

2012 A YEAR OF FIRSTS



BABSEA CLE MAGAZINE



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Table of Contents

2012 A Year of Firsts	6
By The BABSEA CLE Team	6
Growing Support for International Externships.....	9
By Wendy Morrish, Director of BABSEA CLE.....	9
Bringing Law Down to Earth—the 1st Southeast Asia Pro Bono Conference	10
By Carly Chenoweth.....	10
Faculty of Law and Political Science's First Career Fair is a Big Success	13
By Catherine Gallagher, Volunteer, Vientiane, Laos.....	13
Running and Walking for Justice: Update on Preparations for the 4 th Trio for Justice	15
By Judith M. Mandel, J.D. BABSEA CLE International Legal Studies Externship Clinic Manager	15
Sharing Work and Learning Lessons at Singapore's First Conference	16
By Suzanna Binti Abdul Hadi, Community Outreach Program, University of Malaya	16
The Clinical Movement Expands into the Middle East and BABSEA CLE is there.....	18
By BABSEA CLE Co-director Bruce A. Lasky.....	18
The Life of a Person at BABSEA CLE in Chiang Mai, Thailand	19
By Chung Pham, Lecturer in Vietnam, Intern BABSEA CLE	19
CLE placement overseas – a great opportunity for CLE lecturers in Vietnam	21
Nguyen Thi Thuy Linh, Coordinator of Trade Union University CLE law clinic and Tieu Phuong Thuy, Source lecturer at Vietnam National University.....	21





Presenting the Pre-Trial Detention Project.....	23
By Ellen Rehnberg, Mount Holyoke College, USA.....	23
A Pre-Trial Justice Clinical Legal Education Model in Thailand.....	24
By Prof Douglas L. Colbert, Maryland University, Francis King Carey School of Law, USA.....	24
Harvesting the Experience of Living and Working in Chiang Mai.....	27
By BongsavanhBoudavong (Ajan Nim)	27
Enlisting Australian Law Firms to the Global CLE Pro Bono Movement	29
Adapted from article by Andrew Jennings.....	29
First Pro Bono Conference	30
By Laura Milne, Access to Justice and Pro Bono Programme Manager	30
I Bridged Borders	32
By Al Lim, Yale-NUS College, Singapore.....	32
First BABSEA CLE Human Rights Award Given at Central European University	35
By Maryna Yaroshchuk, Alumni Networks and Annual Campaign Coordinator, Central European University	35
Promoting Access to Justice through Law School Legal Aid Cells.....	36
By Dr. M.R.K. Prasad, Indian Law Institute	36
First Time Abroad: BABSEA CLE Chiang Mai a Great Start.....	38
By Jamila Xiong, BABSEA CLE Intern from La Trobe University, Melbourne, Australia	38



NEU CLE Clinic Is in Business!.....	39
By Tue Phuong Nguyen, BABSEA CLE Volunteer Lawyer Hanoi, Viet Nam.....	39
United World College of Southeast Asia Gap Year Program	40
By Melanie Flury, BABSEA CLE Intern	40
Legal Empowerment for the Poor	41
By Trang Tran Le (Ivy), BABSEA CLE Staff Trainer	41
Chiang Mai Cabaret Teaching Project.....	43
By Dagan Martinez, BABSEA CLE Volunteer and Phattharadanai Chaiyayong, BABSEA CLE Volunteer.....	43
Negotiations Workshop: Herbert Smith Freehills Partners Team Up with BABSEA CLE	45
By Jason Lilly, BABSEA CLE Volunteer, Chiang Mai	45
Vietnamese Youth Support HIV Prevention.....	46
By Trang Tran Le (Ivy), Project Coordinator, BABSEA CLE	46
From First to Second: Bridging Borders through the Access to Justice Public Interest Fair	48
By Jamila Xiong, BABSEA CLE Intern	48
Experiences in Hanoi at BABSEA-CLE	51
By Alice Bewley, BABSEA CLE Intern	51
Exploring the Intersection of Law Enforcement and Public Health.....	53
By Dr Nicholas Thomson, Field Director Johns Hopkins Bloomberg School of Public Health	53





Reflections on My Time at BABSEA CLE, Chiang Mai	56
By Sengnaly Kanthavong (Ajan Bee)	56
Clinical Legal Education Worldwide—Report from Beijing, China	58
By Hien Bui, Project Coordinator, BABSEA CLE	58
Legal Aid and Empowerment for the Poor and Marginalized: A View from New Delhi	60
By Dr. M.R.K. Prasad, Indian Law Institute	60
Opening ceremony of the National Economics University Small Business law clinic	62
By Phong Pham Tien, Student of the Center for Law Training and Consultancies	62
Human Rights-Based Policing	63
By Nattakan Chomputhong (Ann), BABSEA CLE Fellow	63
Lesson Learned: Human Rights-based Policing toward a Just and Peaceful ASEAN	65
By Phun Vidjia, Director, Pannasastra University of Cambodia CLE Program	65
A Word of Thanks to All Our Supporters!	67





BRIDGING BORDERS

December 2012

2012 A Year of Firsts

By The BABSEA CLE Team

Dear Friends and Supporters of BABSEA CLE,

As 2012 has now come to a close we want to thank all of you for being a unique part of such an incredible year of “firsts” for both BABSEA CLE and our partners. Reflecting back on all that was achieved in such an impactful way, it is hard to really believe what was accomplished in just 12 months. It seems as if it should have taken more than double or even triple this amount of time, but when looking back we see that it really was only 12 months—and they were amazing.

These “firsts” were not created in a vacuum. They were a real demonstration of the years of hard and dedicated work by our team and our partners, which laid the strong groundwork and foundation to make them happen. They are “firsts” and not “stand alones” or “lasts,” as they provide a vision and insight into the exciting and transformative access to justice legal education path of 2013 and onward. We are so excited about these plans and believe you will be, too.

The following magazine contains various highlights of some of these first events, with a few of them having already been reported in previous newsletters from this year. The magazine also contains some of our year end close out activities, once again demonstrating that our dedicated team, and those we work with consistently, strive toward strengthening access to justice and legal education from January 1st through December 31st. While reading the articles you will be exposed to a number of these “firsts,” and we believe you will enjoy finding out more about them.

They include our first facilitation of long-term placement of international clinical legal education experts with partner universities in Vietnam, Thailand, and Laos. Beginning in January and continuing through December and into 2013, these experts shared their experiences and worked daily along alongside our partners in order to further expand and fortify the CLE movement. Simultaneously, 2012 was also the first year that we began placing Vietnamese clinician partners overseas with social justice-oriented university CLE programs where they were mentored, provided the ability to shadow, and given the opportunity to share their own unique CLE experiences.

January 2012 began with our organization and the Queensland University of Technology, Brisbane Australia, launching our yearly 3-week placement of legal studies students in Chiang Mai, Thailand. This was the first year they were placed with our Thailand university partners for mini-immersions at the campuses. These students, all receiving academic credit through their professional practice course, worked alongside us, CLE Foundation, and our partners, being exposed to multifaceted legal education and access to justice issues. This month also was the first time we began to directly host Indonesian law lecturers for training and exposure to the work we are involved in. The CLE movement in Indonesia is strongly beginning to flourish and these





BRIDGING BORDERS

December 2012

placements with us, mostly with persons who never before were outside of Indonesia, were incredibly positive and useful in furthering this movement upon their return.

March included our working with the National University of Laos Faculty of Law and Political Science and Lux Development, organizing the first job/career fair at the FLP. This groundbreaking event, which will continue yearly, has led other partners, including the Vietnam Trade University, to begin planning their own job/career fair events in 2013 and onward.

March also included our partnership with Singapore Management University and North Umbria University of New Castle, Great Britain to organize the Inaugural Singapore Clinical Legal Education Conference. Amongst many other successes, this key event has led to a significant amount of increased support for the expansion of CLE, both within Singapore and regionally, by academic institutions, private law firms, the Singapore Law Society, and the corporate private sector.

In April, we assisted our long-term partner, the Chiang Mai University Legal Consultation Center, to deliver the 1st National Workshop on “Clinical Legal Education: a Means to Improve Legal Teaching Methods.” The event included representatives from more than 20 law faculties throughout Thailand, all with an interest in incorporating CLE-related teaching methods into their core curriculum.

In May, our Co-Director Bruce Lasky was invited to attend, as a clinical legal education resource person specialist, the 1st Middle East CLE Colloquium, held outside Amman, Jordan. The event was organized by the Protection Project at The Johns Hopkins University School of Advanced International Studies (SAIS), in cooperation with the Global Alliance for Justice Education (GAJE). Bringing together representatives from countries which are often seen to be at odds with each other, or sometimes noted for failing to address previously taboo subjects of human rights, rule of law, and democratization in the academic context, the successful event was a one of the highlights of his many years of involvement in access to justice work.

Fast forwarding to July and August 2013, we, in partnership Can Tho University, Viet Nam and UNDP, organized the 1st Vietnam CLE Summer School. This two-week intensive training event, never seen before in the region, brought in legal educators from throughout Vietnam and the world as a means of developing and significantly strengthening accredited CLE programs focusing on access to justice issues.

In September and October, we moved front and center into field of the global pro-bono movement. In September, in collaboration the National University of Laos Faculty of Law and Political Science and the Lao Bar Association, we held the 1st SE Asia Pro Bono Conference. The event, which will be held annually going forward, was attended by more than 150 persons from more than 20 countries worldwide who are dedicated to cultivating a pro bono culture. In October, we attended our first European Pro Bono Forum in Madrid.

These events built on our earlier attendance at the Pro Bono Institute Conference in Washington D.C. in March, where we were invited to attend and present on the synergism between clinical legal education and pro bono initiatives. They also followed our successful efforts to collaboratively enlist some of the largest law firms and





BRIDGING BORDERS

December 2012

corporations to support the work in which we are engaged. This included a fervent effort in May by BABSEA CLE Australia, a newly registered local Australian non-profit, to enlist the support of many of the top tier law firm's pro bono departments to work with us and our regional partners. Similarly, beginning in August, BABSEA CLE Singapore began the same push in the city state.

In November, a busy month of "firsts," we were invited to present at the 1st International Policing and Public Health Forum, held at Melbourne University, Australia. We used interactive methods to engage participants in dialogue when presenting on how clinical legal education programs collaborate in the area of policing and public health. Many participants commented that our attendance and contribution was one of the highlights of the event.

November also saw us presenting on the means and methods of strengthening access to justice through clinical legal education at the 1st Asia Pacific Forum on Clinical Legal Education at Remnin University, Beijing, China. This regional event brought together a collection of justice educators from more than 50 universities throughout the Asia Pacific region. This same month also saw the launching of the 1st Vietnamese Small Business Clinical Legal Education Program, located at the National Economic University, which operates with the assistance of us, IBM, and UNDP.

With only days left in December, we ended the year on an incredibly happy and grateful note by holding the first Board of Directors meeting that included newly appointed Directors Chris Walsh and Helen Yandell. It was here that we all recapped on our achievements of 2012 and looked forward together, with new energy and ideas, to 2013 and beyond.

Illustrating the growth, experience, and strong intent to "walk the walk" and apply clinical legal education teaching methods within our organization, for the first time this End of 2012 BABSEA CLE Magazine was produced almost entirely by our legal fellows, interns, volunteers, and law lecturer partners, with only minimal guidance on the senior team. We saw they were ready, and we let it happen.

Where does this all take us? These "firsts," coupled with the continued programs and activities we have been engaged in for almost a decade, lead us in the direction of strengthening sustainable justice education programs throughout the Southeast Asia region and beyond. They also place us in a guiding position to help positively mold the growing global pro bono movement. Finally, and most importantly, all of these events provide a further means to help develop the future access to justice champions that really assure this world is a better and fairer place.

None of this would have been possible without the help of each of you, and as you read through the following pages, we hope you enjoy. We thank you for all that you do, and look forward to your support and working with you in 2013 and long into the future.

The BABSEA CLE Team



Growing Support for International Externships

By Wendy Morrish, Director of BABSEA CLE

When we received our invitation to present at the Externships 6 Conference in Boston, USA, I was filled with anticipation: which law schools would attend; what themes would arise from the sessions; what is the future of externship programs in U.S. law schools? What I did not anticipate was snow!

We arrived to a blanket of snow on our first morning, greeting friends from around the world as we made our way to Northeastern University – a real "warm up." We talked about the increased number of international sessions: Global Law Field Placements, Preparing Lawyers for Modern Practice and The Development of Externship Clinics Worldwide. Such interesting topics made me almost as happy as watching Jeff Giddings (Australia) and Ernest Ojukwu (Nigeria) coming down the icy path.

International Interest

This was the first Externship conference with such a large international interest. Participants from 11 countries (Thailand, China, Spain, Australia, Nigeria, USA, Hungary, Sierra Leone, Afghanistan, Canada and Kyrgyzstan) made up the 200+ delegation.

Thank you Jerry and Liz (Gerald Slater and Liz Solar) for getting us all there!

As the conference progressed, it became clear that U.S. law students are seeking more international opportunities and expressing a strong desire to participate in Social Justice placements. Yes! Let's give students



an opportunity to become global law students! Many of the externship professors were eager to engage their students in such placements, while ensuring that they receive good supervision and support.

I was pleased to hear Professor Daisy Floyd from Mercer University School of Law speak about the externship being more than a place for law students to "work;" it is an opportunity for them to explore their role as a legal professional.

This is one of the core beliefs that we at BABSEA CLE encourage our interns to explore – and not just their future legal professions, but their role as global citizens ensuring access to justice.

It was the final day when we were presented, and by then I felt Bruce and

I were in a good position to describe the successes and challenges we have observed over the 10 years of running our international legal studies externship clinic.

We also had the good fortune of having a former intern, Rachel Tritter (BABSEA CLE Intern 2008) join our session to share how the BABSEA CLE experience has guided her life goals. Rachel delighted us all with stories of an all-American girl seeing squat toilets for the first time and also being overwhelmed by the gratitude of Thai women prisoners for her legal lessons.

