

## **MAINSTREAMING HUMAN RIGHTS LAWYERING SUMMER SCHOOL PROGRAMME**

### **INTRODUCTION**

In an era where human rights are being violated by State and non State actors in flagrant violation of law and also where some laws and policies are being made without regard for human rights, it becomes important to use tools of law and human rights to protect the rights of people whose rights to livelihood, land, freedom and life are being trampled upon. Law is an instrument of social change and lawyers can be social engineers. Access to justice must not be the privilege of the rich, but a right of every person.

Over the last few decades, human rights awareness and sensitivity has grown by leaps and bounds, however, their actual application and realization at the ground level has been rather modest. This has been a central obstacle in the substantive realization of human rights. Human Rights Lawyering in India is still in its nascent stages and while there are individual lawyers who may take up a few cases pro bono and there may be a legal expert in a non governmental organization in the voluntary sector, a human rights lawyering movement in India is still absent. Furthermore, the legal machinery is complicated and daunting and most victims of any human right violation do not know the laws that protect them and in the rare event that they do they are unable to find a lawyer they can afford and is sensitive to their needs.

Another issue that thenon governmental organizations and community based groups that try to reach out to victims, are based in major cities and even they usually do not consider using courts, particularly lower courts as a possible remedy. Legal services in rural India continue to be sketchy in comparison to urban areas. Law as a profession also tends to be male dominated where both the Bar and the Bench is concerned and there is a grave paucity of skilled human rights lawyers.

One common thread running across most human rights lawyers is that they haven't received formal training in human rights lawyering though they may have received inputs in terms of courses or the example of a peer/senior or work in an organization. The LLB curriculum has a course on human rights but most times it is the course that is given the least importance and the course content is outdated. This programme seeks to address this gap in a small way by providing an exhaustive course on all laws relating to human rights in a simple and engaging format. The Course will educate the students about the law, sensitise them about the situation in India and the need for skilled lawyers and equip them with the skills they could need if they take up human rights lawyering as a career option.

This Programme will introduce students to new ideas of human rights and new ways of approaching law. Remedies to address rights issues will be one of the key points examined. It will also explore methods of looking at law and policy critically. Human rights lawyering with subject skills as well as soft skills will be introduced by experts and practitioners. There will also be a short component of immersion/ practical training/ simulation exercises. While sensitizing the students and equipping them with all the skills they will require to be a competent human rights lawyer the programme will explore career options in human rights lawyering and encourage the students to take up the same.

The objective of the training programme will be threefold, it should:

- Impart **knowledge**,
- Equip the participants with essential **skills**, and
- Develop and sensitize the participants **attitude**

The curriculum of each day will be a combination of all three facets.

#### **A. Knowledge:**

A proper understanding of the law and procedure is essential to be an effective lawyer. The theoretical part of the programme is structured to give clear and indepth knowledge of the laws relating to human rights and clarify doubts or correct any misconceptions about the law, the students may have. The course will cover all areas of human rights law especially recent emerging legal issues that may have been missed out by their colleges.

We will provide the students with comprehensive resource material, compilations of case law and recommended readings to take home that will give them a detailed and analytical understanding of the legal intricacies of the laws relating to human rights.

#### **B. Skill Development:**

From the time a lawyer meets a client till the conclusion of the case there are numerous essential skills that a lawyer must master. The programme will train the students in client counseling, examination and cross examination of witnesses, drafting of notices and pleadings, strategies to use when approaching the court, presentation and public speaking skills, negotiations and mediation, how to initiate and campaigns and legal reform.

We will bring renowned experts in each field to provide their unique and valuable inputs while discussing their personal experiences.

#### **C. Sensitization:**

To be an effective human rights lawyer it is essential that the participants are able to empathize with their clients and be sensitive to their needs. This can be done by exposing the students to the realities of the situations that many survivors of human rights violations face.

Screening of documentaries and interacting with survivors and people involved in the human rights movement will also help realize the gravity.

## **PROGRAMME DETAILS**

The training programme will be held from 9.30 am to 6.30 pm from May 10<sup>th</sup> to June 10, 2013. (Tentatively) All students are expected to attend all days of training. At the end of the programme the students will have to write a theoretical examination and complete a practical examination based on what they have learnt in the 30 days. They will also be graded based on their participation and inputs in each day's activities. The students will also have to submit a 3000 word paper on a problem of human rights violation in their local state and a plausible legal strategy to combat the same. Only those students who get over 50% of the total marks will pass and be given a certification for completion of the course.

