

**AALS INTERNATIONAL HUMAN RIGHTS LAW SECTION SURVEY OF
HUMAN RIGHTS ACTIVITIES IN U.S. LAW SCHOOLS**

Updated: August 18, 2006

Yale Law School Orville H. Schell, Jr. Center for International Human Rights
<http://www.law.yale.edu/intellectuallife/schellcenter.htm>

Contact Person for Further Information (name, phone and email):

James J. Silk, Executive Director
Barbara Mianzo, Senior Administrative Assistant
203-432-7480
schell.law@yale.edu

Questions about your Human Rights Centers, Institutions or Programs (CIP):

1. How many Human Rights Centers, Institutions or Programs do you have and what are they called?

The Orville H. Schell, Jr. Center for International Human Rights includes several programs:

- **Allard K. Lowenstein International Human Rights Clinic**
 - **Allard K. Lowenstein International Human Rights Clinic - National Litigation Project**
 - **Allard K. Lowenstein International Human Rights Project**
 - **Robert L. Bernstein Fellowship in International Human Rights**
 - **Kirby Simon Summer Human Rights Fellowships**
 - **Yale Human Rights and Development Law Journal**
 - **Schell Fellows (in residence)**
2. What is the makeup of the Center/Institute/Program staff? (full-time staff, part-time staff, law professors, law students, other professors or students, and advisory board)
 - **Schell Center Director (tenured academic faculty member), Paul Kahn**
 - **Schell Center Executive Director (associate clinical professor of law), Jim Silk**
 - **Robert M. Cover/Allard K. Lowenstein Fellow in International Human Rights (two-year clinical fellowship), Molly Beutz**
 - **Senior Administrative Assistant, Barbara Mianzo**
 - **A large number of students involved in every aspect of the Center (see Question 3)**

3. How are law students involved with the CIP? (i.e. are there journals, newsletters, briefs, or other publications, human rights programs abroad, other international human rights campaigns, etc.)
 - **The Lowenstein Clinic is a law school course in which students engage in varied work on human rights issues under faculty supervision. Project work and classroom discussion are designed to give students the practical experience, knowledge and skills necessary to be effective human rights advocates. Each semester, 12-20 students are enrolled in the clinic or continue to work on clinic projects.**
 - **The separate National Litigation Project involves students in work on cases in U.S. courts, mostly those arising from U.S. national security policies since September 11, 2001.**
 - **The Lowenstein Project is a student organization through which students carry out human rights research and advocacy projects, usually in small teams on behalf of various non-governmental organizations. The number of students involved in the Lowenstein Project varies from semester to semester.**
 - **Kirby Simon Summer Human Rights Fellowships enable Yale students to spend all or part of the summer doing international human rights work for organizations throughout the world. Each summer, 35-45 students receive funding that covers the travel and living expenses necessary for their work.**
 - **The Yale Human Rights and Development Law Journal is an interdisciplinary, student-run journal published in Internet and hard-copy versions. It is a relatively new journal and student involvement has been growing, with approximately 30 students participating on the board or staff in recent years. A significant number of students from other disciplines work on the journal.**
 - **The Bernstein Fellowship enables two recent graduates of Yale Law School to devote a year to full-time human rights work.**
 - **The Schell Center presents more than 50 events each year -- lectures, panels, symposia and discussions, including the annual Bernstein Fellowship Symposium. This program of events is carried out with the assistance of Schell Center student directors, who develop program ideas and organize events. Schell Center events attract substantial student audiences; the weekly Human Rights Workshop regularly has more than 30 students participating.**
4. If it's not obvious from the name of the program, does the CIP focus on any specific international human rights law issues (i.e. refugees, women's rights, etc.)?

The Center addresses a wide range of human rights issues, through the advocacy work of the Lowenstein Clinic, the Lowenstein Clinic - National Litigation

Project, and the Lowenstein Project, the diverse placements of Summer Fellows and Bernstein Fellows, the topics covered by the weekly International Human Rights Workshop, the Bernstein Symposium and other Schell Center events, and the content of the Yale Human Rights and Development Law. None of these are limited to a particular issue.

