

Global Human Rights Litigation Report

March 2023



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The Open Society Justice Initiative uses the law to promote and defend justice and human rights through litigation, advocacy, research, and technical assistance. Working as part of the Open Society Foundations, our staff are based in Abuja, Berlin, Brussels, The Hague, London, Mexico City, New York, and Washington, D.C.

Quick facts about the Open Society Justice Initiative:

- Over the years, the Justice Initiative has litigated in more than 30 domestic courts and 15 international jurisdictions across the globe.
- The Justice Initiative's thematic communities of practice include climate and environmental justice, tech regulation, digital rights and electoral justice, discrimination and racial justice, and accountability and the rule of law.
- The Justice Initiative supports efforts at a local, national, and international level to expand access to justice to those whose inability to seek the protection of the law leaves them vulnerable to exploitation and abuse.
- The Justice Initiative was involved in over 70 legal cases in 2022.

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Global Human Rights Litigation Report

Critiques of the human rights movement have come fast and furious in recent years, and strategic rights litigation has borne the brunt of much of this criticism. While rights advocates have been pilloried as ineffective moral purists too preoccupied with principles to address real-world problems, litigators have been criticized as being even worse. They allegedly see law and lawsuits as the solution to every problem, even as they take years and lots of money to grind their way toward court rulings that—so it is said—fail to change conditions on the ground.

Of course, it's not so simple—or so bleak. In many countries, rights lawyers working in partnership with activists skillfully and courageously navigate challenges of inadequate resourcing, fierce partisan politics, and risks to life and livelihood. Over the past few years, reproductive rights litigators have won major gains in defending or expanding protection for women's access to abortion in Colombia and Mexico, as well as in the United States via state courts. In Kenya, rights advocates have deployed litigation, together with advocacy and community organizing, to prompt wider consultation with affected groups, enhance data protection, and force the government to consider the rights implications of a new national digital identity system. Climate claimants have persuaded courts in Germany, the Netherlands, and other countries to hold governments and even fossil fuel companies responsible for climate change. Activists have used legal action to defend journalists and secure the guardrails of democracy in the Philippines, Brazil, and other countries. And in January 2022, a German court handed down the first-ever verdict on Bashar al-Assad's systemic torture of civilians, against a former colonel who oversaw a notoriously brutal prison in Syria's capital. The Justice Initiative represented five survivors in the case.

Russia's illegal invasion of Ukraine and the mass atrocities that followed have reminded us that human rights, and the international legal architecture that gives them substance, still matter. As diplomats considered creation of a special tribunal to prosecute Russia's crime of aggression, the Justice Initiative drafted a model indictment of President Putin and other senior leaders to demonstrate the feasibility of addressing what the Nuremberg Tribunal termed a war of aggression as "the supreme international crime." We have also worked closely with civil society partners and prosecution offices in Ukraine and other countries to investigate war crimes and crimes against humanity.

The Justice Initiative pursues strategic litigation in many ways on an array of issues critical to the defense of open society. We act as counsel or co-counsel, file third-party interventions or amicus briefs, and offer strategic advice to lawyers and complainants. We pursue and develop litigation before regional human rights tribunals in Africa, the Americas and Europe, in international courts, before UN treaty bodies, and in multiple domestic jurisdictions across five continents. The cases below provide a snapshot of work that the Justice Initiative carried forward in 2022. Not included in the below are additional projects on which the Justice Initiative provided critical behind-the-scenes advice and strategic guidance on:

- pathbreaking litigation on the responsibility of social media corporations to police online content leading to ethnic and other violence
- new legal avenues to hold financial institutions and food conglomerates accountable for rampant deforestation and human rights violations; and
- the role of lawyers and other white-collar actors in enabling corruption, tax avoidance, and related crimes by facilitating legally questionable money flows in financial centers.

Cases filed in 2022

Tech Regulation, Digital Rights, and Electoral Justice

The Justice Initiative works to ensure electoral justice by promoting free and fair elections, upholding digital rights by holding governments and corporations to account, and enshrining effective tech regulations into law.

