



Beyond disseminating information about a judgment, engaging with various stakeholders may be an additional approach to consider. Press briefings, training with activists and communities, and workshops can be effective ways of sharing information and informing people about their rights, how the decision may affect them, and what recourse they may have. Articulating, in relatable terms, what a judgment means could include the following:

1. This is why the court case happened.
2. This is what the court said.
3. This is why it matters.
4. Going forward, this is what should or should not happen.
5. If this does happen this is what you can do or who you can contact.

Guideline 33: Judgments are not always easy to understand and might be lengthy and filled with legalese and technical findings. It is therefore important that the judgment be accessible and understandable.

Navigating “wins” and “losses”

Further to our earlier discussion about success and impact, a case may be impactful even if unsuccessful. Instances of this include strategic litigation that is used as an advocacy tool alongside protest action or as a means to compel an opponent to discover documents that would otherwise not be in the public domain. Here, success in litigation is not the aim but the litigation itself becomes a tool in a broader public interest campaign. Sharing information about a case post-judgment is important whether it is a win or a loss, but the framing and strategy might differ depending on how you want to capitalise on the outcome. Sometimes a powerful precedent is set, a firm order is given and there is likely to be a tangible outcome. Sometimes litigation does not achieve substantial changes in jurisprudence, and sometimes courts will not grant the relief you seek. This does not mean that it is the end of the road. “Unfavorable litigation outcomes can be uniquely salient and powerful in highlighting the misfortunes of individuals under prevailing law while presenting a broader narrative about the current failure of the legal status quo.”⁶⁹ Regardless of a perceived “win” or “loss” it is necessary to think about the judgment’s immediate and direct effects, as well as the more subtle or indirect outcomes.

⁶⁹ Dailey, above n 7 at 90.



Helen Duffy proposes a move away from the “win-loss” narrative. She suggests that the significance of human rights litigation should be viewed through three, more modern, sophisticated lenses:⁷⁰

High-definition lens:

Here you look at specific details and assess the multi-dimensional impact of human rights litigation.

Long lens:

This requires viewing impact over time. Here you look beyond the judgment to see how litigation may also influence change before cases are presented, throughout the process, and long after judgment has been handed down.

Wide-angle lens:

This lens allows you to see litigation in context. Through this lens, you can see the synergy between litigation and other agents for change, such as civil society advocacy, education, or legislative reform.

Guideline 34: The outcome of a judgment is often not a simple binary of winning or losing. It is important to reflect on the direct and indirect impacts that are both material and symbolic.

Effects of a judgment can be wide-ranging, and how we view these can determine what we do next. A judgment can be a potential political tool for individuals, communities, and organisations. It can prompt action. It can evoke positive feelings of empowerment, rights awareness, and self-advocacy. It may also inspire other communities to pursue similar strategies, generating more broad-based pressure on the courts to address systemic rights violations.⁷¹ Importantly, navigating the direct and indirect outcomes of a case, which is either a win or a loss, should feed into subsequent advocacy strategies. This could include:

⁷⁰ Duffy, ‘Strategic Human Rights Litigation: “Bursting the Bubble on the Champagne Moment”’ Inaugural Lecture Leiden University (2017) (accessible at <https://scholarlypublications.universiteitleiden.nl/access/item%3A2940282/view>).

⁷¹ Dailey above n 7.