI and what by the researcher? Third, can scientific theses be allowed to be determined by AI and then used by the scientific community; and fourthly, should scientific research be subject to scrutiny for its use of AI?⁴ Last, but not least, researchers who use AI can gain a significant advantage over those who do not. If until recently the capabilities of algorithms and the scale of their use were relatively modest, today AI is becoming a necessary and natural tool in conducting scientific research, and universities will have to provide answers to the questions raised by adopting the appropriate strategies, policies and rules.

One of the most important questions for all universities is whether the use of AI in research activities should be allowed and encouraged, and if so, within what frameworks. There are already some common guidelines in place, such as those of the European Research Area, published by the European Commission (the AI Guidelines).⁵ They are non-binding, and are intended to serve as a supporting tool for researchers and research organisations, based on

³ A survey from Germany shows that, in 2024, '42.4% of the researchers' report being very or rather familiar with AI tools, with a further 44.0% reporting that they have used AI tools a few times. 25.9% of researchers are frequent users of AI tools and use them at least once a day or more often for their research. Only 22.2% of researchers never use AI tools for their work tasks (i.e., research, teaching, or service to the profession). 19% of respondents report directly studying or developing AI in their research'.

Marina Chugunova and others, 'Who Uses AI in Research, and for What? Large-Scale Survey Evidence from Germany' Max Planck Institute for Innovation & Competition Research Paper No. 25-11 (Social Science Research Network, 19 May 2025) <<https://papers.ssrn.com/abstract=5259847>> accessed 24 April 2026 at p 5.

⁴ Recent research on the spread of the use of Large Language Models (LLMs) in biomedical research has discovered that at least 13.5% of 2024 abstracts were processed with LLMs: Dmitry Kobak and others, 'Delving into LLM-Assisted Writing in Biomedical Publications through Excess Vocabulary' (2025) 11 Science Advances eadt3813 <<https://doi.org/10.1126/sciadv.adt3813>>.

⁵ European Commission Directorate-General for Research and Innovation, 'Living Guidelines on the Responsible Use of Generative AI in Research' (ERA Forum stakeholders document 2025) Second edition <https://research-and-innovation.ec.europa.eu/document/download/2b6cf7e5-36ac-41cb-aab5-0d32050143dc_en?filename=ec_rtd_ai-guidelines.pdf> accessed 15 April 2026.

the European Code of Conduct for Research Integrity⁶ and on the European Commission's Ethics Guidelines for Trustworthy AI.⁷ The AI Guidelines formulate four recommendations for research organisations:

1. responsible use of generative AI in research activities, which includes providing training on the use of AI, encouraging researchers to indicate when they have used AI without negative consequences, and providing rules and support for compliance with ethical norms and intellectual property legislation;
2. actively monitoring the development of the use of AI systems;
3. inclusion of references to the AI Guidelines in their research rules, research policies and ethical standards; and
4. where possible, implementing AI systems that they manage to ensure protection and confidentiality.

The Code of Practice for General-Purpose AI Models⁸ is another document that contains guidelines aimed at the promotion of human-centric and trustworthy AI, while ensuring a high level of protection of health, safety, and the fundamental rights enshrined in the Charter of Fundamental Rights of the EU against harmful effects of AI, and supporting innovation..]

A growing number of universities in Europe have adopted policies, guidelines and rules for the use of AI and made them public on their websites. For example, ETH Zürich published 'Generative AI in Teaching & Learning Guidelines' in 2024⁹ that establishes three principles: responsibility, transparency, and fairness. KU Leuven has adopted 'General Guidelines for

⁶ ALLEA - All European Academies, 'The European Code of Conduct for Research Integrity' (ALLEA - All European Academies 2023) Revised edition <<https://doi.org/10.26356/ECOC>> accessed 2 January 2026.

⁷ Independent High-level Expert Group on Artificial Intelligence, 'Ethics Guidelines for Trustworthy AI' (European Commission 2019) <https://www.europarl.europa.eu/cmsdata/196377/AI%20HLEG_Ethics%20Guidelines%20for%20Trustworthy%20AI.pdf> accessed 15 April 2026.

