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STRATEGIC LITIGATION: BRINGING LAWSUITS IN THE PUBLIC INTEREST

This chapter explains:

- reasons to engage in strategic litigation
- how to determine if litigation will best serve public interest goals
- how to select a test case
- guidelines for developing and presenting a strong case
- the potential impact of strategic litigation
- the role of litigation in a comprehensive advocacy campaign

1. WHAT IS STRATEGIC LITIGATION?

Traditionally, lawyers are trained to represent the best interests of their client in a particular case or proceeding. When undertaking a case in their everyday practice, lawyers analyze the applicable law and pursue procedures that will best promote those interests. Certain lawyers, however, engage in litigation designed to reach beyond the immediate case and the individual client. Through litigation, these advocates seek to change the law or how it is applied, in a way that will affect society as a whole.

One such lawyer is Professor Jack Greenberg, a preeminent civil rights litigator and Columbia University professor of law. Professor Greenberg explains two uses that public interest litigation makes of the judicial system. First, public interest litigation persuades the judicial system to interpret the law; public interest litigation urges courts to substantiate or redefine rights in constitutions, statutes, and treaties to better address the wrongdoings of government and society and to help those who suffer from them. In addition, public interest litigation influences courts to apply existing, favorable rules or

laws that are otherwise underutilized or ignored.

This explanation draws on the experience of public interest lawyers in the United States. But it also comes close to describing the work of European advocates and organizations that pursue similar objectives through mechanisms such as the European Court of Human Rights and national constitutional courts. Individual advocates and nongovernmental organizations in Central and Eastern Europe face problems and challenges similar to those that American lawyers have been facing over the course of the past century, such as discrimination against minority groups, abuse of authority by police, encroachments on freedom of expression, and destruction of the environment. Although these problems persist in the United States, the efforts of public interest groups have resulted in laws and institutions that more effectively protect the fundamental rights of the population.

Today, public interest activists may examine the approaches and strategies used by advocates in the United States and other countries in order to determine whether and how such uses of the judicial system may be helpful to their causes and purposes. This chapter outlines how advocates in Central and Eastern Europe may address problems in their own countries through litigation aimed at legal and social change, often referred to as "strategic litigation." Strategic litigation is but one of a number of terms used to refer to the type of activity described. Terms such as "impact litigation" and "test case litigation" are sometimes used interchangeably with strategic litigation.

Strategic litigation is also sometimes called "public interest litigation," although the latter term is also used to refer to other types of litigation for public interest purposes, such as the activity described in chapter 6, "Access to Justice: Legal Aid for the Underrepresented."

2. Role of Public Interest Organizations

In addition to bringing actual cases before domestic and international courts, strategic litigation involves raising awareness of public interest issues and inspiring pressure for change among the general public. Litigation in the public interest illustrates how society and law interact and influence each other. On the one hand, a pressing need for legal reform in the public interest stimulates strategic litigation. On the other hand, legal actions themselves prompt public reaction, inspiring public demands, protests, and support that ultimately can bring about social and legislative changes.

In countries with active civil societies, the interests of individuals or groups of individuals are often represented by specialized not-for-profit, professional, or other organizations that address the problems of individuals in the context of their own strategic aims. Some organizations address one particular social or legal problem, such as contamination of the environment in a region, resulting in a specific disease, or the production and sale of a dangerous product, causing injuries to children. Other organizations address the social and legal problems that affect the rights of a particular minority or interest group, such as Roma, women, children, or gays and lesbians. Still other organizations address broader societal issues, such as the establishment of the rule of law or the protection of human rights, and pursue specific goals, such as the promotion of international standards through the legal defense of victims of human rights violations.

By taking a strategic case to court, a public interest organization is often at the forefront of efforts to achieve social change. It is important to note, however, that it is rare for the success or failure of a public interest campaign to hinge on a single case or decision. A negative result in a case, for example, may reaffirm an unfavorable law or practice and thereby deepen the social problem, making it more difficult to address the issue successfully in the future. On the other hand, an unfavorable result in a particular case may, in retrospect, serve as an unfortunate but necessary step in a longer-term process to achieve lasting social reform. As a result, most successful public interest groups adopt a comprehensive approach in pursuing their goals, and litigation is just one element of a wide range of options available to activists.

3. Why litigation?

The public interest law movement employs a variety of methods and strategies in fighting for social change. Public interest activists may lobby legislators, confront local officials or government agencies, harness public opinion, inform the press, and so on. Such advocacy activities are discussed in more detail in chapter 4, "Campaigning for the Public Interest." In situations where there is a clear dispute, advocates may choose to resolve it through mediation rather than pursuing adversarial means. Litigation, however, remains one of the strongest tools for achieving systemic change. While other methods involve mass action or a strategy of cooperation among groups and individuals, including governmental authorities, litigation of strategic cases

accesses the power of the judiciary in the struggle for social change. This is particularly important in countries where the judiciary is reasonably independent and therefore relatively insulated from the direct influence of political interests. Even in countries where the judiciary is only marginally independent, strategic litigation engages the judicial process and can raise public awareness about a particular issue. Such test cases may serve as a catalyst for reform of the judicial system itself.

Strategic litigation can sometimes compel resistant governmental authorities, agencies, or public institutions to take action. It can enforce existing laws and regulations, even when those responsible for their implementation would rather ignore them. Litigation can extend rights to otherwise disenfranchised groups through the enforcement of constitutional guarantees. By obtaining favorable judicial decisions, strategic litigation can lead to the reform of public institutions charged with serving children, prisoners, the physically or mentally impaired, and other specific populations. Ultimately, strategic litigation serves to empower disadvantaged groups.

Strategic litigation can also provide a community with a way to prevent a proposed project from going forward, such as the construction of a hazardous-waste disposal site, or the building of a housing complex that would destroy forest or park land. A court case can mobilize citizens and consolidate organizational efforts by bringing together concerned parties. In addition, strategic litigation plays a critical educational function by raising awareness of issues, potentially changing public opinion and thereby making possible progress toward a more just society.

One well-known, early public interest litigation campaign in the United States addressed the segregation of, and discrimination against, black people in education. Lawyers for the National Association for the Advancement of Colored People (NAACP) and its Legal Defense Fund (LDF) initiated the campaign in the 1930s. One of the most recognized NGOs in the United States, the NAACP-LDF has been at the forefront of the U.S. civil rights movement for many years. Its lawyers faced many of the problems currently facing public interest activists in Central and Eastern Europe: the courts' resistance to handling controversial "political" cases; inexperience in ordering nontraditional remedies; and an unwillingness to accept statistical evidence. In an effort to persuade the courts to declare

segregation in education unconstitutional, the NAACP-LDF convinced many people to pursue their rights in the courts and held training sessions for their lawyers. Beginning with lawsuits to admit black students to all-white state law schools in 1938, the campaign paved the way for the famous U.S. Supreme Court cases of *Brown v. Board of Education*, decided sixteen years later.

