



Victim Support Europe

Implementing victims' rights through litigation



A photograph of Dwayne Johnson sitting at a table in a courtroom. He is wearing a light grey long-sleeved shirt and has a serious expression. The background is blurred, showing other people seated in the courtroom.

**Dwayne Johnson
v. Monsanto**

\$289 million

Achieving change one case at a time

What is strategic litigation?

Strategic litigation, sometimes also called **impact litigation**, involves selecting and bringing a case to competent authority with the goal of creating a change in law or policy for a larger group of people.

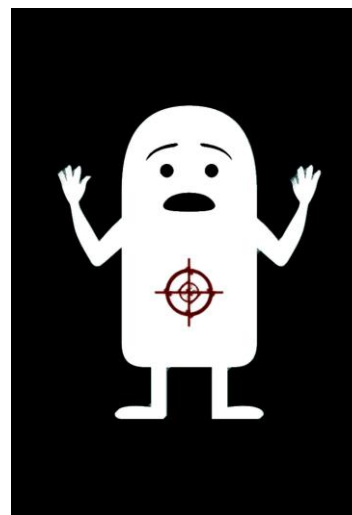


When to consider litigation?

1. A victims' right or need that is being largely neglected/ignored

2. A legal norm which can be interpreted to ensure/protect/guarantee the right/need

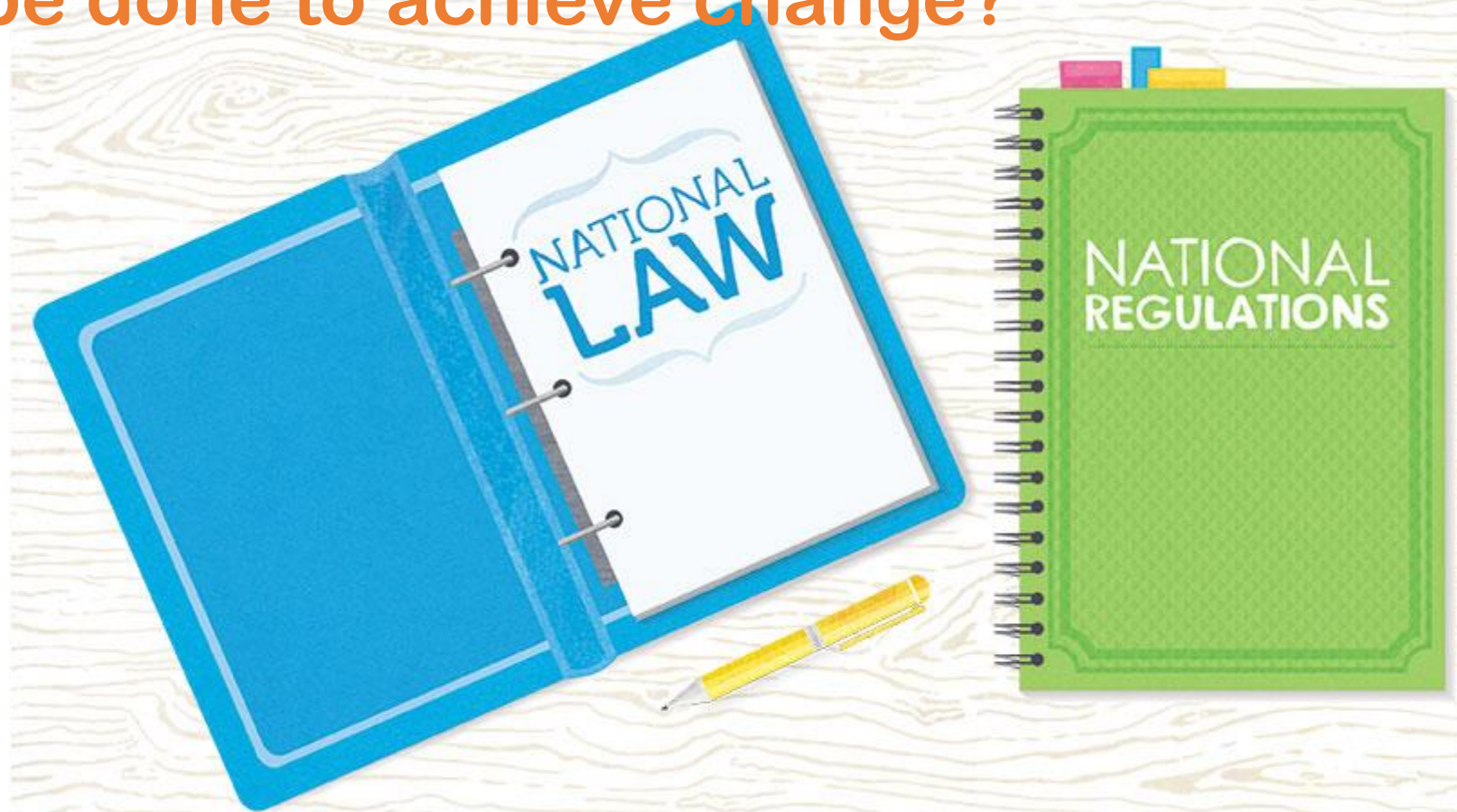
3. A legal avenue to pursue compliance with the norm



