Kampala Strategic Litigation Working Group Strategy Meeting - Nov. 2019
Report

Participants

- Allana Kembabazi, Initiative for Social and Economic Rights (ISER)
- Bruce Porter, Social Rights Advocacy Centre (SRAC)
- Chris Grove, ESCR-Net
- Ebenezer Durojaye, Dullah Omar Institute
- Elizabeth Atori, Initiative for Social and Economic Rights (ISER)
- Eunice Olembo, Minority Rights Group (MRG)
- Liliana Ávila, Asociación Interamericana para la Defensa del Ambiente (AIDA)
- Lucy Claridge, Amnesty International (AI)
- Lucy McKernan, Global Initiative for ESCR (GI-ESCR)
- Maryluz Barragán González, Dejusticia
- Rodrigo Robles Tristán, Asociación Civil por la Igualdad y la Justicia (ACIJ)
- Salima Namusobya, Initiative for Social and Economic Rights (ISER)
- Soheir Asaad, Adalah - The Legal Center for Arab Minority Rights in Israel
- Tripti Poddar, Nazdeek
- Urantsooj Gombosuren, Centre for Human Rights and Development (CHRD)
Overview
Over a dozen members of ESCR-Net’s Strategic Litigation Working Group (SLWG) met in Kampala, Uganda, in November 2019 for a strategy meeting co-hosted by the Initiative for Social and Economic Rights (ISER). Among the participants, five organizations with representatives on the SLWG’s steering committee (AI, CHRD, Dejusticia, GI-ESCR, SRAC) attended. The group spent three days critically evaluating the initiatives of the working group in recent years and deliberating on the direction and content of work moving forward. Members engaged in a learning visit to a court in Uganda to observe litigation being pursued by ISER. Steering Committee representatives also met to discuss SLWG governance. Members further took the opportunity prior to the strategy meeting to discuss forthcoming guidelines on the implementation of the right to housing being developed by the United Nations Special Rapporteur on the right to adequate housing.

Agenda

<table>
<thead>
<tr>
<th>Day</th>
<th>Time</th>
<th>Agenda</th>
<th>Output</th>
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</thead>
<tbody>
<tr>
<td>Tue., Nov. 5</td>
<td>3-6</td>
<td>Consultation on forthcoming UNSR guidelines on implementation of the right to housing</td>
<td>Input into guidelines formulation process</td>
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<td>9-10</td>
<td>Introductions &amp; meeting goals</td>
<td>Making connections, introducing aims</td>
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<td>10:15-12</td>
<td>Evaluation of recent/current projects</td>
<td>End-of-year review</td>
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<td></td>
<td>12-1</td>
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<td>Shared lunch</td>
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<td></td>
<td>1-4</td>
<td>Analyzing current political context and openings for ESCR litigation</td>
<td>List: macro forces impacting ESCR litigation, implications for litigation, and ESCR priority issue areas for the future</td>
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<td>6:30-8:30</td>
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<td>Shared dinner</td>
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<tr>
<td>Thu., Nov. 7</td>
<td>9:9:30</td>
<td>Review outcomes of day one tied to Common Charter &amp; shared objectives, theory of change &amp; core principles</td>
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<td>9:30-2:30</td>
<td>ESCR litigation in Uganda learning visit</td>
<td>Reflections to guide strategizing</td>
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<td>2:30-3:30</td>
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<td>Shared lunch</td>
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<td>3:30-5</td>
<td>Workshopping current projects (eg database)</td>
<td>Outlines of project proposals</td>
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<td>8:30-9:30</td>
<td>Floating of new projects; collective prioritization</td>
<td>Complementing sticky wall of current projects with new proposals</td>
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<td>9:30-12:30</td>
<td>Breakout groups and report back on top three project proposals</td>
<td>Project proposal outlines corresponding to each breakout group</td>
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<td>12:30-1:30</td>
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<td>Shared lunch</td>
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<td>1:30-3:15</td>
<td>Guidance for direction and conduct of casework</td>
<td>Case selection criteria, casework process, and litigation practice goals</td>
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<td>3:15-3:45</td>
<td>Evaluation and final reflections</td>
<td>Meeting evaluation</td>
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<td>4:15-5:30</td>
<td>Steering Committee governance</td>
<td>SC governance planning for 2020-2021</td>
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Highlights
Members brought terrific energy and enthusiasm to the discussions, noting the value of the Kampala meeting to connect, learn from each other, and exchange ideas. All member organizations brought several examples of prior network engagement to bear on the discussions. Members also appreciated attending ISER’s court hearing in solidarity and learning from a concrete example of ESCR litigation in the Ugandan context, comparing and relating what they observed with issues faced in their own jurisdictions.