Brown v. Board of Education: An example of strategic litigation in the United States

Prior to 1954, public schools in many states of the United States were segregated according to race, and separate schools were maintained for black and white students. In several of those states, lawyers from all over the United States challenged the law. With the help of public interest organizations, a network of committed lawyers, and other public interest activists, the attorneys brought claims to the courts in several states. They asserted that separate schools instilled in black children a sense of inferiority, impeded their development, and subjected them to further discrimination. Those cases were combined into one, *Brown v. Board of Education of Topeka, Kansas*, 347 U.S. 483 (1954), supplemented 349 U.S. 294 (1955), in which the U.S. Supreme Court rejected its earlier doctrine of "separate but equal" and ordered that the schools become racially integrated.

The issue in the case was whether public school segregation based solely on race might deprive minority group children of equal educational opportunities, even though the physical facilities and other tangible factors may be equivalent. The Court firmly stated: "We believe it does." While the decision was an enormous victory, it soon became clear that its implementation—the elimination of segregated schools—would be extremely difficult, in light of the history of segregation and the negative attitude of many whites toward integration. Therefore, in 1955, a second *Brown* decision recognized that "the viability of these constitutional principles cannot be allowed to yield simply because of disagreement with them." The Court then mandated that the affected schools develop policies and procedures to implement desegregation with "all deliberate speed."

Although the effects of *Brown v. Board of Education* were broad and far-reaching, the process of change took time—in this case, decades—and has been characterized as an erosion of adverse precedent, step by step. Having learned from the success of some of the early strategic litigation campaigns, today's public interest lawyers attempt to maintain a degree of control and planning over their activities. Such activities can be controlled only so far, however, and advocates should be aware of inherent limitations in trying to direct the pace and progress of test cases.

Initiating a strategic litigation campaign is clearly no simple task; not all causes of action aimed at producing social change are well thought out or part of a grander strategy or mission. Test cases are not always planned as such in advance. Many public interest litigation efforts emerge as a result of unplanned or fortuitous events.

So, how does an advocate determine when litigation is the best strategy for achieving public interest goals? As mentioned earlier and discussed below, most successful public interest efforts use a comprehensive approach, and litigation is but one of a number of components of the campaign. Questions to ask when deciding whether to pursue litigation in the public interest include the following:

- Is there a law or regulation on the books that is not being applied or enforced?
- Has the application of a certain law by the courts or government officials been evenhanded, or has the application been arbitrary and inconsistent?
- Have there been significant or pervasive legal restrictions on the exercise of individual rights and freedoms?
- Do international standards exist that could be used to influence state action?
- What is the likelihood that further clarification of the law(s) in question would have negative effects on the public interest problem?
- What resources (human, financial, political) are necessary to accomplish the public interest aims?

The question of resources is a fundamental one, an issue that underlies every case, campaign, and the overall mission of a public interest organization. Adequacy of resources and their appropriate allocation must be considered carefully in determining whether and how strategic litigation fits into the larger picture of public interest goals. For a more detailed discussion of resources, see chapter 1, "Setting Up a Public Interest Law Organization."

4. Selecting a test case

Strategic litigation cases may be referred from a wide variety of sources, including legal services organizations, private attorneys, state or local agencies, community organizers, and social workers. Many clients approach public interest groups by mail or telephone or in person. In order to determine whether a specific cause of action should or could be brought before the court as a test case, most lawyers and organizations use some type of screening process. In reviewing potential cases, lawyers and NGO staff must consider the relative merits of the case as well as tactical questions, including the following:

- What types of local resources are available?
- What are the costs involved?
- What is the reputation of the court or judge who would hear the case?
- What is the potential for media coverage and other publicity about the case?
- Is there an alternative recourse or access to other legal services for the applicant or petitioner?

The answers to some of these questions may lead an individual attorney or public interest group to decide that, on balance, litigation is not the appropriate course of action at that particular time. It may be too costly, or the venue may make a favorable result extremely unlikely. Or there may be another organization or individual better suited to represent the client's and the public's interests. If a decision is made to engage in strategic litigation as the best chance to achieve the public interest goals, some of the same questions may be posed again in the context of litigation strategy and tactics.

5. Developing and presenting the test case

Once a public interest organization chooses its role—for example, decides what issue(s) it wants to address and/or what group(s) it wants to assist—and decides that strategic litigation would best suit its efforts and the interests of the test case client, the organization should carefully examine its approach to the presentation and actual litigation of the case. An organization should consider the following in order to maximize the potential success of a test case:

5.1 Define the litigation goal
5.2 Choose the right defendant
5.3 Select the proper forum
5.4 Make creative use of legal arguments

5.5 Educate the court
5.6 Use outside experts and analysis
5.7 Work with NGOs
5.8 Rely on constitutional and international law
5.9 Consult specialized legal resource centers
5.10 Apply precedents
5.11 Access international courts

5.1 Define the litigation goal

Advocates should clearly define the goal for each case or proceeding before making any other decisions about strategy, tactics, resources, and so on. Developing a list of possible outcomes of the case, including results that may be partially favorable and partially unfavorable, may help in designing case strategy. Doing so will also assist in evaluating how the goals of a particular case fit into the overall public interest campaign. An organization should have a vision and articulate a mission, and every public interest campaign should be closely related to the organization's mission. Each public interest campaign should also have its own set of tangible objectives. Furthermore, it may be helpful to articulate intermediate or shorter-term goals that can provide markers of progress along the way.

5.2 Choose the right defendant

Selecting the proper defendant in a public interest lawsuit is not always easy. This is especially true in cases that try to hold the state liable for a wrong committed by state officials. For example, who should be sued for wrongful behavior of the police in a particular case: the Ministry of Interior, a subdivision of it, a local police precinct, or individual officers? The substance of the legal provisions in question, the procedural require-

BULGARIAN HUMAN RIGHTS PROJECT WINS CASE; POLICE PUNISHED FOR BRUTALITY AGAINST ROMA

In 1995, the district court in Pazardzhik, Bulgaria, ordered the Ministry of Interior to pay Kiril Yordanov, a twenty-four-year-old Rom, 10,000 leva as reparation for bodily injury caused by police officers during an unauthorized police operation in the Romani neighborhood in Pazardzhik. The case began in 1992, when the police conducted what the Human Rights Project called a punitive

expedition against the local Roma under the pretext of passport checks and arms searches. Yordanov was one of dozens of Roma who were beaten and otherwise mistreated as revenge for the alleged criminal activity of a Rom. The court's decision, which became effective in 1996, was a result of three and a half years of work by Ilko Dimitrov, a senior cooperating attorney working with the Sofia-based Human Rights Project.

