

Help us build a strategic litigation toolkit!

The Digital Freedom Fund (DFF) works to advance digital rights by supporting strategic litigation in Europe. Along with providing financial support for strategic cases in Europe, DFF facilitates collaboration between digital rights actors with a view to building a stronger field and stronger legal cases to protect and promote digital rights.

In the context of DFF's skill-building and knowledge sharing activities, we are looking for a Consultant to help us in researching and building the content for a strategic litigation toolkit to assist digital rights litigators.

Background

The advancement of technology has made us more vulnerable to corporate exploitation and disproportionate government responses that limit our ability to exercise our rights, increasing the risk of our human rights being eroded in the digital sphere. Human rights that should be protected offline, including the rights to privacy, freedom of expression, freedom of assembly, and freedom from discrimination, must also be respected and protected in networked and digital spaces. Strategic litigation, when embedded in a wider strategy or movement, is an important means through which social change can be achieved that better protects and promotes our human rights in the digital age.

As part of DFF's strategy process, members of our network identified a need for greater skill-building and -sharing among the digital rights field. In response to this, we developed and ran two litigation retreats, held in [Montenegro](#) and [Belgrade](#), giving digital rights litigators the opportunity to workshop, build strategies, and develop litigation and advocacy plans around their cases. In 2019 and 2020, DFF further facilitated information- and skill-sharing for litigation through the convening of workshops, trainings and digital strategy sessions that focussed on [artificial intelligence](#), [competition law](#), [the GDPR](#) and [the Digital Welfare State](#).

Alongside these activities, DFF has been exploring the possibility of developing a strategic litigation toolkit that contains tools, resources and systems to assist and guide digital rights litigators in their cases from conception to implementation. Participants at the litigation retreats were asked whether they would find such a resource useful, and the response demonstrated wide enthusiasm and interest among the two groups for such a toolkit to be created. To this end, DFF commissioned a research report in 2018 that examined (i) what the digital rights field would specifically need and find most useful from such a tool, (ii) how this toolkit can best complement resources already available in other existing litigation toolkits, and (iii) the key recommendations for the design, content and format of such a toolkit.

DFF are now looking for a Consultant to help progress this project to its next stage by researching and building the content for this toolkit based on these research findings. We expect the Consultant to co-ordinate this research in collaboration with other individual experts who can

provide input on aspects of the toolkits that could benefit from their specific knowledge, experience and perspective.

Deliverables

Deliverable 1: Detailed research plan for the digital rights litigation toolkit

The Consultant will produce a detailed research plan with DFF before the end of October 2020. This research plan should include:

- A detailed outline of the topics that will be covered in the toolkit;
- A breakdown of the research questions for each topic to be covered in the toolkit;
- A methodology for the proposed research;
- A timeline for completion of the research and drafting of the toolkit content; and
- A list of external experts that the Consultant intends to engage when building the toolkit (budget will be provided to the Consultant to engage these experts).

Deliverable 2: Draft digital rights litigation toolkit

The Consultant will research and draft, with the assistance of external experts where necessary, a digital rights litigation toolkit in line with (i) the findings of the research report commissioned by DFF in 2018, and (ii) the detailed research plan from October 2020.

The draft toolkit should be in the form of a Word document, and should contain guidance, tips, tools, systems and additional resources on the following topics:

- Developing a litigation strategy;
- Building and working with a strong evidence base for litigation;
- Finding the strongest fact pattern for success;
- Assessing the strengths of different types of legal action;
- Assessing the strengths and weakness of different litigation fora;
- Developing an effective advocacy and campaign strategy around a strategic case;
- Building a team and coalition;
- How to work with the media;
- How to manage a case effectively;
- How to make an impact with a “win” or a “loss.”

Time frame

MONTH	ACTION
September 2020	Call for Consultant
23 October 2020	Consultant selection
30 October 2020	Delivery of detailed research plan to DFF
End December 2020	Completion of research for toolkit

Required experience and qualifications

- Demonstrable legal knowledge and research skills, particularly in relation to strategic litigation and digital rights;

- Demonstrable experience in relevant research methods and previous involvement in similar research;
- Proven ability to analyse legal strategies and concepts and translate them into relatable terms for a broad audience;
- Proven ability to engage with a multi-disciplinary group of experts to produce a high-quality research product;
- A litigation background in human rights is highly preferred, but not required;
- Excellent writing and presentation skills.

How to apply

Please send the following to info@digitalfreedomfund.org with "Strategic litigation toolkit consultancy" in the subject line:

- Brief statement of motivation
- CV
- Draft outline of research plan for the toolkit (max 4 pages total)
- Estimated number of hours and hourly rate
- Names of two professional references

The deadline for applications is **16 October 2020**.

DFF is incorporated as a *Stichting* under Dutch law, with its Secretariat operating from Berlin and its Legal Adviser operating from London. The Consultant will be able to work remotely, and the Legal Adviser will be their primary point of contact.



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