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STREET LAW FOR CZECH AND SLOVAK YOUNG ROMA MUSICIANS

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For almost seven years, Street Law has been a part of the curriculum of the Prague Law School. Over the years, law students have taught law at public and private grammar schools, high schools, business schools and also some vocational schools, mostly located in the Prague region. They were all secondary schools and predominantly ethnically homogenous, since members of the largest Czech minority, the Roma, for various reasons hardly ever attend these schools. Last summer, however, a group of Prague

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3 Social exclusion of Roma community in the Czech Republic is a major problem. One of the consequences of the prejudices concerning Roma community is the problem of access to quality education, as for example described by Amnesty International in its report ‘Must try harder: Ethnic discrimination of Romani children in Czech schools’, Amnesty International Ltd, 2015, also available online https://www.amnesty.org/en/documents/eur71/1353/2015/en/ - accessed 2016-03-08.
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Law School students and recent graduates travelled to Eastern Slovakia to organize Street Law workshops for Roma teenagers. This text tells the story of their journey, reflects their teaching methodology and experience and offers a perspective of a law student participating in the workshops.

**SUMMER SCHOOL FOR YOUNG ROMA MUSICIANS**

For almost two decades, a well-known singer of Czech and Roma origin, Ida Kelarová, has been organizing summer schools for young Roma from the Czech Republic and Slovakia. She has been gathering teenagers with musical talents and teaching them singing and dancing. They come from different socio-economic backgrounds, including many from socially very poor conditions. However, even those living in average families in terms of their income share the experience of being a member of a despised minority living in rather ethnically homogenous and intolerant countries. Over the years, Ida Kelarová’s summer schools have become more professional and last year, the prestigious Czech Philharmonic\(^4\) joined her project. Several members of the leading Czech (and European) orchestra attended the summer school, rehearsed with the Roma choir formed by the participants of the summer school and towards the end of the summer school participated in a series of joint concerts for several excluded Roma.

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\(^4\) For more information about the orchestra, which was established in 1896, see [http://www.ceskafilharmonie.cz/en/](http://www.ceskafilharmonie.cz/en/).
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communities in Eastern Slovakia. As Ida Kelarová’s web pages put it, the aim of this extraordinary project was to bring “music and joy of music into places, which almost nobody wants to know about and which are symbols of social exclusion, poverty and life without any perspective”.

Whereas the main goal of the summer schools is to provide gifted Roma children and youth from socially disadvantaged backgrounds an opportunity to develop their talents, the whole project also attempts to motivate them to continue with their studies and become concrete examples of educated, cultivated and successful Roma that may serve as good examples both for the Roma communities and the general population. Since due to historical and sociological circumstances the Roma communities in both countries tend to be rather neglected, undereducated and underdeveloped, society tends to look down on them and often treat Roma as secondary citizens.

An important aspect in this regard is that the Czech society is ethnically and nationally rather homogenous. The largest national minority are the Roma and their tensions

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6 In this regard, it is important to point out the constant effort of the Open Society Foundation to improve the situation of Roma not only in the Czech Republic. For more information see: [https://www.opensocietyfoundations.org/topics/roma](https://www.opensocietyfoundations.org/topics/roma).
7 There are only about 4% foreigners, whereas in neighbouring Germany there were even before the refugee crisis 9%. See: ‘How many foreigners are there really in your country?’ *OneEurope* [online]. [28. 3. 2016]. Available at [http://one-europe.info/eurographics/how-many-foreigners-are-there-really-in-your-country](http://one-europe.info/eurographics/how-many-foreigners-are-there-really-in-your-country).
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with the majority population represent an important source of instability for the Czech Republic. In the dominantly white Czech population, for example ethnically and culturally very similar Slovaks tend to easily assimilate or generally fit well with the majority, while the visibly-different Roma stand out. During the last decade, the number of ghettoes in the Czech Republic doubled, and the majority of their inhabitants are the Roma. At the same time, anti-Roma demonstrations and protests intensified, with peaks in 2011 in the Northern Czech Republic and in 2013 in the south of the country.