⁸ Alexander Peukert and Céline Castets-Renard, 'EU AI Act: General-Purpose AI Code of Practice' (*EU AI Act: GPAI Code of Practice*, 10 July 2025) <<https://code-of-practice.ai/>> accessed 24 April 2026.

⁹ Rectorate Unit for Teaching and Learning, 'Generative AI in Teaching and Learning - Guidelines' (ETH Zürich 2024) <https://ethz.ch/content/dam/ethz/main/eth-zurich/education/ai_in_education/Generative%20AI%20in%20Teaching%20and%20Learning%20-%20Guidelines%20ETH.pdf> accessed 24 April 2026.

permitted use of GenAI'.¹⁰ The latter require researchers to follow three principles when using AI, namely: transparency (correctly attributing all acquired information or ideas), safety (protecting confidential data at input, evaluating output for accuracy, bias, quality and relevance) and sustainability (considering the energy cost and using AI only when it adds value to the research). ALLEA¹¹ also addresses the use of AI in research in its 'European Code of Conduct for Research Integrity'.¹² The Code requires researchers to report their results and methods, including the use of external services or AI and automated tools; as well as to disclose the use of AI and points out as an unacceptable practice hiding the use of AI or automated tools in the creation of content or drafting of publications.

This brief overview demonstrates that the main issues that are the subject of existing policies, strategies, rules and guidelines can be identified. These include ethical use, in particular the disclosure of the use of AI in scientific research, the fair use of AI in accordance with academic standards, namely as an aid and tool for conducting scientific research, verification of the reliability of the results presented by AI, protection against data misuse and respect for IP rights. At this stage, detailed rules are lacking, and organisations mainly define general guidelines and principles that should be observed. Given the constant development of its capabilities and the growth of its potential, such rules will have to be created by all universities and research organisations.

Rules and policies for the use of AI in scientific research in Bulgaria

At the national level

Bulgaria has adopted at national level a strategic document that address issues related to the use of AI in education and research. The Concept for the

¹⁰ KU Leuven, 'General Guidelines for Permitted Use of GenAI' (*KU Leuven*, 5 February 2026) <<https://www.kuleuven.be/english/genai/general-guidelines>> accessed 15 April 2026.

¹¹ ALLEA – All European Academies (see n6 above) is a European federation of academies of sciences and humanities, founded in 1994 that represents more than 50 academies from nearly 40 EU and non-EU countries.

¹² ALLEA (n6).

Development of AI in Bulgaria until 2030¹³ contains a section dedicated to the creation of knowledge and skills for the development of AI in the country, which also includes certain measures to be adopted by higher education. These measures envisage the study of the impact of AI on society, as well as the development of standards for building reliable AI by including it in university educational programmes in informatics and technical specialised academic disciplines focused on the legal, ethical and social aspects of AI; disciplines for studying the impact of AI in faculties of sociology, law and humanities, and the use of AI by universities to improve information systems for education management.

The National Strategy for the Development of Artificial Intelligence in Bulgaria to 2030 (the Strategy),¹⁴ prepared by the Bulgarian Academy of Sciences in turn defines the main areas of impact and specific measures, including: the development of research capacity for high-level scientific achievements; the creation of knowledge and skills for the development and use of AI; support for innovations aimed at implementing AI in practice; raising awareness and building trust in society; and the creation of a regulatory framework for the development and use of reliable AI in accordance with international regulatory and ethical standards, as well as the creation of conditions for financing and sustainable investments for the development of AI. Section 5.6. of the document emphasises the need to create a regulatory framework for the development and use of AI in accordance with international regulatory and ethical standards. It states that “the principles of respect for fundamental rights, non-discrimination and protection of personal data should be considered as an integral part of the requirements that guarantee the safety of AI technologies.”¹⁵ The Strategy emphasises the need to pay attention to the risks of harm and abuse in the use of AI. In order to ensure the necessary conditions for ensuring the development of reliable AI technologies in

¹³ Adopted by Minutes 72 of the regular meeting of the Council of Ministers of 16 December 2020. The concept offers a comprehensive vision for the development and use of AI in the country and is based on the strategic and programme documents of the European Commission: Ministry of e-Government, ‘Concept for the Development of Artificial Intelligence in Bulgaria until 2030’ (*Ministry of e-Government*, 2022) <<https://egov.government.bg/wps/portal/ministry-meu/strategies-policies/digital.transformation/itis-national-strategic-documents/ai.development.concept.2030>> accessed 2 January 2026.

