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C L A S S R O O M

I S T H E I R

Learning Human Rights Law from the Ground Up

By Melanie D.G. Kaplan

Rbecca Shaeffer (L'07) was a self-described cynic when it came to the democratic process, and she felt helpless when it came to making a difference. She was even skeptical, earlier this year, when workers at human rights organizations advised her and other students to interview

Colombian refugees in Ecuador and bring their "stories" (rather than statistics alone) back to Capitol Hill. "That sounded very touchy-feely to me," she says, dismissively.

But then she went to Lao Agrio, Ecuador, and she heard the tales.

One woman gave a glass of water to an armed guerilla, only to be terrorized the next day by a paramilitary, who shot and killed her husband. Another woman didn't know her husband was a FARC (Revolutionary Armed Forces of Colombia) commander, and after she left him, he returned and forcibly recruited their two young children. A man, working as a labor union organizer, offered free classes to villagers and was persecuted by paramilitaries who accused him of being affiliated with the FARC, despite his avowed pacifism. And in an unintended consequence of the law, all three of them are barred from seeking refuge in the United States under the USA Patriot Act, which prevents refugees who are coerced into assisting terrorist groups from gaining entry into the country.

For Shaeffer, who talked to the refugees in their homes, the stories changed everything. She and her colleagues spent 10 days interviewing 70 Colombian refugees, human rights advocates, officials from the office of the United Nations High Commissioner for Refugees and officials from the Ecuadorian and U.S. governments. Armed with information, filled with passion and empowered by their accomplishments, the students took these stories to Capitol Hill and found themselves making waves in Congress and earning respect in the human rights community. "We had a voice from within a population, and we were able to bring those stories to the people who make decisions," Shaeffer says. "It gave me so much hope. I thought, OK, maybe something is possible."

Learning Outside the Classroom

The Georgetown University Law Center, which has the largest offering of human rights courses of any law school in the nation, has always attracted students who are devoted to making change in the world. But in the last year — between the creation of the Human Rights Institute and the perseverance of a group of students who wanted to expand their opportunities for learning — the Law Center has become a significantly larger and more important player in the field. Interest in human rights from applicants, students and alumni has increased considerably in the last few years, says John Carroll Research Professor of Law Carlos Vázquez, who was the faculty director of the Center's Human Rights Institute in its inaugural year last year. "With the events going on in the world today," he says, "it's clear there's a need for a human rights focus at the law school."

Much of this new focus is based on the understanding that some of the best education will happen outside the classroom and that missions like that to Ecuador, which included 11 students and visiting Professor Andy Schoenholtz, can be a model for rounding out legal education. Schoenholtz says learning in the field can be both meaningful and useful. In this case, he says, students "honed their skills and learned how to best interview vulnerable people and developed media and advocacy strategies that made a difference."

"You can't learn how things operate on the ground when you're in a classroom," says Mia Cohen, liaison and information associate for the American Immigration Lawyers Association, who accompanied the students to Ecuador. "They got to see almost the entire process of refugee determination and refugee resettlement."

HELPING WOMEN IN SWAZILAND

Swaziland is a country that existed without a constitution from 1973 until February 2006. It's also a place where the king practices polygamy and where the rates of HIV/AIDS infection are the worst in the world. So when 10 students from Georgetown Law's International Women's Human Rights Clinic traveled to Swaziland with the clinic's director, Professor Susan Deller Ross, they knew they would hear some compelling descriptions from women of the human rights abuses they had suffered.

"Talking to real people with emotions, experience and opinions made it clearer [to us] that people in Swaziland want and need change," says Makiko Harunari (L'07), one of the student participants. Before the trip, students studied international human rights law, Swazi law and customs and comparative law. They also learned about Swaziland's new constitution, especially the laws that affect marriage and divorce and how they discriminate against women by giving husbands "marital power" over their wives, permitting polygamy and forced marriage under customary law and denying wives the right to divorce. Then the students spent their spring break in Swaziland, interviewing more than 100 people, including tribal leaders, abused women, judges, businesswomen and the Minister of Justice and Constitutional Affairs. One of the interviewees was a woman who contracted AIDS from her polygamist husband, who had contracted it from one of his other wives. Harunari says the fact-finding mission allowed her and her peers to formulate legislation that not only honored the country's cultural heritage, but one that combated "the evils of outdated tradition."

The group worked with Swazi lawyers, who help supervise the students' work, and the Swaziland Action Group Against Abuse. The clinic has made similar fact-finding trips for the last five years, to Poland, Uganda, Ghana and Tanzania. Because the students propose legislation using information gained from fact-finding interviews, close legal study and Swazi lawyers' perspectives, Ross says, they "really get a good idea of how the law works in practice, and what legal changes are needed to give wives their international human right to equality in marriage and divorce."