At the start of the meeting, members identified the following goals:

- Deliberate on the current political context and strengthen collective responses
- Discuss challenges facing litigation as a tool for social transformation
- Grapple with corporate capture of public institutions
- Consider litigation relating to key global challenges, such as climate change
- Build robust solidarity, mutual support, and information sharing, including cross-regional linkages
- Strategize how to strengthen impact at national and regional levels
- Explore strategies for implementation of case decisions
- Ensure interventions before international human rights bodies are connected to national contexts

Evaluating recent and current SLWG projects
Members shared their experiences and reflections on engaging with the SLWG in recent years via casework, litigation workshops, case implementation advocacy, dialogues on United Nations treaty bodies (UNTBs) standards and practices, and feedback on enforcement mechanisms of regional and international human rights bodies. The secretariat presented on the ESCR-Net caselaw database and monthly newsletter ESCR-Justice developed in partnership with the Program on Human Rights and the Global Economy at Northeastern University.

Several highlights emerged. Members affirmed the value of network exchanges of ideas, described by one as “transnational multicultural deliberative learning.” Another member appreciated developing shared analyses through SLWG activities, observing that, “strategies and approaches used in litigation in different contexts contribute to our ability to be creative and strategic in our litigation.”

A follow up end-of-year review drawing on the conversation will be prepared to guide future SLWG work.

Sharing analyses of current political contexts and evolving global challenges to ESCR litigation
Members reaffirmed the continuing importance of the network’s social movement-derived Common Charter for Collective Struggle in discussing global ESCR challenges, including repression of human rights defenders, inequality, corporate capture, impoverishment amid abundance, and environmental degradation. Members also identified growing issue areas, such as “technology - AI [artificial intelligence], surveillance, big data, social media”; “weakening [international human rights] mechanisms for justice”; and “climate [change] litigation”. After reflecting on how these elements impact ESCR litigation, members discussed emerging opportunities, including casework before the UN Committee on Economic, Social, and Cultural Rights, public mobilization against the failures and inequities of neoliberalism, and the inclusion of human rights within the UN Sustainable Development Goals.
Exploring modes and visions for continued SLWG casework

Building on the group’s visit to ISER’s court hearing, members discussed their views of SLWG’s case support and amicus practice, noting the value of coordinated opportunities to speak collectively on strategic cases. They highlighted the legitimacy of these case interventions, as well as how they facilitate mutual learning. Members also explored related efforts, such as inputs to UNTB general comments, which have influenced the text of multiple standard-setting documents. Members further considered the measurement of the impact of the casework, the potential for direct SLWG-coordinated litigation, the deepening of case decision enforcement, the promotion of model litigant rules for states, and the substantive areas and fora that could benefit from particular attention in the coming period. The discussion sparked a desire for the network to facilitate continuous secure online exchanges—through webinars and/or other dedicated platforms—that would enable dialogues on casework, communications efforts, and rotating ESCR themes.

Working to strengthen international human rights institutions and enhance case enforcement

SLWG members expressed strong support for continuing to work to strengthen international human rights bodies, including regarding access to justice and case enforcement practices, for instance, by involving National Human Rights Institutions. In breakouts, small groups developed project plans on these themes, which will serve as the bases of draft proposals for review and further refinement by the Steering Committee.

Inputs from the Kampala meeting will inform the creation of the SLWG’s 2020-2022 action plan and project plans, in conversation with the Steering Committee and the wider working group.

ISER and ESCR-Net are grateful to have hosted network members for such a vital and dynamic discussion and express thanks to all who participated and shared their knowledge and insights.