

Chapter 6

Teaching Law Students to Advocate for Human Rights and Global Justice through the UPR Project at BCU

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6.1 Introduction

Today, the need for clinical human rights teaching and advocacy within higher education institutions is vital for law students (and their teachers and wider communities). Students often leave university to enter the workplace and do so in an increasingly internationalised context. Clinical legal education (CLE) provides the ideal space to support students to navigate a globalised world, whilst providing them with transferrable employability skills. The chapter focuses on using extra-curricular opportunities as a vehicle to provide such opportunities, specifically to teach our law students to advocate for human rights and global social justice, through the UPR Project at BCU.

Under the auspice of the United Nations' Human Rights Council, the Universal Periodic Review (UPR) is an intergovernmental process providing a review of the human rights record of all UN Member States. Crucially, it involves the participation of civil society organisations (CSOs) of all shapes and sizes acting as 'stakeholders'. The UPR Project at BCU engages with the UPR mechanism through three intersecting streams: (1) research, (2) education, and (3) practice, providing CLE opportunities through extra-curricular activities.

In 2012, Jocelyn Getgen Kestenbaum, Esteban Hoyos-Ceballos and Melissa C. Del Aguila Talvadkar published their article, 'Catalysts for Change: A Proposed Framework for Human Rights Clinical Teaching and Advocacy' (*'Catalysts for Change'*).² They provide six distinct components to this framework, arguing that 'rethinking roles and adopting certain models for clinical legal education and advocacy can successfully realize both the pedagogical and advocacy goals of [human rights clinics]'.³

This chapter applies the six framework components to the UPR Project at BCU in terms of its ability to teach law students to advocate for human rights and global justice. Section 2 introduces the UPR Project at BCU, its aims, and work to date. Section 3 situates the UPR Project within the existing literature on CLE. Section 4 then analyses the UPR Project at BCU's operation through the framework set out in *Catalysts for Change*, identifying the positives and challenges, along with providing suggestions for further developing clinical human rights teaching in relation to advocating for human rights and global justice. Section 5 concludes with broader proposals for engaging, supporting, and celebrating law students in international human rights CLE.

6.2 The UPR Project at BCU

The UPR Project at BCU is a stream of work within the Centre for Human Rights, which is part of Birmingham City University's College of Law, Social and Criminal Justice.⁴ It was created in 2018 and engages with the UN's human rights mechanism, the Universal Periodic Review, through three streams: (1) research, (2) education, and (3) practice, led by Dr Alice Storey, Dr Amna Nazir, and Professor Jon Yorke.

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² Jocelyn Getgen Kestenbaum, Esteban Hoyos-Ceballos and Melissa C. Del Aguila Talvadkar, 'Catalysts for Change: A Proposed Framework for Human Rights Clinical Teaching and Advocacy' (2012) 18 Clinical L Rev 459.

³ *ibid* 462.

⁴ See: <https://www.bcu.ac.uk/law/research/centre-for-human-rights/consultancy/upr-project-at-bcu>. Professor Jon Yorke created the Centre for Human Rights in 2014 and leads it as the Director, alongside Dr Amna Nazir and Dr Alice Storey as Associate Directors. It will celebrate its 10th anniversary in 2024.

We engage in traditional academic research, contributing to the growing body of scholarship on the UPR mechanism.⁵ The UPR Project also participates in practice with the UPR as a stakeholder, through submitting stakeholder reports to selected countries' UPRs and taking part in UPR Pre-sessions, which involves direct engagement with UN government delegations from across the globe and other civil society organisations. This allows our academic research to be translated into practical change. As of 31st December 2023, we have submitted 34 reports to 32 UN Member States' UPRs and engaged in three UPR Pre-sessions, fostering multiple global partnerships. The UPR Project engages with many thematic areas of human rights in countries across the globe, although thematic decisions are made with the expertise of BCU's academics and partners in mind. This work feeds into the education stream, which has multiple strands, including dedicated LLB modules. Most important for this chapter is the clinical legal education we engage in, to provide students with employability and transferrable skills opportunities. While it is the education stream of work that this chapter is broadly focused upon, all three streams purposely intersect, with each aspect informing the others.

Currently, students predominantly engage in CLE through research assistance on our UPR stakeholder reports, and this includes BCU undergraduate and postgraduate students, as well as externs from other universities across the world. At the time of writing, we have engaged 47 BCU law students and 26 externs from universities across the world, including Brazil, Pakistan, and the US. To facilitate the students' engagement in this CLE, we use law's Student Research Collaborations (SRC) programme.⁶ The SRC provides a framework for students to work directly with academic staff on live research projects, offering them a unique opportunity to improve their CV and gain valuable research and wider employability skills.⁷ I am a vocal supporter of the SRC, having supervised 60+ students through the SRC since 2018. Less frequently, but equally as valuable, students also engage in CLE with the UPR Project through externally funded projects, where we can use the funding to recruit student research assistance and involve students in the related activities.