¹⁴ Връзки с обществеността, ‘Национална Стратегия За Развитието На Изкуствения Интелект в България До 2030 г. Разработи БАН’ (*Българска академия на науките*, 13 July 2020) <<https://www.bas.bg/?p=30731>> accessed 2 January 2026.

¹⁵ *Ibid*, page 33.

Bulgaria, it is proposed to assess the applicability and effectiveness of existing regulatory provisions on the safety of new products incorporating AI technologies. It provides for the creation of a national framework for assessing the risks associated with the development of AI technologies, which should also include the Pan-European methodology for assessing high-risk AI technologies.¹⁶

The current national legislation does not contain explicit provisions on the use of AI in scientific research. In this regard, the provisions on the prohibition of plagiarism in the acquisition of scientific degrees and the holding of academic positions, established in the Act on the Development of the Academic Staff in the Republic of Bulgaria (ZRASRB), may be applied. Plagiarism in scientific research leads as a consequence to the refusal to award scientific titles and to hold academic positions, respectively to their annulment. According to the definition provided in section 1(7) of ZRASRB, ‘ “Plagiarism” is the presentation as one's own of works that were fully or partially written or created by another, or the use of scientific results published by another, without reference or citation in the procedures for acquiring scientific degrees or holding academic positions’. It is evident that the aforementioned definition was created before the development of AI capabilities, since it requires that the works be written by ‘another’, which implies a person. But regardless of this, when interpreted in the spirit of the prohibition established by ZRASRB, and taking into account the current capabilities of AI, the concept of ‘other’ should also cover AI and apply in cases of AI-generated research submitted by candidates for scientific degrees or for academic positions.

At the university level

There are just a few universities in the country that have special internal policies that address the use of AI in educational and in research work. The Chemical Technology and Metallurgical University (CTMU) has adopted a ‘Policy on the Use of AI’,¹⁷ which contains principles and rules for the use of AI in the educational, research, administrative and other activities of the

¹⁶ Ibid, page 33.

¹⁷ Chemical Technology and Metallurgical University, ‘ПОЛИТИКА ЗА ИЗПОЛЗВАНЕТО НА ИЗКУСТВЕН ИНТЕЛЕКТ (ИИ)’ (Chemical Technology and Metallurgical University, 2025) <https://mmu2.uctm.edu/uctm/downloads/norm_docs/2025/politics_AI.pdf> accessed 2 January 2026.

university. The policy aims to promote the ethical, transparent and responsible application of AI technologies, while ensuring academic integrity, the quality of education and the protection of personal data and intellectual property. The policy provides that the use of AI should be based on the principles of ethics and transparency, academic integrity, human oversight and judgement, data protection and confidentiality. The use of AI in scientific research is allowed to assist researchers, as well as to automate certain activities. The use of AI is considered unacceptable when it is without verification of the results, when AI's outcomes are presented as one's own, as well as in cases of lack of disclosure that AI was used, and when providing access to protected or sensitive data or to intellectual property objects, in violation of the exclusive rights

The American University in Bulgaria, the Center for Information, Democracy, and Citizenship (CIDC), has invited LCC University, Bard College Berlin, European Humanities University, BISLA and Central European University, to develop the AI Aware Universities Project addressing the growing influence of AI on universities and education and has formulated 'AI Policy Recommendations'¹⁸ including the following principles:

1. Skill development and assessment;
2. Mutual trust and transparency;
3. Clear expectations;
4. Alignment;
5. Ethical and pedagogically appropriate AI-use;
6. Disclosure requirements; and
7. Academic integrity and enforcement.

