The role of legal clinics of law schools in human rights education; Mofid University legal clinic experience

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Abstract

Previous research has demonstrated that human rights education has an essential role in promotion of human rights and access to justice in societies. However, human rights are still facing serious challenges most of which arise from lack of effective educational methods. Our research shows that legal clinics of law schools can play an important role in dealing with the challenges and enhancing human rights education. The findings indicate clinical human rights education can be regarded as a successful method that enjoys availability, accessibility, acceptability and adaptability. In addition, the results highlight that this method is practical and low cost and can meet the criteria of satisfaction, permanence and frequency of training.

1. Introduction

Despite the ratification of several human rights instruments and the efforts and concerns of international bodies as well as well-intentioned people, human rights are still facing serious challenges to reach peace, security and justice all over the world. Undoubtedly, respect for human dignity and human rights is the base of peace, security and justice in societies (Charter of the United Nations). Human rights education is the first important step to reach these goals. However, human rights education in the classical and theoretical methods have not been more effective because in these methods, teachers represent their ideas as a lecture that makes students bored and students don’t meet real cases and practical issues as well. Furthermore, most of social groups are deprived of education which is a vested right for everyone. (Universal Declaration of Human Rights)

Even though there is extensive research on human rights education, no recent research investigating clinical legal education as a method of human rights education has been reported. Therefore, this is the aim of the present research to introduce and recommend clinical human rights education as an effective method that enjoys availability, accessibility, acceptability and adaptability without the above mentioned problems. Our studies show that this method is effectual and fruitful to educate and promote human rights. Based on the findings of this research, law colleges, teachers, lawyers and social workers can pay more attention to the role of clinical education during the process of human rights education.

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2. Legal Clinics of Law Schools

Legal clinics are created for two aims:

a) Legal empowerment of socially disadvantaged individuals and groups through providing free legal services.

b) Training law students in legal skills and preparing them to assume social responsibilities.

So, legal clinics typically do pro bono work in a particular area providing free legal services to clients (Garner, 1990) and introduce students to issues and skills relevant to the practice of law in a clinical law setting. Certain writers see clinics as playing an important role in addressing unmet legal needs (e.g. Barnhizer, 1990; Quigley, 1995; Evans in Brayne, Duncan and Grimes, 1998; Barry, Dunin and Joy, 2000). As a result, legal clinics can be effective institutions and well instruments to promote human rights and reach justice in societies.

3. Clinical Legal Education

Clinical legal education is a course of study combining a classroom experience with representation by students of clients with real cases or projects, under the supervision of a full-time faculty member whose background includes extensive law practice (Andreopoulos & Claude, 1997, p. 261; See Steenhuisen, 2006). Considering the important goals of legal clinics and the facts and needs of communities, practical education is more effective and popular method for education in legal clinics. In this way, using real cases raises legal knowledge and skills of students, people and professional groups. Therefore, Clinical legal education implies a method of teaching that, in most instances, has a social justice dimension (Maisel, 2007) and it is recognised as an established feature within the curriculum (Grimes, 1995).

It is necessary to mention that clinical legal education has flexibility and can be various based on goals and expectancy, variety of clients, available facilities, national and religious culture of societies (See Parker & Schmiedl, 2006, p. 382). Our research shows that using this method in legal education especially human rights education is very successful.

4. Clinical Human Rights Education

Clinical human rights education is an active, participatory, comprehensive and multi-layers method. Legal clinics are engaged in education of human rights issues and access to justice in practical and clinical education method. This kind of education covers law students, people, professional groups, law professors and lawyers,

4.1. Law Students

Law students are one of the main elements for the clinical human rights education. The reason is that they are trained as a trainee and learn legal skills and at the same time they work as educators at various levels of community. Clinical human rights education makes them familiar with real cases and faced with poor people and marginal groups in the society so that they feel responsible and take part in Street Law program. There are at least five strengths in the clinical method. First, the general focus, in the method, is on students and learning rather than on teachers and teaching. Second, theoretical norms are tested and reflected upon by the student and teacher in their operational context. Third, the method focuses as much on the process of resolution of disputes as on the content of the rules themselves. Fourth, the clinical method permits the student to use creative, self-determined solutions to problem, as opposed to formal structures imposed from rigid application of rules. This seems particularly important with the evolution of human rights standards in flux as much as they are at the present time. Fifth, the student develops not only cognitive abilities but affective, emotional responses to the issues involved, and then determines their impact on the effective resolution of issues. (Andreopoulos & Claude, 1997, pp. 263-265). Clinical legal education has a potential to help students learn not only about their own strengths and weaknesses as lawyers, but also about those of the doctrines and institutions with which lawyers and their clients interact (Farley, Jaszi, Philips, Sarnoff & Shalleck, 2008).
Clinical courses, at Mofid University Legal Clinic, are open to students in their third or fourth year of studying in law school. They participate in the following programs:

