

**FALL 2013
TO
SPRING 2014**

The Human Rights Clinic, which launched in January 2011, exposes students to the practice of law in the international and cross-cultural context of human rights litigation and advocacy at the local, national, and international levels. In the classroom, students critically engage with human rights law and contemporary social problems while honing their lawyering and advocacy skills. Outside the classroom, students gain hands-on experience working on cutting-edge human rights projects and cases before the United Nations, the Inter-American human rights system, U.S. courts, and in other fora. The Clinic's Director is Professor Caroline Bettinger-Lopez and its Practitioner-in-Residence is Professor Kelleen Corrigan. Highlights of the Human Rights Clinic's work this academic year include:

GENDER JUSTICE

The Clinic represents Jessica Lenahan, the petitioner in *Jessica Lenahan (Gonzales) v. United States*—a groundbreaking decision from the Inter-American Commission on Human Rights (IACHR) finding the U.S. in violation of its human rights obligations in the context of domestic violence. The Clinic is working to reinforce and implement the decision in numerous ways, including: advocacy before the U.S. Department of Justice concerning gender-biased policing, collaboration with local organizations on anti-domestic violence initiatives, local resolutions declaring freedom from domestic violence a human right, and continued advocacy before the IACHR, the United Nations, and

other international bodies. In October 2013, the Clinic and its organizational partners submitted a shadow report to the United Nations Human Rights Committee that highlighted systemic under-protection and marginalization of women belonging to vulnerable groups such as racial and sexual minorities, disabled women, immigrant women, and women of lower socio-economic status. The report urged the Committee to effectively implement the Lenahan case, and to address the issue of domestic violence in light of the U.S.'s obligations as a party to the International Covenant on Civil and Political Rights.

U.S. government, advocacy before Congress, and through outreach to governmental and non-governmental organizations in Haiti. In October 2013, the Clinic and its partners submitted a shadow report to the United Nations Human Rights Committee. Among other things, the report urged the Committee to call for United States to fully implement its own policy requiring that an individualized humanitarian balancing test be carried out before any Haitian is deported from the U.S. More information is available at www.stophaitideportations.org.

HUMAN RIGHTS IN POST-EARTHQUAKE HAITI

The Human Rights Clinic, together with the Immigration Clinic and other partners, brought a "precautionary measures" case before the IACHR asking the United States to immediately stop deportations of Haitian nationals from the U.S. to Haiti in light of the ongoing humanitarian crisis there. The petition was granted for dozens of Haitian nationals. The Clinic is currently working on a follow-up "merits petition" to the IACHR. The Clinic has worked to raise awareness of this issue through negotiations with the



A deportee's family in Miami, Florida mourns the absence of their beloved family member whom the U.S. sent back to Haiti (© Magnus Länje, www.magnusphoto.com).

JUVENILE JUSTICE

A new project in the Human Rights Clinic, the juvenile justice team works to advocate for youth



Jessica Lenahan with Clinic faculty, staff, and students outside of the United Nations in New York.

in the criminal justice system. The Clinic is engaging with local, state, and national juvenile justice advocates to develop advocacy and other strategies for rectifying some of the rights problems facing these youth. Some of the Florida-focused topics the Clinic is focusing on include: children being filed into the adult justice system without judicial review; pretrial detention of juveniles in county jails; and conditions of confinement of juveniles, including solitary confinement and other abuse allegations. The Clinic provided research support for a shadow report to the United Nations Human Rights Committee regarding youth incarcerated in adult prisons in the U.S.

MIGRANTS' RIGHTS IN DOMINICAN REPUBLIC

This new project was initially focused on supporting efforts in the Dominican Republic to implement a regularization program for undocumented individuals—

primarily Haitian nationals. This part of the project has involved significant strategizing with local Dominican organizations. However, in the wake of a September 2013 decision by the Dominican Constitutional Court—which stripped citizenship from hundreds of thousands of Dominican citizens of Haitian descent—the Clinic quickly switched its focus to addressing the harmful consequences of the Court ruling. As part of these efforts, the Clinic filed an amicus brief before the Inter-American Court of Human Rights in a case involving Dominican deportations of persons of Haitian descent. In the brief, the Clinic argues that Dominican laws do not comport with international due process requirements for deportations and argues that the government should not only ensure minimal compliance with such requirements, but that it should in fact increase protections for persons of Haitian descent in the Dominican Republic. This population is left in a vulnerable position as a result of both the humanitarian disaster in Haiti and the Constitutional Court's decision that places generations of

Dominican-born persons of Haitian descent at risk of deportation without any recourse.

FAIRNESS IN BORDER PROTECTION

The Clinic's third new project began as a collaboration with other immigrant advocacy organizations to investigate and respond to unfair treatment and inadequate due process of asylum seekers and migrants at the United States' borders. The Clinic's work on these issues is initially focusing on conducting advocacy before the Inter-American Commission on Human Rights in the form of a petition alleging rights violations against asylum seekers who have been detained in harsh conditions and arbitrarily denied the chance to apply for asylum by U.S. authorities on the Southern border.

For more information, visit:
www.law.miami.edu/hrc



Human Rights Clinic students stand outside of the Glades County Detention Center after participating in a know-your-rights presentation for detainees in the custody of U.S. Immigration and Customs Enforcement.