



ANNUAL PROGRESS REPORT

For Year End

December 2007

REGIONAL HUMAN RIGHTS LAW CLINIC

to increase

ACCESS to JUSTICE for VULNERABLE GROUPS

in

AFRICA

Postal Address: P.O. Box 12895, Hatfield 0028, Pretoria, RSA • *Physical Address:* 909 Church Street, Arcadia 0083, Pretoria, RSA

Telephone: +27 (0)12 342 2370 • *Fax:* +27 (0)12 342 2371 • *E-mail:* hrdi@mail.ngo.za

Board of Directors:

Ms Asha Ramgobin, Executive Director (RSA); Mr. Dan Bengtsson, Deputy Executive Director (Sweden); Mr. Aubrey McCutcheon, Chairperson of the Board (USA); Mr. Ibrahima Kane (Senegal); Adv. Jody Kollapen (RSA); Prof. Thandabantu Nhlapo (RSA); and Prof. Dennis Töllborg (Sweden)

Company Reg. No. 2004/026920/08 • *Non-Profit Organisation Reg. No.* 040-807-NPO • *VAT Reg. No.* 4730219872



PREAMBLE

The Human Rights Development Initiative (HRDI) is a politically non-partisan, regional non-governmental, non-profit, secular human rights organisation, with an international board. It is based in Pretoria and registered as a non-profit, tax exempt company and a public benefit organisation according to the laws of South Africa.

VISION

HRDI's *vision* is an Africa where universally accepted standards of human rights are applied to everybody and where all people's value and dignity is respected.

MISSION

HRDI's *mission* is to challenge political, economic and social elitism and promote equality of people regardless of race, place of origin, gender, social status, class, religion, sexual orientation, belief, ethnicity, HIV status or any other quality or trait that might be used as a basis for unfair discrimination, using international and regional human rights standards as the barometer. Constantly bearing in mind that human rights is not about what we write or say, but what we do.

VALUES

Every person contributes in a meaningful and significant manner to the overall growth and development of society. Hence all forms of work should be respected and valued.

Every person has the inherent capacity to contribute meaningfully to society especially in a nurturing and safe environment. Hence the environment should be nurturing, respectful and appreciative of the contributions of each person.

Every person working within HRDI has a responsibility and obligation to work in a service orientated manner with efficiency and commitment to the mission and vision of the organisation.

Every person, family, society and state are interdependent – each upon the other. Individuals and families form the building blocks for a healthy society and a strong state that takes care of the needs of its citizens and residents.

Human rights and development are concepts that are interdependent.



CONTENTS

| | |
|--|----|
| PREAMBLE | 2 |
| LIST OF ABBREVIATIONS | 4 |
| EXECUTIVE SUMMARY | 5 |
| BACKGROUND | 8 |
| PROGRESS REPORT: | |
| TRAINING PROGRAMME..... | 9 |
| LEGAL SERVICES | 18 |
| COMMUNITY OUTREACH | 20 |
| PROGRESS MADE IN EACH COUNTRY | 22 |
| GREAT LAKES REGION | 22 |
| (RWANDA, UGANDA, KENYA, TANZANIA, DRC AND BURUNDI) | |
| SOUTHERN AFRICA | 29 |
| (MOZAMBIQUE, ZIMBABWE, BOTSWANA, NAMIBIA, ZAMBIA AND MALAWI) | |
| COMPLIANCE WITH CONDITIONS AND RESTRICTIONS | 36 |
| ORGANISATION AND ADMINISTRATION | 37 |
| BUDGET FOLLOW-UP AND COST EFFICIENCY | 39 |
| ANALYSIS AND PROPOSALS | 42 |
| CONCLUSION | 51 |



LIST OF ABBREVIATIONS

| | |
|--------|--|
| ARASA | Aids and Rights Alliance of Southern Africa |
| AU | Africa Union |
| AULAI | Association of University Based Legal Aid Institutions |
| CPC | Country Project Co-ordinator |
| DfID | Department for International Development |
| DRC | Democratic Republic of the Congo |
| EAC | East African Community |
| HIV | Human Immunodeficiency Virus |
| AIDS | Acquired Immunodeficiency Syndrome |
| HRDI | Human Rights Development Initiative |
| IOM | International Organisation for Migration |
| IUCNSA | International Union for the Conservation of Nature and Natural Resources South Africa Office |
| MSF | Médecins Sans Frontières |
| OSISA | Open Society Initiative for Southern Africa |
| PLWA | People Living with HIV/AIDS |
| SADC | Southern African Development Community |
| ULC | University Law Clinic |
| UN | United Nations |



1 EXECUTIVE SUMMARY

This is a frank account of what we have achieved and what we have not yet achieved.

