

“Using the law to effect change – the role and impact of civil society”

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# Strategic Partnership with **Lankelly Chase**

**anawim**

- Looking at how small NGOs can use the law
- Pilot phase ended September 2019
- Resources on PLP website
- [Publiclawproject.org.uk/lankelly-chase-strategic-partnership/](http://Publiclawproject.org.uk/lankelly-chase-strategic-partnership/)
- Publication of final report in next few months
- Longer term partnership to Jan 2022



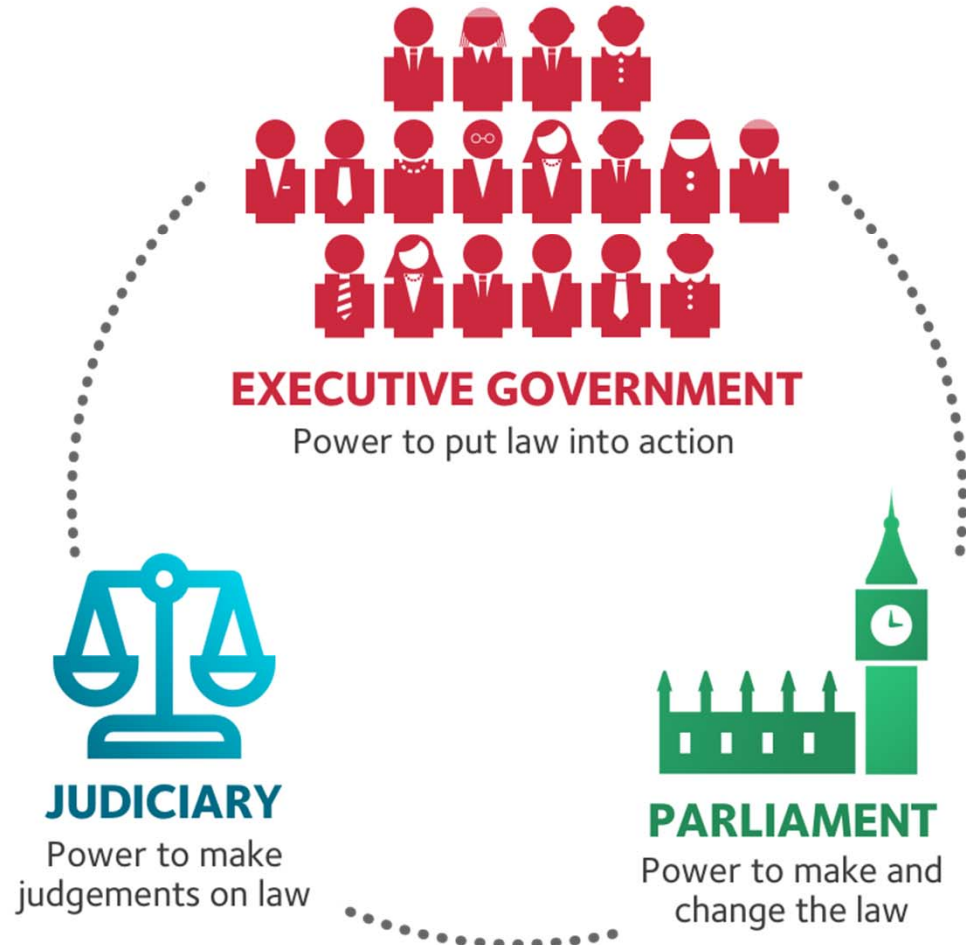
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# Using Public Law

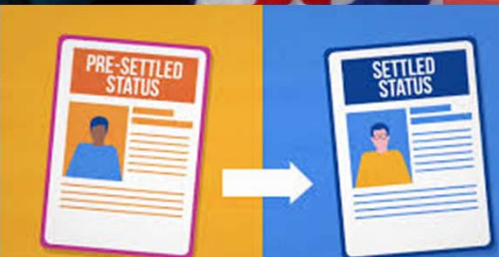


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# SEPARATION OF POWERS



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News > UK > Home News  
**Gypsy and traveller families 'hounded out' of areas in act of 'social cleansing' as councils impose sweeping bans**  
Nomadic groups persistently moved on as surge in 'criminalising' injunctions ban unauthorised encampments across entire towns despite 'chronic shortage' of permitted sites



# Academic Learning on the Use and Impact of Litigation

- Working against a backdrop of academic research and learning
- Learning Partners: Lisa Vanhala and Jacqui Kinghan at University College London



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# Using the law to solve social problems?

Stuart Scheingold's 'Myth of Rights'...

“Legal frames of reference tunnel the vision of both activists and analysts leading to an oversimplified approach to a complex social process – an approach that grossly exaggerates the role that lawyers and litigation can play in a strategy for change. The assumption is that litigation can evoke a declaration of rights from courts; that it can further, be used to assure the realization of these rights; and, finally, that realization is tantamount to meaningful change.” *The Politics of Rights*, Scheingold (1974);



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# Using the law to solve social problems? *continued*

- More optimistic literature and research from 2009:

“litigation is an imperfect but indispensable strategy of social change.”

Cummings & Rhode’s “Public Interest Litigation: Insights from Theory and Practice” 2009

- **Litigation is never sufficient:** it cannot effectively work in isolation from other mobilization efforts.
- **Money matters:** how public interest law is financed affects the kinds of cases that can be pursued and their likely social impact.
- The importance of **systematic evaluation.**







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# Barriers to Using the Law – my views

- Costs of collaboration
- Financial resources
  - Costs risks
  - Individual claimant? Eligible for legal aid?
  - Post – Criminal Justice and Courts Act 2015
  - CCO/PEO and crowdfunding
- Unintended Consequences
- Legacy & Implementation



# Barriers to Using the Law – researchers findings

- Legal knowledge
- Legal basis
- Financial resources
- Legal resources
- Access to justice
- Organisation culture
- Unintended consequences?
- Jeopardising relationships



# Resources

- Public Law Project's website:

What is Public Law? <https://publiclawproject.org.uk/what-is-public-law/>

RF case study <https://publiclawproject.org.uk/wp-content/uploads/2019/04/Using-the-law-to-address-unfair-systems.pdf>

Literature Review <https://publiclawproject.org.uk/wp-content/uploads/2018/04/Literature-Review.pdf>

Report on recent project in which we assisted small NGOs to use public law to be published shortly

- Please feel free to contact me:

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