

Lawyering for Change 2022 Conference

REPORT

Workshop: how to involve young generations towards change through legal clinics ?

Workshop session on Thursday October 13th from 2 PM to 3.20 PM

Moderator: **Arnaud Dandoy** - Knowledge & Learning Manager for the Euro-Mediterranean region, ASF (Tunisia).

Speakers:

- **Fathiya Saïda** – General Secretary of the African Feminist Action Union at Tanger (Morocco)
- **Younous Arbaoui** – Assistant professor at Vrije Universiteit Amsterdam (Netherlands)
- **Ulrich Stege** – Director of the IUC Clinical Legal Education Programme (Morocco)
- **Titouan Berhaut-Streel** – Equality Law Clinique, Université Libre de Bruxelles (Belgium)

Introduction

Over the past 30 years, we have seen an increase in support for legal system reform. This clinical shift has not always produced the expected results. Whether in African countries or elsewhere, many clinics have received international funding but have struggled to develop. This observation of development and unsatisfied results raises the issue of local ownership, but also the question of the mode of integration and the degree of acceptance from educational and judicial actors. Instead of trying to understand the historical specificities, we simply reproduce models developed in the North. In this workshop, we will try to understand the interactions between national and international actors, problems of legitimacy and many other questions related to legal clinics.

Ulrich Stege's intervention: In the first edition of Lawyering for Change, in 2016, a session on legal clinics was already organised. We must maintain this place of reflection. We are part of a movement that ASF is carrying upstream. It can be interesting to start from a reflection on legal clinics to ask the question: How can we set up a clinic in a sustainable way, in a local, university context with volunteer students? And how do we find the motivation to join voluntary movements. These reflections and questions are the basis of the book « The Global Clinical Movement ». Our idea was to create a legal basis that relies on training

and education to justice for social justice. Why is social justice linked to clinic or to the movement of legal clinic? One of the reasons is the observation of hierarchies and dynamics within schools in different regions. In order to understand a justice system, it is important to understand that these are also political and linked to the fight for social justice. This is a fundamental element.

This is where legal education needs to look, and it needs to develop a real character of justice. There are political dynamics and we have to look for them in places we would not think of.

As for the methodology of the clinic, many are based on Paolo Freire with different observations:

- Knowledge is not neutral, it is constantly evolving and we must take into account the teaching of law;
- People, students and citizens do not learn from experience;
- Citizens must be active and critical.

We want to develop a training methodology that puts students in a situation so that they can understand the different rights, initiatives, struggles and so that they realize that democracy always requires fighting. It is also necessary to take risks. This can be a formative experience for a human rights actor. In general, clinics need to have three stages:

- Preparation stage or preparatory training;
- Practical activity;
- Supervision and reflection phase.

It is unique to have students encounter the law in practice and see how it works.

It is also possible to work more on strategic litigation (CEDH, CJUE or other).

Another component is clinical or practical research on accountability in the dark corners of our society. This can be adapted to many contexts. This is also something that can motivate professors who are interested in research based on real and practical cases, but do not have access to it.

There are different forms of cooperation between clinics. We started, in 2020, a collaboration with a university in Nigeria on migration and trafficking, a topic we have been working on since 2015. This collaboration is valuable and allows the student to have a look and a perspective on victimization.

Arnaud Dandoy's intervention: The multiplication of legal clinics raises the question of the challenges and competition between them. One of the challenges is to be complementary.

Fathiya Saidi's intervention: Our approach is different. We have a center that has existed since 2015 in which there are lawyers, psychologists, etc. We welcome women victims of violence but we realized that there was no progress in resolving this violence. Hence the idea of rethinking the problems and adapting to new needs. Since 2015, this clinic has to be supported by students and academics via a partnership. The

clinic does not only provide legal advice but also enables students to work on different areas. The first step is the training of young people in the law school. This is done by professionals or people from the field who practice law. After this training, there is a selection and each student will join the association through an internship. They will work in legal clinics, in courts, in support centres, etc. The goal is to keep them moving. The actions carried out as part of their internship are:

- Prevention, awareness raising, education and communication;
- Support and legal accompaniment (online or face-to-face);
- Advocacy based on empirical research, petitions etc.