5. What classes, seminars, symposiums, or other presentations have been offered in conjunction with the CIP?

Courses

- **Allard K. Lowenstein International Human Rights Clinic – clinical course offered every semester (see Question 3)**
- **Allard K. Lowenstein International Human Rights Clinic – National Litigation Project - clinical course offered every semester (see Question 3)**
- **Human Rights Workshop: Current Issues and Events – weekly speaker and discussion series, offered for one unit of credit, but all sessions open to the larger community**
- **International Human Rights – annual Yale College undergraduate course offered in cooperation with the International Studies and Political Science Departments**
- **International Human Rights Law – law school course regularly offered**
- **Other human rights-related courses are part of the law school curriculum although not formally offered in conjunction with the Schell Center**

Symposiums

- **Bernstein Fellowship Symposium – annual symposium held in conjunction with the Bernstein Fellowship program addresses a human rights topic of current concern from both an academic and an activist perspective (recent symposia have included “Global Poverty, Global Duties, Global Strategies,” 2005; and “The Demands of Memory: The Purposes, Forms, and Moral Obligations of Remembering Atrocities,” 2006)**

Other Events

- **Regular lectures, brown-bag discussions, panels on human rights topics throughout the academic year (see Question 3)**
6. Does the CIP assist students in acquiring internship/externship opportunities with human rights organizations (NGOs, IGOs, etc.)? Which organizations?

Yes. The Summer Human Rights Fellowships provide 35-45 students each year with travel and living expense stipends that allow them to spend all or part of the summer working on human rights issues throughout the world. Students

arrange their placements themselves, with advice from the Schell Center staff. While most Schell Summer Fellows work at NGOs, others have been at intergovernmental or governmental agencies. Students are not limited to any particular organizations for these fellowships; their placements have been substantively and geographically diverse.

A few students are also able to spend a semester away from the law school engaged in international human rights-related activities through the law school's intensive semester program (see Question 25).

7. In general, how is the CIP funded?

The Schell Center is partly endowed; the balance of its budget comes from general law school funds, along with occasional grant funding.

8. Does the CIP have any affiliations with Human Rights groups outside the law school or university? Which ones? What is the nature of the affiliation?

The Schell Center does not have any formal affiliation with human rights groups. The Lowenstein Clinic, the National Litigation Project, and the Lowenstein Project, however, work cooperatively with numerous human rights groups (see Question 11 for examples). Also, Bernstein Fellows and Summer Fellows have generally worked with human rights NGOs, and the Schell Center works closely with NGOs in organizing its events.

9. Does the CIP allow student involvement in actual International Human Rights cases? What is the degree of that involvement?

Students are involved in international human rights cases through the Lowenstein Clinic and the National Litigation Project. While the nature of the Lowenstein Clinic's projects is varied, work includes litigation in U.S. federal court and in international human rights fora. Clinic students are deeply involved in these cases, often functioning as co-counsel and typically participating in strategy discussions, factual and legal research, and writing memoranda, motions, briefs and other documents. Students have also prepared witnesses and argued in federal court. Students may also be involved in cases through the Lowenstein Project.

10. What, in your opinion, attracts students to participate in the CIP?

Students participate in the Schell Center's various programs for many different reasons. There is widespread interest among students in international law generally and international human rights in particular. Many students, particularly those who enroll in the Lowenstein Clinic or attend the Human Rights Workshop regularly, have a strong commitment to international human rights and are interested in pursuing work that advances human rights. Others

are exploring and are interested, at least, in bringing an international human rights perspective to their law careers. Similarly, many students who receive summer fellowships are committed to human rights work, but others are more generally interested in taking advantage of the opportunity to have an international human rights experience.

11. What are some specific projects or cases that the CIP has undertaken in recent years?

During recent academic years, for example, the Lowenstein Clinic's work has included the following projects.

- **The International Justice Project of Human Rights Watch requested that the Clinic prepare memoranda assessing the work of the International Criminal Tribunal for Rwanda, which is to complete its work by 2008. The Clinic researched a number of issues, including the protection of witnesses and the rights of defendants.**
- **In partnership with the Center for Reproductive Rights, the Clinic prepared an amicus brief that was submitted to the Colombian Constitutional Court in a case challenging a law categorically banning abortion, even where an abortion would be necessary to save the life of the pregnant woman.**
- **The Clinic prepared a briefing paper on human rights violations against the Greek Orthodox church in Turkey. The paper has been presented to European Union officials and a Clinic member presented its findings to a Capitol Hill hearing sponsored by the U.S. Helsinki Commission, a government agency that monitors states' compliance with their commitments as members of the Organization for Security and Cooperation in Europe.**
- **The Clinic prepared and submitted an amicus brief to the Inter-American Commission on Human Rights in a case involving Costa Rica's categorical ban on the use of in vitro fertilization procedures (IVF). The highest court in Costa Rica had held that IVF procedures violate the right to life of the embryos that are not successfully implanted.**
- **The Clinic helped the Poverty and Race Research Action Council (PRRAC), a U.S. NGO, expand its use of international human rights standards and participation in international and regional fora to advocate on issues related to housing segregation in the United States. The Clinic submitted a letter on international law and U.S. housing segregation to the Inter-American Commission on Human Rights for a thematic hearing on the right to housing. The Clinic also prepared a**

