

Promoting JUSTICE

A Practical Guide to
Strategic Human Rights Lawyering

Richard J. Wilson
Jennifer Rasmusen

Researched by Scott Codey

International Human Rights Law Group

Gay J. McDougall, Executive Director

PROMOTING JUSTICE

A PRACTICAL GUIDE TO
STRATEGIC HUMAN RIGHTS LAWYERING

RICHARD J. WILSON
JENNIFER RASMUSSEN

RESEARCHED BY SCOTT CODEY

INTERNATIONAL HUMAN RIGHTS LAW GROUP

GAY J. McDOUGALL
EXECUTIVE DIRECTOR

The International Human Rights Law Group is a nonprofit organization of human rights and legal professionals engaged in human rights advocacy, litigation and training around the world. Our mission is to support and empower advocates to expand the scope of human rights protection for men and women, and to promote broad participation in creating more effective human rights standards and procedures at the national, regional and international levels.

INTERNATIONAL HUMAN RIGHTS LAW GROUP
1200 18th Street, N.W., Suite 602
Washington, DC 20036 USA

Telephone: (202) 822-4600
Fax: (202) 822-4606
E-mail: HumanRights@hrlawgroup.org
Web site: www.hrlawgroup.org

Copyright © 2001 by the International Human Rights Law Group

With this copyright, reproduction of this guide for resale is strictly prohibited. Material contained in this document can be reproduced for the promotion and protection of human rights. In any reproduction, an acknowledgment of the authors and the publisher would be greatly appreciated.

PRINCIPAL FUNDING FOR THIS GUIDE WAS PROVIDED BY THE
UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

TABLE OF CONTENTS

Acknowledgments	i
Introduction	ii
Part I	
Human Rights Lawyering	1
Part II	
Human Rights Lawyering Organizations	5
A. Objectives	5
1. Setting Objectives for a Human Rights Lawyering Organization	5
2. Political Human Rights Lawyering	9
3. Traditional Organizations: Means Based Analysis	12
4. Group-Specific Organizations	17
5. Single-Issue Organizations	20
6. Procedural Approaches	20
B. Structures	22
1. Government-Supported Human Rights Lawyering Organizations Compared to Non-governmental Human Rights Lawyering Organizations	23
2. Resources, Funding and Financial Structures to Promote Sustainability	26
3. Models for Delivery of Human Rights Lawyering	31
4. Defining Scope of Services: Choice of Clients and Case Types	41
C. Services	43
D. Internal Factors Affecting Human Rights Lawyering Organizations	47

Part III	
Contextual Strategy Development for Effective Human Rights Lawyering	51
A. Litigation Strategies	60
1. The Politically Sensitive Client or Cause	67
2. Other Aspects of Litigation Strategies	69
B. Non-Litigation Strategies	73
C. Raising Public Consciousness: Community Legal Education, Documentation Projects, and the Role of the Media	78
D. National and International Remedies for Human Rights Violations	82
E. Networking Nationally, Regionally or Globally	89
F. Special Issues for Human Rights Lawyers in Repressive, Transitional or Newly Democratic Regimes	90
G. External Factors that Define or Limit the Work of Human Rights Lawyering Organizations	95
H. Evaluation of Human Rights Lawyering Organizations	100
Part IV	
Conclusion: What We Know and What We Need to Find Out	103
Appendix	107

ACKNOWLEDGMENTS

The International Human Rights Law Group (Law Group) would like to thank our partners the Asian Human Rights Commission; Law Centre at the Faculty of Law (Sarajevo); Legal Resources Centre of South Africa; and the Myrna Mack Foundation for their support and guidance during this project

Additional thanks go to Peggy Hicks, Stephen Bowen, Robert Spangenberg, Daniel Manning, Bongani Majola, Basil Fernando, Will O'Bryan, Dan Leader, Savima Sali-Terzic, Zelah Senior, Todd Freier, Rothira Duong, Ismene Zarifis, Abby Richardson, Fedra Idzakovic, Diana Sehic, Zana Jamakovic, Ariel Dulitzky, Alison Stewart, Mark Bromley, Kate McCann and Paul Simo. A special thanks to Jessica Ear and the numerous interns whose hard work and dedication helped bring this project to fruition. Any errors or omissions are the sole responsibility of the Law Group.

The Law Group gratefully acknowledges the support and assistance from an Anonymous Donor, The Asia Foundation, European Union's Conference, Workshop and Cultural Initiative Fund, The Ford Foundation, The John D. and Catherine T. MacArthur Foundation and The Charles Stewart Mott Foundation. Without the support of the United States Agency for International Development, this project and publication would not have been possible.

Finally, we would like to express our deepest gratitude to all the conference participants who traveled from near and far to share their views, problems, challenges, and hopes. In particular, we would like to thank those organizations that generously provided critical data, composed case studies, answered questionnaires and granted interviews. For those who prepared their reports and case studies in English, despite English not being their first language, we are particularly grateful for the effort. We look forward to working together in the continuing struggle for justice throughout the world.

International Human Rights Law Group

Working to make human rights real for individuals and communities around the world by building the capacity of local groups and strengthening human rights protections through advocacy, strategic lawyering and training.

1200 18th Street NW, Suite 602
Washington, DC 20036
Tel: 202.822.4600 Fax: 202.822.4606

HumanRights@hrlawgroup.org
www.hrlawgroup.org