

DISCIPLINA: STRATEGIC LITIGATION AND HUMAN RIGHTS	CÓDIGO: A DEFINIR
PROFESSOR: JULIANA CESARIO ALVIM GOMES	CARGA HORÁRIA: 30h
<p>EMENTA</p> <p>1. INTRODUCTION. 2. THEORETICAL ISSUES – 2.1. What is strategic litigation? 2.2. Who are the strategic litigators?. Governmental and non-governmental actors. 2.3. When to engage in strategic litigation? Structures of legal opportunities, resources, circumstances. 2.4. Where to engage in strategic litigation? Globalization, international and domestic orders. 2.5. How to strategically litigate? The role of the litigator. 2.6. Why strategic litigation? Specific and general goals. 2.7. Why not? Criticisms and reasons not to engage in strategic litigation. 3. PRACTICAL ISSUES – 3.1 Framing & Strategizing: defining problem, solution and tactics. 3.2. Client-Attorney relationship: emotions, doubts, ethics and challenges. 3.3 Daily work: formal, less formal and informal mechanisms of access to courts. 3.4 Support actions, advocacy and long term strategies. 3.5 Media, social media and multiple audiences. 3.6 Implementation and enforcement.</p>	
<p>OBJETIVOS GERAIS</p> <p>The course's goal is to prepare future law operators to deal with the theoretical and practical challenges of strategic human rights litigation both in domestic and international arenas.</p>	
<p>OBJETIVOS ESPECÍFICOS</p> <p>Strategic human rights litigation operates in the crossroads between social movements and state institutions, conservation and transformation, law and politics. As a result, practical and theoretical dilemmas arise: can strategic litigation make a difference in the world? What is the role of the litigator in this process? How to ethically work in benefit both of a client and a cause? How to make use of the judicial system without reinforcing the injustices it promotes? By drawing on the instructor's experience as a human rights litigator, the course aims to promote engagement with these discussions while critically and constructively analyzing concrete cases.</p>	
<p>BIBLIOGRAFIA COMPLEMENTAR</p> <p>Ana Milena Coral-Díaz, Beatriz Londoño-Toro, Lina Marcela Muñoz-Ávila. El Concepto de Litigio Estratégico en América Latina: 1990-2010. Vniversitas. Bogotá (Colombia) N° 121: 49-76, julio-diciembre de 2010. < http://www.scielo.org.co/pdf/vniv/n121/n121a03.pdf></p> <p>João Elbio de Oliveira Aquino Sequeira. Estruturas de Oportunidade Legal dos movimentos anti-barragens no Pará. Rev. Direito e Práx., Rio de Janeiro, Vol. 08, N. 1, 2017, pp. 474-506 <http://www.e-publicacoes.uerj.br/index.php/revistaceaju/article/view/27769></p> <p>Joseph Otteh (ed.). Litigation for Justice. A Primer on Public Interest Litigation (PIL). Access to Justice, 2012. (on different countries experiences) < http://accesstojustice-ng.org/Litigating%20for%20Justice.pdf></p> <p>Juliana Cesario Alvim Gomes. Por um Constitucionalismo Difuso: Cidadãos, movimentos sociais, e o significado da Constituição. Salvador: JusPodivum, 2016.</p> <p>Makau Mutua. Savages, Victims, and Saviors: The Metaphor of Human Rights. 42 Harv. Int'l L. J. 201 (2001)</p> <p>Nancy Fraser. Reframing Justice in a Globalizing World. In Scales of Justice: Reimagining Political Space in a Globalizing World, New York, NY: Columbia University, 2009, pp. 12-29.</p> <p>Open Society Justice Initiative. From Rights to Remedies Structures and Strategies for Implementing International Human Rights Decisions, 2013. < https://www.opensocietyfoundations.org/sites/default/files/from-rights-to-remedies-20130708.pdf></p> <p>Owen Fiss. "The Forms of Justice" (1979). <i>Faculty Scholarship Series</i>. 1220. http://digitalcommons.law.yale.edu/fss_papers/1220 (on structural litigation)</p>	

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