6.3 Clinical Legal Education

There is an ever-growing corpus of literature on CLE, particularly from a human rights perspective, and predominantly from a practical lens.⁸ Scholarship spans the globe, with examples including how to set up a CLE programme in New Zealand,⁹ the successes of clinical legal education on human rights in the Maldives,¹⁰ how CLE can 'increase human rights knowledge in the community' more so than traditional teaching through lectures in Iran,¹¹ and how law schools can house legal aid clinics in Kenya.¹²

Traditionally, CLE has been considered as a credit-bearing exercise for students that supports the local community. From a US perspective, Arturo Carrillo defines a human rights clinic to be:

⁵ See e.g., Alice Storey, 'Challenges and Opportunities for the UN Universal Periodic Review: A Case Study on Capital Punishment in the USA' (2021) 90 *UMKC L Rev* 129; Amna Nazir, 'The Universal Periodic Review and the Death Penalty: A Case Study of Pakistan' (2020) 4(1) *RSIL Law Review* 126; Amna Nazir, Alice Storey, and Jon Yorke, 'The Universal Periodic Review as Utopia' in Damian Etone, Amna Nazir and Alice Storey (eds), *Human Rights and the UN Universal Periodic Review Mechanism: A Research Companion* (2024); Alice Storey, 'Improving Recommendations from the UN's Universal Periodic Review: A Case Study on Domestic Abuse in the UK' (2023) 35 *Pace International Law Review* 193; Alice Storey and Mark Eccleston-Turner, 'Transparency, Accountability, and Legitimacy in the United Nations' Human Rights Council's Universal Periodic Review', in, Salvador Santino Regilme Jr and Irene Hadiprayitno (eds), *Human Rights at Risk: Rethinking International Institutions, American Power, and the Future of Dignity* (Rutgers University Press 2022).

⁶ See: <https://www.bcu.ac.uk/law/research/student-research-collaborations>.

⁷ Sharon Milner, Wendy Cousins, and Iain McGowan, 'Does All Work and No Play Make a Dull Graduate? Perceptions of Extra-curricular Activities and Employability' (2016) Vol 4(1) *Journal of Perspectives in Applied Academic Practice* 13-18.

⁸ For a theoretical approach to clinical legal education, see Omar Madhloom, Hugh McFaul (eds), *Thinking About Clinical Legal Education: Philosophical and Theoretical Perspectives* (Taylor and Francis 2021).

⁹ Kris Gledhill, 'Establishing an International Human Rights Clinic in the New Zealand Context' (2013) *International Journal of Clinical Legal Education* 19, 295.

¹⁰ Mariam Jabyn, 'Advancing Justice Interests and Human Rights of Vulnerable Groups through Clinical Legal Education' (2020) 11(2) *Jindal Global Law Review* 271-288.

¹¹ Mohammed Mahdi Meghdadi & Ahmad Erfani Nasab, 'The Role of Legal Clinics of Law Schools in Human Rights Education; Mofid University Legal Clinic Experience' (2011) 15 *Procedia Social and Behavioral Sciences* 3014-3017, 3017.

¹² Asha Mikinyango & Judith Nguru, 'Law Schools as Legal Aid Providers in Kenya: Challenges and Lessons Learnt from Practice' (2021) 28(2) *International Journal of Clinical Legal Education* 117-48.

a law school-based, credit-bearing course or program that combines clinical methodology around skills and values training with live case-project work, all or most of which takes place in the human rights context... [where] the students receive some degree of in-house skills and values training in addition to faculty supervision and feedback on live case-project work.¹³

Robert Collinson et al provide a practical example of this from the UK, through Edge Hill University's Department of Law and Criminology's CLE. They note that 'by providing pro bono legal advice to members of the public, LLB students are contributing to the alleviation of poverty and discrimination, and raising local awareness of human rights principles'.¹⁴ Moreover, led by Samantha Gargaro, BCU has its own Law Clinic, providing students with practical work experience to enhance their legal skills and employability, whilst also supporting the local community.¹⁵

While these examples showcase incredibly impactful opportunities both for students and the local community, the UPR Project does not fit within this mould of credit-bearing, local advocacy, as its core focus for students is international research through an extra-curricular activity. Literature supports this approach, identifying a wider scope for CLE opportunities. For example, Evan Hamman et al found that, in Australia, 'CLE programs have embraced non-casework activities such as assisting with law reform and community legal education initiatives'.¹⁶ Kestenbaum et al also noted that 'many clinicians have embraced an increasingly internationalized curriculum, as well as the global human rights movement, by establishing clinics that focus on international human rights efforts'.¹⁷ Tamar Ezer et al considered the work conducted by collaborations between clinical legal educators across Thailand, South Africa, and Ukraine, in the context of improving healthcare provisions.¹⁸ In particular, 'at the University of Pretoria, Master of Laws students drafted a submission to the African Commission on Human and People's Rights requesting both recognition of access to medicines as an essential component of the right to health and a process to ensure implementation'.¹⁹ This is similar to the UPR Project's work, particularly in relation to stakeholder reports.

