

YEAR ONE MODULE TWO
INCREMENTAL APPROACH

OVERVIEW

The participants will explore the history and development of the incremental approach in litigation that the SXLN utilises to foster SOGIE social change across Africa. This highlights the context for how Euro-American strategies of centring ‘decriminalisation’ can be ill-fitted for the African continent. This module serves to provide the network with a historical and legal timeline of the African SOGIE activism that homed in on human rights violations beyond criminalisation.

OBJECTIVES

1. To enhance movement understanding of the historical developments that led to creation of the incremental approach.
2. To build an appreciation for what the incremental approach is and how the network will can utilise it in litigation cases.

LEARNING OUTCOMES

1. Be able to understand the dynamics that create the necessity for the incremental approach.
2. Display an understanding of the potential litigation paths the incremental approach may take in relevant jurisdiction.
3. Dedication to a holistic approach to social change including incremental strategic litigation, campaigns, and empowered movements.

OUTLINE

- i. Human rights situation in Africa concerning SOGIE
 - a. The history of same-sex conduct criminalisation in Africa
- ii. Prior attempts to decriminalise using litigation
- iii. Additional SOGIE based human rights violations
- iv. Background: How did the incremental approach develop?
 - a. Why decriminalisation was so problematic
 - b. Problematic actors
 - c. Alternate strategy
- v. A change in strategy - Incremental approach to strategic litigation
 - a. Actors:
 - i. SOGIE social movement
 - ii. movement lawyers
 - b. Jurisprudence

- i. SOGIE based violence
- ii. Freedom of association
- iii. State harassment