



HUMAN RIGHTS LITIGATION 2017 SUMMER SCHOOL

PROPOSED CURRICULUM

The proposed curriculum for 2017 will build on the successful 2016 course. In particular, it will consolidate the new innovation of the interactive workshops where participants have a chance to demonstrate their skills in drafting and witness interview in scenarios based on real cases – in particular cases which the participants themselves have provided during their application for the course. We will refine these workshops, which were piloted in the 2016 course, based on feedback received from both students and faculty; and will find at least one more substantive area where this model of small-group practice-based learning, following a seminar on the principles, can be deployed.

MONDAY, 10 JULY

9:00-9:30 AM

Orientation (CEU staff)

Objectives. Introduction and welcome to CEU.

9:30-11:00 AM

Introduction to the Human Rights Litigation Course

Objectives. Introduce participants and faculty to each other, provide an overview of the course, and discuss the Justice Initiative's approach to strategic litigation.

Curriculum: Lawyers, Clients, and the Movement

- *Lawyering.* What is the role of lawyers involved in public interest litigation? What are the dangers involved? Consider political lawyering, rebellious lawyering, social engineers, and litigation entrepreneurs.
- *Critical Issues.* Which is better – top-down litigation, or bottom-up? If the purpose of PIL is to bring about change beyond the needs of the client, what happens when the two goals are not aligned? Can a lawyer serve two masters?
- *Lawyers and the Movement.* Can you be both a lawyer and part of the movement, or do you have to choose one?

Method. Presentation of the objectives and structure of the course; introduction of participants and faculty; overview of the work of the Justice Initiative

Pre-Reading:

- Justice Initiative Litigation Essentials, Human Rights Lawyering Handout.

11:30 AM – 1:00 PM

Strategic Human Rights Litigation

Objectives. Participants will obtain an overview of public interest litigation (PIL) and a clear understanding of when to engage in PIL and what it entails.

Curriculum. The session will cover:

- *Top Ten Cases.* Which are your best examples of strategic litigation?
- What is strategic litigation: development, descriptions, characteristics, elements, definitions.
- Community Engagement
- Case Selection: issue choice, finding clients, forum choice.

Method. Facilitated discussion (45) and presentation of case studies (first half) by participants (45).

Preparation. Participants will be asked in advance of the course to prepare a case study of an example of PIL that they have been involved in, and to complete a case assessment checklist for that case.

Pre-reading.

- Justice Initiative Litigation Essentials, Human Rights Lawyering Handout.

2:00 PM – 3:15 PM

Impact and Tactics

Objectives. Participants will look at the different tactics that have been adopted to progress strategic litigation, so as to get an understanding of the different options available and the appropriate situations for each. The seminar will also include a discussion of the importance of achieving impact from the litigation, and how to increase the chances of doing that.

Curriculum. The seminar will cover the following:

(1) Impact:

- Types of impact: declaratory, truth-telling, legal.
- Impact on the clients and on the movement.
- Impact on Political attitudes, policy change, legislation, regulation, and bureaucratic change.
- Maximizing impact: client choice, creative lawyering, litigating for implementation, and better remedies.

(2) Tactics:

- Litigation tactics: implementation, deploying litigation, specific situations, and particular jurisdictions.
- Tactics for NGO engagement: counsel, advisor to counsel, third party intervenor.
- Types of NGOs that litigate.
- Forum choice tactics

Method. The seminar will be a facilitated discussion, reviewing examples of strategic litigation where different impact has been achieved, and where different tactics have been used (60 minutes) followed by a review of further participant case studies (30 minutes).

Pre-reading.

- Justice Initiative Litigation Essentials: Impact Handout.
- Justice Initiative Litigation Essentials: Tactics Handout.
- Casebook Entries: *Dudgeon v. UK*, *Rantsev v. Russia and Cyprus*, *D.H. v. Czech Republic*, *Claude Reyes v. Chile*.

3:30 PM – 5:00 PM

Developing Strategies for Litigation

Objectives. Litigation can only be “strategic” where there is a strategy that has been developed in advance. But what does that mean, and what are the most effective ways of developing such a strategy? This interactive seminar will introduce participants to different tools for developing strategies and challenge them to describe their strategies in 15 words and in a sound-bite.