The definition that fits most neatly with the UPR Project at BCU's CLE is provided by Lucy Yeatman and Louise Hewitt, who state that:

We use the term clinical legal education to mean any form of experiential learning where students are required to apply legal knowledge to real legal problems and to reflect on that process. This can be as part of a credit-bearing module, or as an extracurricular activity. Clinical legal education can take many different forms and those who work in the field can wax lyrical about the transformational nature of their work and the positive impact on the student experience, learning and employability.²⁰

This definition of CLE allows students to find their identity in a broader scope of CLE, even when engaging in extra-curricular activities such as with the UPR Project at BCU. It is also important to recall the employability emphasis of CLE. Margaret Thornton and Lucinda Shannon reflect upon the surge of Australian Law Schools and the how experiential learning and CLE is used to 'market' law programmes, specifically focusing on how CLE improves employability and provides a positive learning experience.²¹

¹³ Arturo J. Carrillo, 'Bringing International Law Home: The Innovative Role of Human Rights Clinics in the Transnational Legal Process' (2004) *Columbia Human Rights Law Review* 35(3) 527, 533-4.

¹⁴ Robert Collinson et al, 'Clients, Clinics and Social Justice: Reducing Inequality (and Embedding Legal Ethics) via an LLB Portfolio Pathway' (2018) *Higher Education, Skills and Work-Based Learning*, 8(3), pp. 323-36, 334.

¹⁵ See: <https://www.bcu.ac.uk/law/student-experience-and-employability/law-clinic>.

¹⁶ Evan Hamman et al, 'Pro Bono Partnerships in Environmental Law: Enhancing Outcomes for Universities and CLCs' (2014) *Alternative Law Journal*, 39(2), pp. 115-19, 115.

¹⁷ Kestenbaum et al (n 2) 461.

¹⁸ Tamar Ezer, Ludmylla Deshko, Nicola Gunn Lcark, Enga Kameni, and Bruce A. Lasky, 'Promoting Public Health through Clinical Legal Education: Initiatives in South Africa, Thailand, and Ukraine' *Human Rights Brief* Vol 17(2) 27-33.

¹⁹ *ibid* 27.

²⁰ Lucy Yeatman and Louise Hewitt, 'Feedback: A Reflection on the use of Nicol and Macfarlane-Dick's Feedback Principles to Engage Learners' (2021) *The Law Teacher*, Vol 55, No 2, 227-240, 230.

²¹ Margaret Thornton & Lucinda Shannon, 'Selling the Dream: Law School Branding and the Illusion of Choice' (2013) 23 *Legal Educ Rev* 249.

Across higher education in the UK in particular, there has been a ‘sustained drive to develop employability skills’ wherein ‘universities, student unions, and employers often encourage students’ engagement in [extra-curricular activities] as a mechanism for developing such skills’.²²

The overarching aim of the UPR Project’s human rights-focused CLE is summed up by Vananthi’s definition, that ‘[c]linical legal education is a pedagogical tool aimed at making legal education socially relevant and oriented towards social justice’.²³

6.4 Kestenbaum et al’s Framework: Analysis of the UPR Project at BCU

Kestenbaum et al provide a framework for clinical human rights teaching and advocacy through the example of the Cornell Law School International Human Rights Clinic:

The framework consists of six general steps: (1) determine broad clinical legal education goals; (2) determine general project purpose and goals; (3) form and strengthen strategic alliances among local clinic partners; (4) develop local human rights legal and advocacy strategies; (5) implement local legal strategy and human rights advocacy; and (6) reflect and process with partners and students.²⁴

This section takes each element of the framework in turn, analysing the CLE opportunity created through the UPR Project at BCU in terms of its ability to teach law students to advocate for human rights and global justice. As the UPR Project has been operating for five years as of October 2023, this has provided an opportune moment to reflect upon its practice. As such, positives and challenges are identified, along with suggestions for further developing clinical human rights education.

6.4.1 Determine broad clinical legal education goals

As a first step, Kestenbaum et al suggest that broad goals should be set, relating to the work of the clinical human rights teaching and advocacy. They propose that this could include goals to advance human rights and social justice, provide practical employability skills to students, or empower vulnerable or marginalised groups.²⁵ While the UPR Project takes a less traditional approach to CLE, setting goals is still a fundamental part of its viability.

