

**YEAR TWO MODULE ONE:**  
**INTRODUCTION TO STRATEGIC LITIGATION**

**OVERVIEW**

This module is aimed at introducing movement, working towards the advancement of SOGIE rights, to strategic litigation and its use as an effective advocacy tool that brings about significant changes in the law, social and legal practice and/or public awareness on SOGIE rights. The module will explore the concept of strategic litigation, its broader goals as well as key considerations and approaches.

**OBJECTIVES**

1. To enhance the movement's knowledge and understanding of strategic litigation.
2. To build an appreciation of conditions, strategies and tactics for defending and enforcing human rights.

**LEARNING OUTCOMES**

Upon completion of this module participants should:

1. Display an improved understanding of strategic litigation.
2. Be able to appreciate the value of strategic litigation and how it can be used to effect social change.
3. Understanding the importance and utility of studying how SOGIE movements have litigated relevant issues in other jurisdictions.
4. Have a sense of the components necessary for strategic litigation in order to recognise whether strategic litigation is a viable option.
5. Develop an understanding of how to work with lawyers constructively.
6. Demonstrate an understanding of the impact (both negative and positive) and unintended consequences of strategic litigation at every stage.

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

## OUTLINE

### An Introduction to Strategic Litigation

- I. What is strategic litigation?
- II. What is “strategic” about strategic litigation?
- III. Theory of change
- IV. Limitations of, and barriers to, strategic litigation – 4 conditions necessary to litigate:
  - a. existing rights framework;
  - b. independent and knowledgeable judiciary;
  - c. civil society organizations with the capacity to frame social problems as rights violations and to litigate; and
  - d. a network to support and leverage the opportunities presented by litigation
- V. Understanding and assessing impact of strategic litigation
  - a. The utility of strategic litigation in changing attitudes
  - b. Unintended consequences of strategic litigation
- VI. Working with lawyers
  - a. Discussion: what are movements goals for litigation?
- VII. Strategic litigation specific to the protection of SOGIE rights – consideration of potential cases