A brief outline of the three training modules is give below:

- A. Knowledge :
  - a. Legal Theory: the position of law and the remedies available
  - b. Land mark judgments
- B. Skill Development
  - a. Client Counselling and interviewing
  - b. Non Verbal Communication and Body Language
  - c. Legal Strategy
  - d. Drafting
  - e. How to read and use case law
  - a. Statutory Interpretation
  - b. Research skills
  - c. Addressing Judges and Public Speaking
  - d. Evidence and Cross Examination
  - e. Negotiation, mediation and arbitration
  - f. How to conduct a legal awareness programmes
- C. Sensitization
  - a. Watching documentaries
  - b. Field Trips to Police Stations, Forensic Labs etc.
  - c. Interacting with victims of human rights violations
  - d. Interacting with key participants of human rights struggles and movements

## THEORETICAL COURSE CONTENT

- Participants will be asked to situate themselves and their personal experiences of violation and discrimination
- Human Rights Mapping
- Social Movements
  - Laws and efforts made to change them
  - Role of state and non state actors
- Concept of Rights
- Constitution of India
  - Fundamental rights
  - Important judgments
  - Elements of rights and duties and how it is empowering
  - International conventions and how to use them
    - United Nations Universal Declaration of Human Rights
    - International Convention on Economic, Social and Cultural Rights
    - International Convention on Civil and Political Rights and the Optional Protocol
    - CEDAW
    - ILO Conventions
- Criminal Justice System
  - The role of state, powers and limitation
  - The role of police, powers and limitation
  - Role of prosecutor
  - Rights related to arrest
  - Custody
  - Torture
  - Self incrimination
  - Confessions
  - Blood tests
  - Dying declarations
  - Rights of accused
  - Fair trial
  - The first information report
  - Arrest of females
  - Witness protection
  - Preventive Detention
  - Custodial Death
  - Encounter Killings
  - Disappearances

- Bail
  
- Access to Justice
- Human Rights in conflict zones
  - Kashmir
  - North East
  - Telangana
  - Chhattisgarh
  - POTA, AFSPA, TADA and other repressive laws
  - The need for these special laws tested against the constitution
  - Refugees
    - Naturalization
    - Renewal of refugee certificates
    - Registration of new-arrival refugees
    - Residence permits
    - Asylum applications
    - Deportations
    - Mass migrations
    - Ethnic/ racial discrimination against refugees
  
- Right to Natural resources
  - Access to Natural Resources and environmental law
  - Right to Property, land laws and Mining
  - Land acquisition and conflicts arising for the same
  - Special Coastal Zones
  - Panchayat Act
  - Rehabilitation policies
  - Intellectual Property Laws
  -
  
- Labour Laws
  - Wages
  - Service Conditions
  - Rights during termination
  - Child labour
  - Bonded labour
  - Migrant labour
  - Agricultural workers
  - Traditional occupations (snake charmers and bear trainers)
  - Women at work
    - Equal employment opportunities for women and labour laws relating women, maternity benefits, working conditions , remuneration etc

- Sexual harassment at the workplace
- Gender and law in relation to
  - State
    - State policy, reservation
    - State commissions
    - State inflicted violence and discrimination
    - Judicial safeguards to protect women
  - Community
    - Rape and sexual assault
    - Trafficking for commercial work, sexual exploitation, domestic work, marriage
    - Sex workers
    - Honour killings and Khap Panchayats
    - Witch hunting and acid attacks
    - Reproductive and sexual health rights of women/ adolescent girl
  - Family
    - Female infanticide and sex selective abortions (PCPNDT Act)
    - Domestic violence
    - Matrimonial disputes, custody, divorce, maintenance
    - Women's property and inheritance rights
    - Child marriage
  - Women's commission and state policies and compensation schemes
- Rights of children
  - Abuse in all forms
  - Trafficking
  - Labour
  - Child marriage
  - Right to education
  - Child health and nutrition
  - Juvenile Justice System (Juvenile Justice (Care and Protection of Children) Act, JJ Board and procedure to appear before Board)
- Caste
  - Constitutional standards
  - Civil Rights Act
  - Atrocities Act
  - Manual scavenging
  - Dalit/ Adivasi women's rights

- Protecting the rights of couples in inter-caste/ intra-gotra marriages
- Land rights
- Affirmative action
- Discrimination
- Special developmental schemes
- Problems in implementation
- Marginalized communities
- Person with Disabilities
- Religious and cultural minorities
- HIV Aids
- Sexual Minorities
- Linguistic Minorities
- Anti Poor laws
- Draconian laws
- Right to Information
- Consumer Protection