

GLOBAL ALLIANCE FOR JUSTICE EDUCATION 2013 CONFERENCE

Gender Justice, Equality and Violence Against Women and Children

DOMESTIC VIOLENCE CASEWORK IN THE CLINIC, FIELD RESEARCH IN A CONFLICT ZONE AND THE POWER OF FEELINGS IN THE LEARNING PROCESS

This paper discusses the impact of exposure to extreme situations where violence has played a part, and where a legal remedy may be available, provided by students working as volunteers in a legal education environment. A model of service delivery to people who are the victims of domestic violence, will be examined, and a second model of intense exposure through human rights monitoring by students volunteering to undertake field research to support human rights defenders in Colombia. The papers discusses why feelings are important in the development of practical legal skills, understanding of legal practice and the development of young legal practitioners, by examining some examples of the development of emotional intelligence among a group of student volunteers.

Emotion in Learning the Law

Gender violence, domestic violence and other situations of extreme stress were not areas of practice to which law students were exposed in legal education and training until the last decade or so. There was a view that these areas of practice were too stressful for students. Universities and vocational training institutions developed opportunities for practical experience and hands-on learning, but some institutions restricted areas of practice in an effort to protect students. There was concern about the shock students might feel if they had not encountered violence, and an emphasis was put on protecting students from intense and emotional situations. Teaching did not enter into developing ways in which these strong emotions could be discussed and reflected upon until recently. In the last ten years educationalists have developed discussion about the role of emotion in learning.

The exemplary work on the impact of emotions on learning in the law is the 2011 publication: *Affect and Legal Education*¹. This collection of papers examines affect, legal education and neuroscience; affect and legal educators; and affect and learning.

Caroline Maughan sets out the forum of discussion in the book by describing the complex nature of learning, which, "...because of multiple inputs, approaches and transformations relating to the individual student, results in a good amount of learning which is in addition and even instead of intended learning outcomes"²

¹ Emerging Legal Education series. *Affect and Legal Education*: edited by Paul Maharg and Caroline Maughan ISBN 9781409410263 published by Ashgate

² Maughan p.* in Maharg and Maughan ibid

In a chapter which examines why educationalists in the law should examine the impact of emotions, Alan M. Lerner³ stated:

“From the most fundamental structure of government, to the basic laws, the systems for resolving disputes, and the process of negotiating transactions, indeed everything about the law, and that lawyers are called on to do, involves, in every culture and society, emotions.”⁴

The law is often taught without reference to emotions, indeed, lawyers practice the profession with reference to professional conduct rules or frameworks focussed on outcomes in regulatory regimes such as in England and Wales, with the application of reason, and an adherence to professionalism without emotion. Lerner states:

“Consciousness of the role of our emotions is thus critical to an honest and as objective an application as we are capable, of the knowledge and skills that we strive to instil in our students. Anything else is simply surrendering to one’s own bias and missing the opportunity to grow. Thus, teaching our law students that the members of their profession that they should seek to emulate are dispassionate analytical machines is to do them a disservice. If we want our law students to make the most of their cognitive powers, we need to help them understand the power of their emotional minds.”⁵

There are opportunities for education and training institutions to develop emotional intelligence and reflective practice in law students. Hands-on experience with live clients provides a setting in which law students may develop their emotional intelligence. My experience of two such models has led me to write this paper and to raise for discussion the efficacy of enabling students to undertake skills training in situations of extreme stress, where their emotions will undoubtedly come into play.

Model 1: The National Centre for Domestic Violence (NCDV) UK⁶.

Law students in the UK can apply to be trained volunteers to assist survivors of domestic violence. In London institutions such as the University of Law, and City University offer this opportunity to their post graduate students.

Family Courts in England and Wales offer remedies for victims of domestic violence, such as injunctions, specifically Non-Molestation Orders. These can be on an emergency basis, ex-parte, or on notice to the other party. These are not easy procedures for members of the public, especially if they are in the midst of a crisis including violence in the home. Often

³ From Socrates to Damasio, from Langdell to Kandel, Chapter 7 p.151 in *Affect and Legal Education* edited by Maharg and Maughan.

