

## INTRODUCTION TO CONSTITUTIONAL LAW

### **OVERVIEW**

This module focuses on understanding the constitution and how it can be utilized to further sexual rights. The module will also encompass constitutional principles and basic doctrines concerning the protection of fundamental rights. It will consider the various rules and procedures particular to national constitutional courts that are most relevant to human rights constitutional litigation, such as admission of an *amicus curiae* and costs.

### **OBJECTIVES**

1. To introduce participants to the practice and the procedures involved in litigating constitutional issues in their jurisdiction.
2. To understand how their country's constitution / bill of rights can protect sexual rights.

### **LEARNING OUTCOMES**

Upon completion of this module participants should:

1. Have developed the capacity to think strategically how to advance sexual rights violations via the constitution.
2. Recognize general constitutional terms and procedures relevant to litigation human rights claims.

### **FORMAT & REQUIREMENTS**

The module will be delivered through combined methods such as interactive lectures, presentations, and practical exercises. Participants are required to have engaged with materials prescribed on the reading list prior to each session.

### **EVALUATION & ASSESSMENT**

Evaluation and assessment of each module will be carried out through the use of pre and in-session evaluations carried out by the Network Coordinator as well as next-day recaps.

### **OUTLINE**

#### **Introduction to Constitutional Litigation**

- i. What is a constitution?
- ii. Bill of rights: locating human rights in the constitution
- iii. How does the work we do intersect with the constitution
  - a. SOGIE based violations
- iv. How do SOGIE based violations manifest?

- a. Story-telling / discussion: Write a story about a time you or someone you know experienced one of the discussed violations by the police or a government worker.
- v. Understanding constitutional law & litigation
  - a. Application
  - b. Interpretation
  - c. General limitation clause
  - d. Non-derogation clause
- vi. Process of using the constitution to protect fundamental rights
  - a. Who happened, which right, who are the parties
    - Intervener
    - Amicus curiae
    - Costs
    - Remedies
  - b. Case study:
    - *Botswana - Letsweletse Motshidiemang v Attorney General of Botswana* (High Court 2019)