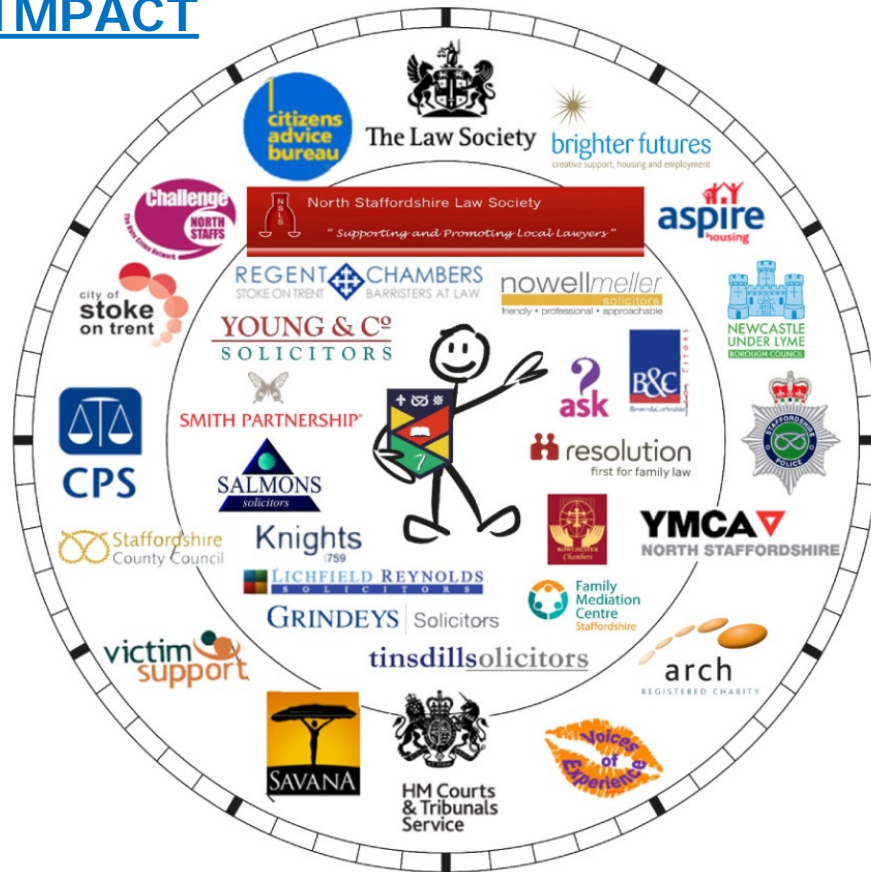


IMPACT



Underpinning Research

RIGHTS AS THE
INTERSECTIONS:

REBUILDING CULTURAL,
MATERIAL AND SPATIAL
SPHERES – A
TRANSFORMATIVE
METHODOLOGY

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Transforming Sites of Justice Times of Crisis



Rights in Times of Crisis

- In times of crisis –when at risk of losing one's home, livelihood.. life.. human rights define the intersection of the individual and society, (Rawls, Strands of Justice).
- Crisis situation presents unique starting point of the individual subject of rights in society;
- Descartes, rationalist, Cartesian theory, Arendt 'The Human Condition', Heidegger 'Being and Time'

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2016, Framing Justice

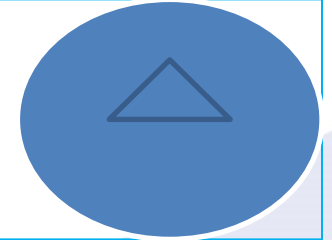
- The 'Age of Austerity' is presented as the structural ground for the Legal Aid, Sentencing, and Punishment of Offenders Act, 2012; an external, irredeemable and unrelated factor that of itself seemingly justifies the limits of access to justice, within a finite domain on the grounds of legitimacy, redistribution, location.

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Crisis: Situation

- ‘strategic site in which to learn about social processes’ (Fothergill, 1988: 11), to become a site in which ‘policies, programmes and legislation’
- , as a site of social organisation of international, state, non-government organisations and local community, to analyse how the social relations and organisation in which we become active, are constructed through rights.