HRDI is in its second year of operations. This project began as an idea in 2003 and only had the opportunity to manifest in a tangible way from January 2006. We had ambitious plans and an optimistic view that we could indeed achieve what we set out to.

Our goal was to work in 10 countries by the end of 2007, train 20 students from University-Based Law Clinics, take six cases to international and/or regional tribunals and to ensure that our work and the work of our partner law clinics reaches the most vulnerable groups in society through an appropriate community outreach programme.

The report will show that while we have come close to achieving some of the goals, we have fallen short in respect of others. We explain the reasons and suggest plans to remedy the situation.

We begin with a progress report where we look specifically at what we have done. The most important part of our work has been the training programme. We describe the goals, methods and approach, topics covered and structure of the programme the range of guest teachers, the participants, and other unique aspects such as the voluntary work, the development of a regional network and our focus on each person as a whole, not only as a lawyer. To highlight a few points, we included as a strong focal point in our training a challenge to elitism and money-mindedness. This permeated the process from recruitment stage to the discussions and processes in class. The topics were comprehensive and ranged from a contextual analysis to basic concepts of international law, how the various tribunals work and then a range of HIV/AIDS related topics. It culminated with the students selecting and working on two issues: HIV/AIDS and the Right to Education and HIV/AIDS in the Work Place.

Experts from the various fields and tribunals taught classes without charging for their time.

Each week students and the HRDI team spent half a day at Tateni, a community based organisation in the low income township of Mamelodi doing manual work and challenging both their and other preconceived ideas about lawyers.

Students from 2006 returned to South Africa for six weeks and joined the 2007 group. Now there were students from eight different countries working together, living together and studying together. They debated, got to know each other and at this stage loose network has been established among them.

We had one big challenge during this time when a returning student exaggerated reports of what he had done. This issue sapped the whole team of its energy for a period during which time an appropriate response was being developed. Eventually after the director of the clinic was consulted it was jointly decided to remove the student from the programme and replace him with another student in 2008. While the experience was draining, the outcome was elevating as it highlighted the importance of integrity, honesty and respect for the fact that we hold donor funds in trust and have an obligation to act with utmost good faith.



Moving to the legal services dimension, the report describes the proactive approach adopted. After consultation with community based organisations, views expressed by experts and a look at our own strengths and limitations, we chose two issues that we will then work on and proactively look for cases on. This process resulted in us choosing the following issues over the last two years: In 2006 we chose: 1) HIV and Prisoners' right to a clean and healthy environment; 2) HIV and the property rights of widows and orphans; and 3) Discrimination of the life insurance industry on the basis of HIV status. In 2007 we chose: 1) HIV and the right to access education; and 2) HIV in the workplace. While we view this approach as novel we are mindful of the fact that we have not yet taken a case. We also note that our students on the other hand are handling several cases within these categories.

To highlight two cases from two different countries: One of our partner clinics represents a little child aged five whose grandmother sold her mother's house because the mother was HIV positive and the grandmother assumed the mother would die soon. The case is currently in court.

In the second case, a male had been charged with "fraudulent pretence to marry" and held in custody for three months without his case having been to court. He was eventually released on bail and sought legal assistance from the LAC. During the period in prison he had been raped several times by fellow inmates and contracted HIV/AIDS. The clinic has taken his case.

We moved on from this to look at how we ensure that our services and that of our partner law clinics reach the most vulnerable in society. We describe how we have helped each clinic develop strong links with community based organisations. In most countries the students go out to organisations and provide legal advice to indigent and vulnerable groups, but also engage in manual work like gardening.