Dimitrov's strategy was to sue the ministry as a whole, since the individuals who committed the brutality could not be identified because they had been wearing woolen face masks during the unauthorized operation. Although the amount of money awarded was very small (the equivalent of less than USD 45 at September 1996 exchange rates), the symbolism of the case was far greater. The case represented the first victory for a Rom who had been beaten by the police, and the decision sent abusers the message that the Bulgarian court would not condone such brutality.

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ments of the case, the likelihood of success of the litigation, and the potential impact of a positive decision are some of the factors that must be considered when identifying the defendant(s). For example, in an environmental context, damages may have been suffered as a result of private or state action (or inaction), or some combination thereof.

5.3 Select the proper forum

In some cases there is a choice of forum, and the likelihood of success may be greater in one forum than another. Although there are no guarantees about how a particular judge will rule in a particular case, it is important to select the forum that will maximize the likelihood of success and minimize the danger of a negative precedent. For instance, where there are similar cases in different geographic locations, one particular district or municipality may offer a better chance of success. In addition, administrative courts and ordinary courts may overlap in their jurisdictions but offer very different potentials for victory.

RUSSIAN NGOS CHALLENGE NATIONAL *PROPISKA* SYSTEM IN DISTRICT COURTS

In 1993 the Russian Federation adopted a law requesting that every resident notify local law enforcement authorities upon establishing either temporary or permanent residence within a particular locality. Residents then received a special stamp from the police in their passports to this effect. In many localities, authorities interpreted this request to notify as a requirement to obtain official permission in order to live in a given city or region, or before moving to a new residence. This passport registration, or *propiska*, became a prerequisite for access to various housing, education, and health care services. Moreover, residents who did not obtain the proper *propiska* stamp risked being fined. The bases for acquiring the stamp were quite limited, and they required that the resident demonstrate close ties with the city through family relationships or other "legitimate" connections. According to reports of human rights activists, the *propiska* scheme frequently was administered in an arbitrary and discriminatory manner.

A number of legal challenges to *propiska* regulations ensued. In 1996 a case before the Constitutional Court challenged the registration rules of the city of Moscow and several other regions. In determining the registration rules to be unconstitutional, the Court found that each of the regional administrative authorities had effectively altered the purpose of residence registration, from giving notification to seeking permission from local authorities; such alterations constituted inadmissible restrictions on the freedom of movement. Despite this ruling, none of the administrations implicated changed its regulations as a result of the Court's decision.

In 1998 the Court again ruled that residence registration rules were an unlawful restriction on the freedom of movement, and it declared the *propiska* scheme unconstitutional. The Court specifically stated that, in accordance with its ruling, any analogous provisions in all regional and federal laws must be abolished. As with the 1996 ruling, however, the Constitutional Court's 1998 decision had no serious immediate effect on regional authorities. In fact, as military activity in Chechnya intensified during 1999, enforcement of the *propiska* system grew.

Following the 1998 Constitutional Court decision, the Moscow-based NGO

Grazhdanskoe sodeistvie (Civil Cooperation) initiated a campaign to overturn the *propiska* law. As NGOs were not permitted to challenge the law directly, the group chose a different strategy. The organization agreed to represent individuals who had not been allowed to enjoy their rights or people who had been fined because they lacked a *propiska*. *Grazhdanskoe sodeistvie* brought these cases before courts of common jurisdiction and argued on behalf of individual clients for the application of the Constitutional Court's decision. *Grazhdanskoe sodeistvie* won more than half of all cases they brought to challenge the *propiska* law that year. Thus, despite the previous failure to implement Constitutional Court decisions, *Grazhdanskoe sodeistvie* director Svetlana Ganushkina reported that after February 1998, lower courts decided practically all individual cases on the basis of the Constitutional Court's rulings. By growing a critical mass of individual cases challenging the *propiska* system, *Grazhdanskoe sodeistvie* and other NGOs around the country were creating significant public pressure on authorities to take action to remedy an untenable situation.

A 1999 law gave NGOs standing to challenge laws in courts of common jurisdiction if such laws allegedly violate citizens' rights. *Grazhdanskoe sodeistvie* immediately filed suit in a Moscow district court challenging the constitutionality of the *propiska* law. In December 2000, that district court declared the *propiska* law unconstitutional and void. Unfortunately, the Moscow administration did not inform its *propiska* officials of the decision, so that individuals who were denied registration were compelled to show newspaper articles about the decision to local authorities in order to have it enforced.

Despite these difficulties, the case is important for Russia's human rights community, because it reflects both the increasing independence of the Russian judiciary and the growing professionalism of Russian human rights activists. Although an appeal of this decision is currently pending before the Supreme Court of the Russian Federation, lawyers and human rights activists report that restoration of the *propiska* scheme as it has existed is extremely unlikely.

For more information, please contact Grazhdanskoe sodeistvie, Dolgorukovskaia Str., Dom 33, Stroenie 6, Moscow 103030, Russia; tel: (7 095) 973 5474; fax: (7 095) 251 5319; E-mail: komitet@refugee.ru; Web: www.refugee.ru.

5.4 Make creative use of legal arguments

Finding grounds for holding the state, or one of its divisions, liable may require creative use of law, including legal arguments that cite constitutional and international legal principles in jurisdictions where this might not be an established practice. Procedures that may be used by NGOs to formally enter proceedings or to find new bases for liability—such as discrimination, freedom of information, rights of public participation, or the right to enjoy a healthful environment—should be explored. This strategy has proven effective in both pursuing domestic remedies and litigating before international bodies.

The European Roma Rights Center (ERRC), an NGO that investigates and litigates cases of discrimination against Roma, provides an example. In April 2000, the ERRC filed a complaint with the European Court of Human Rights alleging that the practice in the Czech Republic of placing Romani children in special schools for mentally handicapped children violates several provisions of the European Convention on Human Rights. In particular, the ERRC claimed that the applicants, Romani children placed in such schools in the district of Ostrava, have been subject to (1) racial segregation and discrimination amounting to inhuman and degrading treatment, (2) discrimination in conjunction with their right to education, (3) denial of their right to education, and (4) denial of their right to a fair trial for determination of their civil rights.

In seeking to persuade the Court, the ERRC made several innovative arguments. First, it asserted that racial discrimination per se constitutes inhuman or degrading treatment. To support this argument, the ERRC synthesized arguments based on the Court's jurisprudence with comparative and international law provisions. The ERRC maintained that the principle of antidiscrimination remains at the core of the Council of Europe, as all member states have adopted constitutional bans on racial and ethnic discrimination. Then, the ERRC claimed that the prohibition on racial discrimination has evolved to constitute *jus cogens*, a peremptory norm of international law from which no derogation is permitted. To support this claim, the ERRC cited a number of norms of international law strictly prohibiting discrimination.