Overall, "Externships 6" offered a wealth of insight on the world of field placement clinics, just as Jerry and Liz promised. The snow was just icing on the cake!

Bringing Law Down to Earth—the 1st Southeast Asia Pro Bono Conference

By Carly Chenoweth

“Which is more believable: a) the tooth fairy, b) the Loch Ness monster or c) a lawyer who helps the needy?”

This was a question posed by The Law Society of Singapore at the 1st Southeast Asia Pro Bono Conference. This ironic and thought-provoking riddle now hangs on the wall of the BABSEA CLE Chiang Mai office and served as a daily reminder of what this is all about.

The harsh reality this question reveals is that, for many people and in many places, the law and its agents are rarely perceived as a mechanism to protect and support the needy. And this reputation has not come undeservedly. As Harvard Law Professor and lawyer, Alan M. Dershowitz famously wrote, “Why are lawyers thought of so badly? ... The answer is simple: Because we deserve it.”

However, after four months with BABSEA CLE, it is now my belief that this is all about to change. During my time as a legal extern and

volunteer, I have met and learned from so many who are actively engaged in bringing the legal profession back down to earth. Illustrating the true effect of CLE, I had the opportunity to attend the grand opening of the National Economic University (NEU) Small Business Clinic in Hanoi, Vietnam. At the event, Mr Nicholas Booth, the



Legal Policy Office for UNDP Vietnam quoted a CLE student who expressed it perfectly, saying, “Before the Clinical Legal Education (CLE) course, I thought of the law as something for the gods, something that happened up in the sky. Now I am a part of a team working to bring the law back to the people and back to earth.”

Indeed, one of my primary goals in undertaking the BABSEA CLE legal externship program was to learn how to use the law to help those in need. Having worked with BABSEA CLE in three countries across Southeast Asia, Thailand, Lao PDR, and Vietnam, I have been afforded the unique opportunity to learn just that

from many incredible people who come from a vast array of different backgrounds and nationalities.

In Vientiane, Lao PDR, I had the opportunity to learn from the experiences of over 150 delegates from 20 different countries at the 1st Southeast Asia Pro Bono Conference. I listened to the hopes of lawyers from Myanmar about establishing a legal aid system in a country where the concept itself is virtually non-existent. I spoke with law students from Singapore about their career plans to advocate full-time for the needy, and was inspired by the stories of pro bono lawyers from India, the Philippines, Malaysia, Lao PDR, Vietnam, Thailand, and Australia.

In Chiang Mai, Thailand, some of my greatest teachers were the Thai Legal Fellows and the local people who took part in our Community Legal Education sessions. Legal education, as with education in general, is the cornerstone of an empowered civil society, and I was fortunate enough to participate in bringing the law from the distant sky down to the people it was intended to serve. I took part in the legal education sessions at the Wildflower Home for single mothers in Northern Thailand and was a part of the teaching team for the transgendered community in Chiang Mai. For me, the educational value of these sessions went far deeper than learning about Thai law. Each session provided a rare opportunity to learn about the culture and way of life of the people we visited, as well as their specific issues and concerns.

Fast-forward to Hanoi, Vietnam, where I have been witness to further evidence that the law and legal profession are moving in the right direction—earth. Having spent time teaching and talking with law students from Vietnam National University (VNU), The National University of Economics (NEU), Trade Union University (TUU), Foreign Trade University (FTU), and Students in Free Enterprise (SIFE), it has become clear that there is a generation of



future lawyers committed to ensuring the accessibility of the law to those who need it most. The air in the University Legal Clinics is thick with enthusiasm, and there is an overwhelming desire to redirect the law and its agents to a place of purpose. But they are not going it alone. My colleagues in the BABSEA CLE Hanoi office are a stellar example of incredible people working to ensure that legal literacy and service are not reserved for the “gods” and the privileged few. In this office, the concept and practice of synergy is in full swing and direct engagement with the universities is a crucial

element in the solidarity of their access to justice movement.

As I reflect on my encounters with the young lawyers and law students of Southeast Asia, I am convinced that our opening riddle, “Which is more believable: a) the tooth fairy, b) the Loch Ness monster or c) a lawyer who helps the needy?” will no longer be met with the same hesitation, ridicule, or mockery. Armed with an acute awareness of the challenges to social justice in their region and the legal skills, knowledge, and values to solve them, there is real, tangible promise in the lawyers of tomorrow and their ability to bring the law back to the people and back down to earth.



Faculty of Law and Political Science's First Career Fair is a Big Success

By Catherine Gallagher, Volunteer, Vientiane, Laos



The first Career Fair at the National University of Laos was organized by the Faculty of Law and Political Science (FLP) and Asian Law Students Association (ALSA) students, in cooperation with the Lux-Development project “Strengthening the Rule of Law through Legal University Education,” and with support from BABSEA CLE volunteers. It was a great success: the official T-shirts arrived on the day, the weather was wonderful, all the participating companies were set up and ready to go by 10 AM, and a large and enthusiastic crowd of students came by to gather information that may help them plan their futures.

The Career Fair offered free tables for companies and organizations in order to encourage participation. There was

a very good response, and the result was 23 different booths with five law firms represented: Lao Law and Consultancy Group, McDonald Steed McGrath, DFDL, Rajah & Tann, and the Vientiane Law Firm. Other participants included organizations working in banking, international cooperation, journalism, power companies, and audit, advisory and tax services. In addition, there were six student booths: the Environmental Protection Group, Student Gender Group, Human Rights Group, FLP Debate Group, FLP-CLE and ALSA Laos.

The site was set up with the student groups to one side of the stage and businesses on the other. The event sponsors were located nearest center stage with the wonderful backdrop

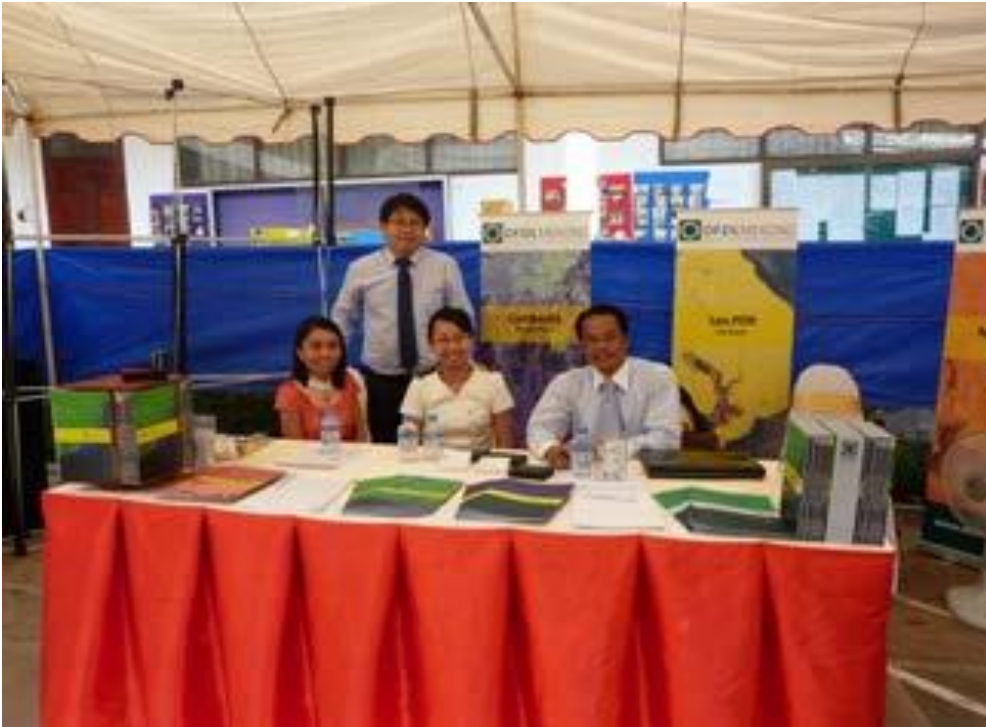
stating “FLP Career Fair JOB Boom!” Organizers will tone that down a little next year, so that students do not come believing they will definitely find a job if they attend the fair.

One of the goals of the event was to give students the opportunity to learn what it means to work as a lawyer, as opposed to “only” knowing about the law when they graduate from law school. But it also gave law students the opportunity to speak to representatives from companies such as BCEL and Electicite du Laos, giving them an idea of the variety of career opportunities available to those with a legal background.

There were fairly large audiences at all the presentations and the

BRIDGING BORDERS

December 2012



companies and students alike called for the event to be repeated next year and become an annual event. Not enough can be said to emphasize the good work done by this year's core group of dedicated ALSA students to bring about the success of this event.

Organizers predict that next year's job fair will be even larger and more successful because of the good experience participating companies had this year and because more students will want to help organize the event. These future fairs at FLP will allow students to develop more confidence and understanding about the legal profession, and more able to seek out the ever-increasing employment opportunities in Lao PDR.

participating companies reported that they were extremely pleased with the

student attendance. Every completed questionnaire returned by both

Running and Walking for Justice: Update on Preparations for the 4th Trio for Justice

By Judith M. Mandel, J.D. BABSEA CLE International Legal Studies Externship Clinic Manager



At six thirty in the morning on 13 January 2013, the first of many participants in the 4th Trio for Justice will set off on the half marathon at beautiful Huey Tueng Tao Park in Chiang Mai. At seven and seven-thirty they will be joined by the 10K, 5K and 3K children fun runners and walkers. In anticipation of this event, the team at BABSEA CLE and CLE Foundation has been hard at work.

Without such dedicated team work none of this would have possible.

Under the guidance of Event Coordinator Suphamat Phonphra (Bee), staff, volunteers, and interns, after first receiving permission from the park to hold the Trio event at this new venue, worked to map out the routes, design the website, posters, tee shirts and banners, write the sponsorship letters, and reach out to the local and international communities for support. Sponsors have responded enthusiastically and generously thus far.

Energizer, a great sponsor, will be lighting our way in the darkest hours of setting up at the park the night before and has provided prizes for the three first finishers in each event, as well as head lamps and flashlights to raffle. Mansfield Residence, a boutique resort in Chiang Mai,

has graciously provided discounted rooms for out of town visitors, as well as the venue and menu assistance for our pre-event dinner. Powerhouse Gym in Chiang Mai has also provided wonderful prizes and raffle items, and offered the gym as a place to register participants daily. Puengnoi Bakery will donate water, and Ashurst, an International Law Firm, has sponsored our bibs. United World College Southeast Asia, Herbert Smith Freehills, and others, including individuals, have given their support. Volunteers from many organizations are offering their time to make the event successful in every way.

With little time left to prepare, the work of the team has intensified. We are fortunate to have our international team working together. Together we are getting ready for all of our friends and neighbors, from here and abroad, who will join us to support social justice, raise rights awareness, and have fun.



Sharing Work and Learning Lessons at Singapore's First Conference

By Suzanna Binti Abdul Hadi, Community Outreach Program, University of Malaya



It was an enlightening experience for me to be able to join the Inaugural Singapore Conference and Workshop. I've been to many such conferences and workshops, but each one seems to have something new in store, something new to learn or someone new to meet and talk to, and Singapore was no exception.

Some of us arrived early for the first day of the conference, so we were put to work hanging posters and banners of CLE programs throughout Southeast Asia in the meeting hall. Here I experienced the spirit of togetherness and teamwork among the participants. Everyone helped "decorate" the venue, chatting and laughing like old friends as we worked.

The Conference itself was very informative. I acquired new

information on how to conduct an effective CLE program, and learned through the experiences of other CLE programs in the region how each succeeded in its own way. Moreover, we had the opportunity to exchange ideas, as well as to discuss the possibility of future collaboration, either in CLE or in other aspects of education.

Team Spirit

Team spirit carried over to the Workshop, as well. Its purpose was to benefit those who did not already know how CLE works, so assistance was required from those of us who already had some knowledge about CLE. A few of us, myself included, were asked to help conduct the Workshop. Naturally, it was run in an interactive manner. No one was "allowed" to stay quiet; everyone had to participate, either as a learner or a

facilitator.

It was while helping out in this workshop that I learned even more interactive learning methods, methods we do not usually use at the University of Malaya. I also learned that every CLE program has its own method of delivering an effective lesson, especially in the drafting of their lesson plan. We had to agree to disagree, something that happens often in CLE. But it was all done in a fun and interactive manner.

All in all, I gained a lot from the two days I was in Singapore. I met new friends and rekindled old friendships. I gained new ideas and insights for our CLE program. I love being able to take home souvenirs like that and I look forward to attending more such conferences and workshops in the future.



International Legal Studies Externship July 3 -July 27 2013**

Apply Now! Bridges Across Borders Southeast Asia Community Legal Education Initiative (BABSEA CLE) is currently accepting applications for its 2013 June-July Legal Studies Externship Program. Entering into its 8th year, the BABSEA CLE Legal Studies Externship Program offers an opportunity to make a real contribution to assisting others in overcoming the hardships and legal inequity in Southeast Asia while being involved in a remarkable experience of living and working in the region.

**** Dates may be flexible.**

Make a Difference! As a BABSEA CLE 2013 Legal Studies Extern you will contribute in four ways:

- Community legal education research and curriculum development
- Community service
- Education and culture
- Self development through reflection.

What is the Program? During the 8 week experience, your activities will include a variety of community based legal education teachings, legal research and writing, not-for-profit organizational management and administrative activities, service projects with local and rural communities and many educational events and cultural experiences. Externs will work and interact with the BABSEA CLE International Community Legal Education team as well as local lawyers, legal educators, community and governmental organizations from BABSEA CLE's partner network in the Southeast Asia region.



LAOS



VIET NAM



THAILAND



CAMBODIA

Who Can Apply? The program is open to legal studies and non-legal studies students, graduates and professionals. Dates of the program may be flexible, depending on your schedule and availability. You may be eligible for academic credit, fellowships and/or financial support depending on your university institution.