publication for PRRAC on international and comparative law applicable to segregation in U.S. housing.

- On behalf of WITNESS, the Clinic produced a paper on the policies and best practices of human rights, news, and other organizations for obtaining consent from individuals who are subjects of video documentation.
- For the International Accountability Project, the Clinic prepared a critical history and assessment of the World Bank's policies on the supervision of projects that it funds.
- In collaboration with a student team at the University of Pretoria in South Africa, the Clinic is preparing model legislation on a series of issues arising out of the HIV crisis, for submission to the South African Development Community (SADC) Parliamentary Forum.
- A group of Clinic students initiated an advocacy campaign to address the current conflict in Darfur, Sudan. The Clinic produced a report, *An Analysis of Select Companies' Operations in Sudan: A Resource for Divestment*, that was instrumental in the Yale Corporation's decision to divest from companies operating in Sudan. The team also worked with members of the Connecticut Legislature and with the Connecticut State Treasurer's Office to develop legislation, which was enacted, requiring state divestment.
- The Clinic prepared an experts' amicus brief on the international prohibition against torture and cruel, inhuman or degrading treatment. The brief was submitted to the U.S. District Court for the District of Columbia in support of a suit brought by the ACLU and other organizations against U.S. officials for the treatment of detainees in facilities abroad.
- Together with the Bureau des Avocats Internationaux, the Institute for Justice and Democracy in Haiti, and the TransAfrica Forum, the Clinic prepared and submitted a petition to the Inter-American Commission on Human Rights concerning violations arising out of the overthrow of Haiti's democratically-elected government.
- The Clinic filed an amicus brief with the Ninth Circuit Court of Appeals on the legality of immigration detention without procedural safeguards that allow the detainee to meaningfully challenge the source and substance of adverse evidence.
- The Clinic produced a report for the International Association of Women Judges (IAWJ) that documented barriers faced by Zambian women who

seek access to the legal system in the HIV/AIDS context. The report was based on factual and legal research and a mission to Zambia in the fall of 2005. The team presented the report's findings at a briefing organized by IAWJ in conjunction with the March 2006 session of the UN Commission on the Status of Women.

- The Clinic researched and prepared a section of an amicus brief on international standards concerning proportionality of punishment that was submitted by the Center for Justice and International Law (CEJIL) to the Colombian Constitutional Court, challenging a law that provides paramilitaries with generous benefits in exchange for demobilization.
- The Clinic provided legal research assistance to a team arguing a case involving discrimination on the basis of sexual orientation before the Inter-American Commission on Human Rights and is preparing an amicus brief for the case.
- For a case before the Supreme Court of India, the Clinic provided the Human Rights Law Network with research assistance on international law and comparative national practices concerning the accommodation owed to squatters who are evicted from public land.
- The Clinic prepared a memorandum on standards for victim indigence to aid the International Justice Project of Human Rights Watch in its advocacy efforts concerning the International Criminal Court.
- The Clinic provided the Legal Center for Arab Minority Rights in Israel (Adalah) with legal and factual research assistance to help it evaluate and prepare for a possible legal challenge to a particular practice of the Israeli government in the West Bank. The team traveled to the West Bank in early 2006 to collect information relevant to this evaluation.
- The Clinic prepared an amicus brief on the prohibition under international law of forced relocation of indigenous peoples. The brief was submitted to the High Court of Botswana in a case brought on behalf of the San people.
- The Clinic drafted motions for EarthRights International to use in its litigation against Chevron for human rights abuses associated with Chevron's operations in Nigeria.
- The Clinic is conducting research on the international human rights implications of bilateral investment treaties.