Curriculum

- What do we mean by strategy; elements of a good strategy; good examples of strategy in litigation.
- Types of Strategies: SWOT analysis, theory of change, change hypothesis, Golden Circle, monitoring and evaluation.
- Lessons from the World of Business.

Method. Facilitated discussion on different types of strategies; exercise based on the 15 word strategy; further reviews of participant case studies.

Pre-Reading:

- Justice Initiative Litigation Essentials, Strategy Development Handout.

TUESDAY, 11 JULY

9:30 AM – 11:00 AM

Advocacy I: Introduction to Advocacy: Principles, Tools, and Strategies

Objectives. Strategic litigation is an advocacy tool to advance human rights. Participants will examine how litigation fits into a broader advocacy framework and how, to maximize its effectiveness, litigation should be combined with a range of advocacy efforts. In this series of 3 linked sessions, we will utilize a simulated case to think about two things: 1) how the advocacy framework influences litigation decisions; and 2) how out-of-court advocacy enhances the case's impact. One tool we will discuss is use of communications and media approaches.

Participants will have the opportunity concretely think about advocacy opportunities and approaches, media techniques, and messages.

Curriculum:

- Fitting your case within a broader advocacy framework: thinking about larger goals, objectives, and remedies
- Identifying institutions, processes, and targets for advocacy
- Crafting appropriate advocacy interventions
- Considering and utilizing different advocacy tools: “elite” or “high-level” advocacy; communications and media; public campaigns; capacity-building, etc.
- Messaging for different audiences
- Laying the groundwork for implementation of decisions and implementation advocacy

Pre-reading.

- ILGA Europe, *Make it Work: six steps to effective LGBT advocacy* (2010), pp. 9-48

11:30 AM – 1:00 PM

Ethics & Client Care

Objectives. Participants will learn about ethical issues encountered in strategic human rights litigation through a discussion of relevant standards and practical problems that arise.

Curriculum. The session will cover:

- Client care, including the professional duties of zealous advocacy, communication, and confidentiality of information
- Duty of diligence and record-keeping
- Ethical standards for counsel appearing before international human rights courts and tribunals
- Conflicts of interest in strategic litigation; lawyering for a cause and for a client

Method. Moderated discussion with hypothetical scenarios.

Pre-reading

- International Bar Association International Principles on Conduct for the Legal Profession, 28 May 2011

Further optional reading:

- International Bar Association (IBA), *International Code of Ethics* (1998).
- The Council of Bars and Law Societies of Europe (CCBE) Code of Conduct (2013)
- Hague Principles on Ethical Standards for Counsel Appearing before International Courts and Tribunals (2010).
- ABA Model Rules of Professional Conduct, available online:
http://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/model_rules_of_professional_conduct_table_of_contents.html
- United Nations Basic Principles on the Role of Lawyers, Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990

2:00 PM – 5:00 PM

TUESDAY SPECIALIST SEMINARS

Four sessions will take place concurrently on Tuesday afternoon from 2 pm to 5.00pm. Participants will attend one each day, and will be asked to rank the specialist seminars in order of preference, with placements made accordingly. The final schedule of the specialist seminars will be determined based on participant preferences and availability of faculty.

Specialist Seminar: Discrimination

Objectives: Participants will broaden their knowledge of various aspects of discrimination, discuss practical challenges and strategies to litigating discrimination cases and examine how strategic litigation fits into a larger anti-discrimination campaign.

Curriculum: The session will provide a basic overview of:

- Core concepts in discrimination litigation
 - Definitions and types of discrimination (direct vs. indirect, positive vs. negative obligations, etc.)
 - International and regional standards
- Practical challenges to litigating discrimination cases, including:
 - Effective collection and presentation of evidence
 - Client selection and care
 - Group vs. individual litigation
 - Litigating discrimination through indirect routes
 - Addressing intersectionality of discrimination grounds
 - Choosing effective remedies
 - Using the entire toolbox: advocacy efforts and winning the public opinion war

Method: Initial 45 min presentation outlining core concepts followed by a guided discussion of practical challenges to litigating discrimination claims. Participants will draw on examples from a provided case digest and their personal experiences.