⁴ Lerner P.172 in Maharg and Maughan

⁵ Lerner P.172 in Maharg and maughan

⁶ www.ncdv.org.uk

victims are daunted in reporting violent assaults to the police, finding attitudes among the police about “domestic” incidents unhelpful. There was a time when few women knew about women’s refuges, and even fewer knew anything about court orders. Though there is more information available through greater publicity, online information, and higher profile in the media, the greatest barrier is the inertia of hopelessness and defeat.

As part of a number of improvements for victims, the National Centre for Domestic Violence (NCDV) was set up in 2002, in Brixton, London to assist with information, and establish access to legal help to obtain court orders.⁷ Before the Centre was operational, the Police and victims faced two problems when using local firms of solicitors to obtain non-molestation orders. Generally, solicitors were only willing to accept clients that were either eligible for public funding or clients who could afford to pay privately, thus leaving all those people ‘not eligible’ with no access to funds, unprotected. The other main issue was that solicitors were taking too long to get the client into court and obtain the order.

NCDV saw the need for a one-stop-shop where the concerns of those in an abusive situation could be addressed in their language and on their terms. This streamlined service is free and accessible to everybody, regardless of income. The service is targeted at the rapid relief of domestic violence. The majority of cases referred result in speedy action in the civil courts, but, NCDV provide a more holistic service and staff are ready to advise on those services providing alternative refuge accommodation and on legal protection for children caught up in abusive or failing relationships.

The service provides two central numbers both of which are monitored 24-hours a day. On receiving a call, full details are obtained with a high priority being given to respect for the wishes of the survivor. NCDV staff advise as to the range of remedies available (most of which will be found in the Family Law Act 1996). Many survivors will not have experience of the civil courts and many fear them. The availability of without-notice orders is explained and can alleviate understandable concerns of reprisals by the perpetrator. Once a client has indicated their preference for a particular remedy, the necessary witness statement is prepared and eligibility for legal aid assessed. The legal aid scheme in England and Wales was set up in 1948 and has undergone fundamental change and reduction in funding by the Government. Despite large cuts in the provision of legal aid, there is still legal aid available where clients have suffered violence or are at risk of violence.

Clients qualifying for legal aid are thereafter referred to a solicitor on the NCDV’s Panel of solicitors. Clients mostly meet their solicitor for the first time at court on the day of the hearing. For those whose income or capital takes them above the threshold for legal aid

⁷ Information for this section is taken from the NCDV website www.ncdv.org.uk

NCDV provides them with a McKenzie Friend⁸ to assist in drafting the relevant paperwork and making the application in Court.

NCDV aims to get cases to Court on the first working day after initial contact. In cases of extreme urgency (involving risk of child abduction for instance) NCDV refer clients to a solicitor for urgent action using procedures for obtaining and enforcing orders out of usual court hours. Clients are familiarised with the whole court experience as part of the initial advice that NCDV provides. NCDV also offers practical assistance with getting to court if such is required. NCDV staff have access to a qualified lawyer 24 hours a day, 365 days a year should they encounter circumstances beyond their own experience and expertise.

To provide this service NCDV continually train law students from universities and law schools and colleges throughout the country. In addition NCDV runs specialist training courses for numerous Police forces and government agencies.

NCDV works alongside existing firms of local solicitors and trained volunteers who act as McKenzie Friends. The scheme allows volunteers to:

- Act as a litigant assistant for domestic violence survivors
- Prepare & assist emergency injunction applications
- Court room advocacy in real litigation
- Practise real case management
- Develop client relation skills
- Develop emotional intelligence

The term 'McKenzie Friend'⁹ has been adopted in the English and Welsh courts to describe an individual who provides assistance to a litigant in person (somebody not represented by either a solicitor or barrister). This support is needed for those litigants that neither qualify for legal aid nor have the financial means to pay for qualified representation. The McKenzie Friend role is undoubtedly focussed towards law students, trainee or qualified lawyers. The term "litigation assistant" has been introduced, however, Mr McKenzie's name lives on.

Law students who volunteer for NCDV receive a weekend's training on client care, sensitivity to the issues facing clients, the law and procedure providing protection. Once trained, students join a rota and when it is their turn they ring the NCDV to be allocated a client. Students assist their clients by taking instructions over the telephone. This is a skill in which the students receive training. They then draft a statement and the application for an emergency injunction. Once it is agreed with the client, it is sent by email to the NCDV

⁸ McKenzie Friends are litigation assistants who assist a litigant in person in Court, but do not represent. This activity enables a litigant in person to receive support when telling their story to the Judge.

