

# NGOs, activism and litigating rights

Interights

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# Activism and change

- Community mobilisation
  - Human rights education
  - Campaigning
  - Networking
  - Policy work
  - Standard setting
  - Lobbying
- and...***

# Litigation!!!

- Part of the tool kit
- Goals:
  - to provide redress for clients
  - to create social change through the use of the judicial system

# Social change through courts...

- How is this achieved?
  - Establish precedent
  - Challenge statutes and existing case-law
  - Document and expose injustices in society
  - Promote accountability
  - Client empowerment

# Strategic litigation

- Use law to create lasting effects beyond the individual through law and policy reform to further social justice
- Use law to promote the rights of disadvantaged
- Enhance access to justice
- Remedy specific breaches of rights

# Ask...

What is the ultimate goal of this case?

- Redress for individual client?
- Highlight an issue either in the judiciary or the press?
- Set precedent in the courts?
- Empower future clients to litigate?

# Also ask....

- **What is my role?**
  - o What is not currently being done?
  - o Where can I add value?
  - o How to be involved without doing two jobs at once?
  - o Being realistic... Who can I work with?

# Law is not magic!!!

- You don't need to be a lawyer to use the law, the European Convention and the Court
- Find parallels to your daily work: documenting cases, working with clients...
- Ethics of conducting a case: sticking with clients, client support etc.



# Seeking support...

- Use local lawyers
- Friendly assistance: *amicus curae* briefs, use of researchers and academia, national human rights bodies, and other NGOs
- Publicity
- Applicant's needs: family and community status

# Likely effects of litigation

- Is the decision likely to be enforced?  
How to enhance chances of change?
- What are the potential consequences for the Applicant after the case is over?
  - Potential for retaliation, negative publicity etc.

# And remember...

- **DO NOT BE INTIMIDATED!!!**
- Collaboration is vital
- Focus on the Applicant
- Intersectional nature of law and discrimination
- Communicate outcomes widely
- “Losing” is sometimes winning