Furthermore, the ERRC made reference to the positive obligation of the states parties to the European Convention to ensure that no inhuman or degrading treatment takes place. To prove that the applicants have been segregated into special schools because of their ethnicity, the ERRC used data on the number and eth-

nicity of the children attending regular and special schools in the district of Ostrava. The data showed that while less than 2 percent of Romani children attend regular schools, the number of Romani children in these special schools is more than 75 percent.

After these arguments proved unsuccessful at the level of the Czech Constitutional Court, the ERRC filed an application concerning the case to the European Court of Human Rights, where it hopes to eventually achieve a litigation victory.

"Racially motivated" crimes: Legal definitions of "race" in Slovakia

In November 1996, several members of a skinhead group attacked Ivan Mako, a Slovak Rom. Mako was beaten and called names including "nigger" and "filthy Gypsy." As a result of this attack, Mako suffered injuries that prevented him from reporting to work for eighteen days. At the trial, the charge that defendants had inflicted "bodily harm" on the victim was not contested. However, the section of the Slovak Criminal Code that provides for a more severe punishment for a crime that is racially motivated (a crime in which "bodily harm [is] caused to a person because of his political conviction, national origin, race, religion, or other conviction") was found to be inapplicable in this case. The trial court stated that Roma did not constitute a nation or ethnicity separate from ethnic Slovaks.

In cooperation with the European Roma Rights Center (ERRC) in Budapest, the Center for Environmental Public Advocacy (CEPA) took over the case in 1998 on behalf of the aggrieved party. CEPA and the ERRC aimed to utilize the case as a precedent in order to persuade the Slovak courts to consider the attacks on Roma as racially motivated. The argument was based on a broad but principled interpretation of race: "If a criminal offense is motivated by hatred against a group that is manifestly different, it is to be considered as an attack against human equality."

Under the Slovak Code of Criminal Procedure, only the prosecutor has the power to appeal criminal court decisions with respect to the legal qualification of the criminal act. In this case, the prosecutor appealed twice, and each time the appellate

court returned the verdict to the lower court for reconsideration. Taking advantage of the fact that the prosecutor appealed the court's decision, CEPA submitted a statement to accompany the petition for reconsideration because the prosecutor's appeal failed to include racial motivation of the attack as grounds for the appeal.

In contrast to the court of first instance, the appellate court responded to CEPA's efforts to focus attention on the racial motivation of the crime. When it returned the case to the lower court, the higher court issued a binding legal opinion using CEPA's arguments from its statement accompanying the rehearing petition. The final decision of the lower court reflected this opinion, and that court applied the Criminal Code section providing for a more severe punishment for a racially motivated crime. The court acknowledged that Mako had been attacked for being evidently different and referred to the International Convention on the Elimination of All Forms of Racial Discrimination. The use of a broader anthropological interpretation of "race and ethnicity" has the potential of fundamentally changing certain practices of investigating authorities and courts in Slovakia.

For more information, please contact the Center for Environmental Public Advocacy (CEPA), Ponicka Huta 65, 97633 Poniky, Slovakia; tel/fax: (421 48) 419 3426; E-mail: cepa@changenet.sk; Web: www.changenet.sk/cepa.

5.5 Educate the court

Judges may not be aware of the relevant international law or the comparative constitutional jurisprudence that may prove decisive in a particular case. In addition, when making creative use of law or procedures, judges may need guidance. In countries where information on applicable international law is scarce, providing judges with copies of the applicable decisions and treaties may go far in advancing a client's position. For instance, in an environmental case in Russia, an NGO met with judges from a district court in order to convince them to accept a case involving 183 plaintiffs. Although legal procedures clearly allowed such cases to be brought before the district court, the judges resisted

accepting the complaint because no such action had ever come before the court in the past.

5.6 Use outside experts and analysis

Outside expertise can help to educate judges. Sometimes expert witnesses can be called to testify or written expert analysis can be introduced in court. This is an especially important technique in environmental cases, where scientific issues are common. Procedures for admitting expert testimony in court can also be used as a means to introduce analyses of international law and comparative law by specialized NGOs.

HUNGARIAN WINS JUSTICE FOR HUSBAND WHO DIED FROM CHERNOBYL RADIATION

In a case brought by the Environmental Management and Law Association (EMLA) on behalf of the widow of a truck driver, the Budapest city court found in 1998 that there was a causal connection between the truck driver's job and his death from radiation escaping from the Chernobyl nuclear reactor. The victim's employer, a Hungarian company, was found liable for damages because the employee had been assigned to the Chernobyl fallout area only two months after the explosion, but he had not received protective gear or any warning as to the potential dangers he was facing.

This case marked the first time that a Hungarian court has ruled that there is a direct causal relationship between a death and the Chernobyl radiation. In addition, the case represents one of very few cases in which a Hungarian court has accepted a challenge to the opinion of the Medical Science Council, which found no causal relationship. Instead, the court accepted evidence from the man's personal doctor, the coroner, tissue and radiation experts from SOTE Medical University, the Social Security Directorate, and the State Medical Expert Institute. The case was sent back to the Labor Court for determination of the amount of damages to be awarded to the victim's wife and teenage daughter.

5.7 Work with NGOs

Nongovernmental organizations and citizen groups can be valuable sources of data and other information for those involved in strategic litigation. Many NGOs gather information on specific issues, such as domestic or international human rights, environmental matters, and ethnic issues, and they may have information that will assist in the development of a strategic case in their areas of expertise.

5.8 Rely on constitutional and international law

The key to obtaining positive results in certain types of public interest litigation in Central and Eastern Europe is to present legal arguments based on constitutional law and/or international law. In the region, conventional domestic law is often underdeveloped, underutilized, or rapidly changing. Constitutional law, supplemented by international law, may be a

The role of the Cradle Foundation in the Chernobyl case

The case of a Hungarian truck driver who died from exposure to radiation from the Chernobyl nuclear reactor demonstrates how an NGO may make an invaluable contribution to the development of a strategic case. In this case, the Environmental Management and Law Association (EMLA) worked with the Cradle Foundation, a Budapest-based NGO whose mission is to bring children from Ukraine to Hungary for medical treatment. The foundation was able to amass data and other assistance for the case, including information on the accident itself, its history, and the total number of victims. The Cradle Foundation obtained medical data from the region, including the number of casualties, the number of patients, radiation levels, and scientific information on the state of the environment. In addition, the foundation provided contact information for several Hungarian medical experts, one of whom testified in the case. Also of great value was information about the official position of the Ukrainian government as to how radiation affects human health, which was compared to official positions of the Hungarian government after April 1986, when the accident took place.

more reliable means for protecting the public interest. In most civil law systems, where judges are reluctant to exercise a great deal of discretion in interpreting domestic norms, providing constitutional and international law standards for judicial consideration can be an effective tactic for achieving a favorable interpretation of the existing law. Of particular interest to NGOs working in the human rights area is the European Convention on Human Rights, which individuals and groups in Central and Eastern Europe are increasingly relying on to promote effective application of national laws. For further discussion of the Convention, see chapter 5, "NGO Advocacy before International Governmental Organizations."