International human rights protection bodies have repeatedly expressed their concerns about this situation and stressed that although the state passed a number of strategic materials targeting the integration of the Roma minority, these documents in practice mostly fail to be implemented. The Czech Republic is being criticized for discrimination against the Roma in many areas of daily life, including housing, labour market, health care and education.

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8 It is very hard to estimate the exact number of the Roma living in the Czech Republic, since they notoriously fail to reveal their nationality in census. However, their numbers are expected to be between 150,000 and 300,000 in the 10 million population of the Czech Republic.


10 See E/C.12/CZE/CO/2.
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Discrimination in the educational system is repeatedly being pointed out by the UN Committee on the Rights of the Child (disproportionate number of the Roma children are sent to specialized schools with limited curriculum, which reduces their future career opportunities). The discriminatory nature of the Czech education system was also confirmed by the 2007 decision of the European Court of Human Rights, D.H. and Others v. the Czech Republic, where an indirect discrimination against the Roma children in access to education was stated.

Despite this framework, Ida Kelarová and her team attempt to challenge these common prejudices towards Roma and through music and rich Roma culture give Roma children a chance to live a full life. These aims of the Roma choir project perfectly meet the aims of Street Law programmes, so it therefore seemed only logical to join the team of Ida Kelarová and prepare for her young musicians several workshops aimed at increasing their legal literacy.

Using Street Law to work with minorities and marginalized groups in society is of course not our invention. In fact, Street Law has always used interactive methodologies

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to increase legal literacy of ordinary people and members of various minorities in society in particular and managed to spread throughout the world, being now offered as a course at over one hundred law schools worldwide. In some countries, it has even contributed to local changes or even wider social changes, such as the renowned Street Law programme in South Africa.

In Central and Eastern European context, Street Law programmes and legal clinics in general had to deal with a legacy of authoritarian or totalitarian communist regimes. Despite that, a number of legal clinics including Street Law programmes were opened, incorporated into law school curricula and in some countries (such as Poland, Ukraine, Russia and Bulgaria) legal clinics even became compulsory or recommended as a part of national legal education.

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17 See e.g. case of improvement of a community in Northern England. Ibid, 236-7.

18 Ibid, p. 228.


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**METHODOLOGY OF OUR WORKSHOPS**

Didactically, to organize Street Law seminars at Roma summer school was a real challenge. We had to prepare our programme for a group of forty to fifty teenagers aged ten to twenty, who were coming from several communities, diverse socio-economic backgrounds and from two different jurisdictions. We knew only little about their previous knowledge of law, though we presumed that they had rarely come across introduction to law in their schools. We were also warned that some of the children from Slovakia might not clearly understand our language (Czech and Slovak are fairly similar, though not identical languages) and that the average attention span of children will be rather low. To sum up, the group was rather large and extremely diverse.

Our team was lucky in two regards. Firstly, there were many of us. The team consisted of five current law students, three recent graduates and one member of the faculty. Secondly, we were able to join the summer school a couple of days before our

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22 Czech and Slovak Republic are separate countries with their own legal system, although they share a common legal history from the period prior to 1993, when they together formed Czechoslovakia.


24 He is the head of the Street Law programme at Prague Law School as well as the leading author of this paper.
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workshops began. That allowed us to learn more about the participants of the summer school, their prior experience with law, expectations from the legal workshops as well as their personal histories and it equally helped us to become part of the summer school before we officially took over the role of teachers and thus significantly eased the process of creating an atmosphere of common workshop not so strictly divided into “we the teachers” and “you the students”.

When reflecting on our preparation for the workshops and their realization at the summer school, there stand out several principles we tried to follow. Since our experience might be beneficial for the readers, we will describe the principles as well as our experience with adhering to them.