When is the Deadline? Apply by **April 1, 2013**. To apply early and gain first priority, as well as a reduction in fees, applicants should submit their materials by **March 10, 2013**. Late applications may still be considered depending on circumstance and available space in program.

How Do I Apply? Complete and submit the application form, current resume, statement of purpose, writing sample, 2 personal references, the liability and waiver form, and a photocopy of the applicant's valid passport.

What Does It Cost? Externs contribute \$2,350 USD for their costs (shared accommodations included). There are a limited number of partial cost waivers for applicants who demonstrate great financial need and a history of being involved in access to justice/community service projects.

Who Will Be Chosen? Preference will be given to applicants who display a strong academic record, interest in access to justice and community service, awareness of different cultures, ability to work effectively in teams, to be flexible, open minded, a willingness to commit to the full 8 week program and to be connected and support the work of BABSEA CLE during and after completion of the program.

For forms and more information on the BABSEA CLE International Legal Studies Externship Program, please visit http://www.babseacle.org/legal_studies_internship_program or contact the BABSEA CLE Externship Manager, Ms. Judith Mandel <mailto:jmandel@babseacle.org>

<http://www.babseacle.org>

The Clinical Movement Expands into the Middle East and BABSEA CLE is there

By BABSEA CLE Co-director Bruce A. Lasky



Incredible, amazing, fantastic, unbelievable, and first of its kind, are just some of the ways to describe the first Middle-East Clinical Legal Education Colloquium, held in Mt. Nebo/The Dead Sea, Jordan, from 27-28 May 2012. I was one of a select group of Global Alliance for Justice Education (GAJE: www.gaje.org) members invited to provide support for the event. This was based on BABSEA CLE's experience in the development of CLE regional networks and non-client-representation CLE programs. This kind of experience, and the insight it provides, was considered a necessity when working with the network of legal educators from countries in the Middle East and North Africa.

The event was organized and supported by the Protection Project at the Johns Hopkins School of Advanced International Studies in Washington D.C, USA, with substantive technical support from

GAJE. The event was conceived during the GAJE 6th Worldwide Conference in Valencia, Spain, by Mohamed Mattar, Executive Director of the Protection Project, in consultation with members of the GAJE Steering Committee. In addition to BABSEA CLE, other GAJE and CLE representatives came from South Africa, Bangladesh, Spain, the USA and Poland to provide support.

As the first forum of its kind in the Middle East, the colloquium was aimed at generating interest in clinical legal education in the region and at building the capacity of faculties of law to establish new, or expand existing clinical programs. While the clinical movement has been somewhat slower to develop in the Middle East than in other regions of the world, interest has been rising in recent years. The colloquium was organized in direct response to this growing momentum and invited

representatives of many of the established clinics in the region, as well as interested parties from universities that do not yet have clinical programs.

A number of universities in the region now boast either new or fully developed clinical programs. They exist in many countries, territories and regions, including Jordan, Egypt, Palestine, Israel, Afghanistan and Pakistan, and interest is growing among the Gulf Cooperation Council members and in the Maghreb.

The colloquium was designed to help build the capacity of those clinics that are already operational, as well as to introduce the clinical method to institutions in these areas that may be reluctant, unsure, or unaware of its existence and advantages.

In all my years of doing access to justice and legal education work, the honor of being at this event and seeing the potential of those participating rates at the pinnacle of experiences for me. Seeing first-hand representatives from throughout the region proactively and positively working together and setting aside many long-standing differences as a means to achieve a clear common good was almost unimaginable just a short time ago.

The 7th Worldwide GAJE Conference will be held at Jindal Global Law School, outside New Delhi, India, in December 2013. Details about the 2013 conference, including the exact dates and format, will be announced in early 2013 at

www.gaje.org

The Life of a Person at BABSEA CLE in Chiang Mai, Thailand

By Chung Pham, Lecturer in Vietnam, Intern BABSEA CLE

Introduction

Hi everybody, my name is Chung. I'm from Viet Nam. I am a lecturer who teaches law at the Nation Economic University, Hanoi city, Viet Nam. In addition, I work in an office for counseling and community teaching. I love both my jobs very much.

My First Feelings When I Arrived at BABSEA CLE in Chiang Mai

This was my first time going abroad, so I felt nervous. I had so many questions. What would I have to do? How would I eat and sleep? Would I see anything very unusual? When I arrived and started using Thai money, I felt strange, like a fish out of water. But step-by-step, I got used to this new life.

My Daily Life Here

In Chiang Mai, I met many people who lived in many nations all around the world, who understood the law in many different ways. It was excellent!

When I lived in Viet Nam, I was afraid of speaking English because I wasn't confident. For this reason, I only used English a little bit. However, outside of Viet Nam, I was compelled to speak English because almost everyone in Chiang Mai communicated in English. Thus, I studied English very hard because I want to talk to

everybody and understand them. For me, language was the bridge which connected with much culture.

I wake up daily at 7:30 am, after which I have a sandwich and coffee for breakfast. Afterwards, I go to the BABSEA CLE office to work, where I participate in many activities such as



BRIDGING BORDERS

December 2012

community service, teaching, and planning fundraising events. Outside working hours, I take part in many activities, which help to improve team spirit. These include movie night, mountain hikes, scavenger hunts, and library research. On the weekend, we usually go together to the Saturday and Sunday markets to kick back and relax. Here we have eaten many Thai foods, which are very strange and delicious to me. In addition, we go to visit

many temples and learn about them. Sometimes, we go to swim, play soccer, and other sports, which is very interesting.

Two Pieces of Advice for You

First, you shouldn't be afraid of speaking English for two reasons:

- English is your second language, so nobody will mock you if you make a mistake. And you won't have any fun if you stay

silent and don't speak to other people.

- Speaking English is a great way to study English.

Second, you should participate in the many individual and team activities available. That will help you to become a self-starter and a useful person.



CLE placement overseas – a great opportunity for CLE lecturers in Vietnam

*Nguyen Thi Thuy Linh, Coordinator of Trade Union University CLE law clinic and
Tieu Phuong Thuy, Source lecturer at Vietnam National University*

For the purpose of strengthening the development of the Clinical Legal Education (CLE) program at core partners including Trade Union University's (TUU) and Vietnam National University's Faculty of Law, BABSEA CLE and the United Nations Development Programme (UNDP) jointly organized and sponsored a CLE lecturer training program overseas that was carried out over the course of 2012. The training program was recognized as a success that arose from the 3rd National CLE Conference on Strengthening Legal Education and Clinical Legal Education in Vietnam held at Trade Union University in August 2011. Participants and representatives included policymakers, educators, clinicians, and CLE experts from many different countries, who contributed energy and ideas to the conference and to the vision of expanding CLE in Viet Nam.

BABSEA CLE and its CLE network, including international law schools cooperating with UNDP, have been implementing activities to push the program forward. As mentioned in the report, CLE lecturer placement is one of the methodologies proposed to aid the development and sustainability of CLE programs in Viet Nam.

Participating in and witnessing the development of CLE for more than 3



years, we are happy to have been sent to Springvale Monash Legal Service, Monash University to learn more from the program. Since we have been privileged to participate and observe a range of Springvale Monash Legal Service (SMLS) activities, we plan to write an evaluative and reflective report to assist with the CLE program and course in our universities, as well as throughout Vietnam. We would like to share our experiences, including the challenges we have faced, with the hope that they might benefit other Vietnamese lecturers who are seeking overseas placements. We believe that the placement program will bring many benefits to us as well as other young Vietnamese CLE lecturers.

SMLS has been in operation since the early 1970s. The Service aims to empower and support members of the

community to use the law and legal system to protect and advance their rights and broaden their awareness of their responsibilities. SMLS seeks to redress imbalances in access to justice through the provision of legal assistance, community legal education, and law reform. The philosophy of the legal service is to ensure that members of the community receive information and assistance to manage their own legal needs. Law students of Monash University attend the clinic as student lawyers in order to complete an accredited professional unit under the supervision of lawyers and clinicians. The main activities of SMLS are giving free legal advice to the community; undertaking law reform and community development programs such as the Child Neglect Project and the Criminalization of

Mental Illness Project; preparing materials for older Victorians; and analyzing the issues of race within the media.

Through the process of learning and working in SMLS, lecturers gain a deeper understanding of CLE programs around the world. The placement also helps Vietnamese lecturers to improve their knowledge of foreign languages and cultures. Australia is located in the southern hemisphere and has English as its main language, making it is a great opportunity for Vietnamese lecturers to learn, practice, and improve their English and develop skills in the best way possible. The opportunity to work with foreigners, using English as the main language of communication, provides lecturers a great practice environment. Additionally, Vietnam and Australia are extremely different in regards to culture. Nonetheless, Australia is a country of immigrants with many different cultures, so learning from this is a great life experience for us.

In summary, the biggest advantage of this program has been helping us to create a solid foundation for the development of CLE programs in Viet Nam and to train us in CLE methodology. In addition, we were also given a chance to visit other community legal centers such as Monash Oakleigh Legal Service, Family Law Assistance Program, and Sunshine Youth Legal Centre.

Despite these many advantages, we definitely encountered difficulties, the most important of which were the cultural differences and the language barrier, which at times made it difficult to completely participate. In addition, the different work environment and conditions between countries will cause challenges for the lecturers in order to choose the appropriate lesson for the context of CLE in their universities as well as in Vietnam. For example, the law is highly valued in Australia; people seek legal assistance even when their issues are not too serious. However, in Vietnam, people usually do not look for legal assistance until their interests have been directly affected. Vietnam is also a developing country, which means that the physical conditions are not sufficient for the replication of a professional law office like that at SMLS. Thus, the selection of appropriate experiences and skills to apply while in Australia compared to that in Vietnam is not easy.



In order to have a successful placement overseas, making a plan to overcome these challenges is critical. Using different CLE and lawyering skills experienced through different CLE workshop and seminar is the best way to overcome these challenges. Effectively using skills such as note taking, questioning, assessment, evaluation, teamwork, and time management is key to having a successful placement. Utilizing these skills was easy for us because they were reinforced repeatedly throughout the CLE program. In addition, being open-minded and willing to learn helped a great deal. The skills mentioned above will help you to write a valuable reflective report, which identifies how important ideas and methods in the CLE program can be applied in Viet Nam. In conclusion, be as hard working as possible, show your enthusiasm, and be proactive. If you can do this, a successful placement is within your reach.



Presenting the Pre-Trial Detention Project

By Ellen Rehnberg, Mount Holyoke College, USA

Pre trial detention—a term I had heard often, but never fully understood, until we started Professor Doug Colbert's Pre-trial Detention Initiative project. All the BABSEA CLE interns were introduced to this project as soon as we arrived. Its aim is to get law schools in Thailand to adopt a pre-trial detention clinic. I knew beforehand that there was a problem of people being detained for long periods before trial. I also knew that many of them would be found not guilty in court, but I did not know how widespread the problem was.

We started by researching substantive information about pre-trial detention in Thailand. We interviewed various lawyers regarding procedures, their work as defense lawyers and their clients' average length of pre-trial detention. We contacted pre-trial clinics in Nigeria, India, and Afghanistan to learn how their clinics started. The most exciting thing we did was watch a trial. We met the lawyers and asked about Thai court procedures. That was a good first-hand experience, and improved our understanding.

Learn by Teaching

After our research, we started writing lesson plans to teach what we had learned. It may sound easy,



but there were several components I had not considered: thinking about the participants, choosing the appropriate teaching methods, locating the material, and practicing the presentation itself. We were divided into groups, each responsible for a part of the whole presentation. This was presented at Mae Fah Luang University and Phayao University.

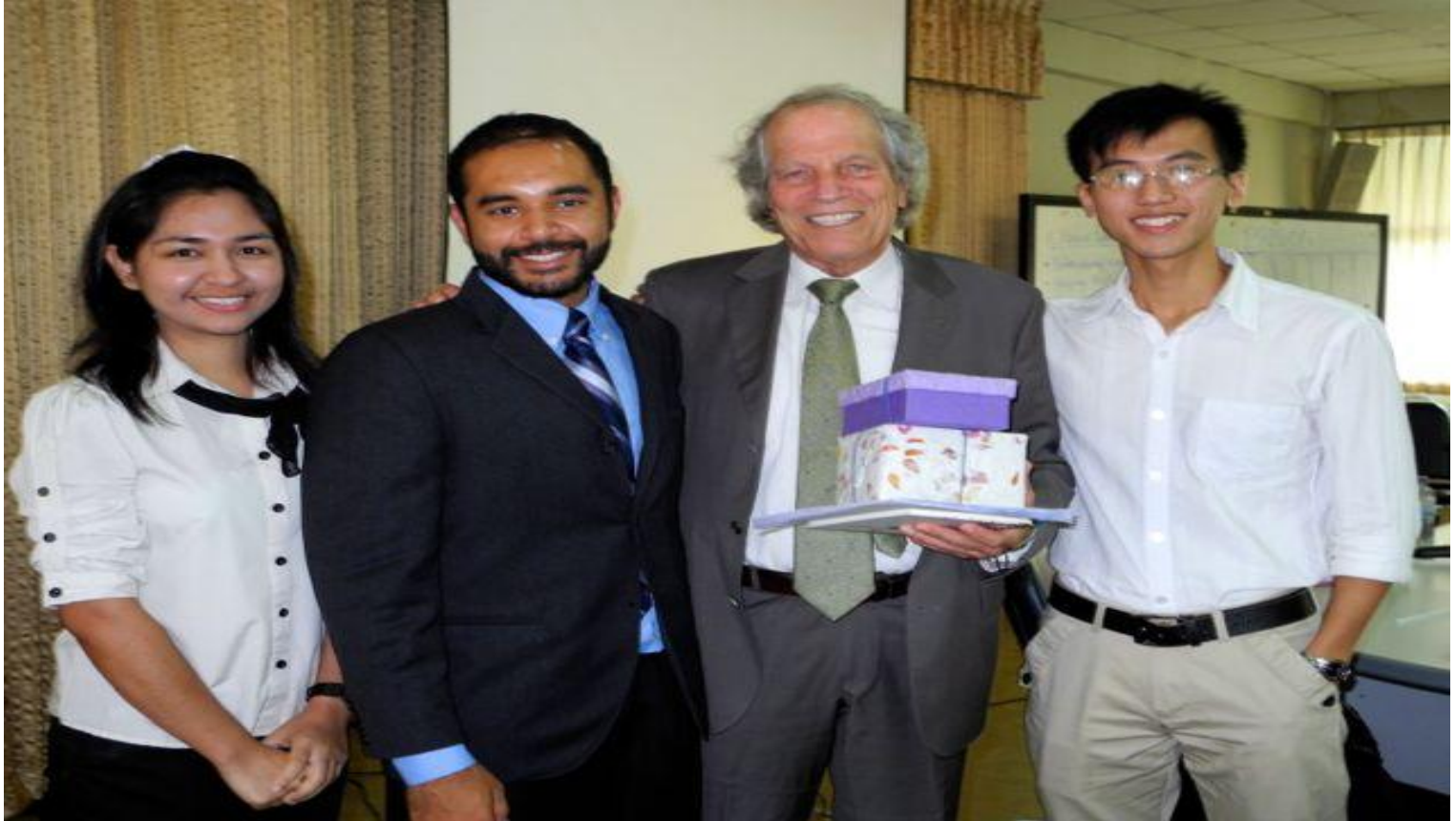
What started out as five separate lessons ended up as a two-hour informative, interactive, and successful presentation. We faced challenges along the way and it was a tedious process. It was also a great learning process: ideas

became effective teaching tools that both learners and facilitators enjoyed. I learned that the process is as important as the product.