Women victims of violence are often married at a very young age and find themselves without a profession, a training, a job or anything else. Therefore, they are very vulnerable, hence the idea of setting up employment and self-employment counters.

Since the beginning, we have put in place a strategic plan for the clinic with an operating manual, internal regulations etc. In 2015, we conducted 3 training sessions. The students did clinical research, article writing, a database of national associations, a comic book on violence based on statistics etc. This model will be duplicated in different cities.

Younous Arbaoui's interventio : I am involved in 2 clinics, which have different concepts. The first one is Hijra in Morocco, founded in 2015 with students. Its main activity is to provide legal aid to asylum seekers and migrants in Morocco. We assist them in their procedures with the UNHCR. The most important thing is the drafting of the appeal in case of negative decision. We also carried out a strategic litigation action to assist a women who was rejected by the UNHCR, so that she could submit her case to the authorities of Madrid. This clinic is active in Tanger, Agadir and Rabat. The offices are located in the premises of other associations. Then there are other online activities in the summer schools.

The second clinic is in Amsterdam. It is a center of expertise and learning. This is a classic concept initiated and created in an university within a center. It does not deal with individual cases but it can, however, deal with strategic litigation cases. The students are the authors of "experts opinions". These expert opinions are sometimes invited by courts to confront them with their reading and to intervene as third parties in a procedure. Students by participating and working in a clinic one day per week, receive credits and points. The challenges faced by clinics are: the quality of the experts, the planning of the university and the good cooperation between students.

Titouan Berhaut-Streel's intervention: The Equality Law Clinics are legal clinics founded by 2 professors of the Free University of Brussels and inspired by Anglo-Saxon models. The goal is to allow students to contribute to social justice projects. It is a project that targets people who are victims of structural discrimination. We take into account the whole legal arsenal. This student participation is based on a system of academic and extra-curricular internships validated by credits. However, difficulties arise when it comes to integrate this into the school curriculum.

The project is based on an action - research on equality and discrimination law. We are working on 3 main categories of projects:

- Participation in the development of standards or critics that may lead to hearings before the Constitutional Court or the Parliament; participation in third-party interventions in the context of strategic litigation;
- The drafting of guides for practitioners, studies and reports on legal issues.

There is a time of year that when it is not possible to ensure academic follow-up or to organise other interventions such as film-debates etc.

Ulrich Stege's intervention: The different models are interesting and adaptability is important. It is valuable for all students to go outside their study programme. We thought of developing a forum for exchange between new and old students.

First question: How can we extend the work of legal clinics around us? How can we organise ourselves to receive students or victims? What is the accountability system for students?

Fathiya Saidi's answer: Each year, we release statistics. There are also several small rural associations that we work with. We have a digital platform since 2018 but its purpose is mainly to inform Moroccans living abroad. For accountability, there are no university credits but participation in legal credits fills the student's CV and enables him or her to find easily a job because young people struggle to find a job.

Second question: What is the economic model for legal clinics ?

Fathiya Saidi's answer : Since our creation in 2015, we have received fundings from the EU but the center has been open since 1986. The legal clinic is essentially working with volunteers and this is the reason why people come to us.

Titouan Berhaut-Streel's answer: The creation was voluntary, based on the will of the students and the contribution that they could make. There have been negotiations to integrate the clinic into a master's course but this represents a cost to the university. First, we received a teaching incentive fund and now, we are working on subsidies. We are in competition with the associative sector which we collaborate with. There are always negotiations with a lot of money for few students.

Younous Arbaoui's Answer: The case of the legal clinic at the University of Amsterdam is a bit similar. This is an association created within a university. The clinic was gradually integrated into a curriculum. As for the Moroccan clinic, it has become a voluntary association based on volunteering with interns whose number depends on their will. Sometimes, we work on a project basis with international organisations or INGOs but our work remains focused on continuous and voluntary legal aid.