1. Build the content of the workshops on the experience of the Roma participants.

Prior to the workshops, we met with the organizers of the summer school, identified several typical situations, in which participants most commonly come across legal rules (entering a shop and being closely observed by the security, being denied access to a public disco bar, being refused service in a local restaurant), and built our workshop sessions around these scenarios. Moreover, we included in the workshops also examples of those common legal conducts in which there further exists a significant risk of discrimination (entering into a lease contract or a contract of employment, being
forced to vacate an apartment, searching for a job). Apart from these legal issues, we also prepared an activity aimed at improving their financial literacy, since financial difficulties are common among the Roma and often lead to consequent legal difficulties. We did not limit ourselves to situations which the teenagers are likely to encounter in the near future (e.g. renting an apartment), but included situations that their parents, relatives or neighbours might need to solve as well. In this regard, we followed the mission of the whole summer school, which is to educate future Roma elite, whose role will be to help not only themselves, but also the people around them.

Building the workshops around the concrete experience of the Roma participants with legal rules brought one anticipated, but still troublesome finding. In their everyday lives, they come across legal rules in a far more explicit and harsh way than we do. Whereas we typically realize concrete legal norms (apart from legal talk among lawyers or in legal classes) when we receive a speeding ticket, cross on the red light or forget to buy a public transport ticket and realize it only when on a bus, their contacts with the law include a number of different situations. They are being interrogated by the police or at least asked to show their ID, they are being threatened by security that they will call police to inspect their backpacks, they are being summoned by the court as witnesses. Encouraging them to share their experience with law during the workshops increased the authenticity of their content and motivation of the participants, but also placed us
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into an inconvenient position of those who represent the legal order that proves to be vastly unfair. We were those who – at least in the eyes of the participants – knew the legal rules, we were as white as the policemen, we enjoy benefits of the world that discriminates against them.

However unpleasant this position was, we felt it was necessary not to hide from this reality and openly talk about our perception of the law. After all, we had neither designed the legal system nor were we uncritical advocates of it. We did, however, know more about the rights and duties that law gives to individual roles than the participants of the summer school and were better able to describe consequences of certain behaviours. In our experience it worked well to share our critical comments on the current way the legal system or its individual actors operate (e.g. racial behaviour of the police) and search together with the participants for the right way to handle the concrete situation, even though it might have involved an unfair policeman.25

2. Be reasonable, not too ambitious.

One might easily tend to overload the content with too much information and activities. After all, there are so many interesting things they should definitely hear from you!

25 We deliberately stressed that even though a police officer might be exceeding their powers, the only right solution at that moment is to peacefully accept their orders, note the number of the police officer and only later protest against their behaviour, since emotive or even violent defence against the acts of the police mostly only gives the police more reasons for applying harder means.
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However understandable this approach is, it needs to be avoided, since this diverse group will most probably learn more slowly than regular school classes. Moreover, as we encouraged the participants to share their own experience with law, that logically reduces the time for the teacher to introduce their own topics. The best strategy proved to be to identify only a few key elements in each session and be open to whatever else might happen during the session. Sometimes the group asked for further information or more time to go deeper into a certain issue, sometimes it made more sense to listen to the stories of the participants and make others comment on each other’s experience. Be it as it was too much ambition from a teacher clearly proved counterproductive.

3. Most of the work needs to happen in small groups.

Recognising the difficulty of conducting a successful, interactive lesson even with a homogenous class that is used to working together, with a group as diverse as the one we encountered at the Roma summer school, it made even more sense to divide the participants for most of the time into smaller groups of five to seven members. It was important to always choose the right pattern to create the groups; while for some activities, as for example those based on competition, it was necessary to create mixed groups with equal chances to win, for others it was better to group students of similar age. This proved to work especially well during the series of workshops, when the groups were subsequently attending six different activities on various legal topics.
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However, it also put higher demands on us, since these activities had to be adapted depending on the age of participants. We could not simply repeat the same workshop five times, since the group of young adults was able to explore the topics much deeper than a group of 14-year-old participants, to whom we still needed to make the topic useful and interesting, but in a much more simple way.

4. Precise planning is a must.

Eventually, it was not impossible to coordinate nine teachers running six activities for thirty children at one moment. However, it really paid off to schedule everything accurately, even though we had to anticipate that the plan could change any minute due to external causes. Since most of our workshops relied on precise timing, prior to each of them it was necessary to determine who will set and keep the precise time. For example when we were working with small groups in different locations, we always needed to set a precise time to be back in the main hall for the next part of the workshop, so we avoided the unpleasant situation where everybody would have been waiting for one last delayed group. It also turned out to be very beneficial to have one team member as a back-up for each workshop without a special task, supporting the others with their difficulties and keeping the time. Cooperation between team members during the whole time was crucial, since we only had two days to carry out our workshops and we wanted to use our limited time effectively.
5. Be prepared to deviate from the programme we prepared.