Belarus internet shutdown

Filed in March 2022, OECD Complaint in Austria
(Complainant)

Contesting internet shutdowns. The Justice Initiative filed a complaint against A1 Telekom Austria to hold it accountable for the actions of its subsidiary in Belarus, which turned off mobile internet for its subscribers during the protests around Belarus' contested 2020 presidential elections. The complaint cites the telecommunications company's failure to comply with the OECD's Guidelines for Multinational Enterprises, which recommends that companies carry out human rights due diligence processes to avoid contributing to human rights violations.

The complaint sought not only to hold Telekom Austria accountable for its subsidiary's actions in Belarus, but also to prevent telecommunications companies from participating in future internet shutdowns and other rights violations. The Justice Initiative's complaint emphasized the need for companies to adopt proper and efficient human rights due diligence policies and implement human rights impact assessments before and during operations where there has been a record of systematic human rights violations—with special care toward examining business relationships with authoritarian regimes such as Belarus, and in consultation with relevant stakeholders and affected communities.

RG 22/10589

Filed in July 2022, Tribunal judiciaire de Paris
(Advisor to Counsel)

Accountability and digital rights. Local partners, with the support of the Justice Initiative, filed a notice with French corporation Idemia under France's Due Vigilance Law to advance corporate accountability for the private sector's role in supplying surveillance biometrics technologies. The notice seeks further information about the company's compliance with environmental and rights obligations under a 2019 contract signed with Kenya to roll out a national biometric digital identification scheme. Idemia exports biometric technologies and algorithms for use in some of the world's largest digital ID systems.

The case is the first to explicitly invoke due diligence obligations for the sale of digital ID technology. It looks to expose and challenge the accepted status quo of opacity and corporate-state collusion in the acquisition of digital ID technology in the context of large-scale international development and elections. The action represents a concrete step in support of calls for increased corporate and state accountability in the rapid adoption of often experimental and invasive border technology that relies on biometric identification.

Meareg, Tekle and Katiba Institute v. META

Filed in December 2022, High Court Kenya
(Third Party Intervention)

Social media accountability. In 2022, the Justice Initiative provided strategic advice to litigation attempting to hold social media giant Meta accountable for insufficient Facebook content moderation leading to grave harms and human rights abuses.

Our partners in Kenya and the United Kingdom worked to call out the discriminatory content moderation policies that see less financial investment and algorithmic safeguards applied in countries like Ethiopia, Kenya, and across the Global South. A case was filed before the High Court in Kenya in December 2022 challenging Meta's Facebook content moderation policies. It has the potential to be the first of its kind to successfully bring the social media company to justice in a courtroom in this manner.

Climate and Environmental Justice

The Justice Initiative seeks to end the systemic harm caused by the climate crisis from corporate corruption to government inaction that deepens existing social inequities and injustices. The Justice Initiative's actions have disrupted global trade production chains that enable destructive and illegal labor and environmental practices, such as those in the beef and palm oil industries. The Justice Initiative has also supported vulnerable communities in fighting back against major carbon emitters and has worked to obtain just climate finance reparations and recognition of the loss and damage caused by the climate crisis. A primary priority for its environmental justice activities is to hold states accountable to their national and international obligations to prevent environmental destruction and address the climate crisis.

Responsible Development for Abaco (RDA) Ltd. v. the Rt. Hon. Perry Christie et al.

Filed on October 31, 2022, Judicial Committee of Privy Council
(Third Party)

Challenging security of cost orders. The Justice Initiative filed an amicus brief in an appeal before the Judicial Committee of Privy Council against a court order that the plaintiff, a group of community organizations, provide security for costs for the government of The Bahamas and a developer amounting to \$250,000 for their case challenging the granting of a licensing permit for the development of a coastal marina to be heard. The appeal questions the prudence of courts imposing a security of costs order in the broader context of ongoing legal challenges in the Caribbean requiring complainants to provide substantial monetary guarantees as security for their opponents' costs of litigation.

The Justice Initiative's brief before the Privy Council argued that these measures have a chilling effect on environmental and public interest action, limiting civil society's access to justice, which is fundamentally incompatible with the precautionary climate degradation principle. The Privy Council ruled in favor of the plaintiffs against the security for costs order granted to the developers.

