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**Call for case studies**

**Intersectionality and social movements centrality in strategic litigation on land, housing and natural resources.**

Operationalizing intersectionality in practice is one of ESCR-Net´s shared objectives, echoed in our [Common Charter for a Collective Struggle](https://www.escr-net.org/sites/default/files/charter_for_collective_struggle.pdf) and in line with our core principles dating to the founding of ESCR-Net. Strengthening substantive equality and intersectionality in litigation is an important piece in promoting the adoption and implementation of human rights standards as a central objective of both the Strategic Litigation and the Women and ESCR working groups.

This call for case studies is aimed at **contributing to advancing substantive equality and intersectionality in litigation efforts** conducted by ESCR-Net members and beyond on gender and land, housing and natural resources (LHNR). It is intended to **invite good practices, strategies and lessons learned** regarding community leadership and centrality of social movements/grassroots groups, as well as applying substantive equality lens and intersectional analysis in litigation around LHNR.

As outcomes of this call for case studies, we envision developing a webpage with all written cases and videos, and holding collective webinars, as well as drawing lessons learned/recommendations for our upcoming strategic litigation workshop on gender and LHNR.

**How to engage?** You only have to send us your response to a set of questions either via written questionnaire or a 10 mins. video/recording. If the second, kindly let us know so we can figure out the best way together. You may find the questions in the following two kinds of questionnaires: a first questionnaire for social movements and grassroots groups that have engaged in litigation on LHNR, and second questionnaire addressed to human rights organizations and advocates. In case you have any question, kindly reach out to Fernando Delgado ([fdelgado@escr-net.org](mailto:fdelgado@escr-net.org)) or Viviana Osorio ([vosorio@gmail.com](mailto:vosorio@gmail.com))

**Deadline to receive cases is 31st July**

**Non-discrimination, substantive equality and intersectionality**

States have the immediate duty to ensure that women are not directly or indirectly discriminated against in access to, or fulfillment of, a substantive right. States must eliminate both formal or de jure discrimination, (discrimination that exists in States’ legal and policy frameworks), and substantive or de facto discrimination (discrimination suffered in practice, when an apparently neutral law, policy or practice disproportionately and adversely affects certain groups because of biological difference and/or socially and culturally constructed gender, ethnic, class, and other intersecting identities or circumstances). The substantive equality approach requires to acknowledge the actual impact of policies and practices on women, considering specific circumstances, and taking positive measures to ensure equal access and opportunities for women as well as to remedy past and structural discrimination that goes beyond legal or formal equality to encompass substantive or de facto equality.

Ensuring a comprehensive implementation of the non-discrimination principle requires an understanding of the subordination, stereotyping, and structural disadvantages that women experience. In this direction, to fully realize women’s economic, social and cultural rights it is necessary to apply a substantive equality approach, which encompasses: **redressing disadvantage** (based on historical and current social structures and power relations that define and influence women’s abilities to enjoy their human rights); **addressing stereotypes, stigma, prejudice, and violence** (with underlying change in the ways in which women are regarded and regard themselves, and are treated by others); **transforming institutional structures and practices** (which are often male-oriented and ignorant or dismissive of women’s experiences); **and facilitating social inclusion and political participation** (in all formal and informal decision-making processes).

Under this approach, it is also critical to integrate an **intersectional analysis** to realize substantive equality. Discrimination against women is often multidimensional, compounding other forms of discrimination based on sex, gender, ethnic origin, disability, poverty, sexual orientation and gender identity, migrant status, marital and family status, literacy and other grounds, that position them and their experiences differently. Intersectionality is an approach that helps understand the ways in which the denial of human rights is experienced by different women and exacerbated by interconnected forms of oppression and exploitation. It also helps to identify those measures to better address transformative change in women’s lives building on their particular circumstances.

*Read more in our* [*Briefing on the intersection between land and women’s economic, social and cultural rights*](https://www.escr-net.org/sites/default/files/briefing_paper_land_0.pdf) *and the guide on* [*Parallel reporting on Women’s economic, social and cultural rights*](https://www.escr-net.org/sites/default/files/pages/escr-net-parallelreporting-v6.pdf)*.*

**Substantive equality, intersectionality and centrality of social movements/affected communities in the context of this case study:**

To provide an illustration in the context of this call for case studies, **substantive equality/intersectionality** might be applied to analyze, elevate and target the impacts of human rights violations in women experiencing intersectional discrimination and its historic/structural causes. A few **examples** of actions to land this approach in litigation might be, among many others: in the analysis of human rights violations in the community to understand different and disproportionate impacts on women; strategies to enable women’s participation during different moments of the litigation, including further advocacy (i.e. bearing in mind time-use and advocating for redistribution of care burdens for women to have available time to engage, finding strategies for women in rural areas and far communities to be part of the proces, etc); in shaping community-based demands inclusive of women’s realities and needs that address structural change, among many others.