⁹⁹ The first unqualified assistant who did this was an articled clerk from Australia who was sent by his principal, Jeffrey Gordon, Solicitor, to Court and who the Judge noticed was whispering in the ear of Mr McKenzie, the client, who was attempting to address the Court himself. The Judge then asked if Mr McKenzie's friend would like to address the Court. This helpful practice then spread.

supervisor, who suggests amendments if necessary and signs off the final version. The student then makes an arrangement with the client to meet at the Family Court.

Applications for emergency injunctions are made ex-parte without notice to the other party, and applicants can be seen at short notice. Students and clients usually meet at Court at the beginning of the afternoon. They issue the application together, and await an appointment to see the Judge in Chambers. Once they are before the Judge, the student acts as a McKenzie Friend for the client, and for the Court. They assist the client in telling their story, not as representatives, but as facilitators.

The act of assisting a client when the client has experienced extremes of harassment, intimidation and violence needs good understanding and empathy from the student. How can this be encouraged in students who have not met extreme behaviour or people who have been assaulted, sometimes lived through years of violence which has changed their personality? Students need to use great sensitivity when interviewing their clients, and project their empathy through the medium of the telephone. How is this achieved? In two ways, first of all the training days must give the students plenty of scenario work which should include listening to tapes of people talking about their experiences, and secondly, students need support. Clinic supervision should include one to one and group support to allow students to reflect upon their feelings about the situations of their clients, and to focus on the valuable help they are learning to give.

Model 2: The National Association of Human Rights Lawyers, Colombia

The second arena where students encounter extremes of violence is in projects with field research in countries where there is conflict. Students who participate in this exceptional type of field work are exposed to situations which will raise issues that teaching institutions may consider too risky to undertake. However, there is a model which has existed since 2008 of students joining an international delegation of lawyers to interview and hear testimonies from human rights defenders and their clients who have been victims of the conflict which has continued in Colombia for at least the last fifty years.

Women and children in conflict zones are often targeted because of their gender, and vulnerability. Numerous examples from areas where violence is frequent, such as Mexico, show the extremes of risk to which women and their children are exposed. The incidence of gender violence is high, and a recent report entitled “Colombia: Women, Conflict-Related Sexual Violence and the Peace Process”¹⁰ states that even though reporting is low because of a variety of reasons, this hidden crime is becoming more visible. In a study covering 2000 to 2009 it was estimated that 12,809 women were victims of conflict related rape, 1,575

¹⁰ ABColombia, Sisma Mujer and the US Office on Colombia (USOC) Published 27 November 2013. www.abcolombia.org.uk; www.sismamujer.org; www.usofficeoncolombia.org,

women had been forced into prostitution, 4,415 had forced pregnancies and 1,810 had forced abortions.¹¹

Human rights defenders, and in particular, lawyers, including prosecutors and judges are in extreme danger in Colombia. Over the last 10 years, between 2002 and 2012¹², 4400 incidents against lawyers were reported.¹³ The National Association of Human Rights Lawyers (ACADEHUM)¹⁴ provides an umbrella organisation for human rights lawyers, the majority of whom work in non-governmental organisations (NGO's) and collectives of lawyers. There is no independent national bar association or law society in Colombia, though efforts are under way to establish the bar association. Lawyers belong to the alumni associations of their Universities, or belong to associations of lawyers doing the same kind of work.

In 2008, 72 lawyers responded to an invitation from ACADEHUM to visit Colombia as an international delegation of lawyers¹⁵ to investigate the situation of human rights lawyers. The delegation, which became known as the Colombia Caravana, consisted of lawyers from seven jurisdictions, and in the UK delegations were a group of three law students. Over 150 lawyers have now participated in the Colombia Caravana international delegations.

