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ORIGINAL

# The Legal Clinics of the University of Havana: Challenges and Perspectives Since Their Inception

## La Clínicas Jurídica de la Universidad de La Habana: retos y perspectivas desde su surgimiento

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**ABSTRACT**

The article critically examines the evolution and implementation of legal clinics in Cuba as a response to the limitations of traditional legal education, which has long been characterized by a dogmatic and theoretical approach. Using a qualitative methodology based on documentary analysis—including academic literature, legal regulations, curricula, and institutional reports—it systematizes the experiences of the University of Havana, structured around three axes: historical background, methodological approaches, and structural obstacles. It contextualizes the emergence of the clinical movement in the United States, Europe, and Latin America, emphasizing its pedagogical and social role in expanding access to justice. In Cuba, the pioneering experience at the University of Havana shows progress in free legal assistance, experiential learning, and community engagement, despite facing curricular, material, and normative limitations. The article proposes strategies for institutionalization, regulatory strengthening, inter-institutional articulation, and rigorous impact evaluation. It concludes that legal clinics are a transformative tool for a critical, ethical, and socially engaged legal education, with the central challenge being their structural consolidation and territorial expansion.

**Keywords:** Legal Clinics; Teaching; Study Plans.

**RESUMEN**

El artículo examina críticamente la evolución e implementación de las clínicas jurídicas en Cuba como respuesta a las limitaciones del modelo tradicional de enseñanza jurídica, caracterizado por su enfoque dogmático y teórico. A partir de una metodología cualitativa basada en análisis documental —incluyendo literatura académica, normativas, planes de estudio e informes institucionales—, se sistematiza la experiencia de la universidad de La Habana, organizada en tres ejes: antecedentes históricos, enfoques metodológicos y obstáculos estructurales. Se contextualiza el surgimiento del movimiento clínico en Estados Unidos, Europa y América Latina, destacando su función pedagógica y social en el acceso a la justicia. En Cuba, la experiencia pionera de la Universidad de La Habana revela avances en asesoría legal gratuita, aprendizaje experiencial y vinculación comunitaria, aunque enfrenta limitaciones curriculares, materiales y normativas. Se proponen estrategias para su institucionalización, fortalecimiento normativo, articulación interinstitucional y evaluación rigurosa del impacto. Se concluye que las clínicas jurídicas constituyen una herramienta transformadora para una educación jurídica crítica, ética y socialmente comprometida, cuyo desafío principal radica en su consolidación estructural y expansión territorial.

**Palabras clave:** Clínicas Jurídicas; Enseñanza; Planes de Estudio.

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## INTRODUCTION

Legal education in Cuba has undergone a profound transformation from its colonial origins to the present day. Traditionally marked by a dogmatic and theoretical approach, the training of lawyers still retains elements of rigidity, technicality, and verticality that limit the active and practical integration of future legal professionals into the social reality they aspire to transform. In recent decades, however, the country has witnessed attempts at methodological renewal that seek to bring legal education closer to more dynamic and participatory international models, of which the emergence of legal clinics is the most emblematic example.[1]

The legal clinic movement represents one of the most profound pedagogical, social, and professional transformations in legal education during the 20th and 21st centuries. Its importance lies in the fact that it has not only been a response to the limitations of traditional dogmatic and theoretical education, but also an effective bridge between academia, professional practice, and social engagement. Legal clinics are spaces where law students tackle real cases under the expert guidance of teachers and lawyers, guiding both their professional learning and their ethical awareness and civic engagement.

The report analyzes the background, historical conditions, and emergence of legal clinics in Cuba, posing the central question: What are their main challenges and opportunities? To answer this question, a qualitative methodology based on documentary analysis was applied, including academic literature, regulations, curricula, institutional reports, and articles on clinical experiences at the University of Oriente and the University of Havana. The documents were organized into three areas: historical background, methodological approaches, and structural obstacles. The information was compared with institutional objectives and clinical practice, revealing tensions between curriculum design and implementation. Comparative matrices were developed to examine differences in subject areas, student participation, coordination with external actors, and sustainability. This approach allowed for a critical and contextualized view of the current state of legal clinics, serving as a basis for proposing strategies to consolidate their role as a transformative pedagogical tool.

Research on the challenges and opportunities of legal clinics in Cuba is essential because of their dual educational and social value. Integrated into the curriculum, these practices strengthen professional and ethical skills in law students and expand access to justice for vulnerable groups. However, empirical gaps remain regarding their institutional organization, pedagogical models, availability of material and human resources, and coordination with state and community actors, as well as doubts about their effectiveness in the actual protection of rights in the Cuban socio-legal context. Documenting and analyzing these variables will make it possible to identify structural barriers, successful practices, and conditions for sustainability, and to generate evidence-based recommendations for curriculum design, practical training, and inter-institutional cooperation. The study will provide key inputs for improving legal education, university social responsibility, and the effectiveness of community legal services.