This section is followed by a look at progress made in each of the countries we work in. We describe our partner, the integration process, their training work, their legal services and outreach work and their partners. We have worked in Rwanda, Uganda, Kenya and Tanzania in the Great Lakes Region and Mozambique, Zimbabwe, Botswana and Namibia in the Southern African Region. We intend working in the DRC, Burundi, Zambia and Malawi in 2008 and describe the steps taken in that direction.

The report then looks at the extent to which we have complied with the conditions of our agreement, we look at management and administration issues, the budget and finally we reach the analysis and proposal section.

Here we look first at our failures at some length. We considered the situation with the student whom we had to remove as the greatest failure. We hoped that values and focus on integrity would permeate but when this happened it was difficult for all of us. While we have taken constructive steps and drawn positive lessons from the experience it does not completely balance yet.

The establishment of a regional network, albeit informal at the moment, is one of our greatest successes. To observe how the networks form and how much people have in common and when many minds address an issue frankly and with integrity so that it can be resolved, is one of the pleasures of our work.



We also encountered problems in our work which we go on to describe in the report. One of the problems was that one clinic was not ready for participation in this and in another clinic one student obtained employment elsewhere. Neither of these were insurmountable problems, we simply moved that country to 2008 and decided to recruit the second student from the other country in 2008 as well.

During the implementation of the 2007 plan, we deviated a bit from the actual plan in that for example we included a week long visit to an established South African law clinic for the students from each partner law clinics. While this was a deviation and not planned for, it was important and provided valuable lessons for the students regarding the effective management and operation of a law clinic. This did not detract but in fact bolstered the plan, so we conclude that although it was a deviation in 2007, it is now planned for in 2008.

We mention our evaluation which is underway and consequently omit making any quantitative or qualitative assessment of the programme at this stage. However, we do make nine proposals to change the programme for 2008. By and large these changes are strategic and, we believe, help to ensure the efficiency of the project.

It is difficult to capture the year with fifteen students from eight countries, the work they have done and the work we have done in this summary or indeed in this report. We have tried to present a frank and balanced perspective to provide the reader with insight into the year that has passed.

We invite the reader to share this journey with us and share too thoughts, reflections and ideas on how we can improve our work.



2 BACKGROUND

In 2003, this project was only an idea. It manifested in the minds of many but remained an idea. In 2004, the idea was slowly being materialised. The first stage saw the formalisation of an organisational structure. However, the full realisation of the idea remained a challenge. To win the confidence of donors was an up hill battle but one which occurred when in December 2005 Sida and Danida expressed confidence in the team, the idea and the plans that we had to realise this idea.

Now, in 2007, we present a long report. We minimise our analysis of developments in the sector and other background information but still find ourselves presenting a long report. Our plan was to work in fifteen countries in the Southern Africa and Great Lakes Regions. They included countries emerging from genocide (Rwanda) countries in the midst of political turmoil (Zimbabwe) and countries that were embroiled in conflict (DRC and Burundi). Many wondered whether this could actually happen. Whether we would be able to achieve what we set out.

We are happy to present what we believe is a comprehensive report recording what we have achieved. We are our own worst critics and so the report also includes our failures. We believe that these are stepping stones from which we learn and improve, so the story of our failures is tempered with our plans for improvement.

A background statement at this stage cannot exclude the political turmoil of Kenya, the civil war in the DRC and the impending elections in Zimbabwe. All these are facts and make our work a little tougher but not impossible as you will see from the report below.

We are at a critical stage in our organisation. Now we determine where it will go to from here. We have achieved much in the short time, but now need to consider what the next steps will be, who our future partners will be and whether we continue this journey with those that are here.

Our central theme is “to build a cadre of public interest lawyers who are committed to social and economic justice”. Humility in our work and thoroughness in our approach remain the cornerstones within which we operate.

We are constantly mindful of the many other organisations and individuals working in this field. We acknowledge that we are not alone in our efforts and that through concerted efforts together we will see change. We are also mindful of the fact that the impact of our work cannot fairly be assessed immediately but that with time we hope to see those whom we trained lead organisations and institutions with integrity, egalitarianism and commitment to the most vulnerable in society.

With this backdrop, we invite you to share in our work, our successes and failures and our plans for the future.