The UPR Project at BCU’s mission statement sets out its broad clinical legal education goals:

The UPR Project at BCU serves three key functions, through its research, education, and practice streams of work:

1. Advance human rights protections through the UN’s Universal Periodic Review (UPR) mechanism, to support vulnerable populations and ensure social justice, through our academic **research** on substantive human rights issues.
2. **Educate** people about the UPR, through (1) providing students with opportunities to develop their employability and transferrable skills, and (2) training programmes on the modalities of the UPR mechanism.
3. Engage in **practice** with the UPR, through submitting stakeholder reports to selected sessions, engaging in advocacy through pre-sessions and dialogues with Member States and civil society, and working with selected partners.²⁶

²² Jill Dickinson, Teri-Lisa Griffiths, and Alex Bredice, “It’s Just Another Thing to Think About”: Encouraging Students’ Engagement in Extracurricular Activities’ (2019) 45(6) *Journal of Further and Higher Education* 744-757, 744.

²³ Nimushakavi Vasanthi, ‘Strengthening Clinical Legal Education in India’ (2012) 42(4) *Social Change* 443.

²⁴ Kestenbaum et al (n 2) 481.

²⁵ *ibid.*

²⁶ The UPR Project at BCU, ‘Strategy and Mission Statement’ (June 2023) on file with the author.

The UPR's overarching goals align with the suggestions in *Catalysts for Change*. In particular, goal two has a specific aim to educate students on the UPR, whilst also providing students with employability and transferrable skills (as expanded upon below). This puts into practice Carrillo's understanding that CLE specifically from a human rights perspective is a 'fortunate fusion of pedagogy and practice in international law; as such, they draw constantly from one to improve the function of the other'.²⁷ A key task for the team will be to regularly review and reflect upon the broad goals of the UPR Project at BCU, to ensure we are delivering the best experience for all stakeholders, and especially our students.²⁸

Moreover, there must be a consideration of the impact on inclusivity, given that this is an extra-curricular activity that is usually unpaid. While research has found that voluntary extra-curricular activities 'help to distinguish graduates in the job market',²⁹ Mary Stuart et al's study found that '[s]tudents classified as working class, mature and/or minority ethnic (with the exception of Asian students) are generally engaging less in university-linked' extra-curricular activities, preferring 'community' or 'solitary' activities often owing to 'time constraints, and feelings of non-inclusion'.³⁰ This is confirmed by Jill Dickinson et al's research on students from a post-92 university, which found that there are multiple barriers to such students engaging in extra-curricular activities, including time, money, carer commitments, cultural expectations, and a lack of confidence.³¹

BCU is a post-92 university, where my own experience of our students is that many must work part-time, or even full-time hours, alongside their full-time studies, and others go home from university to caring or familial responsibilities, making it challenging for them to engage in extra-curricular activities. Dickinson et al suggest that universities 'could encourage the development of student-centred approaches to the development and communication of their ECA-programmes through meaningful consultation with their student bodies'.³² This is a point of action for the UPR Project at BCU, to identify from the students themselves how we can improve the inclusivity of our extra-curricular CLE offering.

6.4.2 Determine general project purpose and goals

During the second stage of the *Catalysts for Change* framework, staff and students should 'enumerate the specific short-term teaching and project goals, ideally broken down semester by semester, given the realities and limitations of the law school academic calendar'.³³ This is a vital step when planning CLE opportunities within the UPR Project at BCU.

In terms of UPR stakeholder reports, the leadership team (Storey, Nazir, and Yorke) collectively make plans for submissions around one year in advance, prior to student involvement. We consider which UN Member States have their UPR scheduled in the Human Rights Council's sessions and then narrow the list down to which ones we will submit reports to and on which human rights themes. In terms of making these decisions, we consider things such as our own expertise, as well as that of our partner organisations and other colleagues at BCU.³⁴ Other factors include the availability and reliability of data, as well as our own workloads around the time leading up to submission. Kestenbaum et al advised that noting the 'realities and limitations of the law school academic calendar' is important for both staff and students, and we make sure this is a core factor when planning stakeholder submissions. Particularly because the CLE with the UPR Project is an extra-curricular activity for the students we are conscious of students' other commitments across the year, including assessment deadlines and other factors noted in the section above. It is important to ensure that we are offering students extra-curricular CLE opportunities without causing 'burnout'.³⁵ We

²⁷ Carrillo (n 13) 586.

²⁸ See section 4(vi) below.

²⁹ Mary Stuart, Catherine Lido, Jessica Morgan, Lucy Soloman, and Steve May, 'The Impact of Engagement with Extracurricular Activities on the Student Experience and Graduate Outcomes for Widening Participation Populations' (2011) 12(3) *Active Learning in Higher Education* 203-215.

³⁰ *ibid.*

³¹ Dickinson et al (n 22) 750-752.

³² *ibid.* 755.

³³ Kestenbaum et al (n 2) 486.

³⁴ See, Jeff Giddings, 'Contemplating the Future of Clinical Legal Education' (2014) *Clinical Legal Education Symposium* 1-26, 22, noting that CLE teachers must have the relevant 'skills and expertise'.