Pre-reading:

- INTERIGHTS, Non-Discrimination in International Law: A Handbook for Practitioners, (2011), Chapter IV

Further optional reading:

- Comparison Chart of Discrimination Laws, including provisions from the UK and Germany
- CEU Discrimination Course: Remedies Handout
- OHCHR, Chapter 13: Non-Discrimination in the Administration of Justice, Manual on Human Rights (2003) Sections I-V.

Specialist Seminar: Litigating and Implementing Economic, Social, Cultural Rights

Objectives.

Participants will discuss challenges and opportunities regarding litigation and implementation of ESCR cases in domestic, regional and international jurisdictions.

Curriculum.

The session will highlight the following issues:

- Short overview of ESCR
- Particular challenges and opportunities of ESCR litigation: justiciability, costs, collective character, complexity, vulnerability of affected groups, and indivisibility among rights
- The new UN mechanism of communications (OP-ICESCR)
- Dialogical implementation under domestic, regional and international spheres
- Implementation, broader impact and empowerment

The session will be based on the analysis of particular cases, litigated in a number of domestic, regional and international jurisdictions (please see list of case summaries for this session):

- Right to health, in regard to environmental protection (Argentina), maternal mortality (Brazil/CEDAW) and the right to life (Paraguay/IACtHR).
- Right to life, in regard to the right to food (India) and to indigenous peoples' rights (Paraguay/IACtHR).
- Right to housing and its connection to due process (Spain/UN CESCR).
- Right to water (South Africa).
- Land rights (Paraguay/IACtHR and Kenya/ACHPR).

Method.

Presentation and discussion, with a focus on case studies.

Pre-reading.

Summary of cases for this session:

- People's Union for Civil Liberties v. Union of India & Ors (Writ Petition - Civil No.196), Supreme Court of India, Civil Original Jurisdiction, 2001
- Mendoza Beatriz Silva et al vs. State of Argentina et al on damages (File M. 1569. XL), Supreme Court of Argentina, 2008
- Alyne da Silva Pimentel v. Brazil (Communication No. 17/2008), CEDAW, 2011

- Case of the Sawhoyamaxa Indigenous Community v. Paraguay, Inter-American Court of Human Rights, 2006
- Centre for Minority Rights Development (Kenya) and Minority Rights Group International on behalf of Endorois Welfare Council v. Kenya (276/2003), African Commission on Human and Peoples' Rights, 2010
- Lindiwe Mazibuko & Others v City of Johannesburg & Others (Case CCT 39/09, ZACC 28), Constitutional Court of South Africa, 2009
- I.D.G. v. Spain (Communication No. 2/2014), CESCR, 2015

Complementary readings available.

- Cesar Rodriguez-Garavito, Beyond the Courtroom: The Impact of Judicial Activism on Socioeconomic Rights in Latin America, 89 Tex. L. Rev. 1669 2010-2011.
- Jackie Dugard and Malcolm Langford, Art or science? Synthesizing lessons from public interest litigation and the dangers of legal determinism, 27 SAJHR, 2011.
- Daniela Ikawa, The construction of identity and rights: race and gender in Brazil, International Journal of Law in Context / Volume 10 / Issue 04 / December 2014, pp 494 – 506.
- ESCR-Net, Claiming ESCR at the United Nations, available at: <https://www.escr-net.org/sites/default/files/ESCR-NET-OP-Manual-FINAL.pdf>

Specialist Seminar: Litigating Criminal Defence Rights

Objectives. Participants will learn about recent developments in the protection of rights of people accused or suspected of crimes, and how strategic litigation can be used to effectively litigate for change in their home countries.