### Historical Origins of the Legal Clinic Movement

The origins of legal clinics can be traced back to the United States, particularly to the jurist Jerome Frank, who in his influential article "Why Not a Clinical Lawyer-School?" in 1933 proposed bringing legal education closer to the clinical model already established in medical training.[2] The analogy with hospital practices was based on the need for law students to deal with real cases, guided by experienced teachers and under a logic of free service and social service, in response to the serious social conditions generated by the Great Depression of 1929.

Frank's model proposed active work by students in caring for vulnerable people without access to legal advice, breaking with the formalistic and rote learning of Langdell's case method. Although it took time to become institutionalized, it received a decisive boost in the 1960s, along with the civil rights movements and criticism of elitist educational models. Alexander Lyublinsky and William Rowe developed and adapted the clinical method, establishing clinics at Yale and Harvard.

The Harvard Legal Aid Bureau, founded in 1913, is recognized as the first student legal clinic in the United States, operating on the premise of offering free legal assistance to those who could not afford it, combining practical training with the ethical and social duties of the lawyer.[3]

While the American model was consolidating, Europe developed approaches to applied legal practice that were often less structured. In the United Kingdom, the first clinics emerged in the postwar period, although with less organizational emphasis than in the United States. During the 1970s and 1980s, debates on educational reform and social justice, driven by trade union and community movements, favored the gradual incorporation of the clinical method in Great Britain.[4]

In continental Europe, the expansion of legal clinics was slower, with significant developments only in the first decades of the 21st century, often stimulated by the example of American and Latin American experiences.

On the other hand, the Latin American experience has been particularly relevant for understanding the transformative nature of legal clinics. The emergence of the first systematized experiences took place in the 1990s, in response to the transition to democracy, the search for justice after dictatorships, and the need for access to human and collective rights.[5]

In Argentina, the creation in 1994 of the Human Rights Legal Clinic between the Center for Legal and Social Studies (CELS) and the University of Buenos Aires represented a foundational milestone, oriented toward strategic litigation in defense of victims of human rights violations. This was followed by other projects at universities in Argentina (Palermo, Comahue), Chile (UDP), Colombia (Universidad del Rosario), Peru (PUCP), and Mexico, with a strong emphasis on the defense of public interests, fundamental rights, and the consolidation of democracy.

In Latin America, since the 1990s, legal clinics have become laboratories for pedagogical innovation and commitment to social justice, addressing issues such as human rights, access to justice for vulnerable groups, strategic litigation, and defense of the public interest.[1,6] The Latin American Network of Legal Clinics brought together pioneering experiences in Argentina, Chile, Colombia, Peru, and Mexico, serving as a methodological and political reference for their implementation in other countries in the region.

It is important to note that, in Latin America, the clinical movement has the support of international foundations such as the Ford Foundation, USAID, and inter-university networks, thus consolidating sustainable and flexible models adapted to the social and political priorities of the region.[5]

**Implementation of legal clinics in Cuba: The experience of the University of Havana**

Cuba, for its part, was late to join the clinical movement due to structural, political, and cultural factors, but since the second decade of the 21st century, it has begun to adapt international models to its specific institutional and social reality, with the experience of the University of Oriente, seeking a synthesis between the transformative perspective of clinical education, socialist commitment, and the demands of university teaching in search of greater social relevance.

The Faculty of Law of the University of Havana (UH), the country's intellectual and academic reference point, was the pioneering setting for the conceptualization and implementation of the legal clinic in Cuba after the University of Oriente. Various studies place the first steps of the clinical legal education movement at the UH around 2018-2019, in the context of curriculum review, pressure from young professors, and openness to innovation under the influence of Ibero-American clinic networks.[7]

In 2019, the Faculty of Law, in partnership with national legal institutions and NGOs, formally created the University of Havana Legal Clinic, integrating international experience with its own proposals for service learning, attention to vulnerable communities, and the development of early professional practices.

The University of Havana Legal Clinic was designed as a multidimensional space that integrates free legal assistance and advice to individuals and groups in vulnerable situations; supervised experiential learning, where students manage real cases under the guidance of teachers and external specialists; and horizontal links with NGOs, community associations, and state sectors to identify legal and social issues. It promotes the development of thematic clinical projects included in the curriculum as electives, practical exercises, or thesis projects. Its pedagogical approach prioritizes the clinical method, learning based on real problems, self-assessment, collaborative work, and ethical reflection over rote memorization.