a. Holding interviews with clients seeking legal advice and human rights information;
b. Conducting research on real cases;
c. Assisting women who have been the victims of violence;
d. Taking part in professional workshops with human rights topics such as children rights, women rights and labor rights;
e. Performing student group works such as holding mock trials;
f. Attending trials for learning procedural law and preparing report; and
g. Participating in summer school.

In these programs, the special attention was paid to human rights issues. In a poll, more than 95 percent of the clinical students expressed that their presence in these programs has helped them to know the real problems of human rights in their community and learn how to solve them. Even the MA students of human rights stated that ambiguous areas of human rights became clear for them. After taking part in these programs and gaining necessary skills and certification, the students participate as human rights activists in process of human rights education and attend in the following programs:

a. Working as facilitators in workshops;
b. Assuming administrative responsibility in the legal clinic; and
c. Taking part in Street Law program so that they hold short training courses of human rights for people in various areas of the society particularly in religious centers, mosques, farms, factories and schools.

Therefore, from the early stages until the last one, the students learn human rights by clinical and practical method and in this way they freely enhance human rights education in the society.

4.2. The People

Legal clinics increase the people’s knowledge on human rights through holding Street Law, legal workshops, short training courses of human rights and distribution of brochures and hand books. Generally, legal clinics service the public in two ways. The first is to accept and service clients and the second is that members of them appear in the society and take part in Street Law (See MCQuid-Mason, 2006). When people see welfare services of legal clinics, they gradually got used to them. Last year, about 700 clients came to our legal clinic and two thirds of them were women who got legal advice on their rights. Surprisingly, we had over 35 percent growth in this year.

4.3. Law Professors and Lawyers

Legal clinics make law professors and lawyers interested in human rights issues, to encourage them for Street Law and pro bono work in the process of human rights education and to improve their understanding and professional skills(See Johnson, 1998). Cooperation with law professors and students in legal clinics also makes lawyers familiar with new issues in the law. However, it is necessary that they be prepared to work in legal clinics and should learn clinical legal education method. For this purpose, our experience shows that holding workshops and conferences and visiting internal and external legal clinics of law schools are very useful. We already had few lawyers working in the clinic, but after performing these programs, they become more interested in attending the legal clinic and doing pro bono works. Recently, we have an extensive network of lawyers and law professors in the clinic.

4.4. Professional Groups

Legal clinics improve the knowledge of professional groups such as school teachers, employers and judges concerning human rights issues based on their needs and talents (See Pekari & Schmiedl, 2006, 380-381). Therefore, each group requires its special instruments of human rights education. Our research shows that it would be successful to teach rights of each class to the opposite class such as educating employee’s rights to employers and children rights to teachers and rights of accused to judges. For example, we held a children rights workshop entitled “corporal punishment against children” for the principals of high schools in Qom. 45 persons attended the
workshop we explained the Islamic attitude and introduced real cases to them and get their experiences. Afterwards, in a poll, all of them became disagree with corporal punishment against children in all cases.

5. Conclusion

Despite considerable efforts to educate human rights around the world and declaring the years 1995-2004 as the decade of education, the teachings of human rights still have not been completely and correctly entered into societies. One of the most important problems is the use of ineffective methods for human rights education. It is of great importance to find active, effective, collaborative, comprehensive and sustained educational method for human rights. Based on our research, legal clinics have effectual role in creating these features for human rights education as far as clinical human rights education can be introduced and recommended as a premier method to increase human rights knowledge in the community. In the light of this investigation human rights activists, law teachers and social workers can pay more attention to legal clinics development and to the use of clinical methods in the process of human rights education and to the cooperation among legal clinics to exchange their experiences.

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