The above principles are mainly aimed at the use of AI in education. It is also recommended that all students and faculty complete an AI Literacy course on a regular basis.

At this stage, universities in Bulgaria have not yet focused their attention on creating special internal policies and rules for the use of AI in scientific research. In this situation, some of the cases can be resolved by applying general internal rules on the prohibition of plagiarism and ethical academic

¹⁸ American University in Bulgaria, 'AI Aware Universities' (*American University in Bulgaria*, 2026) <<https://www.aubg.edu/center-for-information-democracy-and-citizenship-cidc/ai-aware-universities/>> accessed 2 January 2026.

standards. However, this is not enough to cover all the issues that arise from the possibilities for using AI in scientific research. Problems such as the disclosure of the use of AI and the sustainable use of AI remain completely unaddressed.

Rules and policies for the use of AI in scientific research in Morocco

The question of how AI should be regulated within scientific research is increasingly central in global academic debates. Over the past decade, universities worldwide have moved from general ethical principles toward operational governance frameworks that explicitly integrate AI into research workflows, including transparency requirements, auditability mechanisms, and documentation of algorithmic limitations. In this evolving context, the Middle East and North Africa region (MENA) and the African continent face particular challenges shaped by structural inequalities, emerging digital ecosystems, and pressing demands for responsible innovation. Although Morocco has positioned itself as one of the leading countries in North Africa in terms of digital transformation, the national governance of AI in scientific research remains at an early but dynamic stage of development.

At the national level

The Moroccan approach to AI in scientific research is deeply anchored in a broader national agenda of digital transformation and knowledge economy building. Over the last decade, Morocco has progressively recognised AI not only as a technological asset, but as a strategic driver for educational modernisation, industrial competitiveness, and scientific sovereignty.¹⁹ National discourse increasingly presents AI as a lever for innovation capacity, reflecting a political intention to position Morocco within the emerging global AI landscape. However, despite this strategic orientation, there is still no binding regulatory framework dedicated to the academic use of AI, and the governance of AI-assisted research remains governed indirectly through

¹⁹ Ministère de la Transition Numérique et de la Réforme de l'Administration, 'Stratégie Nationale "Digital Morocco 2023' (*Royaume du Maroc* 2024) <<https://www.maroc.ma/fr/strategies-politiques-publiques/maroc-digital-2030>> accessed 2 January 2026.

general scientific ethics, higher education regulations, and integrity-based principles.²⁰

The turning point in this trajectory can be associated with the launch of several governmental initiatives that integrate AI into Morocco's digital development vision. National digital transformation strategies consistently emphasise innovation, big data integration, and the modernisation of scientific infrastructures, placing universities and research institutions at the centre of digital capacity building.²¹

Governmental programmes promoting AI in public administration, education, and industry illustrate the country's ambition to foster a national ecosystem capable of creating, training, and deploying intelligent systems.²² These orientations reflect a willingness not only to adopt advanced technologies, but also to cultivate a generation of researchers and students equipped with digital skills and computational literacy.

Yet, the legal and institutional apparatus regulating AI in scientific research remains programmatic rather than normative. Strategic documents encourage AI adoption but do not precisely define the thresholds between assistance and intellectual substitution, the conditions of disclosure of AI-generated content, the accountability of researchers using automated tools, nor the protocols for verifying the authenticity and traceability of algorithmically produced material.²³ This regulatory vacuum is particularly salient in postgraduate research production. Doctoral theses, grant-funded projects and scientific articles increasingly integrate AI tools for literature screening, quantitative modelling, language refinement, or even the drafting of theoretical frameworks. However, the absence of explicit national rules means that evaluations rely primarily on traditional anti-plagiarism guidelines, which were

²⁰ Committee on Knowledge and Information Society (CESE), 'Artificial Intelligence (AI) in Morocco: What Areas and What Prospects?' (Committee on Knowledge and Information Society 2024) <<https://www.cese.ma/media/2024/12/ENG-synthe%CC%80seArtificial-intelligence-AI-1.pdf>> accessed 2 January 2026.