Equality and Non-Discrimination

The Justice Initiative works to advance a vision of society where everyone can expect fair treatment, regardless of who they are. This means the Justice Initiative helps to ensure equal treatment and access to public services for everyone, regardless of their ethnic background or identity. We also seek to protect basic democratic rights around the world by advancing the right to nationality and citizenship and championing the rights of minority and underrepresented groups, often in the face of authoritarian repression.

Open Society European Policy Institute v. Bulgaria

Filed in January 2022, European Committee of Social Rights
(Complainant)

Discrimination and COVID-19. In January 2022, the Open Society Foundations submitted a collective complaint before the European Committee of Social Rights (ECSR) documenting the Bulgarian government's failure to prioritize individuals above 65 years old and those with comorbidities in their domestic rollout of COVID-19 vaccines. The government's failure to make this prioritization resulted in thousands of preventable deaths and violates the European Social Charter, namely the obligation of the state to protect health and the prohibition on discrimination.

In October 2022, the complaint was declared admissible. It will now be for the Committee to assess the merits of the complaint and determine whether the authorities have violated the right to health of vulnerable groups.

Achbita v. Belgium

Filed in October 2022, UN Human Rights Committee
(Co-Counsel)

Discrimination and freedom of expression. In October 2022, the Justice Initiative, together with the Human Rights and Migration Law Clinic of the Human Rights Centre at Ghent University, filed a complaint against Belgium with the UN Human Rights Committee with regards to the dismissal of a receptionist for her intention to wear a headscarf in the workplace. The complaint argues that religious dress restrictions are discriminatory against Muslim women, violating their rights to freely manifest their religion and to be protected from intersectional discrimination.

Litigation on refugee access to Kenya's permanent residency and citizenship

Children's rights petition filed on November 15, 2022, High Court of Kenya at Garissa (Advisor to Counsel);

Spouses' rights petition filed on February 7, 2023, High Court of Kenya at Garissa (Advisor to Counsel);

Permanent residency petition, filed on February 2023, High Court of Kenya at Nairobi (Co-Counsel)

Citizenship and refugee rights. The Justice Initiative is providing strategic advice to Kenyan civil society to support access to citizenship and residency rights for refugees, including supplying guidance for two cases filed by the Haki na Sheria Initiative and acting as co-counsel to Kenyan NGO Kitu Cha Sheria in a third petition. The cases filed by the Haki na Sheria Initiative challenge the denial of citizenship to children born to a Kenyan parent and a refugee parent and discrimination against refugees married to Kenyan nationals in attaining permanent residency and citizenship. The petition in which the Justice Initiative is serving as co-counsel highlights the government's failure to accord refugees the right to seek of permanent residence status and/or citizenship by treating them less favorably than other foreign nationals, in violation of the Kenyan Constitution and international law binding on Kenya.

Accountability and the Rule of Law

The Justice Initiative's work to advance human rights and the rule of law ranges from combating corruption and illicit financial flows to advancing accountability for genocide, crimes against humanity, and war crimes. It also supports civil society groups working to strengthen regional and international courts, commissions, and treaty bodies.

Combatting corruption and holding perpetrators accountable for heinous crimes often depends on the independence, effectiveness, and transparency of international human rights tribunals and national court systems. Thus, the Justice Initiative advocates for governments to give civil society groups a greater role in significant decisions, such as in the selection of qualified, merit-based human rights judges and commissioners. We also support civil society participation in monitoring the implementation of court rulings, advocating for improved judicial procedures, and in broader efforts to protect, defend, and strengthen the rule of law.

Shaath v. Egypt

Filed on January 12, 2022, African Commission on Human and People's Rights (Co-Counsel)

Unlawful detention and denaturalization. Ramy Shaath, an Egyptian-Palestinian activist, and his wife Céline Lebrun-Shaath, a French national, were detained by Egyptian security forces in 2019 following a raid on their home. Ramy was forcibly disappeared, and Céline was unlawfully deported from Egypt. Ramy was held in deplorable conditions in pretrial detention for over 900 days and placed on Egypt's terrorist list. Ramy's arrest came amid President Abdel Fattah al-Sisi's escalating crackdown on political dissent. On January 6, 2022, Ramy was expelled from Egypt after security officials forced him to renounce his Egyptian citizenship and a lawsuit he had against the government. Ramy is one of the 60,000 political prisoners languishing in Egypt, who often face torture, cruel and inhuman conditions and, sometimes, death in detention.