We all worked very hard, brainstorming until we had a solution to each problem, which led to good teamwork. I think we were able to show law faculties how effective interactive methods are because they were exactly what we had learned in order to do the project. In the end, standing in front of the Thai faculty and students and presenting something that we all knew the importance of, I felt very proud to be a part of the BABSEA CLE team.

A Pre-Trial Justice Clinical Legal Education Model in Thailand Visiting Clinicians: Teaching... and Learning

By Prof Douglas L. Colbert, Maryland University, Francis King Carey School of Law, USA



The invitation from Bruce and Wendy came packaged with their irresistible charm and passion for justice.

Come to Chiang Mai, they said. Help create the first university-sponsored Pretrial Justice Project in Thailand. Plant the same idea at law schools in other Southeast Asia countries where an accused remains in jail waiting for trial without having seen a lawyer. Spend your summer working with a talented group of volunteer students, lawyers, and professors on clinic projects like this one.

They made me an offer I couldn't refuse.

For nearly a decade, Bridges Across Borders Southeast Asia Community Legal Education Initiative (BABSEA CLE) has provided an international link for the law school community to demonstrate how clinical education enhances the educational experience of students preparing to join their country's bar, while also reinforcing the lawyer's professional value of serving marginalized communities.

I first met co-directors Bruce Lasky and Wendy Morrish at a Global Alliance for Justice Education (GAJE) conference in Manila in 2008. I attended their class, which of course relied on interactive teaching, and Wendy "volunteered" me to draw a map of Southeast Asia. Responding to my mild protest ("I cannot draw") and definite concern with placing the countries correctly, Wendy asked, "So what will you do, Doug, since YOU cannot draw and may not know locations?" Thank you, Wendy, I get it. I reached out for help by calling upon my Filipino



BRIDGING BORDERS

December 2012

colleague who knew the area and who would have received an “A” for constructing an acceptable map. Thus began my learning the BABSEA CLE way: collaborative, interactive, collective, prepared, organized, and fun teaching.

Working with Interns

Working with the BABSEA CLE I appreciated the valuable lessons that BABSEA CLE’s talented staff brought to every assignment. Wendy and Bruce attract an unusual collection of interesting, highly motivated and committed student interns, teaching fellows, lawyers and experienced teachers (like my U.S. clinic colleague, Lisa Bliss).

This summer’s student group included representatives from Thailand, Viet Nam, Singapore, Laos, Sweden, Canada and the U.S. They work on a variety of projects -- Bruce and Wendy instill an excellent work ethic and teach the invaluable lawyer skill of juggling many balls at the same time -- and learn the importance of brainstorming, organization, creativity, planning, keeping promises, and completing work on time.

Pretrial Justice Project

Throughout my time with

BABSEA CLE I was fortunate to be working with a terrific and engaged Pretrial Justice team. We had rich, forthright discussions filled with students’ alarm at learning that an accused poor person stands a good chance of remaining incarcerated before having had a trial or been found guilty. Student interns and fellows interviewed practicing lawyers and observed court proceedings; they gained appreciation for a lawyer’s advocacy and able representation. Students met, exchanged emails, and shared information.

We collected information about Nigeria’s and Afghanistan’s pretrial justice/detention clinics (we await replies from other countries) that can be presented to faculty, are now familiar with Thailand’s and Laos’ right to counsel and bail law, and developed a detailed lesson plan that will allow us to make an informed, energizing, skill- and value-based presentation to law school and bar audiences.

BABSEA CLE, along with its Thai partner CLE Foundation soon will travel to universities in the region and initiate conversations for extending clinical education programs to their students and legal services to the unrepresented.

BABSEA CLE’s Pretrial Justice Project is familiar work. For the past 14 years, my Access to Justice Clinic students at the University of Maryland have interviewed, counseled and advocated for pretrial detainees who had no lawyer when deprived of liberty prior to trial. Law students gained valuable lawyer skills while bringing the attention of the legal community to a reality they had been unaware of: the lack of representation for low-income defendants.

Being Part of the BABSEA CLE Family

Now BABSEA CLE comes along and offers the unique opportunity of joining the international clinic community, becoming a better teacher, learning interactively with volunteers from many countries, adding to law schools’ curricula, and promoting people’s access to social justice in Southeast Asia. Add the excellent food, wonderful and hospitable people, and you, too, might find yourself here very soon. That would make the BABSEA CLE community very happy.



Fun Times Aplenty:
Working is more than
just working...it is
building relationships,



Harvesting the Experience of Living and Working in Chiang Mai

By BongsavanhBoudavong (Ajan Nim)



I started at BABSEA CLE on 27 October 2012 with the support of funds from LUX Development. My purpose was to harvest the experience of learning and working, and later to bring that experience to use in the Lao People's Democratic Republic.

Along with others from the BABSEA CLE team, I was involved in the management and arrangement of the Annual Access to Justice Public Interest Fair. My

role, among others, varied from the distribution of information to the preparation of the banner. The event was held at Kantary Hills Hotel on 10 November 2012 between the hours 11:00 AM - 04:00 PM. Representatives of the various interested organizations involved totaled 20 organizations. Ajan Bee and I acted as representatives of CLE Lao and presented information on behalf of the organization. Although when I began at BABSEA CLE I was not

fully aware of what community legal education entails, I began to study it intensively after the Annual Access to Justice Public Interest Fair. I think I now know more about CLE: what constitutes CLE Lao, the role of CLE and how it legally assists the people, ways to provide legal counseling for minors, and methods for training students to develop skills in using the law to ensure that they know why the law needs to be more balanced.

BRIDGING BORDERS

December 2012

During my time here, I have also been studying at the University of Chiang Mai. I am undertaking the Third Course, which includes Introduction to Law, Fundamental Business, and Commercial Law 1. These three courses are new to me because I have not studied law before. Thus, this was a good opportunity for me to learn about Thai law and how it can be used in teaching at the National University of Laos Faculty of Law and Political Science in the future. Prior to returning to the Lao People's Democratic Republic, I will submit research on the subject I am currently undertaking: managing private enterprise and the educational difference between the Lao People's Democratic Republic and the Kingdom of Thailand. As

of now, I am amassing information in my research and want to take the Thai law and write a comparative piece in relation to Laotian law.

I also painted a themed mural on the triangular end of a BABSEA CLE house roof with Aj Bee, Al Lim and Carly and would like to thank assistants Ben, Tak and Uncle Saman for their help with color codes. We titled the mural PROBONO and joined forces together until the painting was complete and beautiful.

Now all of us at BABSEA CLE are preparing for the 4th Trio For Justice run or walk which will be held on 13 January 2013 at Huey Tueng Tao Park in Chiang Mai, Thailand. In helping with the



event, I had to go and place flyers at Chiang Mai University, Power House Gym, and the Night Market. Whenever given the opportunity, I exercise by running, doing aerobics and dancing to train my body and get ready for the 4th Trio For Justice.



Enlisting Australian Law Firms to the Global CLE Pro Bono Movement

Adapted from article by Andrew Jennings in Lawyers Weekly: www.lawyersweekly.com.au/news/global-pro-bono-organisation-seeks-support



BABSEA CLE co-directors Bruce Lasky and Wendy Morrish went to Australia in May to secure collaborations with the heads of pro bono at a number of the country's leading law firms.

"Australian firms have done some great things in international pro bono work," said Lasky, "but one thing they can learn is that while they can't necessarily go into a courtroom outside Australia, they can still be doing what is considered pro bono locally, but on a global stage."

As Lasky explained to Australian publication *Lawyers Weekly*, BABSEA CLE offers the opportunity to work in programs and clinics that "assist com-

munities, provide legal aid services, and simultaneously help build the next generation of pro bono, social justice champions."

BABSEA CLE already has strong ties with the Freehills Foundation of Australia, with a number of the firm's lawyers visiting Southeast Asia to do pro bono work. Executive Director of the Foundation, Annette Bain, gave a presentation on best practices at the First Southeast Asia Pro Bono Conference, hosted by BABSEA CLE in Laos in September. In November, Herbert Smith Freehills negotiations and litigation lawyers Michael Mills and Michelle Fox visited BABSEA CLE legal clinic partners in Ho Chi Minh City in Viet Nam and Vientiane in

Laos.

The trip to Australia was intended to "widen the net" and secure similar collaborations with other firms. To this end, BABSEA CLE Directors Lasky and Morrish met with Ashurst and DLA Piper in Melbourne, both of which offered support. They met with several other firms to show them ways they could collaborate with BABSEA CLE outside Australia.

Mutual Benefit

Lasky believes that making a commitment to partner with BABSEA CLE can be of huge benefit to both firms and lawyers, in addition to being a benefit to clinics in Viet Nam, Laos, and elsewhere in the region.

"From both a personal and professional point of view it's a brilliant opportunity. It's a great way to travel and meet like-minded people, while at the same time staying focused on your professional career," he said. "We've had lawyers arriving back to Australia after doing work for us saying they have improved as a lawyer from the experience, by sampling new cultures and by analyzing the systems of law in other countries. They can then bring that back and apply it here in Australia, which can only benefit their firms."

First Pro Bono Conference

By Laura Milne, Access to Justice and Pro Bono Programme Manager

Adapted from an article by John Corker, Director of the National Pro Bono Resource Centre, Australia



The 1st Southeast Asia Pro Bono Conference was held in Vientiane, Laos on 28 and 29 September 2012, bringing together over 150 delegates from 20 countries. Organized by BABSEA CLE, the National University Faculty of Law and Political Science, and the Lao Bar Association, this was another first for the region.

The overall objective of the Conference was to support the development of socially aware, ethical lawyers and non-lawyers to actively participate, advocate, and lead pro bono initiatives aimed at strengthening access to justice. Participants displayed great passion for what pro bono can, and has,

A new definition of pro bono was suggested by Kong Phallack, a Cambodian lawyer and Dean of the Pannasastra University Faculty of

achieved. Delegates participated enthusiastically and were supported by law students from Laos, Thailand, Cambodia, Singapore, Vietnam, Indonesia, and India.

Lawyers from law firms Allen's Linklaters, Baker & McKenzie, DLA Piper, Freshfields Bruckhaus Deringer, and Herbert Smith Freehills were present, and shared the experience of their pro bono initiatives, relationships and projects. Lawyers also shared the successes and challenges of undertaking pro bono work in their home countries.

For example, Mr Lewis Truong, Country Counsel for IBM in Vietnam and Ms Erlynne Espenilla Uy, IBM

Law, who defined it as *metta* a Buddhist concept meaning a strong wish for the welfare and happiness of others. Kong Phallack explained that

Senior Attorney ASEAN, based in Singapore, shared how they had formed a partnership with Baker & McKenzie to deliver legal assistance in healthcare. They also discussed their experiences working with the National Economic University, Viet Nam and BABSEA CLE to develop a university legal clinic focusing on small businesses.

Myanmar lawyers spoke about the very low awareness of the law and lawyers in their country, and how they were trying, on their own initiative, to register a "legal aid system" with the government so they could provide free assistance for people in need, train paralegals, and undertake community legal education initiatives.

metta also means providing "hearted" legal services to the needy either free of charge, minimal charge, or charge without return, the latter being a

BRIDGING BORDERS

December 2012

reference to contingency fee work. The idea of hearted legal services captured the essence of pro bono for many of the delegates.

Coming from countries where the rule of law and the independence of the legal profession is not strong, the ideology of pro bono resonated strongly with many as a way in which law in their country could have a more widespread effect. Pro bono was seen as a way of raising legal awareness by demonstrating that lawyers want to help their community. For example, it was noted that in Lao PDR, where lawyers often struggle financially,

more than 60% of the country's lawyers are engaged in some type of pro bono activity.

A unique feature of the Conference was the conceptualization of the pro bono ethic as a driving force for legal education of students and members of the community. In the sessions discussing clinical legal education, there was an overwhelming consensus that this should be a mainstream part of the law curriculum. It was put strongly by a panel of four speakers from Singapore, Thailand, Australia, and Cambodia that this “experiential learning” must focus on ethical

practice and community service in order to effectively inculcate the pro bono ethos in students.

The conference ended with an official handover to the 2013 host, the University of Economics and Law in Ho Chi Minh City, Vietnam, which will host the 2nd Southeast Asia and Asia Pro Bono Conference in Vietnam on 11 and 12 October 2013. While this will be the 2nd conference, in a way it will be another 1st because we will expand the reach beyond the borders of Southeast Asia!