³⁵ Kestenbaum et al (n 2) 496.

must also consider our own staff workloads and annual leave, making sure that we have the time not only to complete the task, but to support the students effectively.³⁶

Once we have a clear schedule of reports, around six months in advance of each deadline, we turn to recruiting the students. This is done either through the Student Research Collaborations,³⁷ and/or through our externship programmes, and we try to offer opportunities to as many students as is feasible, usually one per human rights theme. In the first instance, the students will be invited to a meeting with the supervising staff member, who will provide them with written and verbal guidance on their tasks. The tasks are usually legal research-related but can be quite complex for a first attempt, particularly when collating UPR recommendations and identifying their implementation status domestically. This requires students not only to be able to identify, analyse, and apply international human rights law, but to do the same for domestic law often in jurisdictions they are unfamiliar with. Template documents are provided for the students, along with dates for check-ins and the final deadline. This package of documents that is sent to students is a particular strength of the model,³⁸ as it provides clarity for the students, but also allows the staff member to plan their diary accordingly.

A further example of how the UPR Project determines project goals is through externally funded projects. I am currently working on a British Academy and Leverhulme Trust-funded project related to strengthening civil society organisations' engagement with the UPR, which has allowed me to recruit a current PhD student to work as a research assistant.³⁹ The project has links to the students' own research and involves mixed methods research using a survey and participant interviews to collect data. Owing to the amount of time it takes to prepare, submit, and receive a decision on a funding bid, plans for the student's time, work, and goals started around 18 months in advance of the project commencing in September 2022, particularly as the funding bid had to provide a rationale for recruiting a research assistant and what the benefits of doing so would be, not only for the project itself, but importantly for the research assistant. This included benefits for their personal development and enhancement of their employability skills. The plans and goals have been refined as time has gone on and have been tailored to the individual research assistant.

6.4.3 Form and strengthen strategic alliances among local clinic partners

The third part of the framework is 'building and strengthening strategic alliances between the clinic and local partners'.⁴⁰ The need for creating strong alliances is important and the UPR Project has eight ongoing global partnerships, all of which have co-authored joint stakeholder report submissions with the UPR Project.

Kestenbaum et al note that 'building and maintaining relationships with local clinic partners in developing countries, especially with limited resources for travel, can be challenging'.⁴¹ However, for the UPR Project, particularly following the pandemic and the subsequent lockdowns imposed, the increased use of technology for communication has been helpful in creating and strengthening partnerships.⁴² In particular, the availability of video calling has meant that we can easily engage with partners across the globe. For example, when working on the externally funded CSO project, my research assistant sent 200+ individual personalised emails to CSOs that have engaged with the UPR across the world to invite them to engage with the survey and interview. This not only improved participant numbers on the CSO project but has

³⁶ For an overview of the importance of the supervisory role in CLE, see Gemma Smyth & Marion Overholt, 'Framing Supervisory Relationships in Clinical Law: The Role of Critical Pedagogy' (2014) 23 *JL & Soc Pol'y*; Michael John McNamara, 'Supervision in Clinical Legal Education' in Michael John McNamara (ed), *Supervision in the Legal Profession* (Palgrave Macmillan 2020).

³⁷ See section 2.

³⁸ Kestenbaum et al (n 2) 486.

³⁹ See: <https://www.bcu.ac.uk/law/research/centre-for-human-rights/consultancy/upr-project-at-bcu/implementing-recommendations-from-the-uns-upr>.

⁴⁰ Kestenbaum et al (n 2) 487.

⁴¹ *ibid* 487.

⁴² While most of the literature refers to the pandemic's increase in the use of technology to bolster partnerships in the field of global health (see: Nik Norma Nik Hasan and Aswati Hamzah, 'Global Partnership Under a New Normal: Challenges and Response to COVID-19' in W. Leal Filho et al. (eds.), *Partnerships for the Goals, Encyclopedia of the UN Sustainable Development Goals* (Springer 2020); Theresa Bernado et al, 'Collaborating in the Time of COVID-19: The Scope and Scale of Innovative Responses to a Global Pandemic' (2021) 7(2), this is also true for other areas, including human rights.

had the initially unexpected but positive consequence of CSOs reaching out directly to the UPR Project regarding future partnerships. Moreover, when the UPR Project has spoken as a panellist at the UPR Pre-sessions, UPR Info created WhatsApp group chats to co-ordinate the panel. This has had another positive outcome, as it puts CSOs in touch with each other, allowing further dialogues to take place and partnerships to be created.

In terms of our stakeholder reports, another positive example is that we are more frequently partnering with other academic institutions, including LUMS University in Pakistan, Arizona State University in the US, and Universidade Federal Fluminense and Universidade Estacio De Sa in Brazil, with other partnerships currently in development. This allows more human rights academic research to be translated into practice, being viewed by UN bodies, Member State delegations, civil society, and lay people.⁴³

A particular area that the UPR Project could strengthen in terms of this step of the framework is creating local partnerships in *all* countries that we submit stakeholder reports on. Kestenbaum et al did note the issue of ‘the time constraints within which the clinic must operate’,⁴⁴ and we are also working to the UN’s timeframe, meaning that there is not always time to find a local partner when writing stakeholder reports. However, we know that local human rights defenders’ expertise is required. As Natalie Baird found in her study, in some instances international CSOs can ‘distort...[the] authentic local voice’ when submitting UPR stakeholder reports without local expertise and support.⁴⁵ The UPR Project team has already noted that this ‘is a point of action for us to strengthen’⁴⁶ and the aim is to start by mapping out potential local partners earlier in the process when we make decisions on which Member States’ UPRs we will submit to.