In response to these rights violations, the Justice Initiative filed a complaint against Egypt on behalf of Ramy and Céline before the African Commission on Human and Peoples' Rights. Three Open Society grantees joined the filing, and 44 NGOs, including Human Rights Watch and the International Society for Human Rights, issued a statement in support of the case. In addition to individual reparations, such as the restoration of Ramy's Egyptian citizenship, the filing asked the Commission to instruct Egypt to close criminal and security cases that serve as the basis for imprisoning political prisoners, and to repeal the laws that put them in such situations.

Terrorist Attacks on September 11, 2001

Amicus filed on April 27, 2022, United States Southern District of New York
(Third Party)

Financial assets seizure. Following the Taliban's removal from power in the early 2000s, the U.S. worked with Afghanistan to build a banking system independent of the government, accumulating \$10 billion in assets in the country's central bank, Da Afghanistan Bank (DAB), by 2021. On August 15, 2021, upon the Taliban's reoccupation, the U.S. Treasury Department blocked DAB's assets to prevent the Taliban from accessing assets that "belong to the Afghan people." After the U.S. blocked DAB's assets, several family members of September 11 attack victims sought to use or "attach" on these assets to collect on their judgments obtained in U.S. district courts against the Taliban. These judgments are high enough to deplete all DAB assets held in the U.S. several times over. These cases were consolidated into the case of *In re: Terrorist Attacks on Sept. 11, 2001*, before the U.S. District Court of the Southern District of New York.

The Justice Initiative filed an amicus curiae brief in the consolidated case of *In re: Terrorist Attacks on Sept. 11, 2001*, seeking to prevent the seizure of \$3.5 billion in assets from Afghanistan's central bank before the Afghan people have a legitimate government able to speak on their behalf. The seizure of these assets would have dire consequences for the prospects of alleviating Afghanistan's deteriorating humanitarian crisis, which is directly traceable to a liquidity drain that the central bank reserves were meant to prevent. The Court recommended that the turnover proceedings to seize the \$3.5 billion in Afghan assets be dismissed, providing that the Court lacks subject matter jurisdiction over DAB under the Foreign Sovereign Immunities Act.

Vidberg v. France

Amicus brief filed in September 2022, before the European Court of Human Rights
(Third Party Intervention)

Prosecutorial accountability. Fabienne Vidberg, the widow of a service man who committed suicide while on duty in Lebanon, filed a complaint with the prosecutor in France, claiming that her husband was a victim of harassment at work. Vidberg's complaint was dismissed by the French prosecutor and the French Constitutional Council. On August 2, 2021, Vidberg lodged a complaint with the European Court of Human Rights (ECtHR), claiming, in particular, that her right to a fair trial under article 6 the European Convention on Human Rights (ECHR) and her right to an effective remedy under article 13 of the ECHR had been violated.

The Justice Initiative submitted an amicus brief emphasizing the importance of prosecutorial accountability to guarantee the rule of law. The brief describes the problems of access to justice and impunity arising from the absence of an independent judicial review of prosecutors' decisions not to initiate criminal proceedings, especially in the context of international crimes and corruption-related crimes. The brief then provides then an overview of the international standards calling for such independent review and how such review can also be considered as required under articles 6 and 13 of the ECHR.

Cases filed prior to December 2021 and pending as of end 2022

The cases listed here are legal actions that the Open Society Justice Initiative was engaged in prior to December 2021 and that were either in active litigation, awaiting final judgment, or in the implementation stage.

Zeshan Muhammad v. Spain

Filed on April 7, 2012, European Court of Human Rights
(Counsel)

Ethnic profiling in Spain. The Justice Initiative assisted a victim of discrimination, Zeshan Muhammad, in filing a case after he was stopped by Spanish police because of his skin color. This case took place in the context—and was part of a well-documented pattern—of ethnic profiling in the conduct of identity checks by Spanish authorities.

On October 18, 2022, the ECtHR found by four votes in favor to three against that there was no violation of the prohibition of discrimination. However, the Justice Initiative will be representing Muhammad in requesting a referral to the Grand Chamber for appeal. A positive decision would overturn the longstanding Constitutional Court’s jurisprudence, which enabled the discrimination to take place, and help clarify critical jurisprudence at the ECtHR concerning racialized police conduct during identity checks.