I Bridged Borders

By Al Lim, Yale-NUS College, Singapore



Fresh upon receiving my acceptance letter at Yale-NUS College, I combed their website for gap year opportunities. I had many months to “gap” -- not before college, but before enlisting in the Singaporean Army (officially, on February 14, 2013). What was the best way to spend my time before two solid years of serving my country?

After considering working in Nepal, Indonesia, the Philippines and a variety of other places, I decided the natural choice should be Thailand. After all, I'm part Thai and can somewhat speak the language, so being there for months would help me improve my Thai. That was the place for me.

Sorting out the visa documentation was unbelievably tedious. Thankfully, my mom is a Thai citizen and was able to obtain a dependent visa for me, which is infinitely easier than the non-

immigrant “O” from inside of Thailand. I was all set.

On the first of September 2012, I was greeted by Ben and Dagan at the BABSEA CLE House. This was the first of many greetings and many goodbyes I would be involved in during my three months working for BABSEA CLE.

North Chiang Mai University Workshop

In my very first week, I had the opportunity to attend the Clinical Legal Education (CLE) workshop at North Chiang Mai University and could see firsthand the work that BABSEA CLE does. The workshop was geared towards introducing the university students to CLE concepts and was the first time that the Fellows took a leadership role in running a workshop.

I felt that Ben did exceptionally well in teaching, and was able to elicit laughter

and a great response from the students. The mood in the room at the start and end were in stark contrast and I think the end result was some very excited students and very satisfied trainers.

1st Southeast Asia Pro Bono Conference

At the end of September, BABSEA CLE hosted the 1st Southeast Asia Pro Bono Conference in Vientiane, Lao PDR. I volunteered to pay my way to go and I have absolutely no regrets. Being able to attend this Conference meant I got to network with amazing people from all over the world. You can read more about what I thought about this Conference in my article for Yale-NUS

<http://yalenusblog.com/2012/11/05/are-lawyers-vampires/>) and your readership would be very much appreciated!



BRIDGING BORDERS

December 2012

Going across the Thai-Laos Friendship Bridge, I couldn't help thinking how lucky I was to be able to develop friendships with people of different races, languages, social status or religion — bridging borders.

European Pro Bono Forum

My internship was in SE Asia, not Europe, so I did not get to attend the Pro Bono Forum in Madrid, Spain. However, I did get to prepare numerous materials for Bruce's trip there. I helped design flyers from scratch, coordinating with Elaine, the Fellows, and the BABSEA CLE Chiang Mai team to get over a thousand brochures, flyers, posters, banners, and forms printed with a pressing deadline. That week was a fantastic lesson in public relations and taught me many things about organization and management. You cannot simply spend organizational

money printing 400 Pro Bono reports without "bringing it in under budget" according to the accounting department, and also checking to be sure the reports will look professional.

2nd Annual Access to Justice Public Interest Fair

The Access to Justice Fair at Kantary Hills Hotel was a great event. It demonstrated the philosophy of building bridges between organizations working for social justice "on the ground." The booths set up at the Fair were spectacular—informative and colorful, with many selling handcrafts. There was a handloom at which disabled people wove scarves. I bought friends back home bird-shaped clay whistles from a foundation that worked with disadvantaged youth. As the English-language emcee, I helped Events Coordinator Bee and Fellow

Ben ask participants what they thought, and representatives from all 20 organizations were beaming from learning so much from each other and from members of the public.

By the end of my stay, I was able to put together a list of over 100 tasks that I had done or was involved in, including workshops, trainings, teaching in the community, public relations, and a myriad of other activities. However, what is important is not the accomplishment of these tasks, but rather of doing no harm while leaving behind a meaningful and sustainable impact. I hope I have done just that. I'm very grateful to have had the opportunity to be on the BABSEA CLE bridge-building team, using my cultural heritage and language skills to help bridge differences within the organization and with other organizations in the region.



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5K RUN/WALK

การเดินวิ่ง 5 กม.



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First BABSEA CLE Human Rights Award Given at Central European University

By Maryna Yaroshchuk, Alumni Networks and Annual Campaign Coordinator, Central European University

In 2011, Co-Director Bruce Lasky received Central European University's 20th Anniversary Alumni Hero Award. At that time, he established a new award program at CEU for Legal Masters Human Rights Program graduates, to be given in BABSEA CLE's name.

The BABSEA CLE Award was presented for the first time this year to Ephrem Birhanu, who completed the CEU LL.M. in Human Rights with distinction in June. Birhanu is from Woldia, Ethiopia and holds an LL.B.

from Addis Ababa University, where he graduated from the Faculty of Law with Great Distinction. He has been involved in many human rights causes and projects, including as a volunteer legal counselor with the Organization for Social Justice in Ethiopia and the Children Legal Protection Center of the African Child Policy Forum. He has also contributed to peace-building strategies in his home country by participating in the Ethiopian Peace and Development Committee.

In his thank you letter to Bruce and BABSEA CLE, Birhanu said the award meant not only recognition to him for his efforts, but also as inspiration to continue to pursue his passion as a human rights activist.

"I plan to start the process of establishing a local Human Rights and Community Development Association," he wrote, "to work for the realization of human rights and improve the living standard of people in Ethiopia."



Promoting Access to Justice through Law School Legal Aid Cells

By Dr. M.R.K. Prasad, Indian Law Institute

With the adoption of a Constitution in 1949, the “rule of law” became the basic component of the Indian democracy. The essence of free India was well summed up in Article 14 of the Indian Constitution, which entitles every person equal protection by the law to guarantee the enjoyment of justice, liberty, equality and fraternity, the four paramount aspirations of the Constitution.

Judicial trends in interpreting the Constitution, particularly from the Maneka Gandhi¹ case, made “due process” of law a cornerstone of constitutional ideology in post-independent India. Yet this constitutional guarantee is a luxury for many facing problems of poverty, economic deprivation, and want of education.

The efforts of ensuring access to justice apart from the Constitution of India² can be found in the Legal Services

Authorities Act, 1987;³ Civil Procedure Code, 1908;⁴ Criminal Procedure Code, 1973;⁵ Advocates Act, 1961;⁶ Reports of Committees constituted by the Government of India, Law Commission and other agencies as well as reports from various other governmental and non-governmental initiatives.

The enactment of the Legal Services Authorities Act in 1987 has entitled more than 60% of the Indian population to free legal aid. With such a huge number of claimants, it is highly impossible for the State to offer quality free legal aid.⁷

The presentation on “Promoting Access to Justice through Law

School Legal Aid Cells” explores the relevance of law school clinics in access to justice. India, having the highest number of law schools in the world, has great potential in promoting access to justice to the marginalized section. Three significant reports⁸ summed up what constitutes legal aid. They identified the following seven components:

1. Legal representation
2. Legal Advice
3. Legal awareness
4. Para-legal services
5. Public interest litigation
6. Promoting Alternative dispute resolution
7. Law Reform

In spite of restrictions on law students and the faculty representing clients in the court, law school clinics play a greater role in promoting the other six components of legal aid. However, research throughout law school clinics in India’s

* Professor of law, Indian Law Institute, Delhi, India.

¹ Maneka Gandhi v. Union of India AIR 1978 SC 597.

² See, Preamble, Part III and IV of the Constitution of India.

³ See, particularly Section 4 (e), Section 7 (C), 10, 11(b), 12 and Chapter VI A of Legal Services Authorities Act, 1987.

⁴ Order XXXIII of the Code of Civil Procedure

⁵ Section 304 of Criminal Procedure Code

⁶ Section 9A of Advocates Act, 1961 and Section VI, Rule 46 of the Bar Council of India Training Rules, 1995

⁷ Section 12 of the Act entitles a person to legal services if that person is a woman, child, member of Scheduled Caste, Schedule Tribe, victim of trafficking, Industrial Workmen, persons in custody or victims of disasters etc.

⁸ Report of Expert Committee on Legal Aid: Processual Justice to the People (1973), Report on National Juridicare: Equal Justice – Social Justice (1977), and Report of the Committee for Implementing Legal Aid Schemes (1981).

seven states⁹ revealed the following shortcomings.¹⁰

1. Lack of financial support
2. Restriction on Faculty to practice
3. Absence of academic credit for students
4. Legal aid not a part of the workload for faculty
5. Lack of involvement from the Bar
6. Lack of infrastructural facilities
7. Lack of involvement of Judiciary
8. Restriction on students
9. No training facilities to faculty
10. Lack of specific directions from BCI
11. Absence of designated fulltime faculty
12. Poor student quality
13. Lack of trained faculty
14. Part time students

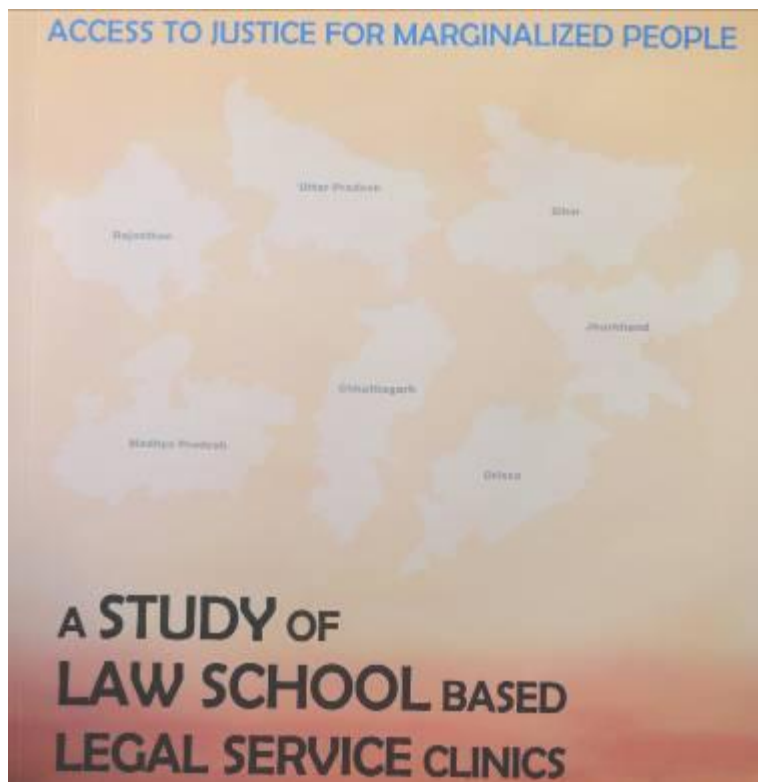
The research finding shows that most of these clinic activities were confined to legal literacy programs.

However, the study of best practices

focusing on six law schools from other states reveals that in addition to legal literacy, various successful programs such as paralegal

services, public surveys, community empowerment programs, social welfare programs, prison clinics, and consumer clinics should be initiated and conducted, as these have the potential to provide access to justice and could be replicated in different parts of the country.

Legal Aid clinics, unlike other initiatives, require a modest financial investment to start. They can be quickly assimilated into most law colleges, as there is a mandatory requirement from the Bar Council of India (BCI) that each college shall have one clinic. A



venture of this sort, in bringing about access to justice, requires the law colleges as well as the regulatory authorities like the BCI and the National Legal Services Authorities and Government of India to reframe and adopt a system of collaborative venture and sharing of responsibilities. Merely identifying the status and problems of the clinics in the seven States would serve no purpose unless a follow up program is undertaken to strengthen the legal aid clinics in terms of structure, training the personnel, financial aid, and forging meaningful links with the bar and the bench.

⁹ The project was undertaken in Seven states namely Rajasthan, Uttar Pradesh, Bihar, Jharkhand, Madhya Pradesh, Chattisgarh and Orissa.

¹⁰ Shortcomings are given on rank wise. Prasad M.R.K. and Pinheiro M., Access to Justice Project, GOI-UNDP Report on Study of the Law School Based Legal Service Clinics, UNDP (2011)



BRIDGING BORDERS

December 2012

First Time Abroad: BABSEA CLE Chiang Mai a Great Start

By Jamila Xiong, BABSEA CLE Intern from La Trobe University, Melbourne, Australia

Sitting in Writers' Block, our university's library café, my friends and I discussed our plans for the end of year break as we drank our usual cappuccinos and lattes. I was intent on not doing any summer electives this time round, having spent the last two years doing so. After much contemplation, I was able to conclude that travel was the best thing. But I wanted to do more than just travel. I wanted to get something worthwhile out of it: experience, skills, values, and increased knowledge of social justice at the international level and how not-for-profit organisations operate. It was then, while browsing the university's career hub, that I came across an advertisement for BABSEA CLE's International Externship Program. My mind was made up. I was going Thailand.

Going to Thailand would be my first time abroad. As a Hmong girl, there were many commitments that kept me from travelling. However, after reading a reflective article by a Mai Sue, a Hmong lawyer who had also participated in BABSEA CLE's International Externship Program, I was determined and inspired to make my own difference, to learn about promoting social justice internationally and contribute to the community at large; but most importantly, to personally

experience the joy of helping others. I was finally going to see the world outside Australia, and Thailand, being the closest thing to a home country for many Hmong people, was the perfect place.

Wildflower Home

The first project I became involved in was at Wildflower Home with fellows Ann and Tak. Wildflower Home is a place of refuge for young or expecting mothers and provides not only shelter, but also health services. BABSEA CLE holds weekly lessons teaching the women their basic legal rights.

Prior to my first attendance at a lesson, I had been told that one of the women was not a fluent Thai speaker and could potentially be Hmong. In the event that she was, I jumped at the opportunity to assist the fellows by translating. Although my knowledge of the Hmong history is not complete, I knew enough to understand the hardships that many Hmong families and individuals face. I had always wanted to aid the Hmong people and I was not going to miss out on this chance. As it turned out, a woman there was indeed Hmong. She was very shy and spoke very little. However, with a little encouragement and my translation to the fellows, she became more outspoken; soon smiles were a regular

occurrence.