²¹ Above (n19).

²² Global AI Ethics and Governance Observatory, 'Morocco' (UNESCO 2024) <<https://www.unesco.org/ethics-ai/en/morocco>> accessed 2 January 2026.

²³ UNESCO, 'Recommendation on the Ethics of Artificial Intelligence' (UNESCO 2022) SHS/BIO/PI/2021/1 <<https://unesdoc.unesco.org/ark:/48223/pf0000381137>> accessed 2 January 2026.

not initially designed to address generative systems capable of producing original-appearing scientific text.

From an ethical and epistemological perspective, the situation reveals an emerging tension between innovation and academic integrity. On one hand, AI offers substantial opportunities for Moroccan researchers, especially in contexts where access to computational resources, scientific databases and research funding is limited.²⁴ Intelligent systems can accelerate data collection, expand analytical reach, reduce linguistic barriers in academic publication, and contribute to the international visibility of Moroccan research. On the other hand, unregulated use exposes universities to new vulnerabilities, including ghost-writing through AI, dilution of cognitive contribution, over-reliance on machine-generated sources, and the risk of circulating unverified content or fabricated references.²⁵ In such a context, the lack of explicit disclosure obligations complicates the assessment of originality, authorship and methodological rigour.

The national challenge is therefore no longer limited to deciding whether AI should be integrated into research, but rather how it should be governed. Morocco stands at a stage where the development of legal and ethical frameworks is required to accompany technological adoption. This includes establishing criteria defining acceptable levels of AI assistance in research, developing disclosure templates for theses and scientific papers, and determining responsibilities in cases where AI-generated misinformation influences research outcomes.²⁶ Such frameworks would also need to consider data protection, intellectual property rights, algorithmic accountability, and the management of potential biases embedded in training datasets.

A forward-looking perspective suggests that Morocco has the capacity to progress rapidly toward structured regulation. The existence of national strategies for digital transformation, the growing involvement of ministries in AI policy design, and the alignment of educational priorities with Fourth Industrial Revolution skills all constitute fertile ground for the implementation of a dedicated AI governance framework in research.²⁷ The next step lies in

²⁴ Above (n20).

²⁵ UNESCO, Guidance for generative AI in education and research (UNESCO 2023) <<https://doi.org/10.54675/EWZM9535>> accessed 22 June 2026.

²⁶ Ibid.

²⁷ Above (n19).

translating strategic vision into concrete mechanisms that universities, laboratories and doctoral schools can operationalise, not to restrict innovation, but to guarantee transparency, responsible use and scientific credibility.

At the university level

At the institutional level, Moroccan universities occupy a pivotal position in shaping how AI is incorporated into scientific research practices. While national strategies increasingly highlight the transformative role of digital technologies, university environments remain the primary testing grounds where the opportunities and vulnerabilities of AI integration are most visibly expressed. However, in contrast with global trends toward structured institutional governance, Moroccan universities have not yet developed explicit internal frameworks regulating the academic use of AI in research. This regulatory gap has led institutions to rely on general principles of academic integrity, scientific ethics and anti-plagiarism standards, none of which were designed to address the methodological, epistemic and authorship challenges introduced by generative AI systems.

The absence of clear institutional directives is particularly significant given that universities constitute the core of Morocco's knowledge production ecosystem. In emerging economies, AI adoption is expanding more rapidly within universities than formal governance structures can adapt. This is visible in Moroccan doctoral schools, where AI tools increasingly support literature synthesis, methodological design, linguistic refinement and data analysis. While these practices can enhance research efficiency and reduce barriers to scientific publication, the lack of institutional norms raises critical concerns about authorship attribution, scientific originality, and the transparency of research processes.

This situation mirrors broader dynamics observed across African higher education systems. Studies conducted in connection with the African Union's Continental AI Strategy²⁸ reveal that most universities on the continent face similar structural challenges: limited institutional preparedness, uneven digital skills among faculty and postgraduate students, fragmented infrastructures, and the absence of official guidelines on acceptable and prohibited uses of AI in

²⁸ African Union, 'Continental Artificial Intelligence Strategy' (*African Union*, 9 August 2024) <<https://au.int/en/documents/20240809/continental-artificial-intelligence-strategy>> accessed 2 January 2026.

academic writing and research workflows. Moroccan universities reflect this continental pattern, where the integration of AI appears driven primarily by individual initiative rather than institutional policy.