The law students joined the delegation for a variety of reasons, and some had little knowledge of Colombia. Since 2008, the delegation has visited Colombia every two years, in 2010 and 2012, to monitor the situation and maintain pressure. Law students have participated in every delegation. The visit offered new experiences for the students, and opportunities to meet lawyers and their clients in extreme situations. The environment was not a formal learning one, however there were many opportunities for learning with elements of legal experience in which the students took part, in a protected environment even though they met human rights defenders amidst conflict, protracted over decades. Our hosts ensured that the delegates were never placed at risk, and all delegates were trained in the security practices they needed. Over the years from 2008 to 2013 law students have worked alongside senior lawyers, including Judges, from fifteen different countries in total, speaking several different languages, though Spanish and English predominated.

In order to discover the extent to which the students in the delegation benefitted from their participation, this paper will examine the possible learning outcomes available. The following learning outcomes can be achieved from this type of active field research:

- Knowledge of human rights legislation

¹¹ From Campaign "Rape and other Violence: Leave my body out of the War" First Survey of Prevalence, Sexual Violence against women in the context of the Colombian armed conflict, Colombia 2000-2009, page 16

¹² According to a document prepared by the Colombian prosecution service and presented to ACADEHUM in August 2012, there were 4400 reported incidents against lawyers of death threats, attacks and assassinations.

¹³ Report of the Colombia Caravana 2012 delegation p.8 www.colombiancaravana.org.uk

¹⁴ Asociacion Colombiana de Abogados de Derechos Humanos

¹⁵ Caravana Internacional de Juristas

- Knowledge of international conventions
- Knowledge of national, regional and international jurisdictions and judicial structures
- Knowledge of international instruments
- Understanding of legal principles
- Understanding of the impact of human rights violations
- Understanding of the legal practice of human rights defenders
- Understanding of the regulatory requirements of other jurisdictions
- Understanding of ethical practice
- Development of techniques of field research
- Development of reflective practice
- Development of client care skills
- Development of emotional intelligence
- Developing effective interviewing skills
- Developing recording skills

Delegates who were law students at the time of the Caravana visit answered a questionnaire entitled “Human Rights in Action in Colombia” sub-title: “Without lawyers there is no justice”¹⁶ as part of a survey into the impact of their participation on their learning and development. The survey was supplemented by interviews. It was clear from the answers that all the students except one had applied to join the Caravana because they were already committed to human rights and wanted to develop their knowledge in a field work situation. Three of the students who participated in the 2012 joined the editorial team which wrote the delegation report, and one student wrote the regional report for his team. The quality of this work has been acknowledged publicly as high and at a level of postgraduate master’s work.

“The CC trip in Colombia was immensely helpful in shaping my outlook on Human Rights law issues in the field (rather than learning academically from a book or classroom discussion). The testimonies and site visits and meetings all helped me to gain a better understanding of the situation in Colombia and to apply legal principals to the issues such as transparency, due diligence, credibility, accountability.”¹⁷

Some of the students were clearly committed to the protection of human rights before they joined the delegation:

¹⁶ Included at appendix 1. The sub title is taken from the title of the first delegation in 2008 “Sin abogados no hay justicia”

¹⁷ Meagan Schronce LLB student 2010

“I was looking to get involved with a charity working in human rights, and was really impressed with the work of the Caravana – particularly the possibility to go on a delegation of lawyers to Colombia, working with inspiring practitioners on a legal issue I cared about.”¹⁸

“I decided to join after meeting people at a conference. Their passion for the cause was one of the key reasons for my becoming interested in the Caravana in the first place. I was also at that time looking for a legal/human rights project to get involved with at the end of my law degree and the Caravana fit the bill perfectly. I liked how the Caravana is a mixture of academics and practitioners, and of experienced and junior individuals.”¹⁹

“It was also an excellent opportunity to network and meet lawyers of various backgrounds. The possibility of visiting Colombia not just as a tourist but as a Caravana member who would talk to various groups about the real issues in the country was also an attractive prospect. At the back of mind I suppose I was also aware that my participation would give me something to talk about in job applications and interviews.”²⁰

“I have always been interested in international affairs and human rights issues. During the time I joined CC I was studying for my LLB in Law and because the course work is very general, I searched for other organizations and/or opportunities where I could participate in international topics and human rights law issues abroad. The CC helped me to gain more exposure to other lawyers in London that shared similar interests and other colleagues and students. It also helped me to gain insight on Human Rights issues in Colombia.”²¹

Some students had language skills which they wished to put to use in their future careers:

“I joined the Caravana in the autumn of 2011 with the intention of furthering my interest, knowledge and career plans in South America -based human rights, development & advocacy work. I also wished to contribute to the intervention work of the charity via use of my language skills in Spanish.”²²

Meeting the lawyers, judges and human rights defenders has a deep impact on the students.