ESL Teaching

BABSEA CLE provides weekly ESL classes to its interns and fellows taught by other interns and volunteers whose native language is English. I took the liberty of planning and teaching the first lesson of the externship program. My time was well spent as Chung, a law lecturer from Viet Nam, and I skimmed an English textbook. Despite speaking the language, my knowledge of grammar was not on par with Chung's, to whom I turned to on several occasions for assistance. Like many things that are done at BABSEA CLE, teaching and learning occurred simultaneously.

I thank BABSEA CLE for this chance to make a difference and the opportunity to bridge relationships with the diverse individuals I have come into contact with since my arrival and the many others that I am yet to meet.



NEU CLE Clinic Is in Business!

National Economics University CLE Clinic in Hanoi to Develop a Small Business Clinic

By Tue Phuong Nguyen, BABSEA CLE Volunteer Lawyer Hanoi, Viet Nam

National Economics University (NEU) has been working with BABSEA CLE as part of the network of CLE programs in Viet Nam for two years. The students have studied CLE philosophy, CLE methods, and how to establish and run their CLE program. This has created a strong foundation in the hearts and minds of everyone involved. Now, it's time to grow.

As the name of the university implies, business law is one of the CLE group's strengths. Therefore, they are developing a program to serve the poor and marginalized community in business registration and business management: helping people set up their own business as their livelihood. Helping the community in this way will also instill ethical responsibility and improve the professionalism of the students.

The new program is being supported in part by IBM, in conjunction with BABSEA CLE and UNDP. NEU signed a memorandum of understanding (MOU) with IBM and BABSEA CLE for cooperation in implementing the project. To prepare for this special work, 20 first to third year students already working in the clinic will take a 15-week course in basic, as well as intensive, lessons on Vietnamese business law and registration.



The law students are not the only ones to benefit from the experience of working on this project. The Law Dean, senior and junior law lecturers, international experts coming to the clinic, the volunteer coordinator, volunteer lawyers from IBM, and BABSEA CLE team are all excited and wholeheartedly committed to working together to make this a successful project.

Everyone is working on developing the course with open communication about its content; reporting after each class and offering suggestions for improvement. NEU, BABSEA CLE and IBM will all be mentoring students, not only within the class but also by giving guidance for other work at the clinic.

The program is exciting for stakeholders, but it is also attracting

attention from others. Representatives of the Ministry of Justice and lawyers from local law firms want to learn more about the program and are offering to assist. Wider relationships like these will provide more opportunities for students to learn about business law, the system, and the practice of law.

The new course is just the first step. As NEU's clinic grows due to its business registration expertise, other areas of law will be developed as well. Meanwhile, students will be doing community teachings relating to e-commerce, business law, and labor law with the supervision of NEU law lecturers. Enthusiasm is high among all those working on this vision: the NEU business law clinic will provide a better education at the same time it provides better access to justice for everyone.



BRIDGING BORDERS

December 2012

United World College of Southeast Asia Gap Year Program

By Melanie Flury, BABSEA CLE Intern



The three months I spent volunteering at BABSEA CLE in Chiang Mai was a great way to start off my gap year. The opportunities I was given, such as designing the BABSEA CLE gate banner after participating in a public relations workshop, was something I never thought I would experience straight out of high school. In addition, working in such a multicultural environment is always great fun, as proven by tasting all the flavors of Thai tea and cakes over lunch.

Working in the office as part of the BABSEA CLE team gave me a chance to experience first-hand how an organization works and taught me to appreciate all the time and effort that goes into

advertising, event planning, and administration work. Despite spending many extra hours in the small office, my co-workers and some re-decorating made it seem a lot less like work.

During my stay in Chiang Mai, I especially enjoyed visiting and teaching the communities directly about their legal rights, such as at the Wildflower Home and the Cabaret. All the participants were extremely motivated and fun, making teaching easy. Working with the Thai fellows to create and translate the lesson plans, as well as spark discussions with the groups, made it worthwhile.

When the students of Mae Rim School weren't on holiday, us

“gappies” would teach English there twice a week. This was definitely one of the highlights of my time in Thailand, as the children were so energetic and at times amiably cheeky, surprising me with beetle fights in class. In my free time, teaching English to university students was also very memorable, as they were curious about all aspects of my culture, learning and asking questions about anything and everything.

Overall, my three months in Chiang Mai were great, mainly because of the variety of projects I was assigned and the spectacular students I had the pleasure of teaching.





BRIDGING BORDERS

December 2012

Legal Empowerment for the Poor

By Trang Tran Le (Ivy), BABSEA CLE Staff Trainer

Livelihood Empowerment Against Poverty (LEAP) meeting to identify new ways in which law and justice institutions could help protect vulnerable communities. In 2011, the Mongolian Ministry of Justice and Home Affairs hosted the 2nd Annual Conference to share experiences on how to empower poor groups, as well as to discuss the best way to ensure the success of the LEAP network.

This year, it was Viet Nam's turn. The 3rd Annual LEAP Conference was hosted by the Viet Nam Lawyer's Association (VLA) in Hanoi 27-29 August with support from UNDP Vietnam and UNDP Asia Pacific Regional Centre (APRC). The aim of the meeting was to bring together legal empowerment practitioners, government representatives, and delegates from civil society organizations to share lessons learned in legal empowerment.

BABSEA CLE participated by presenting on the synergy between Clinical Legal Education and Legal Empowerment for the Poor. The two most important methods we use to support poor people are client-centered lawyering, which empowers poor people to help solve their own problems, and our practice of "not just tolerance for the poor, but standing in solidarity with the poor." Director Bruce Lasky discussed how BABSEA



CLE teaches and promotes these methods, practiced by CLE programs throughout Southeast Asia and internationally.

In addition, I shared my experience in working with People Living with HIV (PLHIV). Our training sessions not only teach PLHIV their legal rights, but also teach them how to teach other people in the community those rights and what to do, where to go, and who can support them, if their rights are violated. Finally, BABSEA CLE provided a specific presentation focus on the Vietnam National University Hanoi (VNU)/LERES CLE program, giving participants a better understanding of CLE's effectiveness in empowering the poor.

The LEAP conference was really successful, with more than 50 regional and international representatives attending. I myself learnt a lot. I had the opportunity to visit the Center for Consulting on Law, Policy, Health, and HIV/AIDS (CCLPHH), a Vietnamese NGO based in Hanoi and affiliated with the Vietnam Lawyers Association. I saw how PLHIV peer counseling can help, how the hotline providing free legal advice works, and how enthusiastic the lawyers and other staff were—how willing they were to contribute their time and expertise to help vulnerable people. It encouraged me to continue my current work with PLHIV.





Chiang Mai Cabaret Teaching Project

By Dagan Martinez, BABSEA CLE Volunteer and
Phattharadanai Chaipayong, BABSEA CLE Volunteer

Chiang Mai Cabaret at Anusarn Market

In some creation myths, God created a third sex, the in-betweens who tread the fine line between Adam and Eve.

Transgendered persons, also known by the term kathoey, which is frequently considered offensive, have been one of the country's most enduring icons. Despite their iconic status, some argue that a superficial acceptance masks widespread discrimination against transgendered persons in Thailand.

Even if they have undergone sex reassignment surgery, they are prohibited from changing their sex on their legal documents. Other forms of discrimination also occur. For example, barely 20 years ago, a legislator attempted to ban transgendered persons from the teaching profession.

Transgendered persons also face legal problems in schools, the workplace, marriage, travel, and other areas. This includes the inability to change their identity on public identification cards, be granted full employment protection rights, or form civil unions.



Chiang Mai Cabaret Teaching

Chiang Mai Cabaret teaching for Chiang Mai's Men who

have Sex with Men (MSM), Male Sex Workers (MSW), and Transgendered (TG) is a project undertaken by the CLE Foundation and sponsored by BABSEA CLE, M+Plus, and the Chiang Mai Cabaret Show. Every week, interns and volunteers from CLE Foundation and BABSEA CLE go to Chiang Mai Cabaret to teach the workers about English, law, and health, based on the AMFAR manual or on what workers have stated they would like to know. Our goal is to successfully teach the cabaret workers English, sexual, human, and legal rights, and information about HIV/AIDS. In addition, it enables us to build a relationship between the Chiang Mai Cabaret and BABSEA CLE, and further strengthens our connection with the Chiang Mai University (CMU) legal clinic.

The first lessons we had dealt with building a relationship and getting to know the beneficiaries. For example, for our first lesson, we did a simple “gender line” game, in which the participants were given a line from “male” to “female,” and were asked to stand where they felt they were on that line. Most of the participants went towards the female side, but some gravitated towards the center. After the second lesson, we started teaching out of a manual funded by AMFAR dealing with legal rights. They have recently



asked us to teach them about law pertaining to travel, especially international travel and social welfare.

To teach the workers, we had our legal fellows research the problems faced by transgendered persons and their corresponding legal rights, and then plan lessons to convey this information.

Because our main goal is to connect the beneficiaries with the CMU legal clinic, we have limited the number of lesson plans. Nonetheless, the experience working with the group has been unforgettable.





BRIDGING BORDERS

December 2012

Negotiations Workshop: Herbert Smith Freehills Partners Team Up with BABSEA CLE

By Jason Lilly, BABSEA CLE Volunteer, Chiang Mai

On 30-31 November 2012, Michael Mills and Michelle Fox, two partners specializing in dispute resolution from the international law firm Herbert Smith Freehills, led the second workshop on effective negotiation techniques. The workshop was held at the University of Economics and Law in Ho Chi Minh City, Viet Nam.

There to assist them were BABSEA CLE Directors Bruce Lasky and Wendy Morrish, BABSEA CLE Vietnam staff member Laura Milne, BABSEA CLE Vietnam Country Manager Bui Thu Hien, CLE Legal Fellow at the Faculty of Law & Political Science at the National University of Laos Thip Nouansyvong, and BABSEA CLE Thailand volunteer Jason Lilly. Taking time out of their busy work schedule at their office in Sydney, Australia, Mr. Mills and Mrs. Fox, flew up to Vientiane, Laos and then onto Ho Chi Minh, Vietnam to share their knowledge and expertise on introductory negotiation skills to a classroom of law students from both the University of Economics and Law and Ho Chi Minh City Law University.

The workshop began with Michael and Michelle outlining 10 important lessons and practices for successful negotiations. These included key points such as: being an active



listener, always coming prepared, and understanding both what you and the opposite party (or parties) hope to achieve in the negotiation.

This was followed by a number of exercises designed to help the workshop participants understand the necessity of maintaining trust between all parties involved in a negotiation, what type of negotiator each participant believed he or she was (what type he or she actually was), and the different types of negotiations that often occur in both professional and home settings.

To help illustrate their points, Michael and Michelle used a number of visual tools, including a large and very effective PowerPoint presentation written in both Vietnamese and English. In addition,

all of the exercises done throughout the workshop were very interactive: participants engaged in activities ranging from team-based negotiations (designed to establish the importance of trust in a negotiation) to role-playing a one-on-one dispute resolution scenario.

All in all, it was an incredibly successful and informative workshop. Having participated in it myself, I can say first-hand that I walked away from it with a better appreciation for the hard work that goes into achieving the desired outcome, the nuances of the negotiating process, and the necessity of ensuring that all parties in a negotiation emerge mutually successful.



Vietnamese Youth Support HIV Prevention

By Trang Tran Le (Ivy), Project Coordinator, BABSEA CLE

According to a report from the Ministry of Health in 2011, about 39% of people living with HIV are young people (ages 20 to 29 years old), many of whom practice high-risk behaviors. One way to mitigate these risk factors is to provide young people with more specific activities in HIV/AIDS prevention programs. These activities help raise awareness of the prevalence of the disease, as well as reduce the number of young people infected.

The Viet Nam Youth Network for HIV Prevention (VYPN) has about 300 members, who are

working on 20 youth-led groups in 8 different cities/provinces in Vietnam. VYPN was established to connect and coordinate different youth-led groups working on HIV. By providing platforms to exchange information and experiences, VYPN is addressing the problem of groups in Vietnam that are working in isolation and sometimes duplicating efforts, while simultaneously strengthening the capacity of youth-led groups to be effective advocates.

On 24 October 2012, the launch of VYPN was held in Hanoi

with representatives of NGOs, including the Joint United Nations Programme on HIV/AIDS (UNAIDS), Bridges Across Borders Southeast Asia Community Legal Education Initiative (BABSEA CLE), Community Legal Education Foundation (CLE Foundation), Center for support development of Education and Culture (E&C), The United States President's Emergency Plan for AIDS Relief (Pepfar), and Vietnam Community Mobilization Center for HIV/AIDS control (VICOMC).



At this event, the management board of Vietnam Youth Network for HIV Prevention shared information about their missions, objectives, and plan to develop the network in the future. As a representative of BABSEA CLE and CLE Foundation, I only attended this event as an observer. However, it helped me to understand more about the current situation of HIV and youth, as well as see how enthusiastic young people are in the HIV prevention movement. In addition, it was also a chance to introduce current BABSEA CLE and CLE Foundation activities to the team in Vietnam, including general preventative measures. In particular, they were introduced to legal community teachings and made connections with other youth-led groups and organizations working with/for



People living with HIV (PLHIV).

BABSEA CLE and CLE Foundation just successfully finished Phase 1 of the project “Raising Awareness of Right Holders and Duty Bearers on Rights of People Living with HIV and High Risk Key Population” with 5 legal communities teachings in Ho Chi Minh and Can Tho. In 2013, this project will be also implemented in Hanoi, Dien Bien, and Hai

Phong to help increase the knowledge, skills and value on the legal rights of PLHIV.

With key participation of CLE members from law schools involved in CLE programs and this project, connection with VYPN may increase the opportunities available to law students to and enable them to have more specific involvement in preventing HIV and to understand about people living with HIV and the value of supporting PLHIV and other vulnerable communities.

Young people act for young people to prevent HIV and to empower them to know and protect their rights and understand their obligations!!!



