

Training Report

Strategic Litigation for Older People's Rights

Key Lessons Learned



Strategic Litigation Is About Change, Not Only Court Victories

Strategic (or impact) litigation uses individual cases to address broader social injustices. Success is not measured solely by winning a case, but by whether litigation helps:

- Expose structural discrimination and ageism.
- Influence laws, policies, or practices.
- Create precedents benefiting others.
- Advance human rights and social change.

Key learning: A "loss" in court can still be a strategic success if it triggers reform, awareness, or policy change.



Strategic litigation against ageism

Strategic litigation can challenge these systemic barriers and make age discrimination visible within legal and policy frameworks. Using the Weinberger mandatory retirement case (Israel) as an example, a strategic case typically combines:

- An individual experiencing harm
- A broader structural problem
- A human rights dimension (equality, dignity, autonomy)
- Legal arguments capable of influencing wider practice
- Potential impact beyond the individual claimant

Key learning: Civil society organisations play a crucial bridging role between lived experience + legal expertise + advocacy + social change.



Litigation Is Only One Tool for Change

Strategic litigation works best when combined with evidence gathering, research, advocacy, media engagement, coalition-building and policy reform efforts.

Strategic question: "What needs to change, who can change it, and how can litigation help create pressure?"

The example of Validity v Czech Republic demonstrated how litigation can contribute to legal reform even when the formal court outcome is not a complete victory.



Eight-Step Framework for Strategic Litigation

- 1 Clarify the problem**
Identify root causes and desired change.
- 2 Gather support**
Build legal, advocacy and evidence partnerships.
- 3 Assess risks**
Anticipate legal, political and personal risks.
- 4 Plan client supports**
Ensure accessibility, wellbeing and participation.
- 5 Develop the case plan**
Align legal strategy with advocacy goals.
- 6 Collect evidence**
Build a strong factual foundation.
- 7 Conduct litigation**
Pursue legal action strategically.
- 8 Ensure implementation**
Monitor and secure real-world change.



Risk Management Is Essential

Strategic litigation carries important risks. For claimants (stress and fatigue; retaliation or intimidation; withdrawal from proceedings) and for organisations (resource drain, political changes), risk assessment should be integrated from the start, not treated as an afterthought. When litigating on older persons' rights, time is also a crucial factor.



The Human Dimension Matters

A successful strategy must support the people involved throughout the process by providing reasonable accommodations, accessible communication, emotional and psychological support, clear expectations and boundaries, and referrals to legal, social or healthcare services where needed.

Strategic litigation transforms individual experiences of discrimination into opportunities for systemic change, challenging ageism and advancing the human rights of older persons across society.



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