Kestenbaum et al suggest that there is another way to alleviate this issue, by ‘leveraging the intellectual capital available’ in the current student body.⁴⁷ BCU has a diverse student community and, in particular, our LLM International Human Rights and LLM International Law students, as well as our PhD community, would be ideal candidates to support a local perspective on our reports while gaining CLE experience. There are examples of this working well in other CLE programmes, see the example above from the University of Pretoria’s Centre for Human Rights, where two African students (from Somaliland and Malawi) were part of a team that researched and wrote its submission to the African Commission regarding access to medicines and human rights.⁴⁸ Actioning this within the UPR Project’s CLE offering would involve diversifying how we currently operate, with the students being further involved in the write-up phase of the report. This is a clear way of strengthening the CLE programme and we plan to trial this through inviting a current PhD student to lead on the research and drafting of Portugal’s stakeholder report in 2024.

Another way we currently leverage existing domestic expertise, is by utilising our diverse staff backgrounds to support a local viewpoint on submissions. For example, our reports to Nigeria and Mexico were co-written by Law colleagues with experience of living and working in the legal profession in those countries.

6.4.4 Develop local human rights legal and advocacy strategies

The fourth stage is to develop legal and advocacy strategies in order to meet the goals set out in previous stages. Kestenbaum et al make clear that ‘human rights legal strategy development is a process that involves identifying the legal problem(s), pinpointing and analyzing strategies to solve the problem(s), and weighing the pros and cons of each human rights litigation or advocacy strategy’.⁴⁹ While the UPR Project’s advocacy starts at the international level (through the UPR), working our way back down to the domestic level via implementation of UPR recommendations, we still must consider the local, domestic human rights situation

⁴³ Alice Storey, ‘Engaging with the UN Human Rights Council’s Universal Periodic Review as an Academic’ (2020) 23 (32) *Juris Poiesis* 662-664.

⁴⁴ Kestenbaum et al (n 2) 497.

⁴⁵ Natalie Baird, ‘The Role of International Non-Governmental Organisations in the Universal Periodic Review of Pacific Island States: Can ‘Doing Good’ Be Done Better?’ (2015) *Melbourne Journal of International Law* 18.

⁴⁶ Nazir, Storey and Yorke (n 5).

⁴⁷ Kestenbaum et al (n 2) 497.

⁴⁸ Ezer et al (n 18) 30-32.

⁴⁹ Kestenbaum et al (n 2) 489.

in order to prepare our strategy. For instance, in each country we report on, we must consider what the significant human rights issues are that require addressing at the UPR.

In terms of stakeholder reports, while the lead staff member decides upon the overarching human rights theme to focus on, the students are given the autonomy to lead on developing the detail. The students identify international and domestic laws, along with the relevant UPR recommendations from the previous cycle and whether there has been any implementation of those recommendations. The students will highlight significant issues that they believe should be included in the report and, from there, the supervising staff member (usually the lead author) will start to strategise in terms of which sub-themes should be included in the report.

A recent development has been to show the students examples of how we use the data that they produce. This includes showing them the method of how we divide their data into themes and do our data quality checks, and how this ultimately supports us in deciding which themes to include in the final report. We also provide clear feedback on their work (which Victor Goode suggests should ‘meaningfully advance students’ learning process’)⁵⁰ and sometimes they are asked to revisit a task if it is incomplete. This allows students to ‘learn from their experiences’⁵¹ but in a ‘supportive environment’.⁵²

The subsequent stages, in terms of planning post-submission advocacy, including what takes place pre- and post-review, usually takes place outside of the students’ involvement. This is another key point of reflection for the UPR Project team to consider whether there is a further, more in-depth role students could play.

6.4.5 Implement local legal strategy and human rights advocacy

This stage is when the strategies decided upon in step four are implemented in practice.⁵³ At this point, Kestenbaum et al suggest that ‘it is important to revisit the original goals and assigned tasks and revise and supplement them if necessary’.⁵⁴ Taking the UPR Project’s recent engagement with the UPR of the United Kingdom of Great Britain and Northern Ireland (the UK) provides an example of how we have implemented strategy and revised our goals and tasks as the advocacy developed. The UK’s Fourth Cycle UPR took place in 2022, for which we submitted two joint reports, harnessing two of our external partners, and inviting two BCU students and one extern to provide research assistance. Furthermore, two of our BCU PhD students co-authored on one of the submissions. This provided a multi-pronged opportunity for students across multiple levels of study to engage in CLE.