Students and faculty say the Law Center is developing a reputation as a place where students who have had human rights experience will go to further their skills and education. So at a time when students are bringing their valuable contacts, experience and ideas to campus, and learning from each other as much as they are from textbooks, it's no surprise that last winter a small group of students took their education into their own hands.

"We wanted to find a way for students to get involved in substantive human rights work while in school and see the impact of the work they're doing," says Emi MacLean (L'06), who had experience working in South Africa on public health issues when she came to Georgetown. A few students, including Devon Chaffee (L'06) and Amanda Taub (L'07) had worked at NGOs on the material support provision of the Patriot Act and the problems it was causing for refugees. So they approached Schoenholtz and discussed the possibility of a trip to interview Colombian refugees and the creation of a seminar built around the mission.

"They organized it, developed it and then organized a course around it," Schoenholtz says, adding that this was highly unusual on campus. The goal was partially to get out in the field and see how the law is applied to real issues. But another objective was to create a model for the Human Rights Institute to use in the future.

"The idea was that this kind of project can happen," says MacLean, "and students can be involved in pioneering and running all aspects of it." The students developed a reading list for the seminar and took turns making presentations (based on their personal experience and expertise) and scheduling guest speakers. The Institute, along with an anonymous Law Center alumnus, fully funded the trip, and students say they were thrilled at the support they received from faculty and administrators for what was a relatively last-minute proposal. (They first talked to administrators in mid-December and sent a proposal to Assistant Dean Mitchell Bailin on December 30.) Professor Jane Stromseth, who now heads the Institute, says she will encourage similar efforts in the future: "We really see this as a model for what a fact-finding project can be."

Bringing the Knowledge Home

The timing of the Ecuador trip was fortuitous. When the students returned and as they put together an 85-page report on their research and interviews, immigration was a white-hot topic across the country. "The immigration debate was blowing up, so people were thinking about who was coming in the country and how and why," says Schaeffer. "That's what helped our conversation be heard in a different way. We were able to jump back in and get a lot of attention because of the work with other NGOs."

The day they returned from Ecuador, students took calls from the New York Times (which had learned from an NGO about the group's research and later ran an op-ed using some of their stories). Several other publications also called and wrote articles and editorials, which quickly helped publicize the most compelling accounts. By the time the group set off for Capitol Hill, the issue had taken on a life of its own.

Jennie Pasquarella (L'06) says they would call a member of Congress (introducing themselves as students from Georgetown's Human Rights Institute), and within one day, they would have a meeting with the lawmaker's staffers. "No one had done this research before, so all of a sudden people were looking to us," Pasquarella says.

The students quickly learned what the human rights and legislative communities look for in reports — namely, anecdotes and statistics rather than the legal analysis that law students were inclined to include. The students went into Congressional offices three or four times a week for several weeks. They met with staffers and told the stories of individuals who were being denied access because of the Patriot Act and proposed their legislative fix: an amendment that would protect the U.S. refugee program from the unintended consequences of overreaching bars on admission.

"There was a lot of surprise in the offices when [staffers and members of Congress] learned about the material support bar," says Chaffee. "They would say, 'It doesn't make any sense' and ask, 'How can it be applied that way?'" There was enough support that two senators, Patrick Leahy (L'64), D-Vt., and Norm Coleman, R-Minn., proposed a bill, which didn't pass in the Senate, but a similar bill was introduced in the House in July by Rep. Joseph Pitts, R.-Penn.

Cohen says it was important for the students that most people who heard their argument for change agreed that this law was indeed having unintended consequences and should be amended. "Yet it doesn't mean it's going to be politically feasible or that it'll get changed," she says. "They learned that despite your best efforts, things can go wrong."

Human Rights on Campus

In April, United Nations High Commissioner for Refugees Antonio Guterres visited the Georgetown Law campus and met with the Ecuador group, which presented their report to him. "I was proud to show the High Commissioner that U.S. civil society is standing up and taking responsibility," Shaeffer says. "It is the legal responsibility and moral challenge of the U.S. to be a world leader in expanding, not limiting, hospitality and protection for refugees."

Encouraged by the attention they received on Capitol Hill, the students returned to campus energetic and passionate about inspiring change. "I hope [our work] can help transform the law school," Schaeffer says. "Most law schools are places where you're forced through things. It's meant to indoctrinate you — so you talk like a lawyer, act like a lawyer, write like a lawyer. And this was empowering for me, because it felt like I could take over a part of my education. Going to law school doesn't mean I want to follow the conventional path, because I think lawyers need to learn how to think differently."