Assenov and Others v. Bulgaria: Right to effective investigation of arguable human rights violations

Anton Assenov, a fourteen-year-old Rom, complained to the police that he had been forcibly arrested, handcuffed, and beaten by police officers for illegal gambling at the market square in Shoumen in September 1992. He also requested that the prosecutor institute criminal proceedings and investigate the alleged beating. Following a brief preliminary procedure, the police and an investigating officer concluded that the boy's own father had beaten him. After reviewing the medical certificate, prosecutors determined that even if the police officers had administered blows that caused the injuries, their conduct constituted a lawful use of force necessary to overcome the boy's disobedience. The decision not to prosecute the officers was upheld at all levels of the Bulgarian courts. In 1995, Assenov was detained again, this time on robbery charges, and he was kept in detention until 1997, without judicial review of the arrest order. Subsequently, Assenov brought his grievances to the European Court of Human Rights.

The European Court of Human Rights delivered its judgment in Strasbourg on October 28, 1998. The Court held for the first time that a prompt and objective investigation is a part of the procedural guarantees of freedom from torture. Further, the Court found that a refusal by authorities to investigate an arguable claim of police brutality itself constitutes a violation of the right to freedom from torture,

guaranteed under Article 3 of the European Convention on Human Rights. The Court also declared that Bulgarian law failed to provide effective domestic remedies for victims of such violations.

In detailing the violations of the right to release or trial within a reasonable period of time, the Court pointed to the length and circumstances surrounding Assenov's detention. It found that two years of pretrial detention, most of which were spent in appalling conditions while proceedings effectively stopped for extensive periods of time, violated Article 5.3 of the Convention. The fact that Bulgarian law provides no requirement for the accused to be brought in person before an independent judicial officer in order to determine the necessity of bail or detention was also found to violate Article 5.3. These conclusions apply to all detainees in Bulgaria, and they suggest the need for a revision of the law.

The judgment is a landmark case of the Court in setting a higher European standard for the protection of freedom from torture as well as from inhuman and degrading treatment. As such, the Court has relied on the *Assenov* judgment in other cases, involving not only Bulgaria but other Central and Eastern European countries as well. The case has also affected Bulgarian law; the country's Criminal Procedure Code was amended to limit the discretion of prosecutors in several areas, including giving judges the authority to make decisions regarding detention or bail. The code was also amended to establish a maximum time for pretrial detention.

The full text of the judgment may be found at http://www.dhcour.coe.int/.

5.9 Consult specialized legal resource centers

There are a myriad of organizations, such as INTERIGHTS, the European Roma Rights Center (ERRC), the International Helsinki Federation for Human Rights, the Environmental Law Alliance Worldwide (E-LAW), Amnesty International, and the Regional Environmental Center (REC) in Hungary, that serve as valuable resources for groups engaged in public interest litigation. Lawyers from such organizations offer current and specific information on relevant international law provisions and the standards for their implementation. They may

also assist in the preparation of cases, offer their representation, or prepare *amicus curiae* ("friend of the court") briefs for the courts.

E-LAW, for example, provides environmental lawyers around the world with access to statutory and regulatory models from the United States and case precedents from U.S. courts, as well as American legal scholarship and jurisprudence. In addition, E-LAW offers to provide advocates with scientific resources that can assist in case preparation, including access to American scientists' expertise, scientific journals, and even basic scientific equipment such as water quality monitors.

5.10 Apply precedents

Once a creative argument or innovative strategy succeeds, it paves the way for similar decisions in the future. Even if the decision has no legal effect on subsequent cases, as is usually the case in civil law systems, the precedent may inspire other judges to issue similar decisions. For example, a favorable decision in an untested area of the law rendered by a respected judge in a district or regional court may have some influence on judges in other parts of the country if a similar case is brought before them. There may also be a role for precedent as constitutional courts in the region begin to issue judgments in human rights cases and other cases of broad public interest. Where new or reforming judicial systems are emerging, the lack of court experience with public interest matters may provide a unique opportunity for advocates to argue successfully for the value of looking to past decisions for guidance in certain cases. Moreover, in a few civil law jurisdictions, judges are increasingly willing to look to past decisions for guidance and exercise more discretion in decision making.

With respect to decisions of regional and international bodies, the judgments of the European Court of Human Rights are binding for those states that accept its jurisdiction. The Court has been critical of some states' compliance (or lack thereof) with the requirements of the European Convention on Human Rights. Such judgments have caused the subject states to take steps to comply with the law by introducing legislative amendments in response to the Court's findings.

In some cases, states that were not direct respondents have also modified their legislation to comply with the developing standards and requirements of the Convention. States parties to the Convention are obliged, and often volunteer, to take such preventive measures, in order to avoid the embarrassment of addi-

tional cases alleging similar violations before an international body. Although the Court will not instruct the state on how a change in local law ought to be made, member states, upon request by the Council of Europe, must provide an explanation of the manner in which its domestic law ensures the effective implementation of any Convention provisions. States also take such action to avoid payment of compensation to other victims of similar violations. Following a first successful case, other victims may pursue their own cases, with very good chances for success.

5.11 Access international courts

Advocates should also always consider the possibility of bringing a case before a regional or international court. The ability of individuals or groups to utilize such judicial mechanisms usually requires that potential applicants exhaust all available domestic remedies before seeking redress at the international level. For NGOs and individuals in Central and Eastern Europe who have utilized all means available to them within their country, the European Court of Human Rights may be the most appropriate international mechanism for resolving claims of human rights violations. The following outlines the procedures for bringing a complaint before the European Court of Human Rights. For further discussion of regional and international mechanisms for the protection of human rights, see chapter 5, "NGO Advocacy before International Governmental Organizations."

PROCEDURES BEFORE THE EUROPEAN COURT OF HUMAN RIGHTS

The 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms—now the European Convention on Human Rights (Convention)—and its Protocols are powerful legal instruments in human rights law. The European Court of Human Rights (Court) was established to create an international forum for individual claims of violations of human rights and to ensure that states would afford to their citizens the rights and freedoms guaranteed by the Convention. Judgments of the Court are legally binding on member states. They establish the standards for and meaning of the rights and freedoms guaranteed by the Convention. The Court consists of a number of judges equal to the number of

states parties. The Parliamentary Assembly of the Council of Europe elects the judges, and they act in their independent and individual capacities.