Although most of us were used to having their lesson plans carefully prepared and generally following them through, we were preparing ourselves for sudden changes that might happen at the summer school. And indeed, they did happen. Most of all, they involved rapid changes in the given time (mostly shortening of the time for one particular session) and the amount of participants (after first activity, about ten of the youngest participants left the group, and later we lost some individuals due to illness). We therefore designed our sessions so that they were mostly broken into smaller activities which might be easily skipped or added. For example, we rotated small groups of participants among various law students running 25-minute sessions on different legal topics. The more of these sessions each group of participants attended the better, but it was very easy to skip one or two when there was no time.

6. Always start from the very concrete situation.

Despite the general tendency of many lawyers to start almost every topic with a theoretical introduction, we tried our best to begin as concretely as possible. For example, straight after the beginning of one session we handed out several documents a court might send to teenagers (summons as a witness, order to pay money etc.) and let the students interpret them. Or we started with the concrete problem (“You want to
move into the flat of your boyfriend and terminate your current lease agreement. When can you legally do it?"), gave students necessary documents and let them work and then talked about the solutions they proposed. All of these activities worked well with our audience and brought sometimes abstract topics down-to-earth.

ACTIVITIES THAT WORKED WELL WITH OUR PARTICIPANTS

Based on the principles stated above, we put together several activities. Some of them we knew from previous teaching, some we prepared especially for the Roma summer school. These are the activities that worked well with our audience:

1. **Which labour contract to enter into?** Participants were given three versions of a labour contract and asked to choose the contract that was best for them. All three contracts contained several changes (number of working hours, the amount of salary, duties) and were thus easily distinguishable. Participants worked in threes and their choice served as an opener for a discussion about a labour contract, its importance and necessary requirements.

2. **Which rights belong to me?** Participants were given a list of all of the human rights that the law guarantees them. After going through them and making sure everybody understood what each right means, they had to choose those rights that they believed that *they* were entitled to. Legally, all rights on the paper belonged to them, but the
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difference between all the rights and those that they chose opened an inspirational space for discussion.

3. **Do I need to do anything?** Participants were given four documents a court or another official institution might send them (order to pay money, law suit, summons as a witness and a power of attorney) and had to decide a) who sent them the document, b) what the court or the other institution wanted from them, c) what would have happened if they had not reacted, and d) how many days they had for their reaction. Despite difficult authentic legal language, many of them were able to find at least basic pieces of information in the document. Moreover, we talked about alternative methods of making sense of any legal document, such as contacting an NGO that specializes in legal aid for socially disadvantaged clients.

4. **Role-plays from their lives.** We chose two different scenarios, both of them based on everyday experience of some of the participants. In one of them, a pair of Roma sits in a restaurant and is not served, although non-Roma customers are welcomed and served by the waiter. The waiter acts on the order of the manager of the place, who explains his logic to the Roma pair if they insist on calling him. In the other scenario, two Roma friends go shopping and the whole time they are closely observed by one member of security and when leaving the shop, they are asked to show the content of their bags. Unless they let the security search their bags, they would not be allowed to leave the
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shop and would be threatened that the police might be called. Both scenarios worked really well, since the participants could pour their own experience, attitude and temperament into their roles and at the same time they were not too difficult to prepare and play. It served us as a good vehicle for talking about the feelings and goals of the characters in the stories and smoothly opened the topic of discrimination and legal powers of individual actors – a waiter, owner of the restaurant, security and the police.