“During my participation in the delegation to Colombia I was active in carrying out client interviews with affected lawyers & human rights defenders in the Sucre & Cartagena regions. After hearing that many lawyers had fled the region of Sucre out of fear of being attacked for simply carrying out their work, my wish to support and promote those who do remain and continue their practice, strengthened. I now endeavour to apply this ethos every time I hear of any lawyer or human rights defender facing injustice in the nation. As a

¹⁸ Natasha Lloyd-Owen GDL student 2012

¹⁹ Ben Newman LLB student 2012

²⁰ Ben Elliott BPTC student 2012

²¹ Meagan Schronce LLB student 2008

²² Sneha Ganguly LPC student 2012

prospective UK-qualified lawyer myself, I cannot even begin to envisage a life under constant threat due to who I may act for; legal professionals & representatives in Colombia should be able to say the same.”²³

One student was affected by the energy and optimistic attitudes of the lawyers they met:

“The first thing I was struck by was the sheer energy of the human rights lawyers. They explained their work and the plight of the Colombians with whom they work, in vivid detail. A great deal of what they said was shocking and I am sure that had they not said it with such conviction I would have questioned the truth of it. Meeting with the lawyers in Bucaramanga, and particularly with Leonardo, I was particularly affected by their sense of humour and continued optimism and ability to be proactive in a context of judicial austerity and political corruption. It is something I reflected upon when deciding to undertake pupillage as a criminal defence barrister.”²⁴

Some students decided to continue to support human rights in Colombia through active participation in the Colombia Caravana organisation. This student comments:

“Upon return I took part in organising the public events to highlight the issues discovered during Caravana, in fundraising events to support the activities of Caravana and to lobby on various levels on behalf of Caravana. I realised that going to Colombia is not enough – doing all the above in between Caravana’s trips will sustain its activities and will provide continuity and visibility in its work”²⁵

Another student, who is pursuing a career with pupillage to become a barrister commented:

“When I returned I was involved in coordinating the advocacy email group and running a College of Law Colombian Caravana society. I did this because I personally found the Caravana to be an amazing opportunity and wanted to encourage other students to fundraise and be involved. I also co-wrote a chapter of the Caravana Delegation Report, entitled “Impunity, the Rule of Law and Access to Justice” in order to make sure the work we had done on the ground in Colombia was communicated to a wide audience”²⁶

Another student, currently a pupil barrister:

“It affected me quite deeply. It puts the problems of lawyers in this country in perspective. Law students have immense difficulty finding employment and many lawyers (particularly legal aid) face challenges in gaining sufficient funding and support. However, it makes you think how many would continue doing their work if they knew that by doing their work they put themselves and their families at risk. That being said, the clients that they work with are

²³ Sneha Ganguly GDL student 2012

²⁴ Natasha Lloyd-Owen GDL student 2012

²⁵ Anon LPC student 2010

²⁶ Natasha Lloyd- student 2012

clearly desperately in need of legal support and the difference that the human rights lawyers make to their clients lives is something that most UK lawyers can only dream of.”²⁷

Students were asked if the field research had impacted on their career decisions, and to what extent they talked about their experiences in job applications and interviews.

“I do not think the Caravana changed my career decision but it certainly made me sure I was making the right choice and gave me an even greater interest in international legal practice. I frequently referred to my experience with the Caravana, to the delegation (speaking to journalists, prosecutors and presenting my team’s interim report) and my involvement in the final published report. It gave me a great deal of practical experience, examples I could give of my commitment to human rights, my public speaking and ability to communicate with different kinds of people.”²⁸

A North American student from the United States who studied in London, states the benefit she had from the field work she did in Colombia and the impact it has had on her career:

