

INTRODUCTION TO HUMAN RIGHTS LITIGATION

OVERVIEW

This module focuses on the principal ways in which human rights claims are litigated as part of strategic litigation. The module will also encompass the historical contexts and evolution of human rights principles, methods of judicial interpretation and analysis and basic doctrines concerning the protection of human rights. It will consider the various rules peculiar to human rights fora that are often relevant to human rights litigation, such as admission of an *amicus curiae*, standing, costs, and remedies and positive or negative implications these rules can have on human rights litigants.

OBJECTIVES

1. To introduce participants to the practice and the procedures involved in litigating human rights issues.
2. To develop and refine the participants' critical thinking in respect to specific court procedures in human rights litigation.
3. To get participants to identify best practices and procedural challenges to human rights litigation in their jurisdiction.

LEARNING OUTCOMES

Upon completion of this module participants should:

1. Have developed the capacity to think strategically and tactically about how to advance human rights issues and remedies.
2. Have the ability to plan to design and construct a human rights case, including being able to assess the rules of court and possibly challenge procedural barriers.

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 post online evaluations carried out by the Network Coordinator as well as next-day recaps.

OUTLINE

Introduction to Human Rights Litigation

- i. What is human rights litigation?
- ii. Domestic human rights litigation - locating rights in constitutions
 - a. application
 - b. interpretation
 - c. limitation clauses
 - d. non-derogation
- iii. Key procedures impacting human rights litigation
 - a. public interest standing
 - b. amicus curiae
 - i. impact of amicus curiae
 - c. costs
 - d. remedies
- iv. How does human rights litigation differ from other forms of litigation?
 - a. Constitutions
 - b. Regional and international treaties
- v. Best practices
- vi. Challenging procedural barriers to litigation in relevant jurisdiction