5. Extremes. An activity during which participants express their opinion on certain issues by placing themselves on the line in between two extremes (e.g. the degree to which they approve or disapprove of capital punishment). Their position reveals their own unique view of the matter and makes them realize what they think about the issue. For us it was an important introductory activity which helped us to map the views and opinions of the participants (e.g. the frequency with which they experience discrimination, environment they come from and scope of their legal knowledge). It also worked as a good icebreaker, since all the organizers of the workshop played with the participants and revealed their own views. Moreover, it was interesting to observe that in a number of questions Roma and non-Roma were nicely mixed in their replies.
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HOW WAS THIS STREET LAW DIFFERENT FROM STREET LAW IN ORDINARY CLASSES?
– LAW TEACHER’S PERSPECTIVE

Despite having taught for seven years at different secondary schools and high schools in Prague, teaching at Roma summer school has been a new and unique experience for me. It was different from other teaching I am used to for various reasons. Some of them were technical – there were no desks in the “classroom” (in fact, there was no classroom at all, we taught all over the location where the summer school was taking place – inside the building, in the corridors as well as in the garden), participants arrived from various cities from two countries and their familiarity with the legal language or even more elaborate common language was limited and I had to pay particular attention to the words I was using. I realized that I frequently use many fancy, long or sophisticated words that make my speech less understandable.

Apart from these technical differences, there were several more fundamental ones. Firstly, the character of the Roma’s prior experience with the law, the police and instances of discrimination were very different from my previous experience from classrooms. With a little bit of simplification I may say that up to now, I have been teaching law mostly to the members of the majority.26 This time, I had to adopt a truly

26 I recall that there were several Vietnamese in some of my classes in Prague, but each time only one or two in one class.
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different perspective, which was both more demanding and humiliating for me. Especially when in the process of preparing the workshop (e.g. searching for a theme of a role-play) I had to put myself in the place of somebody discriminated against and then meet the person face to face and hear that he truly experienced those horrible situations and feelings which I only imagined for the sake of designing my session. Many times during those two days of workshops I realized how unproblematic my life is in some regards, purely because I am a member of the majority and not of (especially Roma) ethnic minority.

Secondly, I realized that teaching law to the Roma minority felt different because law stands out for them as something even more important and dangerous than for the members of the majority in society. For most of the regular secondary school students, legal rules predominantly represent the way to understand the legal system and save time and money in the future, to avoid being fooled by deceitful dealers or unwilling workers in public offices. For the Roma, knowledge of the law might actually save them from far more serious troubles, including jail. However, it might work the other way round, since knowledge of the law and your rights might put you in a more challenging or dangerous situation, e.g. when standing out against an oppressor or the person who discriminates against you, referring to your rights, calling for a legal action. There is indeed some bliss in the ignorance and bitterness in knowledge.
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Thirdly, the experience of Roma teenagers with law made me realize how complex and unclear the legal system is and how naive is the fiction that everybody has the duty to know the law.\(^{27}\) Even lawyers frequently lose themselves in the web of legal rules and their amendments and most of them never had to deal with any of the troubles members of the Roma ethnic minority face on an everyday basis. Translating legal duties into an understandable language seems the least help that lawyers can give lay people, especially from minorities as underdeveloped as the Roma people in the Czech and Slovak republics.

**HOW WAS THIS STREET LAW DIFFERENT FROM STREET LAW IN ORDINARY CLASSES?**

– LAW STUDENT’S PERSPECTIVE

Since I really enjoyed the “classical” Prague Street Law programme, in which I taught at a good Prague public school, I took the opportunity to be a member of the team teaching at the Roma summer school, which was a rather different experience in many regards. The whole project was interesting and challenging from the very beginning and in the following paragraphs I would like to share my experience.

To begin with, the whole planning process was extraordinary and also partly complicated by the structure and size of our team. During my Street Law practice I was

\(^{27}\) This legal principle is often described by Latin phrase *ignorantia iuris not excusat.*
only planning the lessons and teaching with one more law student. This time we had to harmonise the time, ideas and thoughts of nine people, which was not always easy. Moreover, we did not all know each other prior to coming to Slovakia (I have personally met most of the team members just twice before) and we were coming from different backgrounds. Some of us had more experience with teaching than others; some of us were younger students as opposed to some of us who have already been practicing law for a few years. Despite these handicaps, I am happy to conclude that the team work went very well.