A judgment of the European Court resolves claims by victims of violations of their rights under the Convention. The Committee of Ministers of the Council of Europe supervises the implementation of the judgments and ensures compliance therewith. The Committee of Ministers may impose ultimate sanctions, including suspension or expulsion of a state from the Council of Europe, though it has refrained from doing so to date. Following the implementation of Protocol 11 in November 1998, the Court has acted as a permanent body to which individuals have direct access. The process for accessing the Court is described briefly below.

Bringing a complaint before the European Court of Human Rights

1. An individual complaint is

   Addressed to The Registry of the European Court of Human Rights, Council of Europe, F-67075 Strasbourg Cedex, France; tel: (33 3) 88 41 20 18; fax: (33 3) 88 41 27 30.

   On behalf of a victim. A victim is a person, NGO, or group of individuals or people closely related to them, claiming to be directly affected by a violation of a Convention right. NGOs may not complain on behalf of, or represent, victims.

   Against the state. The Convention provides no protection against the acts of private people or entities. However, in some cases the state may be held responsible for its failure to implement sufficient safeguards against actions by individuals.

   Within a time limit of six months. The complaint must be brought within six months of the final domestic judicial decision rejecting the applicant's claim for redress of the alleged violation. A continuing violation, such as the continuing threat of penal sanctions in violation of a Convention

right, does not fall within this requirement. An initial letter of complaint is sufficient to satisfy the restrictions of the time limit.

After the exhaustion of effective domestic remedies. As in other international procedures, the national authorities first should have had the opportunity to address the substantive issues raised by the applicant. Exhaustion of domestic remedies involves a normal use of procedures, likely to be adequate and to provide redress for the alleged wrong. When there are no domestic remedies at all, or the remedies are not effective or unduly prolonged, this requirement may be waived. The Court's procedures place on the applicant the burden of proof that domestic remedies have been exhausted or are ineffective.

2. Complaints before the Court typically concern

Acts that violate rights guaranteed by the Convention. Violations of other rights not guaranteed by the Convention do not fall within the jurisdiction of the Court. Therefore, basic knowledge of the scope and content of the guaranteed rights is essential to determine whether a complaint falls within the scope of the Convention.

Acts within the territory of a state party, but also acts of official representatives of the state acting in this capacity outside the country.

Acts effected after the ratification of the Convention.

3. Complaints should not be

Anonymous. The application must be signed.

Substantially the same as a matter already examined or submitted to another procedure or international investigation.

An abuse of the right to petition.

Manifestly ill-founded.

4. A case may be struck from the docket if the applicant does not intend to pursue the application, the matter has been resolved,

or continuation of the examination of the application is no longer warranted.

Representation

Legal representation for filing an application is not formally required. However, it is advisable to consult with NGOs and legal experts with knowledge and experience in Convention case law and procedures. Applicants may be represented by a lawyer admitted to practice in one of the states parties to the Convention or by an expert in international law. In certain circumstances, the Court will meet some of the cost of legal representation under its own scheme for legal aid to applicants.

An initial letter describing the events and complaints of a victim is sufficient for the procedures to be initiated. An application form is then sent to the applicant to be completed, or may be sent by the applicant as an initial complaint. The application should address all important issues and legal analysis regarding the alleged violation and should contain all required personal and formal data. The application form is not considered a necessary part of the procedures—complaints that contain all necessary data may be registered even without it.

A committee of three judges considers the applications and, by unanimous vote, may declare an application inadmissible. Such a decision may be made without further examination. This decision is final and puts an end to proceedings.

A chamber of seven judges further considers the cases that have not been declared inadmissible by a three-judge committee. A summary of the facts and complaints is prepared and sent to the respondent government for its observations, and the applicant is given an opportunity to reply to them. Typically, the chamber decides on the admissibility and the merits separately.

Friendly settlement

After declaring the case admissible, the Court places itself at the disposal of the parties for a possible friendly settlement within a prescribed time limit set after the admissibility decision. Confidentiality is mandated in proceedings aimed at achiev-

ing a settlement. A settlement must be based on the principles of human rights and is subject to approval by the Court. A settlement often includes agreements concerning the introduction of legislative amendments, and/or payment of compensation and expenses to the applicant. A settlement puts an end to the proceedings.

Examination on the merits

If the application is declared admissible and a settlement is not reached or approved, the Court, together with the parties' representatives, pursues the examination of the case on the merits. The parties are invited to answer questions and exchange written observations on the merits. The Court may undertake an investigation, and the state concerned must furnish all necessary information to the Court. The parties prepare written memoranda and, in certain infrequent cases, present their pleadings at a hearing before the Court. The Court may also invite any person who is not the applicant to submit written comments or take part in the proceedings. International human rights organizations may be permitted to file *amicus curiae* briefs in important cases.

The Court decides the case on the merits by issuing a judgment. If it finds that there was a violation of the Convention, the Court may afford just satisfaction to the injured party.

The judgment

Within three months following a judgment of a chamber, any of the parties may request that a case be referred to the Grand Chamber. The judgment of a chamber becomes final when (1) the parties declare they will not request that the case be referred to the Grand Chamber, (2) the parties did not request the case to be referred within three months after the judgment, or (3) a panel of the Grand Chamber rejects the request to refer the case.

Unless one of the parties objects, the chamber may, prior to rendering a judgment, relinquish its jurisdiction to the Grand Chamber in cases raising serious questions affecting the interpretation of the Convention or possibly resulting in a judgment inconsistent with a judgment previously delivered by the Court.

The Grand Chamber of the Court

The Grand Chamber makes determinations of individual complaints relinquished by a chamber prior to rendering judgment or referred by one of the parties after the judgment. A five-member panel of the Grand Chamber determines whether to accept the relinquished case or referral. However, the Grand Chamber will exercise this procedure only in exceptional cases raising serious questions affecting the interpretation or application of the Convention, or a serious issue of general importance. At the request of the Committee of Ministers, the Grand Chamber also gives advisory opinions on legal questions concerning the interpretation of the Convention.

The judgment of the Grand Chamber is final.

Evidence

Although there are no strict rules on the admission of evidence, it is advisable to prepare, and secure in advance, evidence in support of all submissions. Such support may be found not only in the traditional statements of witnesses as well as medical certificates, statistics, and other documents, but also in domestic case law and statements from lawyers concerning the practice of domestic courts.

Official languages

English and French are the official languages of the Court. Applications may be drafted in any of the official languages of the member states. Once the application has been declared admissible, one of the Court's official languages must be used, unless the president of the chamber or Grand Chamber authorizes the continued use of the language of application.

Execution of decisions

Under the Convention, the states parties "undertake to abide by the final judgment of the Court in any case to which they are parties." This undertaking entails very

specific legal obligations, such as paying a sum awarded to the applicant as just satisfaction. It may also require the state to take some unspecified individual measures, designed to rectify the applicant's situation, or some unspecified general measures aimed at preventing future violations from happening. The Court cannot order the respondent state to take specific individual or general measures, however; states are free to choose the means for implementation of individual or general measures. This freedom nonetheless goes hand in hand with supervision by the Committee of Ministers, which is required to ensure that the chosen means are appropriate and effectively permit achievement of the result desired by the judgment of the Court.