From First to Second: Bridging Borders through the Access to Justice Public Interest Fair

By Jamila Xiong, BABSEA CLE Intern

Continuing on from its first conception, the 2nd Annual Access to Justice Public Interest Fair was hosted on 10 November 2012. The Fair celebrated BABSEA CLE and CLE Foundation's philosophy of building bridges among like-minded organizations and individuals with the aim set to raise awareness between groups working and advocating for social justice.

Unlike the previous year, this year's Fair focused on social justice organizations based in Chiang Mai. There are many

organizations focused on achieving and bettering social justice within the community and efforts like those put into the Fair gave these small organizations the chance to make connections with the public. Pattarakarn Makkanant, a representative of from Wildflower Home, commented, "there are so many foundations in Chiang Mai...that is what I learned. I did not expect to see a lot of organizations like this." In total, 20 organizations and universities who share the same values and principles as BABSEA CLE and CLE

Foundation attended the event and came together to introduce and promote their work to one another and members of the community.

Following in the footsteps of the first Fair, this year's Fair was another tremendous success. Representatives who attended were given the opportunity to gain knowledge about other social justice oriented organizations, discover each other's needs, encourage one another's work, and assist in identifying ways to further support their cause. Legal



fellow, Laura Free, a representative from the International Justice Mission commented, "I am impressed with how excited people are to connect with each other." It is through forums such as this Public Interest Fair that organizations are able network with each other and build standing relationships through collaborations and partnerships.

Opportunities for employment and volunteering with these organizations were aplenty, as information booths were set up providing one-on-one discussions, brochures, and loose-leaf information sheets. A central IT station catered to representatives from various

organizations, who could exhibit informative presentations and videos that they had prepared to all other organizations present and members of the public who attended. Wheelchairs were brought in by the Foundation to Encourage the Potential of Disabled People, and a handicapped-friendly hand weaving loom by the Healing Family Foundation was set up outside.

Once again, BABSEA CLE and CLE Foundation were supported and sponsored by the Kantary Hills Hotel, which not only generously donated not only the venue, but also the speakers, water, cups and plates for refreshments for our 2nd Annual

Access to Justice Public Interest Fair. With sponsorship from Phung Noi Bakery, snacks were provided throughout the event. In addition, various arts and crafts were available for purchase at the venue in support of the many focus groups that organizations were assisting.

This was another major accomplishment adding on to the year's work as staff, fellows, volunteers, and interns of BABSEA CLE and CLE Foundation all contributed an appreciable amount of effort to coordinate the event. The 4th Trio for Justice Run/Walk was also promoted by the team with persons registering to run or signing up for more information.

You can access a brief video of the 2nd Access to Justice Public Interest Fair at: <http://www.babseacle.org/article/s/access-to-justice-video-2012/>.







BRIDGING BORDERS

December 2012

Experiences in Hanoi at BABSEA-CLE

By Alice Bewley, BABSEA CLE Intern

Viet Nam is a country of immense diversity and color. The land and its people are vibrant and inviting. My experiences in Hanoi have been influenced by the strong sense of community within the social fabric and the vibrancy of Vietnamese life. These traits have also informed my experience in the BABSEA-CLE office. I came to work with BABSEA-CLE with very few preconceptions. My chief goal was to immerse myself in Vietnamese culture while discovering my sense of place in an international professional environment. Despite the fact that my time in Hanoi has only been brief, I believe I am on the path to realizing my goal.

My time in Hanoi has been saturated with new and exciting experiences. From the day of my arrival three weeks ago, Hanoi has presented innumerable opportunities for discovery and education. Professionally, I have been encouraged to part take in a work environment premised upon transparent and respectful communication, and an ethos of collaboration and community. Since my arrival, I have felt included within our small team



and made to feel very welcome. There is a strong sense of support and openness, as well as a high degree of trust when it comes to work ethic and quality. I believe working in an atmosphere such as this fosters an interactive and dialogic partnership with colleagues and builds a sense of trust and honesty.

My experiences in the BABSEA-CLE office have been in marked contrast to my previous professional placements. I was initially attracted to working with

BABSEA-CLE because I believed its work to be reflective of my own interest in social justice. The influence of human empathy and focus upon social justice causes has been consistently apparent. It is refreshing to see an organization with such a dynamic presence in Viet Nam maintain loyalty to its commitments and inspire the same in its partners and team members. Most notably, working with BABSEA-CLE in Hanoi has opened my eyes to the diversity of academic life and its ability to uphold commitments to social justice





BRIDGING BORDERS

December 2012

causes.

I have had the opportunity to attend conferences and openings of university clinical legal centers and interact with law students from different universities. Discussions with partner universities have offered a refreshing insight into the mechanics of academia. As a law student in Australia, I have really only ever been involved in the consumption of academic information. Within my first week at BABSEA-CLE, I felt as if I was being granted an opportunity to aid in the design and development of academic structures, as opposed to passively accepting academic offerings.

I have been consistently surprised by the enthusiasm of

law students at BABSEA-CLE's partner universities. For the most part, law students here seem to embrace opportunities to participate in social justice initiatives. I have found this a refreshing aspect of academic life in Vietnam. From my perspective, law students in Australia seem to have adopted a sense of apathy when it comes to taking such opportunities. Participating in clinical legal education programs is, at times, regarded as unnecessary or burdensome. In contrast the students at the Vietnamese universities we have visited appear to wholeheartedly embrace the opportunity to engage in social justice initiatives. Conducting English language classes at universities as part of their clinical legal

education training has been rewarding.

The students, who are not much younger than me, are both committed and diligent, but also markedly transparent in their pursuit of social justice. There is a high level of support and encouragement for students to pursue this avenue of legal education. The atmosphere of collaboration fostered among these students and their teachers is heartening. I hope that the attitude these students hold towards social justice will remain with me during the remainder of my studies, and cement my wish to remain involved in this avenue of legal scholarship.



Exploring the Intersection of Law Enforcement and Public Health

By Dr Nicholas Thomson, Field Director Johns Hopkins Bloomberg School of Public Health

During November this year the University of Melbourne co-hosted a series of innovative events in a partnership between the Nossal Institute for Global Health and the Centre for Law Enforcement and Public Health. These events were underpinned by the recognition that the role of law enforcement in public health is critical and under-recognized. They highlighted that in order to advance public health across a range of issues – from the treatment of HIV to disaster management – the role of law enforcement in supporting public health needs to be better understood and better utilized at local, national and international levels.

Professor Nick Crofts and Dr Nicholas Thomson both hold honorary appointments at the Nossal Institute for Global Health at the University of Melbourne and are directors of the Centre for Law Enforcement and Public Health. Crofts and Thomson have worked extensively in Asia for many years to advance the public health response to HIV among vulnerable groups, including drug users, prisoners, sex workers, and gay and bisexual men.



“We found our efforts have often been compromised in many countries around the world due to the criminalization of these groups or their behaviors. Police and public security forces are therefore key partners, but to date they have not been adequately engaged: these meetings were part of an ongoing process to find ways to engage and work with law enforcement,” said Dr Crofts.

Together with the team from the Nossal Institute’s Law Enforcement and HIV Network and with support from the UN Joint Programme on AIDS (UNAIDS), they convened the

First International Police Advisory Group (IPAG) meeting on 9 November.

This meeting brought together senior police officials from around the world to discuss how to enhance the role of law enforcement in HIV prevention, treatment, care and support.

“Our goal was to form an international group of police who would be able to advocate for and implement policing strategies that would protect the environment for HIV prevention efforts among vulnerable populations. We hope this group will become an ongoing advisory body for the UN and

governments,” said Dr Thomson.

The IPAG meeting exceeded expectations and resulted in the development of a Statement on Enhanced Policing Practices for Protecting Key Affected Populations.

The IPAG meeting was followed by the First Consultation on the Role of Police in Working with Diverse Communities in the Asian Context. This meeting, with

support from AusAID and in collaboration with the International Development Law Organization, brought together for the first time police from South, South East and Central Asia to discuss their role in public health.

Dr Thomson noted, “This was the first time that such a large number of police from Asia had met together on these issues. The consultation resulted in extensive discussion and several critical outcomes were fed back to the International community.”

In particular, the police from Asia acknowledged the need to grow their role in supporting the public health of vulnerable communities, including those people with mental health issues or at risk of domestic violence.

The international donor and UN community responded by committing to support these endeavors through resourcing and training.

“It was an excellent outcome,” he said.

After the Asian consultation concluded, participants joined “The First International Conference on Law Enforcement and Public Health” that began with opening remarks from the Deputy Vice Chancellor of Research Professor James McCluskey and Victoria Police Commissioner Ken Lay.

The opening event was made notable by the presence of Gil Kerlikowske, the US Director of the Office of National Drug Control Policy in the Executive Office of the US President. The conference involved a keynote addresses from policing, public health, and community representatives from Australia and around the world.

“The idea was to present complex social and public health issues from both a policing and public health perspective and see where the opportunities for collaboration could be increased”, said Professor Crofts.

Over three days delegates discussed the intersection of policing and public health across several issues including road trauma, domestic violence, disaster response, mental health, infectious diseases, and fraudulent medicines.





BRIDGING BORDERS December 2012

BABSEA CLE's presence at the event was notable. Presenting at the Conferences Marketplace of Ideas, Bruce A. Lasky provided insight on the way university clinical legal education programs collaborate in the area of policing and public health. This included specific examples of a number of clinical legal education models, such as those focusing on pre-trial detention/bail release programs. "The overall event, both in substance and participant attendance, was a unique, important and impactful experience which bridged necessary collaborative sectors helping to guarantee greater

access to justice," said Bruce Lasky.

Dr Thomson concluded, "We have had tremendous support from the policing and public health community at local, national and international levels including the University of Melbourne.

"The challenge is to follow it all up and develop a multi-faculty program. This type of effort is well suited to the University and to Melbourne city as it is multi-sectoral and innovative. We hope to be able to increase our international efforts out of this conference and in partnership

with the Nossal Institute for Global Health and the University more broadly."

"Our goal remains to reinforce global public health and human rights through partnerships between police and public health; we realise our work has only just begun."

For further information you can visit the conference website www.policing-and-public-health.com or contact Dr Nicholas Thomson at nthomson@jhsph.edu or Prof Nick Crofts at nick.crofts@unimelb.edu.au.

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BRIDGING BORDERS

December 2012

Reflections on My Time at BABSEA CLE, Chiang Mai

By Sengnaly Kanthavong (Ajan Bee)

In October, Mr. Erik Haggqvist, the director of LUX Development, and the National Development Program (NDP) gave me the opportunity to come here to Chiang Mai. I feel very happy and thank them for their support.

My first day in Chiang Mai was 27 November 2012. My purpose in coming was threefold: to train at Chiang Mai University (CMU), to improve as an educator, and to develop my English skills.

My training course consists of 3 sub-courses: Fundamental Business, Introduction to Law, and Commercial Law. For the past month and a half, I have spent 9 hours a week attending classes, going to the library for research, and consulting with teachers in order to write my report and submit it prior to the training. The course will be completed in February. I believe what I chose to learn is very interesting, and I think it is important because it is one where I will be able to bring new practices to improve the teaching routine and make it consistent with the actual situation. From my professors, I have been taught and learnt about the new programs and

how the laws, procedures, and constitution differ between Thailand and Laos.

I have also used my time here at BABSEA CLE to improve my skills as a lecturer. The Access to Justice Public Interest Fair was my first time working on a project of this nature. I felt that

this was an exciting project, and was glad to have a part in it. I also feel very happy to have had the opportunity to assist and work for BABSEA CLE as a representative of Laos. I want to thank BABSEA CLE for giving me this opportunity to learn about their work and the history





BRIDGING BORDERS December 2012

of community legal education through working with agencies. The fair that BABSEA CLE and CLE Foundation prepared involved about 20 organizations. Many people outside the fair also attended as interns, distributed leaflets, and left advertisements about the program throughout Chiang Mai. On opening day, as expected, the fair was a great success. I took a lot of pleasure in preparing for this event. After the fair, I then spent a lot of time and effort preparing for the Trio For Justice Walk/Run, which is to be held on 13 January 2013. Again, many organizations are involved in the project. I have been advertising the event by distributing flyers and advertisements to CMU, Powerhouse Gym and the Night

Market. I feel excited to have the opportunity to gain some more training in this Trio For Justice event. I may even run, too!

In addition, I thank BABSEA CLE for supporting me in my efforts to learn English with my teacher, Lou, after my courses at CMU. These classes, every Tuesday morning and Friday afternoon, teach me more and more. My teacher is very patient and will explain our lessons until I can hear and explain my understanding. I offer many thanks to Lou, who places importance and interest in teaching me. In addition, I have also learnt to teach English here from the interns and would like to thank everyone involved. Thank you to Bruce, Wendy,

and Judith, who provided a warm welcome to BABSEA CLE house. I also want to thank Bee and Tak for providing assistance in the past and being good friends. Also, Ben and Al should not be forgotten because they were the first to arrive at BABSEA CLE. They also suggested locations in the Chiang Mai and taught me how to journal and complete my time log. In addition, Al, who is already home, assisted in the translation of my work and activities. I will never forget him and all of the other interns.

I have learned a lot and will continue to do so for the duration of my time at BABSEA CLE.





BRIDGING BORDERS

December 2012

Clinical Legal Education Worldwide—Report from Beijing, China

By Hien Bui, Project Coordinator, BABSEA CLE

Clinical legal education (CLE) has been a significant movement worldwide. In Asia-Pacific countries and sub-regions, a similar trend is taking place with the number of university-based law clinics increasing rapidly. Despite the significant progress, development has been uneven in various Asia-Pacific countries and regions.