As unsure as I was about the final success of our workshops prior to coming to Slovakia, I was eventually nicely surprised by the attitude of the participants of the summer school. They were all very friendly, polite, respectful, willing to cooperate and keen to learn. They were very open, which was both overwhelming (it brought special energy into the workshops) and puzzling (despite their openness, some of them tended not to admit that they were lost at the activity; we learned we needed to keep asking and making sure they were following the lesson). As easily as they got excited about some activity, just as easily they could lose interest in another activity, in which they were not successful. When lost, some of them blindly followed the others in their reactions. Therefore, it proved to be effective to give individual roles to everybody, which they could not copy. I believe it is important to remember this experience for the future.
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What also proved to be efficient was a final reflection, when they were each supposed to say one thing they learned and one thing they would like to ask. Then they had to present it in small groups and we the law students were answering their questions. That gave us another chance to find out, what they were interested in, while they were revising at the same time.

Next to sharing my legal knowledge with the participants of the summer school, I myself learned a lot. Among others, the whole Slovak experience made me think again about the role and functioning of the legal system and justice. While teaching about discrimination, which included listening to the personal stories of the participants, I finally got to understand in a more plastic and alarming way, which I would not, had I only been reading about it in textbooks. Most of all, I got to reflect on how important it is to use legal tools to fight discrimination, both those which are available and those which could be created by new legislation. I had a chance to get to know these Roma children personally and see how clever, talented and nice they were. However, based on the colour of their skin, living in our society is much harder for them than for me. We might feel proud of living in a liberal society, where human rights are guaranteed by constitutions and many international treaties, but at the same time even a sixteen-year-old participant of the summer school has already been discriminated against when applying for a part-time job only due to a different skin colour. Moreover, other
children are experiencing bullying by security while shopping for groceries, or have been refused service in a restaurant. When trying to give concrete pieces of advice to them on how to react in these situations, I realised how hard it actually is to fight discrimination, despite all the legal instruments, which are available on paper and studied at law schools, but have very unclear results in reality.

Clearly, the social dimension of this project is enormous, as the content of the workshops can be really beneficial for the participants of the summer school and it is only fair to give them a chance to familiarise themselves with the basics of law. Therefore, I hope this project will continue in the future. I definitely used the basic didactical skills I learned in ordinary Street Law; on the other hand, I had to work in a larger team, which needed to be much more flexible, and in many regards I experienced a lot of new things, including the designing of the workshops and working with a diverse group of children, who were all members of a discriminated minority. It is hard to say who learned more from the workshops, whether us, or our students.
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CONCLUSION – IS IT WORTH CONTINUING STREET LAW AT ROMA SUMMER SCHOOL?

Organizing a two-day long Street Law course for young Roma musicians from the Czech and Slovak Republics has certainly been a powerful and enriching experience for all involved. It helped to increase legal awareness of the summer school participants and to an extent showed them that to know the basics of law and to be able to apply them might help them in various everyday situations. It is only fair to give the underprivileged members of society a chance to acquire basic legal knowledge and skills. Our aim was to make them realize that in many cases law is here to help and protect them and that following its rules is in many instances beneficial for them.

It also exposed both the teacher and students from Prague Law School to a very different audience with different experience with law than they had typically taught before. It made us think carefully not only about activities and methods that would work the best with the participants of the summer school, but also – and arguably more importantly – about the law and the legal system we live in and we tend to take for granted, especially since in many situations it works for our benefit as members of the majority. While during ordinary classes it is far too easy to teach only about the way the legal system is and works, the Slovak experience made us think much more deeply about how the law should work. We were forced to perceive law in a wider context and

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from the perspective of those experiencing discrimination and lacking proper legal education.

Legal workshops, which we experienced at the Roma summer school, are in our view an experience that every law school student and teacher should have. Not because it would necessarily turn them into a Street Law advocate, but because it enriches an often limited picture of law and our society that our educational system typically produces – which both of us recognised in ourselves. In this regard, the experiences of the teacher as well as of the student perfectly correspond. Both of us equally believe that for all of the reasons provided in this text, it undoubtedly makes sense to organize similar workshops in the future – be it with a similar or different group of Prague Law School students.