

**Equinet Cluster on Strategic Litigation**

**Information Note**

**CONTEXT**

In its Work Plan for 2015, *Equinet – the European Network of Equality Bodies* has committed to set up a thematic Cluster on Strategic Litigation for Equality Bodies. The Cluster is described in the Work Plan as follows:

**CLUSTER on Strategic Litigation**

*Equinet will assist the setting up of a members-led thematic cluster which will bring together equality bodies’ legal experts with an interest in strategic litigation in discrimination cases. Strategic litigation is already used by some equality bodies, while others currently consider experimenting the use of this tool to take up cases that can result in important clarifications of the applicable law and positive changes going beyond the merits of the particular case. This thematic cluster will provide a space for interested equality bodies as part of an expert group to:*

*i. discuss the advantages, disadvantages and challenges of strategic litigation,*

*ii. share and discuss criteria for strategic litigation and*

*iii. analyse successful examples of court cases where strategic litigation brought about positive results and developments in the law.*

**AIM & OBJECTIVES**

The primary objectives of this Equinet Cluster will be to:

* discuss the characteristics, advantages, disadvantages and challenges of strategic litigation,
* share and discuss criteria, policies and internal decision-making practices for strategic litigation,
* analyse successful examples of court cases where strategic litigation brought about positive results and developments in the law
* discuss the links of strategic litigation with other strategies, such as communication and cooperation with other stakeholders
* encourage the take-up of strategic litigation practices by more equality bodies

**LEADERSHIP & PARTICIPATION**

The work of the Cluster will be defined and delivered by equality bodies themselves and will therefore rely on the active participation of Cluster members.

The Cluster foresees the participation of a group of maximum 15 representatives from national equality bodies. The Equinet Secretariat will strive to ensure some geographic balance within the Cluster. Cluster participation will be limited to maximum one member from an equality body.

English will be the working language of the Equinet Cluster.

The Cluster will have one physical meeting in the autumn in 2015 and its work will continue into 2016, with at least one more meeting in spring 2016.

The Equinet Cluster will be composed of equality body staff members.

In order to ensure comparability and similar levels of expertise, Cluster members will come from:

* equality bodies with experience in the field of strategic litigation (priority) or
* from equality bodies that have and use their litigation powers, being involved in cases in front of courts and/or tribunals other than in appeals against their own decisions.

Equality bodies that are not members of the Cluster will benefit from the final report of the Cluster and will be involved in its follow-up activities.

The work will be supported and facilitated by the Equinet Secretariat.

**EXPECTED OUTPUT**

The Cluster will produce a final report in 2016, summarising its deliberations. The final report is expected to provide an insight into good strategic litigation practices and to encourage and assist more equality bodies adopting such strategic litigation practices.

The exact format and content of the final report will be determined at a later stage by the Cluster members, subject to approval by the Equinet Executive Board.

**TIMEFRAME**

The indicative timeframe for the Equinet Cluster is as follows:

* *August-September 2015*: preparatory work and planning of the first Cluster meeting
* ***November/December 2015*: first meeting of the Cluster**
* ***2016*: continued work, including a second meeting of the Cluster and preparation of the final report**

**EQUINET CONTACT POINT**

Main contact for the coordination of the Equinet Cluster within the Secretariat:

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