



legal dialogue

TOPICS FROM CIVIL SOCIETY

Interview with Zuzana Številová, director of the NGO Human Rights League and lecturer on the Legal Clinic of Asylum Law in the Law Faculty of University in Trnava (Slovakia)



Zuzana, how did you come to be engaged in the law clinic at Trnava?

I was studying at the Law Faculty of Trnava University where we have an asylum law clinic now. At that time, this law faculty was the only one in Slovakia, and they pioneered the concept of the law clinic.

Our asylum law clinic was established in 2001 by the Slovak Helsinki Committee, who at that time was working with the UNHCR to provide legal aid to refugees in Slovakia. As part of their work they established this legal clinic at the Law Faculty of the University of Trnava, Trnava being a small city next to the capital Bratislava. The asylum clinic is not the only law clinic: there is also the clinic for victims of domestic violence – the Stridlov clinic. The work of this clinic consists of teaching prisoners about their rights, so the students went into prisons and did workshops with prisoners on various human rights topics.

In 2005 the Slovak Helsinki Committee completed their activities and the lawyers who were working there on asylum issues decided to set up a new NGO called the "Human Rights League". They invited me and my colleagues, who were also students or former student of the asylum law clinic, to start working there, because they already knew us through the clinic. So we started working there after we finished Law School and those original lawyers left the NGO very soon. We continued to teach other law students within the clinic. Today we have been running an asylum law clinic at the Law Faculty of Trnava University since 2006, so already almost 12 years.

So, having had the experience of the asylum law clinic I chose to work in this area of law. This is also the reason why I teach asylum law at the university – I take turns with my colleague teaching the students and I really like it because it reminds me of my time as a student, when the asylum law clinic fascinated me.

How does your clinic work?

The asylum law clinic is a voluntary subject in the first year of a master's program. The students may choose it, as it is provided and credited by the Law Faculty. But the clinic is

taught by lawyers who are working in NGOs – i.e. us. So normally we work for an NGO that provides legal aid for refugees and migrants, but we are also employed as external assistants by the Faculty.

The law clinic consists of theoretical lessons, which take place once a week for 90 minutes at the premises of the Law Faculty, with the practical aspect taking place in our office. So the students are required to come every week during the term to our office for 4 to 6 hours based on their availability. And they deal with clients whose cases are related to asylum law. This is how it works in respect to our asylum law clinic, but currently the faculty has many more clinics besides those three that I have mentioned before, including the Commercial Law clinic and others.

Why do you provide the legal help on the premises of your NGO and not at the Faculty?

Because in general the asylum seekers are not accommodated in town where the clinic is, so they come to our office in Bratislava, which is 60 km away from Trnava, where the Faculty is. Students also come to our office to meet the refugees. But within the Faculty we have a special room designated to law clinics, so we can use it if there are asylum seekers who live in Trnava, although this has not yet happened.

Do the students get credit points for their participation in the clinic?

It is actually a credited course. They can get either 4 or 5 credits, which is a lot for one subject, but this is because this work is quite demanding, since they have to travel to Bratislava and participate in our office.

Is there any selection process for the students?

We select the students from the first year of the master's program, because they already know the basics of Human Rights, International and Administrative law, and asylum procedure is a part of administrative law. So they need to have this basic knowledge in order to understand the procedure and do legal work in our office. However, in previous years we have made exceptions because there were students who were interested in having this course earlier, and if at any time we don't have that many participants in the asylum law clinic, we normally take them from all years.

How many students participate in the clinic per year?

We don't have a set number of students who need to be registered with us for the course to be considered opened. It is entirely up to us – we can proceed with 2 or 20 students, the Faculty doesn't limit us. But we are trying not to have more than 12 students for capacity reasons, because it means that there would have to be people in the office who have time to supervise these students. We have 2 branches – 3 lawyers in Bratislava and 2 lawyers in Kosice. So ideally, we prefer to have less than 10 students.

The rotation takes place as follows: the students have to pass the whole year, which makes it a two-term subject. The Autumn term is devoted to the basics of asylum and refugee law and during the Summer term they deal with immigration law, because it is interconnected with the topics of theoretical lessons.

How would you rate the students' knowledge of the refugee and immigration legislation?

It has always been very low, because there is no subject like this, either compulsory or voluntary, in law studies. So usually, they know nothing, or perhaps some of them have

heard that there is a special convention on refugees, for example. Because of the 2015 refugee crisis, they frequently had some knowledge based on media articles, etc. at this time. We are actually thinking of setting up a subject called "Asylum Law", which will not be a clinic, but a one-term subject, which students could choose in order to learn more about refugee and immigration law.

We believe that nowadays in Europe it is important for students to learn the basics of immigration law. It is a highly relevant subject that is covered by the media daily, so there is a high chance that they will come across such cases in their future professional lives. Some students could be discouraged from choosing the law clinic, because they think it is demanding or they already have jobs and they don't see the possibility of combining it with their work. For these cases we are setting up the theoretical subject "Asylum Law", so that the students will get this knowledge with less demanding practical activities.

What are the services that you offer in your clinic?

Of course, students cannot represent the clients, so their main task is to prepare some paper notes or the legal background for the case, researching country-of-origin information related to a particular client. They can be present in our interviews with a client or do small things, like going to inspect a case file documentation at the Migration Office and bring us photocopies of the case documentations. Or they can accompany a client to a government office and translate for him or her. Usually we task students with the issues that do not bear much responsibility, otherwise there would be a lot of problems with the liability etc. And the clients are always informed that these individuals are students with the refugee law clinic, who it is that will be accompanying them, what they can expect, etc.