Our advocacy strategy continued after submission of the reports as Yorke, on behalf of the UPR Project at BCU, was selected as a panellist at the UK’s UPR Pre-session. Created by leading NGO, UPR Info, the Pre-sessions were created to provide ‘civil society [with] an international platform to directly advocate to State delegations ahead of the UPR session’ and also ‘to facilitate diplomatic delegations to ascertain information on countries’ human rights landscapes’.⁵⁵ While not a formal part of the UPR cycle itself, they are viewed as being vital to the UPR process and are well-attended by UN Member States delegations and CSOs alike.

Speaking at the UK’s Pre-session involved drafting a short statement to deliver on the day, but also required the team to revisit the original goals of this specific stream of work, particularly because the human rights landscape in the UK had developed since we submitted our reports, and we wanted to discuss current, pressing issues such as the then-proposed Bill of Rights Bill.⁵⁶ This was a continuing CLE opportunity, as

⁵⁰ Victor M. Goode, ‘There is a Method(ology) to This Madness: A Review and Analysis of Feedback in the Clinical Process’ (2000) 53 Okla L Rev 223, 224.

⁵¹ Adrian Evans et al, ‘Best Practices: Australian Clinical Legal Education’ (September 2012) <https://cald.asn.au/wp-content/uploads/2012/11/Item_12.3_Best_Practices_Australian_Clinical_Legal_Education_Sept_2012.pdf> 4

⁵² *ibid* 17.

⁵³ Kestenbaum et al (n 2) 492.

⁵⁴ *ibid* 492.

⁵⁵ UPR Info Pre-sessions: Empowering Human Rights Voices from the Ground, UPR Info (2016) www.upr-info.org/sites/default/files/generaldocument/pdf/2016_pre-sessionsempoweringhuman_rightsvoices_from_the_ground.pdf 5-6.

⁵⁶ See: <https://bcuassets.blob.core.windows.net/docs/the-upr-project-at-bcu-pre-session-statement-on-the-uk-133126348239673018.pdf>.

a PhD student who co-authored one of the reports was able to travel to Geneva to attend the Pre-session and engage in discussions with Member States, providing invaluable networking opportunities. Following this, the UPR Project at BCU and its partner organisation 4 King's Bench Walk were awarded funding from the Equality and Human Rights Commission to bring together human rights CSOs across England and Wales to engage with the UK's UPR. This included a broad range of events and publications⁵⁷ and led to the UPR Project being invited to give expert evidence to the UK Parliament's Joint Committee on Human Rights in May 2023, to inform its response to the UK's most recent UPR. By this time, said PhD student was nearing completion of their doctorate and was a full-time academic, but this had provided a level-appropriate CLE opportunity that the student could see through from start to finish.

This idea of ensuring students can see projects through to the end encourages 'a high level of student ownership of the work'.⁵⁸ A further example of this can be seen in relation to my funded CSO project. While the project was designed by me, my PhD-level research assistant was recruited at the very start. This has allowed the student to engage in mixed methods research for the first time, provided networking opportunities with CSOs, and has given them ideas for post-doctoral research. Owing to the excellent standard of work conducted, this has led to us continuing to work together on the project, analysing the dataset together, and we will co-author and launch all the outputs as a joint effort.

The employability and transferrable skills opportunities afforded by the UPR Project's CLE programme are not just open to PhD students. In 2019, I obtained an internal funding grant to recruit five undergraduate LLB students as paid research assistants, working on how the UPR engages with the right to health in the context of accessing HIV medication in five African countries. Their role was to collect data, then analyse and present that data both informally and formally. Their work informed multiple UPR Project stakeholder reports, as well as a book chapter on transparency within the UPR.⁵⁹ One student, reflecting on their experience of working on this project, said:

I have gained and developed many valuable skills. For example, collecting and critically analysing United Nations data, which is an opportunity not many LLB students have. Also being able to collate and present my findings, not only to my supervisors, but at a staff research seminar and at a student conference enhanced my professional skills.⁶⁰

6.4.6 Reflect and process with partners and students

The final stage of the framework is a reflective period, as Kestenbaum et al find that engaging in reflections upon the work conducted, with both partners and students, is vital to the success of a clinical legal education programme.⁶¹ There are various points of reflection that should be carried out by the UPR Project at BCU.

Firstly, consideration must be given to reflecting with the students and a suggestion from Hamman et al is to collect student feedback on their experiences.⁶² Thornton and Shannon also believe that there should be a specific reflection on how the CLE has contributed to employability and a positive student learning experience.⁶³ To some extent, the UPR Project does this through the SRCs, as I, alongside my co-lead Laura Smillie, created the journal *Forward Thinking* in 2019 as an opportunity to promote the successes of the students and the SRC programme.⁶⁴ This was the first of its kind at BCU and is something that other departments are now keen to replicate. This also provided a further employability opportunity to students by being published in *Forward Thinking*, asking them to provide written reflections on their experiences (one such example is provided at the end of the previous section).