Another dimension concerns the profound asymmetry of digital competencies within Moroccan universities. A report by the World Bank²⁹ on digital skills, innovation and economic transformation highlights that higher education institutions in Africa face significant disparities in access to digital resources and advanced skills training, which hampers their ability to contribute equally to the digital economy and to research capacity building. As a result, AI becomes both an opportunity and a source of inequality, reinforcing divides between researchers with access to digital infrastructures and those operating in less technologically equipped environments.

The risks associated with unregulated AI use have attracted growing attention globally. AI is a major disruptor of traditional plagiarism-detection systems which highlights the increasing difficulty of distinguishing between human-authored and machine-generated scientific text. Without institutional protocols requiring disclosure of AI involvement or providing methodological safeguards, Moroccan universities face heightened risks of ghost-writing, fabricated citations, algorithmically generated misinformation, and reduced cognitive authorship: issues already documented in international higher education contexts.

In addition to integrity concerns, universities must also address epistemic risks. AI-generated research outputs may reproduce biases embedded in training datasets, distort theoretical frameworks, or generate misleading interpretations of scientific literature. These are risks identified by the UNESCO International Institute for Higher Education in Latin America and the Caribbean³⁰ in its global assessment of AI in universities. For Moroccan institutions, which increasingly encourage international publication and competitiveness, these

²⁹ Jamil Salmi, Alice Amegah and Aarya Rajendra Shinde, 'Digital Skills, Innovation, and Economic Transformation: Opportunities and Challenges for Sub-Saharan Africa' (World Bank Group 2025) Education Working Paper 15
<<https://thedocs.worldbank.org/en/doc/a607bb6e3b76d2be0f3db8db34dcf73e-0140022025/related/5EDU-WP-15-Digital-skills-innovation-and-economic-transformation.pdf>> accessed 15 April 2026.

³⁰ UNESCO International Institute for Higher Education in Latin America and the Caribbean (IESALC) 'ChatGPT and Artificial Intelligence in Higher Education: Quick Start Guide' (UNESCO 2023)<<https://unesdoc.unesco.org/ark:/48223/pf00000386670>> accessed 24 June 2026.

risks may compromise the credibility of research outcomes if adequate oversight mechanisms are not implemented.

To address these challenges, Moroccan universities would benefit from advancing toward structured institutional governance of AI in research. International models suggest the establishment of AI ethics committees within universities, explicit disclosure requirements in theses and publications, updated academic integrity policies that distinguish AI assistance from AI substitution, and capacity-building programs on AI literacy for supervisors and doctoral candidates.³¹ Integrating modules on responsible AI in doctoral training would further reinforce epistemic accountability and foster a culture of responsible digital scholarship.

Ultimately, the university level represents the most strategic locus for regulating the academic use of AI in Morocco. While national strategies set broad orientations, it is within universities that ethical norms, research standards and evaluation processes must evolve to ensure the transparent, responsible and credible integration of AI into scientific inquiry. By adopting proactive and structured governance mechanisms, Moroccan universities can position themselves not only as users of AI technologies, but as leaders in shaping an ethical, methodologically rigorous and innovation-driven academic ecosystem.

Conclusion

The comparative analysis of university policies on the use of AI in Bulgaria and Morocco reveals both convergence and divergence in their institutional responses to this emerging ethical and regulatory challenge. Despite the growing integration of AI tools in research and academic writing, both countries remain in an early stage of policy formalisation. In Bulgaria, a few universities have begun developing explicit internal regulations, focusing on responsible use, human oversight, and academic integrity, while others continue to rely on traditional anti-plagiarism frameworks that were not designed to address the complexities of generative AI.