The Lowenstein Clinic – National Litigation Project (NLP) has carried out work on the following issues:

- *Power to detain citizens seized in the U.S. absent criminal charge.* This issue, raised in the cases of *Hamdi v. Rumsfeld* and *Padilla v. Hanft*, remains only partly resolved by the Supreme Court. The NLP filed an amicus brief in *Hamdi* and filed or contributed to several amicus briefs in the Supreme Court and the Courts of Appeals, in addition to working closely with party counsel in *Padilla*.
- *Power to detain non-citizens seized in the U.S. absent criminal charge.* This issue is raised in the case of *Al-Marri v. Hanft*. The NLP has assisted party counsel in this case.
- *Procedures used to assess detentions without charge.* *Hamdi* left open the question of the procedures by which an “enemy combatant” may be detained in the United States, and the issue has arisen again in *Al-Marri*. The NLP filed an amicus brief in the district court.
- *Procedures used to assess guilt or innocence in military commissions.* This issue arose in *Hamdan v. Rumsfeld*. The NLP filed amicus briefs in *Hamdan* in both the Supreme Court and the D.C. Circuit and hosted a moot court for the attorney who argued the case in the Supreme Court.
- *Discriminatory border enforcement.* This issue is raised in *Tabbaa v. Chertoff*, a case involving U.S. citizens detained when trying to re-enter the country from Canada after attending a peaceful religious conference in Toronto. The NLP serves as co-counsel in the case.
- *Abusive use of the material witness arrest powers.* This issue is raised in *Al Kidd v. Gonzalez*, pending in the U.S. District Court for Idaho, where the NLP serves as co-counsel.
- *Extraordinary renditions (also known as “outsourcing torture”).* This issue is raised in the case of *Arar v. Ashcroft*, on appeal to the Second Circuit, following its dismissal on the basis of the “state secrets” doctrine.
- *Rights of non-citizens held by the U.S. as enemy combatants outside the U.S.* The NLP filed or assisted with several amicus briefs in the Supreme Court in the watershed case of *Rasul v. Bush*.
- *Challenges to torture policies.* The NLP worked with party counsel in conceptualizing one of the first suits seeking damages for and injunctions against the use of torture abroad.

12. Are there cultural and language barriers that impede your work? If so, how have you overcome these barriers?

Such barriers have affected some of the Clinic's projects and are a regular focus of classroom discussions of Clinic work. For most of the Clinic's projects, the work can be done in English, but some projects have relied on students' abilities in other languages, most often Spanish.

13. Are there any other suggestions you may have concerning the organization of a CIP?

We are always happy to discuss with colleagues the issues that are involved in developing a law school human rights program and have consulted often with people who are developing such programs.

Questions about your human rights clinical work:

14. How many clinics do you have that are handling international human rights litigation or projects (by using international law in domestic fora and/or by taking matters to IGOs)?

- **The Allard K. Lowenstein International Human Rights Clinic**
- **The Allard K. Lowenstein International Human Rights Clinic - National Litigation Project**

15. What is the makeup of the clinic staff? (full-time staff, part-time staff, permanent/non-tenure track/temporary law professors, law students, other professors or students)

- **Lowenstein Clinic director (associate clinical professor of law), Jim Silk**
- **Robert M. Cover/Allard K. Lowenstein Fellow in International Human Rights (clinic teaching and supervision are major portion of responsibilities), Molly Beutz**
- **Part of the time of one clinical professor, Michael Wishnie, who is a member of the Law School's Legal Services Organization faculty, along with two part-time lecturers in law, Jonathan Freiman and Hope Metcalf, and Law School Dean Harold Koh, conducting the Lowenstein Clinic - National Litigation Project**
- **Several student directors of the Lowenstein Clinic and the Lowenstein Clinic - National Litigation Project**
- **Each semester, approximately twelve law students enrolled in the Lowenstein Clinic for full credit and between five and ten continuing students involved in the clinic for various levels of credit, often serving as project team leaders; similar numbers in the National Litigation Project**

16. In what fora do you practice?

The Lowenstein Clinic practices in numerous fora, including, for example, various UN mechanisms, the African Commission on Human and Peoples Rights, the Inter-American Human Rights Commission and Court, and U.S. courts. The Lowenstein Clinic - National Litigation Project works in U.S. courts.

17. Who are your case referral agencies?

Our case referral agencies vary from year to year. A number of our cases in recent years have been initiated by current and former Bernstein fellows. Some are also initiated by students in the clinic who have developed project possibilities with organizations through their summer fellowship experiences or independent research. For examples of human rights groups with which we work, see the answer to question 11 above.

