

## Yale Law Human Rights Clinic Puts Law to Work For Justice

[by Erica Winter]

Human rights can range from amorphous concepts to real, tangible, and specific needs. Projects undertaken at Yale Law School's Allard K. Lowenstein International Human Rights Clinic touch on all facets of this growing legal field.

The clinic itself began in part to fulfill a mandate among Yale's law students to pursue work in the "increasingly important field of international human rights," says Professor Jim Silk, Associate Clinical Professor of Law and Executive Director of the Orville H. Schell, Jr., Center for International Human Rights, which houses the clinic, among other programs.

Though students must apply to join the Lowenstein Clinic, the waiting list is usually short, and most who apply get in. This year, however, the clinic "had an enormous enrollment," says Silk. Usually, students apply to start in the spring of their first year or start in their second year. They can continue into the third year if they like. There are nine to 12 incoming clinic members each year who work in teams and undertake a full load of human rights projects.

The clinic currently has nine projects underway. Most projects come to the center because an organization initiates contact to ask for the clinic's assistance. The organization makes a specific request for work for the Yale students to complete and then uses the product to move forward on a human rights issue.

To protect the viability of these efforts, the students and faculty involved with the clinic need to keep details of ongoing projects confidential. Many human rights improvements depend on demonstrating that no harm will come to those in power if changes are made, and this requires carefully balanced diplomacy...and some secrecy.

That said, even with the details kept quiet, what we can tell you about the projects undertaken last semester, and those still underway, at Yale Law is remarkable. Law students, under Professor Silk's supervision, do the research and write the reports for these projects. Sometimes, by the end of their research, students are able to make recommendations on how to proceed to the partner organization. There is no specific concurrent seminar or course in human rights law; the students learn by doing.

This semester, students in the Lowenstein Clinic are working with the AIDS and Human Rights Research Unit at the University of Pretoria, South Africa, to develop model legislation addressing the human rights implications of HIV/AIDS in southern Africa.

Human rights issues involved in this health crisis include the right to health, the right not to be discriminated against because of gender, and children's rights, says Silk. Branching out from those main arteries of investigation were other human rights issues, as well as questions of law. These included access to healthcare, the needs of those in prison, regulation of the sex industry, and care of orphans.

On the other side of the world from Africa, there is now a case before the Inter-American Commission on Human Rights, for which students at the Lowenstein Clinic are preparing an amicus brief. The issues at hand relate to reproductive health rights.

Another current project involves the clinic

working with the European Roma Rights Center to investigate employment discrimination against Roma people. The project has started with fact and legal research and will culminate in a set of recommendations to the group on strategies to take.

And, in Asia, students with the Lowenstein Clinic worked with an organization in Mongolia to protect nomadic peoples there. With the end of Communist government in that country, Silk explains, private land ownership has been introduced. There are now concerns that traditional nomadic cultures will be prevented from migrating across privately owned lands.

Clinic students did research into the rights of nomads. This right ("the right to be a nomad"), says Silk, is an example of a right that is not stated as such in international law; students had to "cobble it together" to show that the nomads should be allowed to continue their culture.

Students in the Lowenstein Clinic come from a variety of backgrounds with a wide range of interests, approaches to human rights work, and intentions for their future careers. The same can be said of the projects themselves—which is what distinguishes the Lowenstein Clinic from other law school human rights clinics.

There is more and more human rights work going on at law schools, says Silk. Some clinics at other schools fit the Yale model of geographical, substantive, and methodological variety, he says, including Harvard,



Columbia, and NYU law schools. Other schools fit more closely into the usual clinic model, representing individual clients, in asylum cases, for example.

Yale's generalization is an attempt to put students into the sphere of what human rights lawyers actually do, says Silk. This focus and the fact that there is no specific parallel course for the clinic are the two main differences between the Lowenstein Clinic and others human rights clinics.

And the difference between the Lowenstein Clinic and others in general is greater than that, notes Silk. While most clinics seek to provide practical experience with skills needed to become a good lawyer in general, that is not the Lowenstein clinic's primary purpose. Instead, the Lowenstein clinic seeks to give law students the skills to be effective human rights advocates.