

# THE NEW RESISTANCE

**Carl Buckley is a leading human rights barrister at the frontline of the war on our human rights.**

BY ELLIOT TYLER

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Carl Buckley is a tenant and leading human rights barrister at Guernica 37 in London. Carl regularly appears in domestic and international courts. We asked him about the state of the justice system in 2021 and whether it is fit for purpose. Guernica 37 recently rolled out the Guernica Academy, a platform aimed at providing practical experience and guidance to graduates of law from diverse or disadvantaged backgrounds.

by Elliot Tyler

"I'm a believer in the idea that you can't complain about something if you don't try and change it," Carl Buckley, a tenant at London's Guernica 37 Chambers, says firmly. "And for a long while, we were seeing complaints about unpaid internships, which rule out a significant portion of students because they can't afford to work for free. We see complaints that internships tend to be London-centric, which is understandable because that is where the major firms and groups are."

The result was the Guernica Academy. "We decided to ensure that people who are from low socioeconomic backgrounds, and those who cannot afford to do unpaid work for a period of time, or those who are studying and living outside of London, are still given the opportunity to embark on and enjoy an internship and get the relevant and necessary experience that they need."

***Guernica is involved in high-profile litigation, nationally and internationally, including a Petition to the UN Special Procedures Branch concerning the plight of women in English prisons.***

Last year, a petition was submitted by Carl Buckley to the UN Special Procedures Branch, requesting that they investigate issues of detention of women in prison during the COVID restrictions. The petition states that the Government's pandemic response measures are putting women behind bars at risk. "It was a very real concern, and this is not limited to the female estate," Carl begins. "Being locked behind a door for 23 ½ half hours a day, under the guise of attempting to keep a person safe, is nonsense. It does more harm than good and is de facto solitary confinement."

There will be 'negative effects for anybody' regardless of a person's physical or mental state, Carl insists. "For an individual who is vulnerable, suffering from mental health problems at whatever level, this is only going to be exacerbated further. There weren't enough resources committed to the inmates, and that was perhaps the motivation behind the petition."

The Government's recent Police and Crime Bill has become extremely unpopular, with mass 'Kill the Bill' protests and violent demonstrations taking place in major cities across the UK. Protesters are unhappy at the bill criminalising protests deemed to be a 'public nuisance'.

"Any steps taken to restrict or reduce the fundamental democratic right to protest is a threat to everybody's civil liberties," Carl states.

**"It's literally that simple. The freedom to protest and the freedom to exercise our voice and disagreement with those who govern us is one of the fundamental foundations upon which any democracy is built, and any attempt to restrict that right is a serious concern."**

The right to protest is restricted in some countries, including Russia, Egypt, Saudi Arabia, and the UAE. "We are not putting ourselves in good company," Carl says. "We should hold ourselves out as the example of democracy, as a bastion of human rights with respect for those human rights, and yet in the same vein, we are looking to implement legislation which restricts our own citizens' civil liberties. I find that to be a serious concern."

"We are experiencing increased heightened tensions, and, justifiably, emotions were running high because of what happened to Sarah Everard, and indeed what happens every day, as far as women are concerned," Carl comments.

A Metropolitan Police officer has now been charged with the kidnap and murder of 33-year-old marketing executive Sarah Everard. "This is a tragic and awful example, but Sarah Everard is not on her own."

"This happens to women every single day." On whether the timing of the Police and Crime Bill was inappropriate given the issues raised by the Everard case, Carl says, "I think it was ill-thought out to announce this legislation when there was already going to be protests about women's rights. To then inflame those tensions further, well, it was a curious decision at best. Those in power did not think this through."

## WOMEN'S RIGHTS AND BREXIT

Prior to the UK's withdrawal from the European Union, 49 MPs argued in a letter that Brexit would remove existing avenues of protection and leave women in the UK more vulnerable to abuse. Experts are now reflecting on pre-Brexit predictions, such as this one.

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"I don't think people truly understood the effect of Brexit," Carl says. "We have been part of the European Union for so long now, that we were inextricably linked to everything that the EU stands for, not just on trade but its approach to various elements of life. I don't think that people truly understood just how far this country was linked to Europe and the effect that it would have outside of the trade issue," Carl explains. "I don't necessarily think that withdrawing from the European Union affects our position on that because the fact as we have it is that we haven't done enough anyway. The reality of the matter is, whether we are part of the European Union or outside of it, we have a massive amount of work to do."