

RIGHT TO FREEDOM FROM VIOLENCE & DUE DILLIGENCE (Thematic area)

OVERVIEW

Violence is an experience that many SOGIE movements are subjected to, thus, we will discuss various experiences of violence and the state's failure to act. In particular, we will explore due diligence principles, which provides an assessment framework for ascertaining what constitutes effective fulfilment of a state's obligations, and for analysing its actions or omissions. The international due diligence framework includes the duty to protect, prevent, investigate, prosecute, punish, and remedy.

We will review the regional case law development of due diligence in relation to LGBT violence and how courts have interrogated and analysed a state's duty and failure to prevent and respond to violence. The session will narrow in on state's specific obligation in relation to minority groups or people with a heightened vulnerability who are often subjected to numerous human rights abuses.

OBJECTIVES

1. Equip lawyers with an understanding of the state obligation to protect from violence.
2. To build an appreciation of the various due diligence principles.
3. To expand knowledge of development due diligence jurisprudence regionally and internationally.

LEARNING OUTCOMES

Upon completion of this module participants should:

1. Demonstrate a deep understanding of the due diligence principles.
2. Be able to identify a heightened risk of vulnerable groups.
3. Be able to identify the steps required under the due diligence principles in order to hold perpetrators accountable.
4. Demonstrate a knowledge the various forms of redress available.

FORMAT & REQUIREMENTS

The module will be delivered through combined methods such as interactive lectures, presentations, and practical exercises. Participants are required to engage with the 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 in session and post institute evaluations carried out by the Network Coordinator as well as next-day recaps.

OUTLINE

- I. **An Introduction to Violence and Due Diligence**
 - i. Manifestations, causes and consequences of SOGIE based violence
 - ii. What is due diligence and how did it develop?
 - a. Prevent acts of violence
 - b. Protect victims and survivors of violence
 - c. Prosecute and Investigate the incidents of violence
 - d. Punish the perpetrators
 - e. Provide redress to the victims/ survivors for the harm suffered
 - iii. The scope and content of the due diligence.
 - iv. A state's positive and negative obligations
 - v. International human rights framework, norms, & standards
 - vi. Heightened risk of vulnerable groups
 - vii. Duty to Investigate
 - viii. Duty to provide redress