Curriculum. The session will cover:

- Recent developments in arrest rights and early access to a lawyer
- The various sources and standards of arrest rights: UN Standards; ICCPR; Human Rights Commission; European Convention and Court; Inter-American and African systems; European Union Roadmap; Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
- The practical implementation of arrest rights and early access to a lawyer
- A review of the varying levels of protection provided around the world
- Using strategic litigation domestically and internationally
- Case studies on how litigation has been recently used in various European countries

Method. Presentation and discussion (90); discussion of case studies and litigation strategies (60);

No Pre-reading

Further Optional Reading

- Bundle of Key Provisions on International Standards of Arrest Rights
- OSJI Template briefs on Arrest Rights (Right to Legal Assistance; Right to Information; Right to Legal Aid)

- Amnesty International, *Fair Trial Manual*, 2nd edition, 2014 (available online in Spanish, Arabic, English, Russian and French):
<https://www.amnesty.org/en/documents/POL30/002/2014/en/>
- ECHR Factsheet, Police arrest and assistance of a lawyer (March 2016)
- Resolution of the Council of the European Union on a *Roadmap for Strengthening the Procedural Rights of Suspected or Accused Persons in Criminal Proceedings*

5:00 PM – 6:00 PM

Individual Consultations – see individual assignments

WEDNESDAY 12 JULY

9:30 AM – 11:00 AM

Advocacy II: Framing and messaging: the 5 Cs

Objectives. Much of your advocacy may be based on legal arguments, but this is no excuse to speak in language that only lawyers understand. In this session, we will discuss the key elements of successful advocacy (the 5C's) and practice, through a role-playing exercise, how to advocate with (and alter your framing and messages) to different audiences.

Curriculum. The session will cover:

What's the story you want to tell? What do we mean by framing a narrative?

- Who is telling the story?
- Choosing the right medium for the right audience.
- What do media want?
- Handling media interviews.

Method. Participants will be given a 1-page fact pattern, and volunteers will advocate with different targets.

11:30 AM – 1:00 PM

Litigating on behalf of Groups

Objectives. Participants will explore the legal, practical, evidentiary and strategic challenges and opportunities posed by litigating claims of widespread or communal violations, such as discrimination not against an individual but against an entire community. This will include discussion of some of the most common legal mechanisms available for bringing group-based litigation, the tactical considerations underlying the decision to proceed with a collective or class action, or through an *actio popularis*, implications for managing client and community relationships, and considerations relating to the implementation of favourable judgments.

Curriculum: The session will include:

- Legal frameworks for bringing collective claims – a comparative overview
 - Terminology, common thresholds and constraints in bringing such claims
 - Comparison between international fora and representative national systems
- Practical considerations, based on examples from different contexts and drawing on participants' own experiences
 - Remedies, including settlements
 - The client relationship
 - Approaches to implementation, including discussion of community-based initiatives
- Structured debate on strategic considerations, based on a case study presented during the session

Pre-reading:

- Required: selection of background readings (2-3 short excerpts)
 - Wayne V. McIntosh and Cynthia L. Cates, *Multi-Party Litigation: The Strategic Context* (2009) (p. 151-160)
 - William J. Aceves, *Actio Popularis – The Class Action in International Law*, University of Chicago Legal Forum: Vol. 2003: Iss. 1, Article 9 (p. 391-402)
- Additional resources
 - Surya Deva, *Public Interest Litigation in India: A Critical Review*, Civil Justice Quarterly (2009)
 - Wayne V. McIntosh and Cynthia L. Cates, *Multi-Party Litigation: The Strategic Context* (2009)
 - S.I. Strong, *Regulatory Litigation in the European Union: Does the U.S. Class Action Have a New Analogue?* 88 Notre Dame L. Rev. 899 (2012)
 - Deborah R. Hensler, *The Future of Mass Litigation: Global Class Actions and Third-Party Litigation Funding*, 79 Geo. Wash. L. Rev. 306 (2011)

2:00 PM – 5:00 PM

Faculty Tower

WEDNESDAY SPECIALIST SEMINARS

Four sessions will take place concurrently on Thursday afternoon from 2 pm to 5.00pm. Participants will attend one each day, and will be asked to rank the specialist seminars in order of preference, with placements made accordingly. The final schedule of the specialist seminars will be determined based on participant preferences and availability of faculty.

