

Talking human rights with Madeleine Bridgett

Madeleine Bridgett, international human rights barrister, shares some of the highlights of her journey from social work to law.



In 2011, having been called to the Bar of England and Wales, I accepted a position working for the Bar Human Rights Committee of England and Wales (BHRC) in the Niger Delta of Nigeria, West Africa. I had just completed my bar exams and I recall feeling quite dissatisfied with the world, yearning for change. The idea of packing up my belongings and living in Nigeria, strangely for some, was appealing to me. I wanted to be free from materialism and get back to basics.

When I saw the position advertised through our pro bono unit where I completed my barrister training in London, it felt as if the job description had been written for me. BHRC were looking for someone who would be part of a legal team responsible for prosecuting cases of child abuse where the child had been accused of witchcraft. They also wanted that person to build relationships and provide education and training to the police, judiciary, elders, the community, teachers and nurses regarding the child rights legislation in Nigeria, child protection policies and legal case management. Having been a social worker for over fifteen years before being called to the bar, the position would enable me to combine both my social skills and legal training. I hurriedly sent off my application as I was about to sit my bar exams, not thinking I would be successful.

I spent the next twelve months in the deep pockets of the Niger Delta advocating for the legal protection of the rights of children whilst actively promoting the rule of law. I lived in a compound with local people in Calabar, Cross River State, despite being offered hotel accommodation. I wanted to be part of the community and to live as local people lived. My compound was basic and comfortable. There was no hot water or shower, however given the weather was equatorial heat there was no need for hot water, so cold bucket baths was all I needed, and very refreshing! Electricity would come and go, and at night it would get extremely hot without the use of my fan. During the day I would charge up my iPod at work so that I could listen to BBC World Service in the evening to keep me company when the electricity cut out.

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Over the course of the twelve months in Nigeria, I found myself in many difficult and unusual situations. I recall that within a few weeks of arriving I was on the back of a motorbike riding through the jungle responding to a call to assist a child who had been accused of being a witch and was subsequently ostracised from her family and community, severely tortured and psychologically harmed. Due to the nature of my legal work in prosecuting cases, I also had to deal with issues of bribery, extortion and corruption. On one occasion the NGO where I was located was under siege by the Nigerian army and I was physically attacked. Despite these challenges, there were many gains in the twelve months. Our legal team secured the first prosecution of a child abuse case at a Family Court in Cross River State. We also filed the first application to the family court registry in the High Court, Calabar, Cross River State, and we

were successful in prosecuting that case which involved a child who had been labelled a witch. This was the beginning of my career as a human rights barrister, although I did not know this at the time.

I left Nigeria in 2012 and travelled to Strasbourg to work for the European Court of Human Rights as the recipient of the Peter Duffy Human Rights Scholarship awarded to me by The Honourable Society of Lincoln's Inn. I found myself in the epicentre of human rights. Walking into the Court each day filled me with an immense and overwhelming feeling of awe. I knew then that being a human rights barrister was to be my future career path in law.

It was not that unusual to find myself pursuing a career in human rights, given that I had left behind me a long-standing career as a social worker in Australia, where I had dedicated over fifteen years of my life working with and advocating for people who were vulnerable and marginalised in society. I saw then, and continue to see now, that becoming a human rights barrister has been borne out of my career as a social worker, except that my legal advocacy requires me to represent people in court, a step beyond my social work advocacy which required me to advocate for people in the community.

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Advocacy visit with His Royal Highness Muri Joseph Bassey Anating-Edem, Clan Head of Efut Ekondo in Calabar South, and his Council of Chiefs and other community stakeholders including Compassionate Foundation and the PACT Coalition members, led by Madeleine Bridgett and Cross River State PACT Coordinator, Mrs Esse Ibor.

In 2014 I found myself back in Australia. I completed the required Legal Profession Admission Board law subjects studying at night and working full-time in the day, and was admitted as a lawyer of the Supreme Court of NSW in February 2016. I sat the NSW bar exams and completed the bar course in the same year and commenced my readership in September 2016.

My first memory of wanting to become a barrister was when I was around twelve years old. I recall reading about what barristers and solicitors do as part of their work, and given I was more interested in the oral advocacy, I decided I did not want to become a solicitor. Interestingly, that is exactly how my career turned out. I went straight to the bar after completing my legal studies, and during my reader's year in 2016 I did anything and everything to make sure I was on my feet in court. It was through this decision, and through my continued commitment to social justice, that I found myself briefed in pro bono matters which have proved to be of great public significance, not that I knew that at the time I accepted the briefs.

My first pro bono brief was in 2016 from the Legal Assistance Referral Scheme of the NSW Bar Association, representing a client in a Hague Convention International Child Abduction case. The matter was initially heard before the Family Court of Australia, then on appeal before the Full Court of the Family Court of Australia, and the matter concluded with a Special Leave Application to the High Court of Australia.

In 2017 I was briefed by Legal Aid to represent persons of interest in three separate coronial inquests, two of them on a pro bono basis. The findings from one of the inquests resulted in important recommendations, in particular a recommendation to the Minister for Health to improve the safety of beds used by children with physical and/or neurological disabilities in NSW.

That same year I was briefed by a solicitor to represent a client who had been refused a protection visa on the basis that there were serious reasons for considering that he had committed

war crimes in Sri Lanka. The client has been deemed a refugee, however it is alleged by the Minister for Home Affairs that he falls within the exclusion criteria pursuant to s5H(2)(a) of the *Migration Act 1958*. The matter was heard before the Administrative Appeals Tribunal in Melbourne where the client's application was unsuccessful.

However, on appeal to the Federal Court of Australia the application was successful with costs. Unfortunately, due to the current laws in Australia

regarding indefinite detention, the client remains in detention as the matter has been remitted to the Tribunal for determination according to law. The client has been in detention in Australia for around ten years, one of the longest periods of indefinite detention in Australia's history.

In 2019 I was briefed by the Public Interest Advocacy Centre to represent a client living in social housing. The client filed an application to the NSW Civil and Administrative Tribunal alleging that her landlord, the NSW Land and Housing Corporation, had breached her right to quiet enjoyment due to noise caused by the CBD and South East Light Rail construction. The matter recently finalised and the Tribunal found that the landlord had breached the client's right to quiet enjoyment as a result of the noise caused by the Light Rail construction. The Tribunal made a work order in the client's favour to remedy the breach and the client received compensation. The client was also successful in being awarded costs as the Tribunal found that there were special circumstances warranting a costs order.

In addition to my pro bono work as a barrister, I am the Co-Chair of the Business and Human Rights Subcommittee of Australian Lawyers for Human Rights, a member of the Human Rights Committee of the NSW Bar Association, a member of the Women Barristers Forum, a management committee member of the HIV/Aids Legal Centre, and a member of the International Coalition to End Transplant Abuse in China. My pro bono work in the area of business and human rights has largely been focused on modern slavery; in particular on the issue of forced organ harvesting in China where I have worked closely with lawyers, human rights advocates, ethicists, medical professionals and academics to address this heinous crime involving serious breaches of fundamental international human rights laws.

I have been extremely fortunate in my career as a barrister to undertake such important pro bono work. I have been equally fortunate to work with committed and dedicated solicitors who have briefed me in these matters. For me, the Latin phrase *pro bono publico* means more than “for the greater good”. It means access to justice, equality for all, and importantly, it means human rights in action. ■

HUMAN RIGHTS IN ACTION