“In a general sense, my career remains to focus on International Human Rights issues. After finishing my degree I returned to the US and obtained a Master in Laws in International law and Human Rights-during which time I worked at the Court of Appeals in the US on Human Rights cases. In the past year I worked for the UN on a human rights approach based health assessment evaluating the social effects of the extractive industry for women and children living in a very remote district and province of Mozambique. During my time at the UN I was able to use the experience I gained in Colombia when talking with victims and during community outreach visits when performing over 100 interviews in Mozambique (Tete) with various government officials, private sector, victims of displacement, female sex workers. Now I am working for USAID-US Government Agency for International Development as a policy advisor for the health team. This involves using skills gained during the Colombia visit to interact and engage with government and confront government about human rights abuses related to health.”²⁹

The experience the students had is so rare that it helps their curriculum vitae stand out:

“I have referred to my experience on job applications-site visits, observations, meetings with government officials, community outreach, focus group discussions with victims, planning and coordination, fundraising, grants, proposal writing-applying legal skills and concepts to situation in Colombia.”³⁰

One student was well aware of what contribution he could make:

²⁷ Ben Elliot BPTC student 2012

²⁸ Natasha Lloyd-Owen GDL student 2012

²⁹ Meagan Schronce LLB student 2012

³⁰ Meagan Schronce LLB student 2012

“...because I wanted to be able to contribute further to the work of the Caravana. I felt that writing and editing the report was probably the best way of utilising my skill-set. I also wanted to feel like I was doing something practical to help the people I met in Colombia, whether the individual lawyers and victims, or the Colombian organisations who support them.”³¹

Another student writes:

“I see my involvement in the Caravana as a major starting point for my career in International Development Work. This experience has brought me further opportunities such as membership with ELSA³² and my selection for attendance at the 23rd Session of Human Rights Council 2013 on behalf of ELSA. At present I am focussing on getting to qualification as soon as possible and unfortunately the private sector offers more opportunities to do so than a legal aid route. However, my involvement with the Caravana has allowed me to continue my long-term career pursuits. I am certain that my involvement will continue to equip me with the key skills, knowledge and experience in human rights work essential to advancing in this field.”³³

Some of the field work was specifically relevant for future careers, as this student stated:

“Working in Colombia was one of the reasons for why I have continued to work in an international human rights capacity. Following the Caravana I began working for Reprieve, a legal NGO specialising in international issues. Following my work at Reprieve I began working at Leigh Day as a paralegal on a case in Nigeria representing members of a fishing community against Shell. When applying for this job I made reference to the work I had done in Colombia in response to a question regarding the difficulties with interviewing clients abroad and ensuring you make the best use of the time available. In short, following the Colombia experience, I was very focused on following a career in international human rights law.”³⁴

The lasting effect of the field work in Colombia has enabled one student to reach a highly responsible and important role in a charity of international repute:

“The experience of the Caravana has stayed with me, and inspired me to continue to work on an international and domestic level to secure the human rights of the most vulnerable member of society (I am now employed as Legal Director of legal action charity Reprieve). I have repeatedly referred to my work in Colombia as an illustration of my ability to go out in the field and gather evidence, including in precarious and stressful positions.”³⁵

³¹ Ben Newman LLB student 2012

³² European Law Students Association.

³³ Sneha Ganguly GDL student 2012

³⁴ Oliver Holland LLB student 2010

³⁵ Kat Craig LPC student 2008

“Hearing from the lawyers personally when they described their experiences and those of PBI³⁶ volunteers who accompany them really brings home how dangerous their work can be. You have to hold back on making too many promises that you can’t keep whilst over there. Despite the difficulties the Caravana has faced over the years in carrying out its missions and in advancing activities in the UK, the importance of protecting human rights lawyers are the reason I have stayed involved for so long.”³⁷

The survey also asked students about the impact on them in terms of what they felt at the time, and on reflection, in some cases, years later. One student stated a series of emotions she felt:

“Sadness, but not a feeling of being sorry for the victims, because I remember that they didn't want to be looked upon down upon with pity, rather a feeling of empathy. Shock when speaking with victims because how I asked could such actions be carried out. Happy/proud-that the victims still are strong and empowered to take action on matters through difficult times. Anger-at government or some high level representatives for letting this happen and lack of response to the matters.”³⁸

Mixed emotions were expressed by other students:

“In one region I heard that there were no lawyers left in the region: some were killed and the others fled in fear for their lives. So many thousands of citizens were left without legal help in the climate of crimes committed by paramilitaries, state actors and petty criminals. It made me feel helpless, and yet willing to help.”³⁹