⁵⁷ See: <https://www.bcu.ac.uk/law/research/centre-for-human-rights/consultancy/upr-project-at-bcu/universal-periodic-review-2022-uk-civil-society-engagement>.

⁵⁸ Anna E. Carpenter, 'The Project Model of Clinical Education: Eight Principles to Maximize Student Learning and Social Justice Impact' (2013) 20 *Clinical Law Review* 39-94, 44.

⁵⁹ Storey and Eccleston-Turner (n 5).

⁶⁰ Forward Thinking (2019) Vol 1
<https://bcuassets.blob.core.windows.net/docs/Forward%20Thinking%20Vol%201%20Issue%201.pdf> 18.

⁶¹ Kestenbaum et al (n 2) 493.

⁶² Hamman et al (n 16) 118.

⁶³ Thornton & Shannon (n 21).

⁶⁴ See: <https://www.bcu.ac.uk/law/research/student-research-collaborations>.

However, this reflective step is something that could be improved on. Particularly as the UPR Project's mission statement specifically aims to provide employability and transferrable skills for students, we must design a way of capturing this information and reflecting upon it regularly. A suggestion would be at the end of each UPR submission period, asking all students to complete a survey, as well as attend an informal discussion about their experiences. It is important that this is not just an exercise for us as the Project leads, but also for the students, as Kestenbaum et al found that teaching 'students the challenges, rewards, and skills needed for successful local, long-term, collaborative international human rights projects is essential for their future as human rights attorneys'⁶⁵ or indeed in any related field of work.

Secondly, and equally important, Katie Spillane cautions against 'a narrow focus on student outcomes'⁶⁶ instead there should be a broadening of 'the evaluative lens and embrace the perspectives and participation of all stakeholders'.⁶⁷ Spillane suggests that '[o]ne way of doing this is to use the signature pedagogy model that asks us to evaluate not only our surface actions and objectives but also the implicit values that the structures of our programs embody and communicate'.⁶⁸ In some ways, the UPR Project at BCU does this quite well, as we monitor the impact of our work at the UPR, including how our work influences recommendations and their implementation domestically. However, we could incorporate a clearer reflective practice with our partner organisations into the UPR Project's operation.

I would add a third point of reflection to this stage of the framework, which is to check in with colleagues who work on the UPR Project. Student burnout was mentioned above, but this is also relevant for staff members, especially when we are consistently working on real-life human rights abuses, whilst supervising students in relation to this.⁶⁹

6.5 Conclusion: Next Steps

By engaging in this reflective exercise, it has allowed me to identify the strengths of the operation of the UPR Project at BCU, and ways it could be improved as an extra-curricular CLE activity. Moreover, I have identified broader proposals for engaging law students in more non-traditional clinical legal education opportunities in the human rights field and I conclude by setting them out here.

First, it is advantageous to utilise existing expertise for CLE, for example, how the UPR Project at BCU has harnessed our existing expertise on the UPR mechanism and specific thematic human rights issues in different countries. Using the expertise of colleagues, students, and partner organisations is a way of expanding CLE opportunities. CLE directors should also be encouraged to think outside of the box, in that it does not have to be a traditional credit-bearing live case-work clinic. While there are inclusivity factors to be considered, extra-curricular, non-traditional CLE holds much value for students and their employability skills.

Second, formal opportunities for reflection upon multiple aspects of the CLE must be created, reflecting upon the student experience and the impact upon their employability skills as well as partner organisations' experiences. Ideally, a first iteration of this reflective model should be in place prior to the CLE opportunity beginning, to ensure reflection is a core concept, with regular reflections being built into the structure of the programme.

⁶⁵ Kestenbaum et al (n 2) 493.

⁶⁶ Katie Spillane, 'Being the Change: Social Justice in Externship Program Evaluation' (2016) 33(2) *The Windsor Yearbook of Access to Justice* 45–67, 47.

⁶⁷ *ibid* 67.

⁶⁸ *ibid*.

⁶⁹ Sarah Knuckey, Margaret Satterthwaite, and Adam Brown, 'Trauma, Depression, and Burnout in the Human Rights Field: Identifying Barriers and Pathways to Resilient Advocacy' (2018) 49 *Colum Hum Rts L Rev* 267.

Finally, consider creating a dedicated publication to celebrate students' successes in the CLE, such as *Forward Thinking*.⁷⁰ This not only celebrates the achievements of the students but encourages them to think reflectively and identify how the CLE has benefited their personal development.

The UPR Project at BCU is just one example of a CLE programme that seeks to teach students to advocate for human rights and global justice. What is clear is that clinical legal education, in all of its forms, provides significant opportunities for students that I argue all law students should be given the chance to experience.

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⁷⁰ *Forward Thinking* (n 60).

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