Structure and Agency



- “to what extent are individuals externally shaped by classificatory systems that are assumed to be outside, prior to and independent of persons?’ Fraser, Scales of Justice
- ‘to what extent do individual actors shape and structure their world through their interactions?’”
 - rights as an axis through which the subject and structures co-constituted a dynamic rights regime.
 - dynamic relationship between the subject and the structures
 - how this can be harnessed as a transformative methodology

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Civil society as an arena for action

- : “Framing questions of the politics of difference largely in terms of what the state should or should not do in relation to individuals and groups, however, ignores civil society as an arena of action, institutional decision-making and political struggle...The relations in which individuals and groups stand to one another within civil society, even apart from their relations to state policy, are very important both as causes of injustice and resources for remedying this injustice.” Young, 2008:292

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S.Krishnadas v Government of Maharashtra, 1995

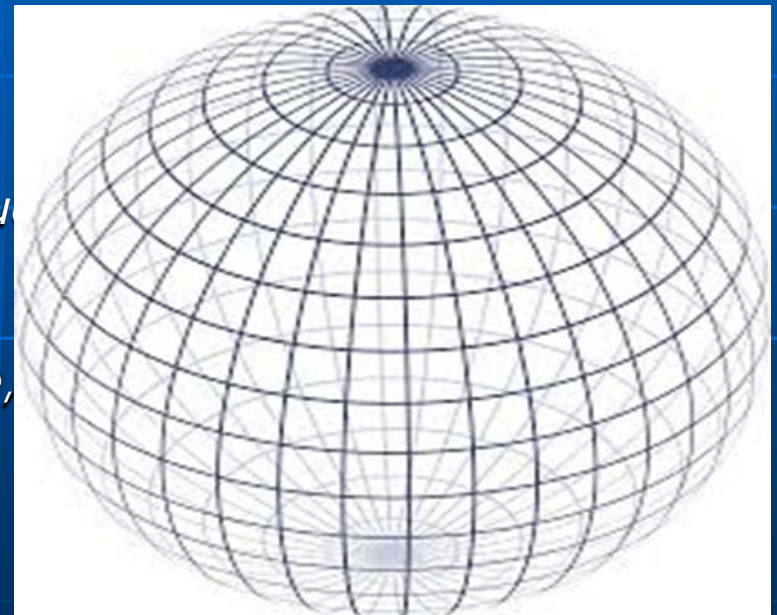
- In the High Court of Judicature of Bombay Bench at Aurangabad, Writ Petition No 703 of 1995, Petitioner S.Krishnadas, Respondents 1. The Secretary, Rehabilitation, Government of Maharashtra, Bombay, 2. The Secretary, Public Health Department, Government of Maharashtra, Mantralaya, Bombay 400 032 3. The State of Maharashtra
- Public interest litigation filed under the Right to Equality (Art 14) and Right to Life (Art 21)
- High Court conducted a Fact Finding Visit through the villagers of Latur, and the villagers of Latur attended the court, where Chief Minister held in Contempt of Court and Judgement in favour of the PIL, for the completion of the Maharashtra Earthquake Rehabilitation and Reconstruction Programme.

Crisis – towards methodology- Body of Work – Intersectionality and Beyond, 2008

- "It is somewhat ironic that those concerned with alleviating the ills of racism and sexism should adopt such a top down approach to discrimination. If their efforts began with addressing the needs and problems of those who are most disadvantaged and **with restructuring and remaking the world where necessary**, then placing those who currently are marginalised in the centre is the most effective way to resist efforts to compartmentalise experiences and undermine political collective action

Three-dimensional Transformative Methodology; Spheres of Justice

- **Reflection**, centring voices,
Awareness raising, participation
- **Revaluation**, identifying needs, value
In-kind, reciprocal, time
- **Revolutionise** public/private sphere,
*adversarial to collaborative,
Inquisitorial, Resolution.*
- Dr Jane Krishnadas Conceptor and Convenor, CLOCK





Rights

As the

Intersections

The Hands of the CLOCK

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Times of Crisis; Legal Aid, Sentencing Punishment of Offenders Act, 2012

- “How society may meet one of it’s heaviest responsibilities, namely the responsibility to ensure that its members who are least able to protect themselves are provided with the assistance that they require to cope with the challenges they are inevitably faced” Rt Hon Lord Woolfe, Low Commission Report

Voices of Experience

- ‘She’s my Calm in the Storm’,
- Intersectionality of experience
- Access to CAB, Housing, Civil, Criminal procedures at same time

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CLOCK- Community Legal Outreach Collaboration Keele

- Following the Community Legal Education, Law in Action presentations; formed the Community Legal outreach Collaboration, Keele (**CLOCK**)
- Drawing on the Regional Law Society Roundtable; “innovations in legal services to meet unmet legal need, reviewed our pilot McKenzie friend, ***“She’s my calm in the storm”***, and need for prior approval, training and assist access to the legal aid and affordable legal services
- Proposal to develop expert guidelines and training programme for selected students to be trained and supervised by the professional partners as a **Community Legal Companion**
- **Importance of monitoring impact of LASPO, raising awareness of legal aid and contributing to research and policy**

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‘One-stop Shop’ DV Strategic Forum co-ordinator

- Monitoring
- Sharing Information
- Access to multiple services; one client accessing VoE, Arch, CAB, Brighter Futures, Nowell-Meller solicitors, Criminal trial, Police, Probation, Southall Black Sisters.