For more information, please contact Council of Europe, F-67075 Strasbourg Cedex, France; tel: (33 3) 88 41 20 24; fax: (33 3) 88 41 27 04; E-mail: HumanRights.Info@coe.int; Web: www.coe.int or www.humanrights.coe.int for specific human rights information.

6. Effects of strategic litigation

The ultimate goal of strategic litigation is social and legal reform in the public interest. Successful litigation may lead to the enforcement of existing laws or fulfillment of governmental responsibilities. Successful litigation may also result in changes in the practice and interpretation of certain laws by all judicial bodies in a country. Decisions of constitutional and supreme courts, for example, play a leading role in the interpretation of existing law, and some are explicitly binding on other courts. In some instances, successful litigation may lead to the improvement or restructuring of institutions providing public services, such as hospitals and schools. In other cases, the impact of successful litigation is on the legislative process or on public opinion, which can greatly influence legal and social reform.

Nan Aron, founder of Alliance for Justice, an association of public interest organizations throughout the United States, divides the results that public interest advocates can obtain through court action into four categories:

6.1 Enforcing the law
6.2 Applying and interpreting the law
6.3 Reforming public institutions
6.4 Inspiring social and political change

6.1 Enforcing the law

A great many strategic cases are brought to court simply to enforce existing laws that are being ignored or inadequately enforced. Human rights lawsuits are often filed to compel government agencies to fulfill their duties to individual citizens and the community. Environmental and consumer rights cases address everyday issues such as monitoring public health regulations and preventing fraudulent business practices. Such cases are critical to the success of public policy and legislative campaigns. Without public interest activists representing concerned citizens who are willing to go to court, strong environmental legislation and other laws enacted by parliaments and government would be rendered meaningless. In fact, making agencies do their jobs has been called the most important role of environmental litigation. For example, Green Action, an environmental organization in Croatia, has initiated numerous legal actions in response to damage to property surrounding the Ivanec Quarry near Zagreb. Its efforts have been successful in ensuring that state agencies and local authorities stop issuing mining permits to companies whose quarries are destroying property. Viewed another way, to ignore such deficiencies in the enforcement of laws would render meaningless the efforts of activists and others to reform existing legislation.

6.2 Applying and interpreting the law

In systems of common law, legislative bodies often enact laws that are essentially broad policies, and it becomes the judiciary's responsibility to interpret and apply the law in the context of specific circumstances. But to a lesser degree, the courts in civil law systems also have a role to play in interpreting how general legal provisions and constitutional protections apply to particular circumstances. The judgments or opinions of the Supreme Court, the Constitutional Court, or an international tribunal have a binding force on the rest of the legal, executive, and legislative establishment and may influence the interpretation of the law by all courts in a country. When a strategic case is successfully brought before such a body, it is likely to have an impact on the general problem presented in the case. Thus, the case law of supreme and constitutional courts is closely followed by and binding on the rest of the judicial system.

Moreover, a case that challenges an abusive practice may ultimately be resolved in an international tribunal such as the European Court of Human Rights. The impact of a judgment of this tribunal may

reach far beyond a specific country and affect similar problems in other countries. When such cases address the compatibility of domestic law with international standards, a judgment may bring direct changes in the law of the state involved.

6.3 Reforming public institutions

Especially in the United States, courts may issue decisions that focus on changes in institutions such as prisons, schools, hospitals, and mental health facilities, often with detailed instructions about how to implement such changes. Some judges are willing to utilize the full power of the judiciary to secure the compliance of public officials and institutions with the judicial decisions. For example, some U.S. courts have ordered changes in policies and operations of mental health facilities in response to evidence of dangerous conditions. In addition, as a result of lawsuits presenting evidence of cruel and dangerous prison conditions, judges in the United States have mandated an end to many practices that perpetuate the problem of prison overcrowding.

6.4 Inspiring social and political change

While court decrees directing substantial and comprehensive changes have accomplished much, the ability of judges to implement and enforce such orders is limited, especially in countries with civil law systems, as the courts have neither the police power of the executive nor the budgetary authority of the legislature. As discussed above, a strategic case is brought to court to influence and change the views of society as expressed through the law. Once in court, proponents of change strive to draw the public's and judiciary's attention to a particular issue in order to influence the court's practice, the law, and society in general.

In certain circumstances, public interest litigation serves to complement the legislative process. Judicial decisions that follow the adoption of a law frequently provide interpretation of its provisions. Even when unsuccessful, a case may highlight problems or injustices in existing legislation, thus prompting legislators to reexamine public policy and enact measures to address the needs demonstrated by the public interest proceeding. For example, the WOLF Forest Protection Movement, in its case against the Slovak Ministry of Agriculture, was unsuccessful in attempting to become a party to administrative proceedings being conducted on forest management plans. Although the Supreme Court rejected its complaint, the case helped confirm an expansive interpretation of the criteria for

obtaining status as a party in administrative proceedings in Slovakia. WOLF hopes this will encourage other NGOs to participate in similar proceedings.

Regardless of the success of the case in court, pressure on the system resulting from public education may be sufficient to achieve the necessary legislative changes. Public interest litigation not only raises social issues, but it also highlights facts in a case and encourages and informs public discussion and debate on the issue. In the case of Dimitar Djevizov, for example, the Bulgarian Helsinki Committee (BHC) claimed that the owner of a private café in the town of Plovdiv should be held liable for allegedly refusing service to Romani people, and that the municipality should also be held liable for failing to sanction the owner. Although the case remains pending and its chances for success in court are fading, the BHC has achieved a public interest purpose insofar as the café is now serving all patrons regardless of their ethnicity.

Public interest advocates can often uncover information that the ordinary citizen would have greater difficulty in obtaining, such as documents from government agencies, information revealed through interviews with public officials, and records of actions taken by parties to the proceedings. Through the discovery and disclosure of such information, a pending case can raise interest and support in the community, adding to the pressure for change. Thus, merely raising legal issues of strategic importance frequently draws attention to the underlying problem and inspires public discussion, creating an increased awareness of the need for change. Public interest organizations may conduct activities in support of the litigation and play an important role in educating the public, drawing attention to the social issues addressed by the case, and initiating a discussion that contributes to the process of change.

7. Litigation as part of a comprehensive strategy

Complete victories in the courtroom are certainly cause for celebration. However, it may be unrealistic to expect a complete victory as a result of a single favorable decision. A ruling may have some aspects that advance the public interest cause but contain other elements that impede progress toward a public interest goal. Yet even partial victories are steps in the right direction and will eventually contribute to positive change. A long-term perspective is critical in public interest work, but deferring a declaration of vic-

tory until the achievement of complete success can be both counterproductive and demoralizing.