For this student a sense of powerlessness hit her:

“I have listened to testimonies from displaced communities, indigenous groups, mothers of the disappeared and victims of sexual violence. It is very sad and moving. You feel powerless to really make a difference because you cannot do something immediately. These people will wait a long time to see any sort of justice.”⁴⁰

Another felt challenged by what she saw and witnessed:

“I think as a Westerner it is very easy to be cynical about what you read but that was quickly stripped away by the visible suffering of the victims we met and the clear determination they all had to get justice, against considerable odds.”⁴¹

Similarly, this student reflected on the difference in environment for UK lawyers:

³⁶ Peace Brigades International provides volunteers who accompany human rights defenders in their daily work and life, in order to ensure their protection. www.peacebrigades.org

³⁷ Camilla Graham Wood LPC student 2008

³⁸ Sneha Ganguly GDL student 2012

³⁹ Anon LPC student 2010

⁴⁰ Camilla Graham Wood LPC student 2008

⁴¹ Natasha Lloyd-Owen GDL student 2012

“Hearing the testimonies of the Colombian lawyers was quite distressing at the time. It really made me think that these are the real human rights lawyers as they are risking their life daily. Very different to UK human rights lawyers.”⁴²

He continues to write about the impact of his experience:

“I heard a number of testimonies from wives and mothers whose husbands and/or sons had been killed by government soldiers or paramilitary. I also heard stories from an indigenous community who were being persecuted by soldiers from an army base situated on their land. I remember feeling quite shell shocked from the whole experience for a period of time after the trip had finished. With hindsight I think the experience has prepared me well for the work I am currently doing. Experiencing the impact of the testimonies first hand is the type of experience that spurs you on to continue working in a similar capacity.”⁴³

Some students were clearly aware of the knowledge, skills and understanding they were developing, as this student states:

"Prior to my contact with the Caravana, I had no knowledge of the degree to which lawyers are affected in Colombian civil society. During my participation in the delegation to Colombia I was active in carrying out client interviews with affected lawyers & human rights defenders in the Sucre & Cartagena regions. After hearing that many lawyers had fled the region of Sucre out of fear of being attacked for simply carrying out their work, my wish to support and promote those who do remain and continue their practice, strengthened. I now endeavour to apply this ethos every time I hear of any lawyer or human rights defender facing injustice in the nation. As a prospective UK-qualified lawyer myself, I cannot even begin to envisage a life under constant threat due to who I may act for; legal professionals & representatives in Colombia should be able to say the same.”⁴⁴

“Hearing testimonies from lawyers was a hugely powerful and inspiring experience. I remain of the view that the most effective advocates of human rights abuses of this kind are the victims themselves”⁴⁵

The field work brought home how important access to justice is, especially in the case of political prisoners:

“I was shocked but inspired to act. I do recall the testimonies of the political prisoners that we met (living in shocking conditions) in Bella Vista prison in Medellin. It was clear that many of those detained had not received sufficient legal support, had suffered grave abuses

⁴² Oliver Holland LLB student 2010

⁴³ Oliver Holland LLB student 2010

⁴⁴ Sneha Ganguly GDL student 2012

⁴⁵ Kat Craig LPC student 2008

of process and were targeted for their lawful political activities which opposed the (then) regime of President Uribe.”⁴⁶

This student writes about how facing the reality of the situation built on the preparatory reading she had done:

“Victims told us of cases transferred to military jurisdictions, indigenous people displaced by MNCs, assisted by paramilitaries and harrowing accounts of falsos positivos.⁴⁷ Some stories were what I expected from my reading about Colombia. However, the tale of a journalist whose daughter died when paramilitaries attempted to assassinate him, only to be killed in a later attempt, reminded me that these are not just events happening to the uneducated, those marginalised and easily silenced, but rather pervades the whole of Colombian society. It reminded me of the great sacrifices made by human rights defenders, whether lawyers, trade unionists or journalists.”⁴⁸