Legal clinics have expanded their thematic areas, mainly covering: Criminal law and defense in criminal proceedings, with an emphasis on access to technical defense and victims' rights; Family law, domestic violence, and protection of children and adolescents; Labor rights and defense against discrimination, dismissals, and violations; advice on social security, housing, and protection of the elderly; and participation in campaigns to promote human rights, legal literacy, and citizen legal empowerment.

A notable feature is the preference for cases and projects aimed at socially vulnerable groups: abused women, LGBTIQ+ people, older adults, prisoners, children and adolescents in conflict with the law, and families in extreme poverty.[8]

The first years of operation have shown positive results, both in terms of meaningful and motivational learning for students and in terms of concrete social impact on the communities served. Several hundred consultations have been reported, as well as the development of training workshops in peripheral neighborhoods, the completion of applied research, and the creation of collaborative projects with state and social entities.

The evaluation process, based on criteria of continuous improvement, self-evaluation, and co-evaluation, as well as the integration of clinical experience into graduation projects and academic publications, has served as a model for other pedagogical renewal initiatives at the university.

The University of Havana Legal Clinic faces challenges: insufficient formal recognition in the curriculum; limitations in handling cases of special political significance or high media profile; lack of consistent support in terms of material resources, technological infrastructure, and adequate physical spaces; difficulties in integrating clinical practice as a mandatory requirement for obtaining a degree; and insufficient regulatory support to consolidate clinical experience as an institutionalized method in the curriculum. Clinical teaching is offered as an option and does not always contribute to professional practice during the academic year; one example is the Legal Clinic for Criminology, which only contributes to the final evaluation of the course.

In other areas, there is weak coordination, as is the case with the literacy clinic based at the International Consultants and Lawyers firm, which has not yet achieved the visibility necessary to receive cases. Its activity has been limited to training workshops for entrepreneurs, who face the same problem, which reduces its scope and that of most clinics at the University of Havana. This situation leads to a lack of practical skills acquisition by students, generates teacher mistrust in student abilities, and, in many cases, prevents the clinical experience from contributing to the legal practice of the semester, forcing the addition of extra tasks and exams.

**Main future challenges, proposals for improvement, and prospects for legal clinics in Cuba**

The main challenge for Cuban legal clinics is to consolidate them as a structural teaching method in law education, overcoming their experimental and fragmented nature. It is essential to incorporate clinical practice as a mandatory or strongly encouraged component of the curriculum; to develop and approve internal regulatory frameworks (statutes, protocols, and ethical-legal guidelines) that guarantee legal certainty, autonomy, and support for teachers and students; and to link clinical teaching with applied research, social engagement, university outreach, and dialogue with social movements.

Along with the above, the autonomy of legal clinics must be defended as an indispensable principle for the development of critical, committed, and socially responsible legal education, which implies: The explicit establishment of protocols for action in the face of external pressures, the protection of confidentiality, and the defense of the professional dignity of students and faculty; Strengthening international support networks, participating in forums and events on social justice and clinical education, and raising awareness of the work carried out among the university community and society; Actively resisting the political instrumentalization of law and promoting a legal culture based on ethics, honesty, and the pursuit of effective justice for all.

Finally, rigorous evaluation of the social, institutional, and pedagogical impact of legal clinics is a priority in order to justify

their consolidation, adjust strategies, and plan their expansion to other universities and territories. The following is recommended: The design of outcome and process indicators, both in student learning and in effective access to justice by community users; The systematization of experiences, the preparation of manuals, and the development of applied research on emblematic cases supported by the clinics; The development of pilot plans in new faculties and university centers, incorporating regional particularities, rural contexts, and intersectoral alliances.[9]

## CONCLUSIONS

Legal clinics in Cuba currently represent the most serious and promising effort to transform legal education from a dogmatic and rote-learning approach to a lively, critical education that is grounded in reality and oriented toward the effective service of social justice. Although still in an incipient and experimental stage, and despite numerous institutional, cultural, political, and material obstacles, the clinics have demonstrated their potential to train professionals who are socially responsible, technically prepared, and capable of acting on behalf of the most vulnerable sectors and contributing to the construction of a more democratic, equitable, and participatory Cuba. The central challenge for the immediate future lies in the full institutionalization of the clinical model throughout the university system, overcoming resistance and structural deficiencies, ensuring a regulatory framework that guarantees rights, and committing to a legal education that articulates social commitment, professional rigor, ethical autonomy, and critical capacity.

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