



What is Feminist Strategic Litigation?

Feminist strategic litigation (FSL) is not only about lawyers – victims, complainants, survivors, members of broader communities, community advocates, communications and media experts, educators, and many others bring critical lived experience and expertise to the table.

1. Feminist Lawyering

- Providing legal arguments grounded in feminist theory
- Presenting arguments grounded in an analysis of power issues
- Bringing in a variety of voices to help shape a case, reflecting a broad array of experiences and expertise
- Listening to the client's story and elevating it before the court
- Drawing on the lawyer's own experience to help guide the litigation

FSL brings intersectional feminist analysis into the courtroom so courts understand the broader context of cases, and how their decisions impact women and other marginalized groups

2. On Feminist Issues



Feminist issues reflect the existence of institutionalized sexism or patriarchy – and FSL challenges that sexism or patriarchy.

An intersectional approach to FSL means that feminist issues must be informed by the interactions between other oppressive structures, including classism, racism, colonialism, ableism, heterosexism, and transphobia, and look to challenge those structures.

3. With Feminist Goals



Specific goals may differ case by case, but their broader aim should include working to end systemic sexism, patriarchy, and other oppressive structures.

Feminist goal-setting requires consistently examining our goals, and thinking about who our actions benefit, and who our actions may not benefit, or even harm. Our goals reflect our priorities – including who and what we value.

Proactive Feminist Strategic Litigation

Proactive litigation involves identifying key issues, and developing or monitoring potential issues to address those key issues.



Reactive Feminist Strategic Litigation

Reactive litigation involves responding to cases or issues as they emerge.



Offensive or Defensive Strategic Litigation

Offensive litigation is used to achieve favourable policy change.

Defensive litigation is used to preserve existing policy.



Not Engaging can be Strategic

- Because the time is not right for a particular case
- Because it is better to wait for a different factual situation before going to court
- To pursue another strategy to advance a goal (e.g. media campaigns, public awareness, law reform projects)