“It is humbling hearing the problems that they face from the government, military threats and the legal system itself. Suffering the loss of family members and threats to their safety and livelihoods is sadly a daily feature of many communities’ lives. In particular I remember the testimonies that we heard from the communities in Yopal and the threats that they suffered from paramilitary groups. They were forming a union to attempt to resist these groups and other threats even though they knew that by merely having the meeting they were putting themselves further at risk. It was very emotional to see that they were willing to take the risk in the hope that together they would be stronger together.”⁴⁹

Meeting people in extreme situations clearly affected this student:

“Despite preparing quite substantially prior to the meetings in Colombia the first meeting I took part in with human rights lawyers actually made me very nervous. This was partly due to the language barrier and my junior status on the delegation but mostly, I think, due to the fact that nothing you learn from books or the news in the UK can really prepare you for meeting with people who have lived, first-hand, through traumas which are unimaginable to most people.”⁵⁰

Lastly, this student compared the field work with learning in the classroom:

“The CC trip in Colombia was immensely helpful in shaping my outlook on Human Rights law issues in the field (rather than learning academically from a book or classroom discussion).

⁴⁶ Kat Craig LPC student 2008

⁴⁷ “Falsos positivos” refers to a practice, now ended thanks to the work of Colombian human rights lawyers. There was a period when army personnel were offered incentives to capture or kill guerrillas. Lacking any captures, they kidnapped or duped through so-called recruitment agencies, young men who were later found dead and dressed in guerrilla clothes.

⁴⁸ Natasha Lloyd-Owen GDL student 2012

⁴⁹ Ben Elliott BPTC student 2012

⁵⁰ Ben Newman LLB student 2012

The testimonies and site visits and meetings all helped me to gain a better understanding of the situation in Colombia and to apply legal principals to the issues such as transparency, due diligence, credibility, accountability.”⁵¹

These testimonies from the students themselves show a degree of reflection and awareness that compliments the effort they have put in as delegates in the international delegations of the Colombia Caravana. Field work in such situations, where students hear first hand from survivors of violence, displacement, shocking prison conditions and injustices righted by the efforts of human rights lawyers, who themselves suffer abuse of their human rights, enables students in extraordinary ways to become some of the best lawyers of their generation.

Conclusion:

The two models were chosen to enable a discussion to develop around the kind of practical skills, knowledge, and understanding which can be developed when students undertake voluntary work in areas of specialist practice to which they may not have exposure in their general legal education. Underlying the discussion is the proposition that the development of emotional intelligence is important in the training of young lawyers.

I chose to allow the students to speak for themselves by publishing their words, which make such interesting and inspiring reading. The results of the survey of law students participating in field research in Colombia show that huge benefits that can be offered to students undertaking field research in areas of conflict. The results of the survey also show that students are aware of their emotions, particularly when asked to reflect upon their learning and development. The legal profession benefits from the training and commitment of these students. The two models show that there is a high level of service delivery in which students can develop their knowledge, understanding and skills, while their clients benefit from the free assistance offered. It is not only the free provision of access to justice but also the calibre of the students, who have become well rounded, dedicated lawyers, which benefits, in the medium and long term, society itself.

Professor Sara Chandler, Visiting Professor in Clinical Legal Education

London South Bank University

⁵¹ Meagan Schronce LPC student 2010

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APPENDIX 1

HUMAN RIGHTS IN ACTION IN COLOMBIA

“Without lawyers there is no justice” Practitioner survey November 2013

The intention of this survey is to present a model of learning and development to law teachers from all over the world, some of whom work in countries where there is on-going conflict. A topic of discussion is how law students develop their knowledge, understanding and skills through practical work. There is increasing awareness that student’s feelings are an important factor to take into account, and I hope that you will answer the following questions with this in mind. This survey will not only add to the discussion of different models of clinical legal education, but also increase the visibility of the situation of Colombian human rights defenders. Thank you for you participation.

What factors influenced your decision to join the Colombia Caravana and when was that?

(These are expandable boxes, please write as much as you like)

What was your experience of hearing testimonies from human rights lawyers and how did that affect you at the time?

When you returned from Colombia, what further activities did you participate in and why?

To what extent did your experience in Colombia influence your future career decisions, and how, if at all, did you refer to your experience in job applications?

Name:

LLB GDL LPC BPTC (please ring whichever apply)

University/Colleges:

Employment since Caravana:

Please return to sarachandler.lawsociety@gmail.com

Ends.