Identification of rights/needs

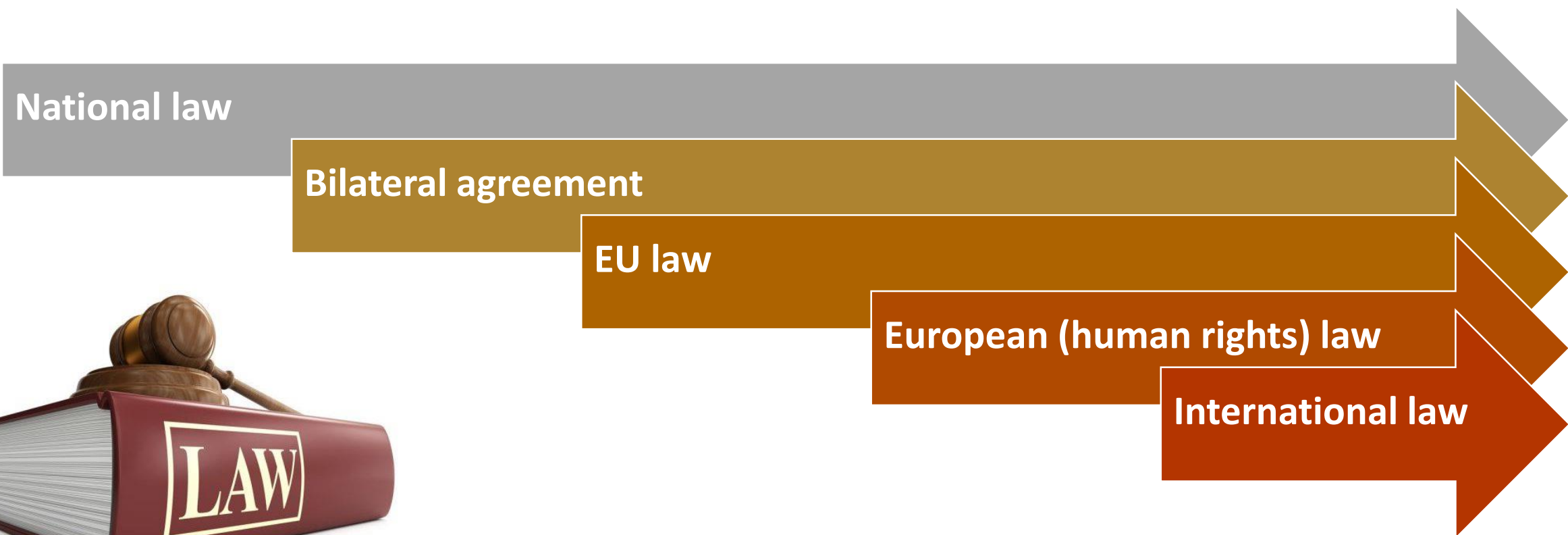


What needs to be done to achieve change?



1. Implementation of legal provisions / policies

Identifying legal norm



What needs to be done to achieve change?



2. Harmonisation of legislation

What needs to be done to achieve change?

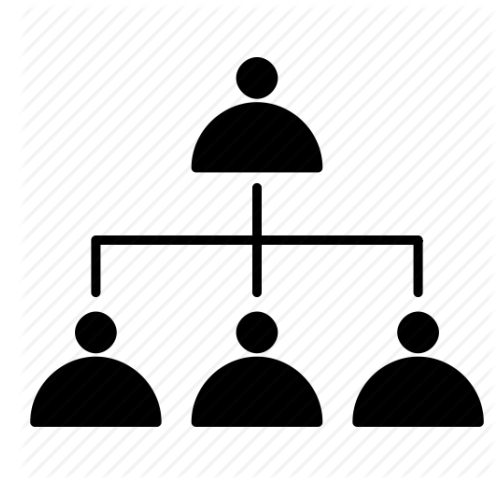
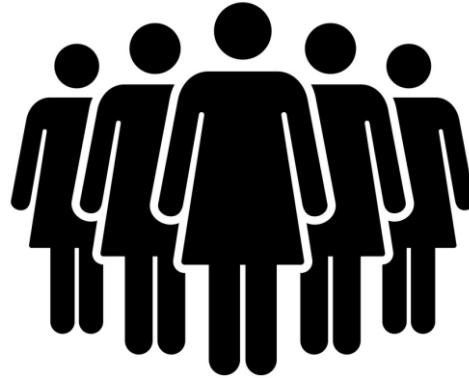


3. Change in legislation / policy

How to achieve change?

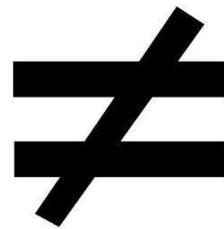
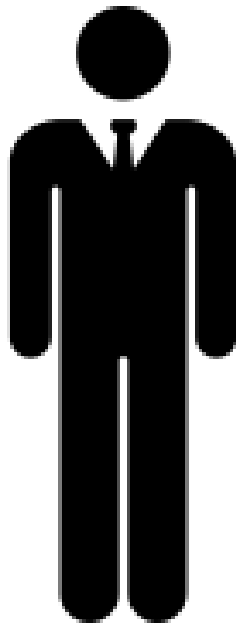
- **Who?**
- **How?**
- **What is needed?**

Who can start litigation?



- **Individuals**
- **Groups**
- **Organisations**

Individual client



Individual needs

Group needs (domestic violence, terrorism, victims with disabilities, children etc.)

Needs of all victims: Protection
· Support · Access to justice ·
Compensation/Restoration

Types of engagement

Hard litigation



Soft litigation



Where to litigate?

- **National institutions**
- **EU mechanisms**
- **European fora (European Court of Human Rights, European Social Rights Committee)**
- **International mechanisms (human rights bodies)**

Some examples of successful litigation

- Hate crime against Roma
(Krsmanovača)
- Hate crime against persons with disabilities
(Đorđević v. Croatia)
- Secondary victimisation of victims of rape
(P. & S. v. Poland, M.C. v Bulgaria)
- Use of restraints by medical personnel
(Bureš v. Czech Republic)
- Access to health care for foreign nationals
(Hungary)

Synergies



Thank you!

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