Specialist Seminar: Litigating Accountability for State Violence

Objectives. Participants will explore how strategic litigation can be used to pursue accountability for violence committed by state actors, such as torture, arbitrary killings, and other serious violations of human rights, including international crimes. Participants will discuss their own cases, and discover new tactics and methods to litigate more effectively.

Curriculum.

The session will introduce some of the issues that are relevant for this type of litigation:

- Principles of accountability for state violence.
- Relationship between human rights law and international criminal law
- Forms of accountability – criminal (obligation to investigate and prosecute violations) and non-criminal options.
- Levels of accountability – actual perpetrators, and pursuing the intellectual authors and uncovering the policy or systemic dimensions of abuses.
- Accountability for historical abuses – seeking the truth.
- Barriers to accountability – overcoming amnesties, statutes of limitations and privileges.
- Using transnational justice.

The session will also review examples of strategic litigation in areas such as:

- Torture. Police station abuse, prison conditions, domestic violence, national security, prison conditions.

- Right to Life. Custody cases, atrocity crimes, historical crimes, discriminatory intent, death penalty.
- Disappearances.

Method. Presentation and discussion, with discussion of participant case studies.

Pre-reading

- Justice Initiative Handout: *Strategic Litigation of State Violence*

Specialist Seminar: Using Law Strategically for Migrants

Objectives. Participants will gain a better understanding of changing harmful practices and unrealistic migration policies of states through using international law and litigation.

Curriculum. The session will cover:

- How existing state migration policies and practices generate situations of systemic harm and exploitation for migrants
- The weakness of current civil society framings and human rights law responses to undermine these policies
- Alternative visions of realistic migration policies which minimize harm
- The potential role of law and litigation in exposing the failures of current policy and pressing for development of alternatives

Method. Presentation on existing and alternative policy approaches and potential role of law, examples of litigation (40 minutes), small-group work on case studies which raise intersection of migration policy and human rights (20), plenary discussion (30).

Pre-reading

- Outline Note from Justice Initiative “Using Law Strategically for Migrants”
- Joseph H. Carens, *The Ethics of Immigration*, 2013, Chapter 7, “Irregular Migrants”.

Additional Optional Reading

- International Commission of Jurists, *Practitioners Guide No. 6: Migration and International Human Rights Law*, 2011, “Introduction” (pp 29-42). Available here: <http://www.icj.org/practitioners-guide-on-migration-and-international-human-rights-law-practitioners-guide-no-6/>
- Ruben Andersson, “Illegal” migration is a problem of our own making. Blog here: <http://blogs.lse.ac.uk/africaatlse/2014/07/22/illegal-migration-is-a-problem-of-our-own-making/>
- Simon Cox, *Making our whole society into immigration controllers is bad for Britain*. Blog here: <http://www.migrantsrights.org.uk/migration-pulse/2015/making-our-whole-society-immigration-controllers-bad-britain>
- Open Society Foundations, *Migrant Workers’ Access to Justice at Home: Indonesia*, 2013, “Executive Summary” (pp 15-21). Available here: <http://www.opensocietyfoundations.org/publications/migrant-workers-access-justice-home-indonesia>

- Joined Cases C-411/10 and C-493/10 *N.S. and M.E.*, Judgment of Court of Justice of the European Union, 21 December 2011, available at <http://curia.europa.eu/juris/document/document.jsf?docid=117187&doclang=en>
- *Hirsi v Italy*, Judgment of European Court of Human Rights, 23 February 2012, App. No. 27765/09, available at <http://www.refworld.org/docid/4f4507942.html>
- Andrew Gardner, *Labor Migrants and Access to Justice in Contemporary Qatar*. Available here: <http://eprints.lse.ac.uk/60241/>

Specialist Seminar: Freedom of Information & Expression

Objectives. Participants will learn about the evolution of Freedom of Information (FoI) globally, existing best practice principles on RTI, and how through concerted advocacy and litigation, FoI could be deployed in the effective realisation of various other rights, including civil, political, social and economic rights.