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Innovative Research findings

- ▶ Child Contact case; Litigants in Person; calming court process and facilitating supervised contact order with YMCA
- ▶ Criminal Defendant; Assisting access to justice for criminal defendant to attend trial and observe distinct criminal and civil re duress, with Arch, Brighter Futures, Southall Black Sisters
- ▶ Care proceedings; assisting non-biological parties (not eligible for legal aid) to proceedings,
- ▶ Assisting vulnerable adults, Lichfield Reynolds solicitors
- ▶ Successful Application for Legal Aid under the Exceptional Criteria, Nowell Meller solicitors

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Clock.uk.net

- A Transformative Methodology

Who?- user-led

What?- needs based

Where?- accessible at every stage of the proceedings.

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HHJ Duggan, Designated Family Judge, Staffordshire

- The Judges of Stoke-on-Trent are very impressed by the scheme and the presence of trained volunteers in our court on a daily basis will provide a valuable source of support for many court users facing difficult issues. We feel fortunate that this imaginative scheme is based locally.

R.1. Ministry of Justice, re LASPO

- ‘Sense Check’ of matters excluded from scope
- Quarterly and Annual Mechanism for monitoring full impact of LASPO
- Legal Aid Agency should remunerate solicitors and specialist advisors for all applications of exceptional funding under s.10 and where seems manifestly unfair not available under s.10 should be brought back into scope.

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Civil Justice Council Working Party Access to Justice for Litigants in Person

- The Community Legal Companion was an excellent service which epitomises the practical implementation of several of the Working Party's recommendations'. (Nick Hanning).

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Contributions to UK Parliamentary Debate

- ▶ The evidence provided by Voices of Experience and others was invaluable in providing Baroness Scotland with the hard examples to show that the points we and other representative bodies were making were real and not merely theoretical. Please could you pass on my thanks to them for their help, which contributed to securing a successful vote on Baroness Scotland's motion.
- ▶
- ▶ There were some useful comments in Lord McNally's speech. He has given an important clarification that for a cross-undertaking to deny a victim their legal aid, "there would have to be equivalence in the cross-undertaking". It would be pushing it to call this a concession, but it was an important clarification that we had previously been unable to get.
- ▶
- ▶ He also agreed to look again at the situation where someone has been in hiding and therefore cannot get evidence from within the two year cut-off. He believes the ability to apply for an injunction in those circumstances is sufficient protection - but of course that requires an injunction application that at present would not be made, and that in and of itself may increase the risk of violence. But he has promised to keep this under review "from day 1".
- ▶
- ▶ All of this groundwork will help to ensure that when the actual examples arise, there is strong pressure on the Government to revise the arrangements quickly to ensure greater protection for the victims of domestic violence.

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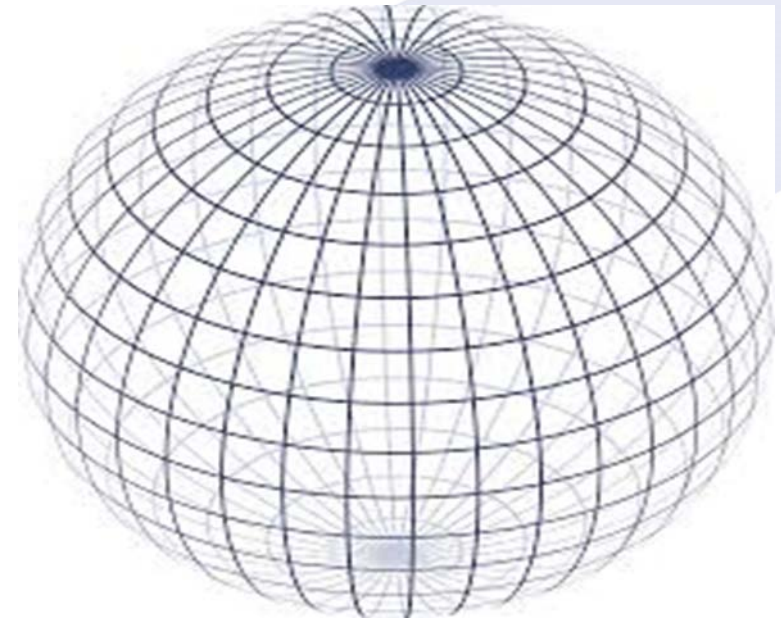
European Parliament

- ▶ **May 30th** , 2014 The CLOCK Community Legal Companion project was featured in [Good Practice Collection on Social Innovation](#) that was distributed at the conference “Social Innovation – Priority for a European Agenda” at the European Parliament on May 30th.

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