Chaffee says the mission ranked at the top of her law school experiences. "I was able to find a leadership capability that I never realized I had before," she says. "I also made connections with the entire refugee community in DC. Chaffee was awarded one of the a Kroll Family Human Rights Fellowship from the Human Rights Institute and will be working this year on counterterrorism and national human rights at Human Rights First (formerly the Lawyers' Committee on Human

Rights). Pasquarella, who was awarded the Institute's other Kroll fellowship, is working at the American Civil Liberties Union in New York.

Vázquez says projects like the Ecuador mission are exactly what the Institute wants to see more of down the road. "We want to combine a study of human rights with projects that have real world impact," he says. "It fits in perfectly with the Law Center's emphasis on experiential learning. I do think that will be an increasingly important part of legal education."

Since it was established in September 2005, the Institute has brought top scholars to campus through the International Human Rights Colloquium; organized the first of a series of leadership roundtables with policy-makers, legal scholars and intelligence and military officers to discuss human rights issues that arise relating to the treatment and interrogation of suspects in the war on terror; helped put together the first Samuel Dash Conference on Human Rights; awarded post-graduate fellowships for a year of work at human rights organizations and established a certificate in human rights law for L.L.M. students.

"In the years ahead, the Institute will develop new educational and professional opportunities for students, support faculty in their human rights research and advocacy, and facilitate more exchanges between human rights leaders and governmental decision-makers," says Stromseth. The Institute is already busy coordinating the new Father Robert F. Drinan, S.J., Chair in Human Rights, which will bring prominent practitioners to the Law Center to lecture in their areas of expertise, and organizing the next annual Samuel Dash Conference, scheduled for February. It is developing a brown bag lunch series on current human rights issues, building a new resource-rich website (www.humanrightsinstitute.net) and establishing an alumni network that can bring together students and graduates working in human rights and related fields. The Institute also plans to work with students on another fact-finding trip this spring.

Deputy Director Rachel Taylor (L'02), explains that the Institute "will help ensure that interested students are exposed to human rights work while at Georgetown, and that they have more job prospects in this field after graduation." Importantly, Chaffee says the Institute will be critical to assisting students with career planning, since entering the field of human rights isn't exactly like stepping onto the firm track after big campus recruiting visits. "These organizations can't afford to do that kind of recruiting," she says. "So having the connections is invaluable. It's a somewhat insular field and a difficult one to enter if you don't know people already working in it."

But most importantly, the Institute will do what it did for the 11 students who traveled to Ecuador, came home and made a difference: It will support the human rights-related interests of those learning the law. "Anything we wanted to do, they were there," Shaeffer says of the faculty and administration. "I was feeling disaffected in law school before, but this restored my faith — in democracy and in the legal institution."

If you are a Georgetown Law graduate working in a human rights-related field, please contact Rachel S. Taylor, Deputy Director of the Human Rights Institute, at rst@law.georgetown.edu and join the Institute's alumni network. For more information about the Human Rights Institute, visit www.humanrightsinstitute.net.

SAVING LIVES IN DADAAB

People often ask Kevin Allen (L'01) why he decided to help people in developing countries instead of in the United States. "There's no question there are lots of needs domestically," says Allen, who works for the United Nations High Commissioner for Refugees in Dadaab, Kenya, and says he chose Georgetown Law primarily because of its strength in public interest advocacy and international law. "But the one thing I have found, whether it was as a Peace Corps volunteer in the '90s [in the Dominican Republic], or working at the refugee camp here, is that the people you see in developing countries are much more in need than the at-risk populations in the U.S. And the number of skilled professionals is much lower."

This summer, Allen had a few extra skilled hands to help with the daunting task he faces in Dadaab — overseeing and coordinating the resettlement of refugees, about 98 percent of whom are Somali. Three interns from Georgetown Law — Asa Piyaka (L'08), Emily Dakin (L'08) and Stephanie Connor (L'08) — came to help Allen interview refugees and determine whether they face acute protection problems and can be resettled to the United States, Canada or Australia. Allen says they try to resettle 2,000 to 2,500 refugees a year, out of a total 134,000 in Kenyan camps. The interns helped Allen on the Disabled Refugees and Survivors of Violence Project, which identifies people who have physical challenges or who have been abused and therefore might be promoted for resettlement.

Allen needed more help than he'd expected this summer, given the recent developments in Somalia. "The situation has deteriorated over the last month," he said in August, "and we're preparing for a massive influx of new arrivals, in addition to doing our resettlement work."

Allen says most of the refugees have been there since 1991, when the Somali government collapsed. "It is one of the largest protracted refugee populations in the world," he says. "An entire generation of kids here knows nothing but life in a camp. It's a reminder to me every day how lucky some of us are to have been born in a certain part of the world."