Curriculum. The session will cover:

- Evolution of FoI globally.
- comparative discussion of FoI guarantees in the various regional human rights systems.
- Global best practice principles on FoI.
- Overview of key provisions of existing Model FoI Laws in the various regional human rights systems.
- Understanding FoI and its utility value as a leveraged right that could be deployed in unlocking other rights, through sampling a few key existing judicial decisions.
- Establishing linkages between FoI, public procurement, extractive industry transparency, devolution/decentralisation/local governance, amongst others.
- Examining possible challenges to effective implementation of FoI laws.

5:00 PM – 6:00 PM

Faculty Tower – ROOMS TBD

Individual Consultations – see individual assignments

THURSDAY, 14 JULY

9:30 AM – 10:30 AM

Principles of Legal Drafting

Objectives. Participants will discuss the process of legal drafting and best practices for drafting human rights filings.

Curriculum. An overview of strategies for effective legal writing, including:

- Stages of legal drafting
- Structuring your document
- Introductions and lead paragraphs
- Presenting the facts
- Drafting legal arguments and using different sources of law
- Discussion of useful sources and techniques for legal research
- Effective review and editing

Method. Presentation on best practices, with interactive discussion based on participants experience drafting human rights and other legal claims (90). Class will discuss two drafting exercises, lead paragraphs and topic sentences. Each exercise discussed will add approx. 10-15 minutes to the class.

Pre-reading.

- Pamphlet: Three Approaches to the Drafting Process [includes Betty Flower's *Madman, Architect, Carpenter and Judge* story; Section 1.8 from the *British Bar Course Drafting book*; Pages 42-51 of *The Lawyer's Guide to Writing Well*]
- *Chapter 8: Writing the Lead*, *The Lawyer's Guide to Writing Well*

11:00 AM – 12:00 PM

Principles of Taking Witness Statements

Objectives. Participants will review best practices for collating and using witness statements, including how statements in support of litigation are different to those collected for other purposes.

Curriculum. The session will cover:

- Principles and best practices in taking witness statements
- Planning statement taking
- Options for taking large numbers of statements
- Working with interpreters
- Practical considerations (logistics, safety)
- Other forms of client evidence
- Ethical considerations in taking witness statements

Method. Presentation and discussion on taking witness statements (45)

Pre-reading.

- EHRAC, *Guide to taking a witness statement.*

12:00 PM – 13:00 PM

Case Management

Objectives. Case lawyers have a professional duty to maintain and retain proper records of the cases that they work on. They must also collaborate to maintain calendars and logs to ensure that deadlines

are met. This session will provide an overview of the protocols and best practices JI has developed for managing case files and the litigation pipeline.

Curriculum. This session will cover:

- What are the components of Case Management and why is it important?
- What are the features of a proper File System? What is involved in record keeping?
- Considerations involved in preparing submissions before courts.
- Why do we need to consider and plan for evidence gathering, maintenance, and accessibility throughout the lifecycle of a case?
- How to prepare for a hearing in a case.
- What is the importance of record keeping in all case-related conferences and meetings?
- File reviews – Why do we perform them? What are the components of a file review?
- What is the importance of maintaining a Litigation Calendar and Case Log?
- Post Filing and Post Hearing reviews – Matters to consider for team discussions. Why are these meetings important?

Method. Interactive PowerPoint presentation and discussion.

Further optional reading:.

- Tom Langley and Sam Smith, *Primer: Support Technologies for Human Rights Lawyers*, December 2013.

2:00 PM – 5:30 PM

THURSDAY SKILLS WORKSHOPS

Four sessions will take place concurrently on Thursday afternoon, each one being run twice: from 2:00pm to 3:30pm, and from 4:00pm to 5.30pm. Participants will select two of these skills workshops to attend, in groups of 6-8 people. These workshops will give participants a chance to apply the principles discussed during the morning to practical examples.

Skills Workshop: Drafting in Practice

Participants will apply the principles discussed during the morning principles session to concrete draft documents, revising draft exercises and discussing specific arguments or concerns that they have encountered in a case that they are presently developing or litigating.