When we make reference to **social movements’ centrality and community leadership in litigation,** we refer to those strategies to enable communities’ participation and leadership in litigation and further advocacy and women’s in particular, as well as those actions to better capture how human rights violations have impacted the community and historically marginalized groups, to shape community-based demands/remedies, among many others.

**Questions for grassroots groups and social movements**

**Case study on intersectionality and centrality of affected communities in litigation**

*In this case study, we want to* ***capture your and your community’s experience, lessons learned and recommendations,*** *building in your engagement**in litigation and advocacy in the area of gender and land, housing and natural resources.*

*Take into account:*

* *You may send your responses the following questions either written, or/and in a 10 mins video/recording. We will follow-up with you to find out what might be the best way.*
* *We invite you to also share with us any materials or photos to accompany this interview that help us better present the experience(s) you want to share.*
* *In case you have any question, please reach out to Fernando Delgado (*[*fdelgado@escr-net.org*](mailto:fdelgado@escr-net.org)*) or Viviana Osorio (*[*vosorio@gmail.com*](mailto:vosorio@gmail.com)*)*

Name:

Social movement/grassroot group:

Questions:

1. Please share with us **one or two successful experiences** in which your community engaged somehow in litigation. [How did/has the community engaged? What make these experiences successful? What were lessons learned and challenges? Why might be important for the community to engage in litigation?]
2. If this legal work involved external litigators or allied organizations:
   1. What made this alliance or collaboration successful? What where **good practices** to center the community in litigation and enable its participation/leadership?
   2. What could have made the partnership more effective? What could have been done differently?
3. What where strategies to **enable and encourage** the participation of women, youth, and other groups/identities within the community? [Were their diverse experiences captured? If so, how? What could be done to ensure their engagement in future processes and to bring their experiences and demands to the table?]
4. What are recommendations for human rights organizations or advocates to successfully center the experience and demands of affected communities in litigation?
5. How did litigation fit with your broader strategies to advance human rights and social justice?

**Questions for NGO’s and human rights advocates**

**Case study on intersectionality and centrality of affected communities in litigation**

*In this case study, we want to* ***capture your experience and lessons learned*** *in (i) engaging with affected communities and centering their voices in litigation and in the promotion of the adoption/ ratification/ implementation of relevant human rights standards, and ii) operationalizing substantive equality and intersectionality in such processes, both in the area of gender and in land, housing and natural resources.*

*Take into account:*

* *You may send your responses the following questions either written, or/and in a 10 mins video/recording. We will follow-up with you to find out what might be the best way.*
* *We invite you to also share with us any materials or photos to accompany this interview that help us better present the experience(s) you want to share.*
* *In case you have any question, please reach out to Fernando Delgado (*[*fdelgado@escr-net.org*](mailto:fdelgado@escr-net.org)*) or Viviana Osorio (*[*vosorio@gmail.com*](mailto:vosorio@gmail.com)*)*

Name:

Organization:

Questions:

1. Describe your **experience and current work** in litigation/advocacy around gender and land, housing and natural resources. How have you **engaged with affected communities** and grassroots groups in litigation/advocacy?
2. Please, describe **one or two successful experiences** of your engagement with affected communities and grassroots groups in litigation. What makes these experiences successful?
3. In the successful experiences described question 2,, what were lessons learned and challenges? what strategies did you use to address these?
4. How have you **applied a substantive equality lens and intersectional analysis** in your litigation/ advocacy on gender and land, housing and natural resources? How have such approaches contributed to strengthening the process and furthering outcomes? Why are these approaches important when it comes to litigation/advocacy?
5. What are **good practices**, successful strategies, and lessons learned regarding **centering affected communities**/grassroots groups in litigation/advocacy? What recommendations would you give to other members?
6. What are **good practices**, successful strategies, and lessons learned regarding operationalizing **a substantive equality lens and intersectional approach** in litigation/ advocacy? What suggestions would you give to other members?
7. What **advocacy efforts** did you undertake to complement the litigation, and how did they impact the process? Were affected communities involved in those as well? If so, how? Did you apply a substantive equality and intersectional approaches? If so, how?