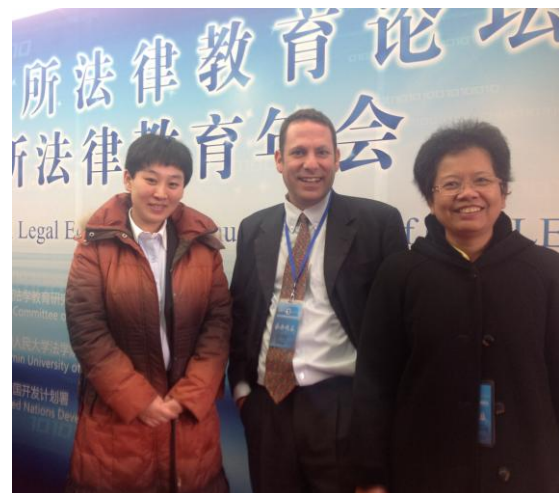
In order to facilitate experience and exchanges and promote further development of clinical legal education in Asia-Pacific countries and sub-regions, the China Committee of Clinical Legal Education, the Law School of Renmin University, and the United Nations Development Programme China co-organized the “1st Asia-Pacific Forum on Clinical Legal Education: Experience, Achievements and Prospects.” The Forum took place on 24-25 November 2012 in Beijing, China.

There were around 100 participants from various Asia-Pacific regions, including Australia, China (including Hong

Kong and Taiwan), India, Indonesia, Japan, Laos, Malaysia, Mongolia, the Philippines, Singapore, South Korea, and Vietnam. The majority of the participants were teachers, scholars, lawyers, judges, prosecutors, legal and development practitioners, officials from the Ministry of Education and Ministry of Justice, and policy-makers. Even though participants tended to reach different outcomes while attending the forum, they all shared the same attitude about the importance of engaging in clinical legal education, exchanging views, challenges and lessons learnt, and exploring ways to improve professional ethics, teaching, and quality control methods. There is no denying that the diversity of the participants’ background contributed to the success of the event.

By identifying the importance of the event, BABSEA CLE and the United Nations Development Programme Vietnam (UNDP Vietnam) supported and encouraged Vietnamese partner universities to attend the conference. Eventually, there were 4 representatives from Can Tho and Hue University who presented and greatly contributed to the success of the forum.

The highlights of the Forum were the inspiring co-presentation by Mr. Nicholas Booth (UNDP’s



Policy Advisor) and Dr. Chau Le (Dean of Can tho University) on an overview of Clinical Legal Education in Vietnam; the captivating presentation by Mr. Bruce Lasky on transcending tolerance and strengthening access to justice through CLE; and the interesting speech conducted by Professor Panarairat Srichaiyanrat on a comparative perspective of the achievements of CLE in Thailand and China. The presentations altogether provided the audience a comprehensive picture of CLE in Southeast Asia, which also included the work that BABSEA CLE has achieved.

The Forum successfully set up a platform for exchange of experiences, difficulties, and issues of common concern amongst practitioners, academics, and policy makers, and further promoted cooperation and development of clinical legal education in the region.





Legal Aid and Empowerment for the Poor and Marginalized: A View from New Delhi

By Dr. M.R.K. Prasad, Indian Law Institute

Access to justice is a major concern for all the civilized nations, as it is fundamental not only for “human development, but also for democratic governance, poverty reduction, and conflict prevention.”¹¹ The United Nations Development Programme (UNDP) undertook a pilot project in association with the Department of Justice (DoJ) under the Government of India (GoI) on access to justice. The project was undertaken from 2006 to 2008, with an aim to strengthen access to justice by identifying key challenges in the criminal justice system, the informal justice systems, legal aid, and legal empowerment. Based on this pilot project, the DoJ supported another project working in conjunction with the Ministry of Law and Justice (MoLJ) under the GoI called “Access to Justice for Marginalized People,” which was also supported by UNDP in 2008. The major focus of the project is “to strengthen access to justice for



the poor, particularly women, scheduled castes, tribal communities and minorities, through developing strategies and initiatives that address the barriers they face accessing justice in legal, social, economic and political domains.”¹²

As a part of its project, UNDP and GoI carried out several pilot programs on legal awareness, capacity building, creating paralegals, and assisting vulnerable groups in accessing legal services in seven Project States (Bihar,

Chhattisgarh, Jharkhand, Madhya Pradesh, Orissa, Rajasthan and Uttar Pradesh).¹³

In this backdrop, an international conference was organized for the exchange of ideas, best practices, and strategies in securing access to justice. The purpose of such international dialogue is to benefit all the participants to learn from the peer review and showcase the access to justice initiatives that are

¹¹ Project Factsheet, Access to Justice for Marginalized People, UNDP available at http://www.undp.org/content/dam/india/docs/strengthened_access_to_justice_in_india_factsheet_project.pdf (last visited 20 - 12 - 2012)

¹² Ibid

¹³ Conference Note, International Conference on Equitable Access to Justice: Legal empowerment, legal aid and how to make it work for the poor and marginalized, November 16 – 17, Delhi 2012.



BRIDGING BORDERS

December 2012

successfully running in different parts of the world. The other equally important object of such a conference is to assess the suitability of adopting or replicating the successful initiative in other countries.

The International Conference on Equitable Access to Justice: Legal Empowerment, Legal Aid and How to Make it Work for the Poor and Marginalized was held in New Delhi, India on 16 - 17 November 2012. The event was organized by the DoJ, UNDP India and UNDP Asia Pacific Regional Centre (APRC). Several participants from different countries discussed the challenges and strategies in offering legal aid to the marginalized communities in their respective countries.

The two-day conference focused on several key issues such as legal aid systems across the world, innovative practices in offering legal aid, and the role of law schools in improving awareness, state legal aid, and legal empowerment measures strengthening equitable access to justice.

As part of the Conference, BABSEA CLE was asked to present on the means of methods of strengthening legal aid and legal empowerment through education. BABSEA CLE Director Bruce Lasky used pumpkin seeds as a demonstrative aid to analogize the broad effect proper justice education has in developing positive actors of change in the legal system. Participants were

first asked how many seeds are in a pumpkin. One answer was “many” while it was agreed to narrow the answer to 600-4000. Then they were asked how many seeds did it take to make a pumpkin. It was agreed upon to be simply one seed. Finally, participants were asked how many pumpkins does one seed make. 8-10 was generally agreed upon. Summing this up, participants came to consensus that if legal education is presented using effective means and methods, which includes an access to justice focus, this education system would produce thousands of systematic change actors all working together to help achieve greater access to justice and to build a fairer and transparent rule of law of system.



Opening ceremony of the National Economics University Small Business law clinic

By Phong Pham Tien, Student of the Center for Law Training and Consultancies

On Saturday, 21 December 2012, the opening ceremony of National Economics University's (NEU) law clinic took place in the conference room at the Hanoi campus. Present at the ceremony were Mr. Pham Quang Trung, Vice Chancellor of NEU, Mr. Tran Van Nam, representative from the Faculty of Law of NEU, Nicholas Booth from the United Nations Development Programme (UNDP), Ms. Tran Tra My representative from IBM Limited Vietnam (IBM), Mr. Bruce A. Lasky from Bridges Across Borders Southeast Asia Community Legal Education Initiative (BABSEA CLE), and lecturers and students from the Faculty of Law at NEU. Also

present at the ceremony were teachers, experts and, students who work for the Center for Law Training and Consultancies (CLTC), which is currently carrying out CLE projects at NEU.

The Center for Law Training and Consultancies (CLTC), under the Faculty of Law of the National Economics University, was established on 29 December 2003. It is currently under the administration of Dr. Nguyen Thi Thanh Thuy. This year was a milestone, as the center officially began carrying out Community Legal Education (CLE) projects. It was also a time for all members and staff of CLTC to look back and reflect on their past achievements and future ambitions.

At the ceremony, a UNDP representative stated, "All we need to do is take the law from heaven down to the ground." This representative also noted that people and communities in Viet Nam still confront barriers in accessing the law. However, the new generation of law students is working to bridge these barriers. Mr. Bruce A. Lasky, whose expertise in CLE was highly appreciated by the participants, also spoke. He talked about the role of inspirational people and the importance of their work in this field. Ms. Tran Tra My, a legal assistant from IBM, praised the active and creative people working at NEU.

On behalf of CLTC, the CLTC's director, Ms. Nguyen Thanh Thuy, thanked BABSEA CLE, UNDP, and IBM for their help and support. She emphasized CLTC's motto: "Your benefit – Our objective," thoroughly inspiring the crowd. By mentioning CLTC's motto, she wanted to stress the characteristics of CLTC's activities: voluntary activities for the benefit of society and individuals.

The ceremony ended successfully, contributing to the community's knowledge of CLTC's many activities. The enthusiastic participants continue to bring the law to the people, moving society in the direction of fairness and justice.



Human Rights-Based Policing

By Nattakan Chompuhong (Ann), BABSEA CLE Fellow

This year marked the inaugural Asian Consortium for Human Rights Based Policing toward a Just and Peaceful ASEAN. The participants in this event were from many different countries, legal fields, organizations, and areas of law enforcement. They included police officers, human rights lawyers, NGO's representatives, and lecturers working in different areas of justice, all of whom shared their many experiences and opinions on the critical issue of increasing access to justice throughout Southeast Asia.

One such example is Dr. Horng Lairapoan, Executive Director at the Urgent Medical Nations Human Rights Relief in Cambodia, who holds a medical degree and a

doctorate in law. Listening to him speak, I was impressed by his ability to build a network of doctors and other high earners committed to providing free assistance to the poor. The most interesting aspect for me was his experience working in court to advance human rights issues, both in Cambodia and internationally.



The Philippines is one such country that has made inroads on this issue, most notably by including education on human rights in the curriculum for trainee police officers. The Philippines also has an evaluation system for recording and addressing complaints from civilians regarding abuse of power by the police force. Thailand is also making progress on this issue by instituting a law that ensures that police officers are responsible for respecting human rights. Human rights are mentioned in criminal procedure law of Thailand, where police who breach these laws face sanctions.

After learning about the progress in these countries, I agree that it





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December 2012

is the duty of police officers both to prevent crime within their jurisdictions and to protect human rights. I am aware, however, that in reality many police officers are more focused on following procedure and issuing commands during an arrest, rather than on protecting human rights and due process.

BABSEA CLE's mission to improve access to justice through clinical legal education (CLE) is consistent with the human rights-based access to justice approach championed by the workshop. This

was a good opportunity for CLE Legal Fellows to gain new knowledge and valuable experience, which will be helpful for developing our CLE program. From this workshop, I was able to gain new knowledge and broaden my vision about human rights-based policing.

Also, this workshop provided me with a better understanding of the law enforcement sector, particularly the police, in Southeast Asia, and how the human rights-based approach to access to justice can help the police force become

responsive to human rights issues in the region. I am honored to have become a part of this network focused on working for social justice.





BRIDGING BORDERS December 2012

Lesson Learned: Human Rights-based Policing toward a Just and Peaceful ASEAN

By Phun Vidjia, Director, Pannasastra University of Cambodia CLE Program

I do not engage in critical reflection as much as I should, but when I do, it is an important way for me to learn from past experiences by evaluating them for use in future choices. As suggested by Immordino Yang, a professor of education, psychology, and neuroscience at the University of Southern California, taking time to internally reflect and learn is just as important as learning from the outside world.

Reflecting is also a critical avenue for my professional growth. I was recently reflecting on my first experience in helping to coordinate a sub-regional event in Bangkok of a consortium of NGOs, government agents, and academic institutions for Access to Justice, Human Rights Based Access to Justice HRBA2J-Asia (see www.hrbajustice.asia).

While organizing the event, I was surrounded by and learnt a lot from two positive, cheerful, and warm persons, Titon, the Secretary of HRBA2J-Asia, and Boonthan, the Executive Director of Peace and Human Rights Center and a local

host of the workshop. I learned to be patient, humble, and polite. I learned to be prepared for the worst, but also to be a positive problem solver. Deadlines were set and reset to solicit opinions from SEA members of the Consortium so that final decisions could be made. When the final decisions were made, they presented another challenge and another race against time, as the workshop would be held a mere month after that date.

The organizers were hoping to attract a large number of law enforcement officers from ASEAN member countries. As a result of time constraints and limited connections with potential law enforcement participants, only three representatives from law enforcement institutions in Thailand, the Philippines, and Indonesia were present. This setback signaled that there was more that needed to be done before the discussion on human rights protection and promotion among civil society organizations and police officers could come to fruition. I agreed with a police officer from the Philippines that as a starting point, there needed to be

trust among stakeholders, which could be achieved through a forum that fostered an understanding environment and presented challenges for all stakeholders.

Despite the limited number of law enforcement officials in attendance, I learned a lot and was impressed with the policing reform in the Philippines. What moved me most was the existence of policy, a strategic plan, and a political will, which all act as a springboard for reform towards human rights-based policing. I learned from a couple of attendees that there are police reform projects in some countries within the sub-region, but not Cambodia. I was puzzled and thought, “Why not yet help Cambodia?” Is the Cambodian police force too fearful of taking responsibility for past abuse of power to advocate for reform at present? I am more than willing to offer any assistance in any way I can to have these good practices transplanted into Cambodia, where the police are allegedly involved in suppressing and violating human rights.





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December 2012

In the end, I think that I need to continue to build my skills in coordinating workshops because I felt that during the workshop I was only comfortable with being an emcee and clerical assistant. I also need to build certain leadership skills and traits, such as project proposal and management, assertiveness, and decisiveness. Moreover, I was not able to engage in the discussion as much as I would have liked, not because I lacked knowledge about the field, but because I am still developing curiosity about the subject. I intend to acquire these skills and personalities through observation and hard work!





BRIDGING BORDERS December 2012

A Word of Thanks to All Our Supporters!

The following is a list of most of our sponsors, donors, partners, volunteers, interns and the BABSEA CLE and CLE Foundation team. It includes person and organizations directly and indirectly involved in supporting BABSEA CLE throughout year. Due to the fact that this past year has brought so many brilliant people and organizations into our lives, we may have missed some that are key. If we have, we apologize in advance and want you to know how much we do value you.

A big thank you to everyone who has made 2012 such a success!

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- Zhidan Chou
- Zoe Rathus



All human beings are born free and
equal in dignity and rights.

They are endowed with reason and
conscience and should act towards
one another in a spirit of brotherhood
(and Sisterhood!!)



Sonia



Gillian

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