Dabedić v. Italy

Filed on December 14, 2012, Civil Tribunal of Rome/European Court of Human Rights
(Co-Counsel)

Protracted statelessness status determination procedures. The Justice Initiative, alongside local counsel in Italy, filed an application before the ECtHR regarding Italy’s failure to remediate in a timely manner the prolonged status of statelessness of Velimir Dabedić, a former citizen of the Socialist Federal Republic of Yugoslavia. Dabedić is one of approximately 18,305 former citizens whose names were erased from the Register of Permanent Residents of the Republic of Slovenia in February 1992, following Slovenia’s adoption of its Declaration of Independence on June 25, 1991.

Khaled al Halabi

Complaint filed in 2016, Vienna Public Prosecutor, Austria
(Co-Counsel)

Detention and torture. The Justice Initiative filed a criminal complaint against Khaled al-Halabi with the Vienna Public Prosecutor alleging responsibility for detention related crimes and torture. The Justice Initiative represents more than 10 victims in the criminal investigation of al-Halabi, who is the highest ranking former Syrian intelligence official known to be in Europe.

Since 2018, the Justice Initiative has been working in partnership with the Centre for Enforcement of Human Rights International in seeking the prosecution of al-Halabi for crimes committed while he was the head of a Syrian government detention and interrogation site.

Seydi and Others v. France

Filed on May 8, 2017, European Court of Human Rights
(Co-Counsel) (Pending Judgment)

Ethnic profiling by the police. This case focuses on ethnic profiling by the French police in which the police in France disproportionately conduct identity checks on young people from ethnic minority groups. The Court of Cassation concluded that, in some circumstances, this was unlawful discrimination. Since advising local lawyers in domestic courts, the Justice Initiative has been acting as co-counsel in a case brought forward by the same plaintiffs at the ECtHR. On October 13, 2021, the ECtHR communicated the case to the French government.

On April 18, 2022, the Justice Initiative and co-counsel submitted observations in response to the government's observations, making a request for just satisfaction and general measures to prevent further violations of the ECHR.

Complaint filed in Germany on the use of chemical weapons in Syria

Filed on October 5, 2020, Office of the German Federal Prosecutor's War Crimes Unit
(Co-Counsel)

Criminal investigation into the use of chemical weapons. The Open Society Justice Initiative, together with Syrian Archive and the Syrian Center for Media and Freedom of Expression, filed the first criminal complaint related to the use of chemical weapons in Syria. The complaint includes findings from the most detailed investigations to date into the sarin attacks on Ghouta in 2013 and in Khan Shaykhun in 2017. The dossier includes new evidence and investigative leads and provides credible information that identifies a number of Syrian government officials and chains of command responsible for the attacks. The three groups, joined by another group, Civil Rights Defenders, submitted further detailed evidence on the alleged perpetrator chains of command in April 2022 and March 2023.

Complaint filed in France on the use of chemical weapons in Syria

Filed on March 1, 2021, Investigating Judges of France's Specialized Unit for Crimes Against Humanity and War Crimes
(Co-Counsel and civil party)

Criminal investigation into the use of chemical weapons. Together with the Syrian Archive and the Syrian Center for Media and Freedom of Expression, the Justice Initiative filed criminal complaints to investigating judges in France related to the use of chemical weapons in Syria. The complaint focuses on the chemical attacks on the city of Douma on August 5, 2013, and on Eastern Ghouta on August 21, 2013. Specialized judicial authorities in France opened a criminal investigation based on the criminal complaint.

On August 10, 2022, the Justice Initiative was accepted as a civil party for the first time. The criminal complaint aims to secure arrest warrants against high-level Syrian government officials responsible for chemical weapons attacks.