³¹ Organisation for Economic Co-operation and Development (OECD) 'OECD Digital Education Outlook2026: *Exploring Effective Uses of Generative AI in Education*' (OECD Publishing 2026) <<https://doi.org/10.1787/062a7394-en>> accessed 24 June 2026.

In Morocco, the absence of binding institutional frameworks similarly leads universities to apply general research ethics and integrity rules. However, national efforts such as the Artificial Intelligence Strategy 2023–2030³² demonstrate political awareness of the importance of responsible AI governance. The challenge now lies in translating this strategic vision into concrete institutional mechanisms such as AI disclosure requirements, ethical committees, and researcher training programs to ensure transparency, originality, and accountability in AI-assisted scientific research.

At both national and institutional levels, the findings underline the need for a comprehensive governance framework that aligns ethical standards, technological innovation, and academic integrity. Establishing clear disclosure protocols, sustainability principles, and AI literacy programs across universities will not only safeguard research credibility but also foster a culture of responsible digital transformation. Ultimately, the sustainable and ethical integration of AI in research requires coordinated action between governments, universities, and academic communities to balance innovation with integrity and to ensure that AI remains a tool for scientific advancement rather than a source of ethical ambiguity.

Interaction between stakeholders should be at all possible levels, not only nationwide, but also worldwide. In addition, it should take into account the specific features of individual areas of scientific research. For example, in the field of legal science, a very important role in the development of appropriate rules and policies for the use of artificial intelligence can be played by organisations such as ELFA, which create the necessary conditions for regular exchange of ideas and experience between a large number of law schools from dozens of countries.

Building on the comparative insights between Bulgaria and Morocco, several policy measures can be proposed to enhance the ethical and sustainable governance of AI in scientific research. The first is for both countries to develop national AI governance frameworks for research specifically addressing the use of AI in research activities. These frameworks should go beyond general digital strategies by setting binding standards on data transparency, disclosure of AI-assisted content, and the accountability of researchers for algorithmic outputs. Such frameworks must be aligned with

³² Above (n19).

international guidelines, including the OECD Principles on AI³³ and the UNESCO Recommendation on the Ethics of AI,³⁴ to ensure global consistency.

Another measure at university level is the creation of AI ethics committees. Each university should create or adapt existing research ethics committees to include AI governance expertise. These bodies would evaluate AI-assisted projects, assess the risks of bias or data misuse, and ensure that human oversight remains central to research processes. Embedding AI ethics at the institutional level would bridge the current gap between technological innovation and moral responsibility.

Thirdly, mandatory disclosure and transparency requirements need to be established. Academic institutions should require researchers and students to declare any use of AI tools in writing, data analysis, or experimental design. Disclosure statements, appended to theses or publications, would enhance research credibility and prevent unintentional plagiarism or misattribution of authorship.

Another important measure is to integrate AI literacy and research ethics into doctoral training. Graduate programmes should include compulsory modules on AI ethics, data integrity, and algorithmic accountability. Training the next generation of researchers in the responsible use of AI will ensure sustainable adoption and foster a culture of ethical innovation. Promotion of international cooperation and benchmarking is also of major importance. Regional cooperation among European, MENA, and African universities should be strengthened to share best practices and co-develop guidelines for responsible AI in research. Joint initiatives and comparative studies can accelerate institutional learning and harmonise governance models across contexts.

Last, but not least, is to ensure sustainable and inclusive AI practices. Both Bulgaria and Morocco should encourage the development of green and socially responsible AI research ecosystems. Policies must consider the environmental footprint of AI computation and promote equitable access to digital infrastructure and training opportunities for researchers from underrepresented regions.

³³ OECD, 'AI Principles' (OECD 2024) <<https://www.oecd.org/en/topics/ai-principles.html>> accessed 15 April 2026.

³⁴ Above (n23).

In essence, effective AI governance in academia requires a shift from reactive regulation to proactive stewardship. By combining clear ethical standards, institutional accountability, and capacity-building, Bulgaria and Morocco can move toward a shared vision of AI that strengthens scientific integrity, promotes innovation, and ensures that technology serves the advancement of knowledge rather than its distortion.