Skills Workshop: Interviewing Witnesses

Participants will apply the principles for taking witness statements to support a human rights case in a series of mock-interviews, exploring in more concrete detail the challenges that you may face when dealing with victims and witnesses to serious violations, and strategies to address them.

5:00 PM – 6:30 PM

Individual “Surgeries” – see individual assignments

FRIDAY, 15 JULY

9:30 AM – 11:00 AM

Putting the Principles into Practice through Strategy and Planning

Objectives. Participants will discuss the key points which they have learned from the course, techniques for implementing these in their practice, and the challenges and opportunities that they see in putting these principles into practice.

Curriculum. The session will cover three separate issues:

Definitions and Descriptions

- *Top Ten Cases.* Which are your best examples of strategic litigation?
- *Definitions.* Which definition of strategic litigation do you most associate with, and why? Consider radical litigation, cause lawyering, activist lawyering, litigation entrepreneurs, public interest litigation, human rights litigation, political lawyering, civil rights litigation, impact litigation, tactical litigation, vanguard lawyering, community lawyering, test case litigation.
- *Characteristics.* What are the critical characteristics of this form of litigation?

Strategy Development.

- Examples of good strategies in litigation.
- What do we mean by strategy?
- Elements of a good strategy.
- Lessons from the world of business.

Planning for Strategic Litigation.

- Why planning is important.
- Litigation plan.
- Case selection criteria.
- New case assessment.
- Case approval procedure.
- Advocacy planning.
- Judgment plan.
- Implementation plan.

Method. Interactive discussion of the key points from the course (30), particular challenges and opportunities which the participants perceive in develop strategies for litigation (30), and specific techniques for planning litigation (30).

Materials.

- Justice Initiative Litigation Essentials: Human Rights Lawyering Handout.
- Justice Initiative Litigation Essentials: Strategy Handout.
- Justice Initiative Litigation Essentials: Planning Practice Note.

11:30 AM – 1:00 PM

Advocacy III: Implementation of Judgments

Objectives and Method. Participants will focus on how to press for implementation once they have obtained a judgment, and will learn the skills and tactics necessary to develop political advocacy (lobbying) for more implementation of judgments and achieving concrete policy or practical changes as a result of litigation.

Pre-reading.

- Executive Summary from OSJI, *From Rights to Remedies Structures and Strategies for Implementing International Human Rights Decisions* (2013)

2:00 PM – 3:15 PM

Advocacy IV: The Tools of Advocacy

Objectives and method: This session will consist of multiple stations set up for participants to visit and learn about different advocacy tools, such as: strategy development; power and influence mapping; coalition and alliance building; evidence (particularly in the form of reports and other publications); convenings, consultations, and conferences (of various kinds); formal submissions and other advocacy documents; briefings and other high-level advocacy. At these stations, participants will be able to see, talk about, and take away concrete examples of these tools.

3:30 PM – 5:00 PM

International Remedies

Objectives. Participants will learn about the importance of developing well-considered remedies early in their case, discuss the key strengths and weaknesses of different types of remedies (including considerations of implementation), and overview the approach to remedies in the different international and regional human rights systems.

Curriculum. Overview of available remedies, including:

- Types of remedies that can be ordered
- Approaches the remedies in the different tribunals
- Innovative approaches to remedies for systemic violations

Method. Brief presentation on the range of remedies available in human rights claims, incorporating discussion of the strengths and weaknesses of each. Using illustration and discussion of the remedies sought by participants in their cases, draw out what makes certain types of remedies appropriate (or inappropriate) for particular cases, and how the selection of remedies impacts on the prospects for the implementation of the eventual judgment.

Pre-reading.

- OSJI, *From Judgment to Justice: Implementing International and Regional Human Rights Decisions* (2010), Executive Summary.
- *Open Society Justice Initiative*, Pamphlet on Remedies in Human Rights Law

Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (Adopted and proclaimed by General Assembly resolution 60/147 of 16 December 2005)

5:00 PM – 5:30 PM

Closing and Evaluation

Participants will complete a survey and discuss in small groups what they gained during the course, and what feedback they have for OSJI/presenters, and how to continue to collaborate after the conclusion of the course.