Moreover, winning litigation is not a panacea. Positive results may remain socially ineffective unless other activities accompany the legal efforts. As described in more detail elsewhere in these chapters, such activities may include grassroots campaigns, lobbying, monitoring, public education, or a combination of these activities. In the United States, for example, the *Brown* cases alone did not bring about extensive social change. In fact, the decisions were met with strong resistance; desegregation plans were ultimately abandoned in many school districts where they were first implemented. The implementation of the *Brown* decisions required great effort, resources, and tenacity, in a struggle that continues to this day.

In some cases, the impact of a victory in the courtroom is lessened or delayed if litigation is not accompanied by other strategies to form a comprehensive solution to social problems. For example, advocates for deinstitutionalization in the United States gained impressive legal victories in the 1970s in obtaining the release of many mentally impaired patients from prisonlike institutions. Ironically, without sufficient community-based care facilities, many of the former patients went untreated and experienced relapses, sometimes with severe consequences. While the public interest movement played a major part in releasing people who did not need to remain in an institution, the challenge to establish adequate community services, including residential facilities, case management, job training programs, and crisis services, had not yet been met.

Perhaps the greatest frustration of litigation for those who practice public interest law is that successes, once achieved, require constant follow-up and monitoring so that they do not become paper victories resulting in little long-term change. There is a common feeling among public interest lawyers that they are constantly fighting battles they thought were over.

Nevertheless, although litigation can be expensive and complex, and sometimes achieving the desired goal can be elusive, taking a case to court may be the best or only tactic available. Most public interest lawyers would agree that often there is no realistic alternative to litigation if real progress is to be made, or if gains made in the past are to be defended. In most cases, litigation functions as a critical component of a comprehensive strategy for action to achieve meaningful changes for the betterment of society as a whole.

RESOURCES

Readings

Amnesty International, *Fair Trials Manual*, 1998, London. <http://www.amnesty.org/ailib/intcam/fairtrial/fairtria.htm> (last accessed on July 26, 2001).

A guide to the international and regional standards that protect the right to a fair trial. Covers pretrial rights, rights at trial and during appeal, and special cases including death penalty trials, cases involving children, and fair trial rights during armed conflict.

Aron, N., *Liberty and Justice for All: Public Interest Law in the 1980's and Beyond*, Westview Press, 1989, Boulder, Colorado.

This book examines the history and role of public interest law in the United States and reviews its current status in the context of a 1983–84 survey of public interest law groups in the United States. A separate chapter discusses different litigation strategies and critiques litigation. The book also contains recommendations to the different actors in the public interest law movement: foundations, government, private bar, law schools, and public interest law centers.

Council of Europe, *A Single Court of Human Rights in Strasbourg: November 1998*, 1997, Strasbourg; available in English and French.

Council of Europe, *Short Guide to the European Convention on Human Rights*, 2nd edition, 1998, Strasbourg; available in English and French; also available in Albanian, Bulgarian, Croatian, Czech, Estonian, Hungarian, Latvian, Lithuanian, Macedonian, Polish, Romanian, Russian, Slovak, Slovenian, and Ukrainian.

Epp, C., *The Rights Revolution: Lawyers, Activists and Supreme Courts in Comparative Perspective*, The University of Chicago Press, 1998, Chicago.

A comparative analysis of the growth of civil rights, examining the high courts of the United States, Britain, Canada, and India within their specific constitutional and cultural contexts.

Harris, D., M. O'Boyle, and C. Warbrick, *Law of the European Convention on Human Rights*, Butterworths, 1995, London.

Provides a comprehensive account of the case law of the European Court of Human Rights and its principles, and explores the extent of the European Convention's influence on the legal developments of the contracting states. Provides a thorough analysis of each Convention article.

Public Interest Law Initiative in Transitional Societies, Columbia Law School, *Durban Symposium on Public Interest Law in Eastern Europe and Russia*, 1997, New York. <http://www.pili.org/publications/durban/index.html> (last accessed on July 26, 2001).

Report of the Symposium on Public Interest Law in Eastern Europe held in Durban, South Africa, in July 1997. Topics include management of public interest law organizations, access to justice and legal services, development of new institutions, street law and public education, clinical legal educa-

tion, domestic campaigning and lobbying for women's rights, and environmental litigation.

Public Interest Law Initiative in Transitional Societies, Columbia Law School, *Legal Defense of Roma (Gypsies) in Central and Eastern Europe*, 1998, New York. <http://www.pili.org/publications/roma/index.html> (last accessed on July 26, 2001).

Report of the Workshop on Legal Defense of the Roma in Central and Eastern Europe held in November 1997. Contains an annotated bibliography of academic articles, studies, and research publications about Roma generally and Roma in Eastern Europe.

Wilson, R., and J. Rasmussen, *Promoting Justice: A Practical Guide to Strategic Human Rights Lawyering*, International Human Rights Law Group, 2001, Washington, D.C.

A guide to practical legal strategies designed for local human rights lawyers. Examines the various structures of legal services organizations and highlights useful experiences of human rights lawyers from around the world. The publication can also be used as a tool for donors interested in assessing the potential impact of legal services organizations.

Organizations

Center for Reproductive Law and Policy (CRLP)
120 Wall Street
New York, NY 10005, USA
Tel: (1 917) 637 3600
Fax: (1 917) 637 3666
E-mail: info@crlp.org
Web: www.crlp.org

Web site contains information about laws, legal analysis, and legal developments related to the rights of women worldwide.

Centre for Advice on Individual Rights in Europe (AIRE)
74 Eurolink Business Centre
49 Effra Road
London SW2 1BZ
United Kingdom
Tel: (44 207) 924 9233 (administration only)
Fax: (44 207) 733 6786
Advice Line: (44 207) 924 0927
Web: www.airecentre.org

Provides legal assistance on a case-by-case basis to individuals, or to the lawyers who represent them before international tribunals, as well as resources and teaching materials on international human rights law.

Environmental Law Alliance Worldwide (E-LAW)
1877 Garden Avenue
Eugene, OR 97403, USA
Tel: (1 541) 687 8454
Fax: (1 541) 687 0535
E-mail: elawus@elaw.org
Web: www.elaw.org

Provides public interest lawyers with resources to protect the environment through legal activities.

European Court of Human Rights
Council of Europe
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Fax: (33 3) 88 41 27 30
Web: www.echr.coe.int

European Roma Rights Center (ERRC)
1386 Budapest 62
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Tel: (36 1) 4282 351
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E-mail: Info@errc.org
Web: www.errc.org

Defends the human rights of the Roma throughout Europe and serves as a legal resource center for advocates working in this field.

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