Does that mean that the clients don't go to the clinic directly, but are the clients of your NGO?

Yes.

And in your NGO do you select certain cases or accept everything that comes your way?

Regarding the asylum seekers, we have an agreement with the government, who funds the legal aid, so we have to accept every case and give legal advice, although it is not necessary to represent the person.

What is the general profile of clients who come to your law clinic?

Our clients come from Afghanistan, Iraq, Syria, Somalia, Russia, Cameroon, Burundi and Ukraine. Naturally, they are asylum seekers, refugees and foreigners. Students might be working on one case during the whole term or on different cases – this depends on the clients' current situations. Last year, when there were not that many refugees in Slovakia, we could delve deeper into individual cases with students. We are working on asylum procedures, which is the representation of the person in front of the Migration Office regarding his claim for asylum. If the result is negative we file the appeal to the court, and based on the law as an NGO we can also represent asylum seekers or foreigners in the court in Slovakia. It is the right that has been granted by law to us. The students may also participate in the current hearings – they go with us and they sit in public places, where they observe the trial and make notes. This is also very good, because their observations can help lawyers to evaluate their own performance, the reactions of the migrations office, of the judge and of the court.

And what are your main difficulties in the work with migrants?

It is hard to say. The procedure itself is complicated, so we have to make a big effort and explain to them why they have to take certain procedural steps, why such a decision has been made, etc. The procedure is quite administrative and bureaucratic, so generally people are very confused, especially if there is a linguistic or cultural barrier, so we have to find ways to explain the procedure and all the steps to the client. I think that is the most difficult aspect. Also we have to make the person understand that we are only providing information, and they have to make the decision themselves. This is quite difficult for people because they think when they come to a lawyer, they don't need to make decisions themselves – but this is not the case. Usually we are trying to teach them, by giving them our best advice, but it is their life, so they have to decide. And then clients always have different expectations, so we have to know how to manage these expectations.

Do you have any language problems in your work?

No, we have very good connections with interpreters and we use their services on a daily basis.

As you probably know, other legal clinics often struggle to attract enough students to work in the clinics. Do you have the same problem?

Yes, we also face the same problem. Some years we have 10 or 12 students, which is our maximum, but this year we have only two students. So, it varies. In the past we also have noticed that students are already trying to find a job during their studies. Also, some students decide to take a break and not to enrol in the Master's course straight after they've finished Bachelor's, but then again they need to fund their studies. So working during the Master's prevents students from engaging with the asylum law clinic. For the last two years we have seen a decline in the number of students participating. And even last year, when we had seven students enrolled, they were unhappy with the time demand of the clinic, as they already had other jobs, which they were not able to combine with the clients. There is a growing trend of students working part-time or full-time during their studies, therefore they are less interested in the law clinic.

Which lessons would you say you've learned since 2006?

I think it is really good to have reliable personal relations in the Faculty, because we've always benefited from its support. For example, it helped us raise more funds for the legal aid clinic, and in the years when the project was not running, the Faculty paid us the basic salary for teaching, and they are always open for participation in the conferences and their organisations, so I think the relationship is an excellent one. Regarding the students, it is important to explain to them during the first meeting what the legal clinic is about and engage them in this form of legal work.

What are your fundraising strategies?

We benefit from the fact that we provide legal aid to the refugees and migrants professionally – this aid is financed by the state and by the EU. Of course, we fundraise for our NGO, but we have also done fundraising for the legal clinic specifically – for example, when we wanted to organise the International Moot Court Competition in Slovakia. Or when we wanted to organise special conferences or workshops as part of the legal clinic. There were also times when we wanted to have more students or teachers on asylum law. So those were specific occasions. And when the donors were unable to fund these activities, we carried out fundraising for the asylum law clinic. Also, there was a

general gap in financing legal aid for refugees in Slovakia – at that time we fundraised in cooperation with the Law Faculty to provide legal aid through the law clinic.

Do you cooperate with other legal clinics in Slovakia or other countries?

Yes, we do. We have a partnership with a Law Faculty in Kosice, which is located in the Eastern part of Slovakia. We have an office there and a couple of lawyers who are engaged with the clinic in Kosice. We cooperate with various legal clinics around Europe. There is also a tradition of having the International Moot Court Competition in asylum law, which we have already organized twice in Trnava. The last time it took place here was in 2016, with a huge conference also taking place, where we had Mr Francois Crepeau, a UN special reporter on the human rights of migrants, presenting, as well as other EU lawyers and judges who work in the sphere of immigration law. We also participate in Moot Court Competitions in other countries, usually in the Czech Republic, because the competition on asylum law usually takes place there. This partnership is stable and it is great for the students to realize that there are many people who are working on these issues outside of Slovakia, so it broadens their perspective, which is fantastic. We also cooperate with other NGOs who are working with refugees and migrants in this country. We are a very small country with only 5 million inhabitants, so naturally everybody knows everybody and is happy to cooperate.

Is there anything you are especially proud of?

Well, we are proud of our work and that we already have many students who work in this area. We are also proud of the clients who were granted international protection – that's really great for us. And also the fact that we have been running this NGO since 2006 is something we are very proud of. There are former students from our law clinic who are now employees in our NGO as well as many other ones working with refugees and migrants in Slovakia. Some of the students have also decided to be specialised lawyers in this sphere, so I think it is very good that we are building a new generation of young lawyers who have sound knowledge of immigration law that they can use in their careers. For me personally it has been a really valuable and great experience and I wouldn't change anything about my decision to work in an asylum law clinic!



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