Complaint filed in Sweden on the use of chemical weapons in Syria

Filed on April 19, 2021, Swedish War Crimes Commission within the Swedish Police Authority
(Co-Counsel)

Criminal investigation into the use of chemical weapons. The Open Society Justice Initiative joined survivors of chemical weapons attacks in Syria, the Syrian Center for Media, and Freedom of Expression, Syrian Archive, and Civil Rights Defenders in filing a criminal complaint with the Swedish War Crimes Commission within the Swedish Police Authority. The complaint is similar to a complaint filed by the NGOs in Germany and includes information from detailed investigations into the chemical attacks on Al-Ghouta on August 21, 2013, and Khan Shaykhun on April 4, 2017. It alleges that these chemical weapons attacks constitute war crimes and crimes against humanity. The NGOs submitted further detailed evidence on the alleged perpetrator chains of command in April 2022 and March 2023.

Class action lawsuit against French government for ethnic profiling by police

Filed on July 21, 2021, before the Council of State, French Courts
(Complainant)

Ethnic profiling by police in France. Six organizations, including the Justice Initiative, sent a letter of notice of a class action lawsuit to France's prime minister, the minister of the interior, and the minister of justice that requests that the government enact comprehensive measures to end ethnic profiling by police in the conduct of identity checks.

The practice of ethnic profiling by police during identity checks in France is well-documented, including in a [2009 Justice Initiative report](#). In the absence of any response from the authorities, the organizations filed the case before the Council of State, which is the highest administrative court in France. Several international and national bodies have submitted third-party interventions, including the UN Special Rapporteur on contemporary forms of racism, the Syndicat de la magistrature (a union of judges and prosecutors), and the French council of bar associations.

Belgian criminal complaint on crimes against humanity against dissidents in Saudi Arabia

Filed on December 2, 2021, Federal Prosecutor of Belgium
(Advisor to Counsel)

Systematic human rights violations. The Justice Initiative filed a complaint of crimes against humanity with the Belgian federal prosecutor under the principle of universal jurisdiction on behalf of Alia and Lina al-Hathloul for grave crimes committed against their sister, Loujain al-Hathloul, by the Saudi regime. Loujain is a Saudi dissident and women's rights activist who was arrested by Saudi authorities in May 2018. During her prolonged detention, she was kept in solitary confinement, including in a secret location, suffered enforced disappearance, and was repeatedly subjected to torture, including electric shocks, whippings and beatings, sexual assault, and threats of rape. Loujain's case is part of a systematic pattern of human rights violations entailing mass arrests, torture, and enforced disappearances of dissidents by the Saudi regime since the 2017 appointment of Crown Prince Mohammed Bin Salman.

In June 2022, the federal prosecutor adopted the opinion that the Brussels Court of Appeal should declare the complaint inadmissible. The Court will decide on whether to open a criminal investigation following a hearing which will take place in 2023.

Cases decided since 2022

Federal Prosecutor's Office v. Anwar R.

Filed in 2017, Higher Regional Court of Koblenz
(Co-Counsel)

Detention and torture. After a two-year trial, a German court convicted a Syrian colonel of crimes against humanity for his role in the torture and abuse of over 4,000 detainees in a notorious government-run Damascene prison, in a case in which the Justice Initiative represented five survivors. Anwar Raslan is the most senior former Syrian government official to be arrested and prosecuted in Europe under the principle of universal jurisdiction for atrocity crimes allegedly committed in Syria.

Raslan was also convicted of 58 related murder charges due to the deaths of detainees, as well as rape and aggravated sexual assault. Since 2017, the Justice Initiative has worked closely with the Commission on International Justice and Accountability to investigate the case and file evidence with the German public prosecutor.

U.S. COVID-19 response Freedom of Information Act requests

Filed on July 2, 2020, United States District Court for the Southern District of New York (SDNY)
(plaintiff and Co-Counsel)

COVID-19 freedom of Information request. The Justice Initiative filed Freedom of Information Act (FOIA) requests with 14 U.S. government agencies regarding the timing and substance of the U.S. government's response to the coronavirus. The government agencies initially failed to comply with their obligations under the FOIA by not turning over responsive records, obstructing the public's access to vital information regarding the government's competence to combat the virus and protect lives.

The records requested are critical for assessing the administration's response to the pandemic, especially given that the executive branch's efforts to counter COVID-19 constitute a matter of life and death for the American public. The Justice Initiative has since received over 90,000 pages of production, which include intra- and interagency emails, internal memoranda, meeting notes, and other documents due to these filings. The Justice Initiative will upload all the documents received so that the public has access to these files in a searchable format.