18. Please list any partner NGOs that assist you in casework or in teaching the clinic.

Please see answer to question 11 above.

19. If you were planning to start up a human rights clinic, what are the most important substantive books to have on your shelf, the top websites you would bookmark and the most important list serves to join (you do not have to catalogue your library for us, we would just like to let our colleagues know your “top ten list” of items you most strongly recommend for people who are starting out)?

Books (there is no short list of important books, and much of the Clinic’s research is done using electronic resources, but the following are consistently useful)

- **Buergenthal, Shelton and Stewart, *International Human Rights in a Nutshell***
- **Hannum, *Guide to International Human Rights Practice***
- **Stephens & Ratner, *International Human Rights Litigation in U.S. Courts***
- **Center for the Study of Human Rights, Columbia University, *25+ Human Rights Documents***
- **Buergenthal, *Public International Law in a Nutshell***

Websites

- **University of Minnesota (www1.umn.edu/humanrts)**
- **United Nations High Commissioner for Human Rights (www.unhchr.ch)**
- **U.S. State Department Country Reports on Human Rights Practices (www.state.gov/g/drl/rls/hrrpt/)**
- **Inter-American Commission on Human Rights (www.cidh.org)**

- **European Court of Human Rights (www.echr.coe.int)**
- **International Criminal Tribunal for the Former Yugoslavia (www.un.org/icty)**
- **International Criminal Tribunal for Rwanda (www.un.org/icttr)**
- **International Criminal Court (www.icc-cpi.int)**
- **The websites of a wide range of human rights NGOs**

20. Do you have syllabi, simulations or any other material that you are able to make available to others, either upon request or by putting it up for colleagues on a shared link between the AALS human rights section website and your clinic's website (the AALS link could be password protected if this would be helpful)?

The Lowenstein Clinic does not have a formal curriculum. Our use of class time varies from semester to semester depending on the experience of the students and the nature of the projects. We use class sessions to focus on substantive areas or particular skills that are especially relevant and for project rounds in which project teams present their work to the group, focusing on challenging legal, ethical and strategic issues. We generally have sessions on basic concepts in international law; international human rights law, processes and institutions; field work; ethics and professional responsibility in human rights work; and critical assessments of the role of non-governmental organizations. We have used hypothetical exercises for some of these sessions.

21. What percentage of the students in this clinic typically travel abroad for their clinic work?

The percentage varies according to case/project need; on the average, approximately 20 percent of Lowenstein Clinic students travel abroad in a given semester. National Litigation Project students do not generally travel abroad for their clinic work.

22. Do students have the opportunity to meet their clients in person?

Most of the Lowenstein Clinic's clients are NGOs. Approximately 2/3 of the students meet their NGO clients, and all students have telephone conference calls with their client organizations. A few students meet their primary clients, for example, to interview them, prepare affidavits or prepare them as witnesses.

23. What mix of domestic work (if any) and international cases does this clinic handle?

The Lowenstein Clinic works on projects that involve international human rights law, methods or language, but this often includes work on domestic U.S. issues. The National Litigation Project focuses on U.S. cases. A number of students in the Lowenstein Clinic work, before or after their participation in the

Lowenstein Clinic, on domestic cases in the law school's other clinics. There is a separate Immigration Clinic, which represents asylum applicants, within the law school's Legal Services Organization.

Individual Faculty Efforts:

24. Do you have any faculty that are performing or supervising significant international human rights litigation or projects outside the formal structure of centers and clinics? If so, what type of project and how many students are involved?

A number of Yale Law School faculty are working on cases and projects related to international human rights and involve students in this work. Some of this involves law school faculty working with the Clinic on amicus and other briefs. Faculty are also involved in human rights field investigations and law reform efforts. It is difficult to estimate the number of students involved in these projects.

Externships :

25. Do you have students receiving credit for human rights service performed outside your law school? Roughly how many students are doing this each year? What percentage of externships involve placement outside the U.S.?

Students do not generally have international human rights externships for credit. As noted in question 6 above, the Schell Center's Kirby Simon Summer Human Rights Fellowships fund numerous summer internships. Students do not receive academic credit for these summer internships. In addition, a small number of students may engage in international human rights-related activity through the Intensive Semester Program, which allows them to apply to spend their fourth or fifth semester away from the law school immersed in research, independent study or fieldwork.