U.S. Denaturalization Forum, Freedom of Information Act request

Filed on August 13, 2020, U.S. District Court-Washington, D.C.
(Plaintiff and Co-Counsel)

Immigration freedom of information request. The Justice Initiative filed a Freedom of Information Act (FOIA) request with the Department of Homeland Security and the United States Citizenship and Immigration Services concerning ATLAS, an automated, rule-based screening platform that is used to screen immigration applications. The platform has been implicated in the criminal and civil denaturalization of U.S. citizens, the revocation of derivative citizenship of family members, and policies and practices leading to statelessness.

This case is at the end of production and the case team is in the process of deciding on how to disseminate information and or the next feasible steps to finalize the case.

Tenants of Mjølnerparken v. Danish Ministry of Interior and Housing

Filed in 2020, Eastern High Court of Denmark
(Legal Advisor)

Racial and ethnic discrimination and economic justice. The Justice Initiative supported residents of Mjølnerparken, a residential “ghetto” in Denmark, in filing a case to challenge domestic “Ghetto Package” laws targeting residents of these neighborhoods and aiming to change their composition. The plaintiffs allege that the laws egregiously target and discriminate against racialized minorities, especially Muslims, and violates fundamental rights, including the right to respect for home. In particular, the plaintiffs hope to overturn the Ministry of Interior and Housing’s approval of a development plan in Mjølnerparken resulting in the sale of over 200 family homes—a mere portion of the thousands of evictions that will take place in Denmark under the “Ghetto Package.”

On November 7, 2022, the Eastern High Court granted the applicant’s request for the case to be referred to the Court of Justice of the European Union (CJEU). Under the “preliminary ruling” procedure, the CJEU will now consider the correct application of the EU’s Race Equality Directive. It will assess whether Denmark’s categorization of “non-Western” background constitutes “ethnic origin” and whether its usage in the designation and treatment of residential “ghettos” is prohibited.¹

¹ Now referred to by the government as “parallel society” areas, a change from the original derogatory term of “ghetto” in order to avoid deterring desired residents from moving in.

A ruling from the CJEU could be relevant not just in Denmark but across Europe, with the two UN Special Rapporteurs having noted that similar wording has been used or proposed in multiple national contexts in Europe, such as in Sweden, which recently proposed its own “ghetto” laws. Area-based forms of discrimination targeting communities based on a confluence of race and class and denying them their “right to the city” (often preparing the space for gentrification and corporate interests) have expanded in Europe.

Bulgarian Helsinki Committee v. Council of Ministers of Bulgaria and the Minister of Health

Filed in December 2021, Sofia Regional Court
(Advisor to Counsel)

Age discrimination and COVID 19. In December 2021, with the Justice Initiative’s support, the Bulgarian Helsinki Committee brought a legal action before the Sofia Regional Court against the Council of Ministers of Bulgaria and the minister of health, claiming that the Bulgarian government’s COVID-19 vaccination plan discriminated against adults over 65 years old and people with underlying conditions based on health and disability.

In November 2022, the Sofia Regional Court rejected all the claims brought by the Bulgarian Helsinki Committee. An appeal was filed in December 2022.

Summary

Since 2003, Justice Initiative lawyers have represented scores of individuals before domestic and international courts, in cases that have sought not only to vindicate individual claims, but to establish and strengthen how the law can provide protection for all. In a period of transformational change, the Justice Initiative has continued to work with partners around the world to ensure that law—too often an instrument of powerful people alone—is shaped and employed for the benefit of all.

In 2023, the Justice Initiative will focus on supporting and strengthening the efforts of its regional and global partners to utilize strategic litigation to create vibrant and just open societies across the world marked by the rule of law and the protection of human rights. With over 70 cases in development, numerous litigation schools planned internationally, and a dedicated and growing team, the Justice Initiative is an important legal thought leader and advocate working to strengthen the relevance and importance of human rights in an uncertain global environment.

The Justice Initiative will also mark its 20th anniversary in 2023 and will continue to build on its two decades of work by doubling down on its focus on digital rights and fair elections, discrimination and racial justice, international crimes, and the climate crisis. As always, the Justice Initiative’s bold, nimble, and ground-breaking ethos to protect and advance human rights remains stronger than ever.