3 PROGRESS REPORT

3.1 TRAINING PROGRAMME

Goal of the Five Month Training Programme

The goal of this training programme is to build a cadre of lawyers who:

- have sufficient knowledge, information and skills to integrate the use of international and regional human rights norms and standards in their law clinics;
- are committed and able to challenge elitism and social, economic and political injustices generally, and more specifically unfair discrimination against people living with HIV/AIDS, and enable them to better secure the socio-economic rights of people living with HIV/AIDS, using international and regional human rights norms and standards as the barometer;
- are part of a formal or informal network of social justice lawyers within their region and develop regional strategies in collaboration with each other where appropriate; and
- are not solely motivated by earning lots of money.

Methodology

We use a multi-disciplinary approach and clinical legal education methodology as far as possible. To this end, the trainers comprise political scientists, social scientists, medical doctors, practicing lawyers, law teachers and journalists.

Guest teachers are encouraged to ensure active participation, interactive methods debate and enquiry in the class. We aim to achieve a balance between philosophical discourse and application of theory to pragmatic circumstances. Further, since egalitarianism is a core value for the HRDI team, we try to ensure that the power relations within the classroom environment are flattened.

Structure

The programme is structured such that we move from the broader to the narrow and focus more deeply as the programme develops. We begin with broad contextual issues and end the programme with students working on two specific cases/issues that we have jointly selected. A brief summary of each phase of the training follows.



Phase One

After the induction and orientation process, we look at the human rights challenges associated with the changing political landscape in Africa and also develop a broad understanding of the social, economic and political context, particularly within the Great Lakes Region and Southern Africa. After a seminar presented by a political scientist, students reflect through guided group discussions on pertinent issues within their countries and regions such as democracy, human rights, development, peace, reconciliation and economic and social justice. This is done through discussion that is triggered by simple questions geared at probing and provoking students to enquire deeply into their own background, experience and knowledge.

Phase Two

The second phase is geared toward developing a strong foundation and consequently a deep understanding of the basic concepts and vocabulary associated with human rights, the philosophical and historical base upon which much of the current human rights discourse is founded, and basic standards of international and regional human rights as enshrined in the key covenants and interpreted by the various bodies enforcing international and regional human rights norms and standards. During this period, we also look at the intricacies of how the various international and regional mechanisms work in practice.

Phase Three

The third phase leads the students to the issue of HIV/AIDS and human rights. We begin with global perspectives. This includes medico-legal, socio-psychological and rights based approaches to stigma, discrimination and ostracisation presented by medical doctors, psychologists, practicing lawyers and law teachers. In view of our focus on the two sub-regions and on non-discrimination and equality, we look at international standards regarding HIV, equality and non-discrimination and thereafter, specific challenges within the Great Lakes and SADC regions.

Gendered perspectives are integrated throughout this period, but there is also a specific focus on the increased vulnerability of women and children to HIV/AIDS.

The last two weeks of this phase looks at key issues in the struggle against HIV/AIDS. Although students work on two issues only, during this time they get some grounding to enable them to recognise and deal with other types of cases/issues.

At the end of this phase and within the context of the above seminars/workshops and community consultations that students engaged in as part of their preparation for this training, we jointly identify two cases/issues that we then work on for the rest of the training programme and thereafter the students continue when they return to their home countries.

Phase Four

During the fourth phase we, at first, explore the various options/strategies such as research and drafting, litigation, negotiation, media and legislative advocacy, available at



an international, regional and domestic level, and analyse them and apply them hypothetically to the selected cases/issues. Practicing lawyers, law teachers and journalists participate during this period.

Phase Five

During this phase, students work in two teams. Each team works on one of the issues/cases selected.

They are mentored closely by experienced practitioners who are available on an ad hoc basis. Seminars are held to assist students to define, analyse and identify the root causes of the issue, and contextualise their case/issue within the socio-economic, political and human rights landscape. Thereafter they determine what impact is sought and develop an appropriate intervention strategy. Further in-depth discussions are held regarding the application of litigation, negotiation, media and legislative advocacy as it applies to the specific case/issue. Towards the end of the programme, we look at the use of effective networking strategies to achieve social justice.

Students then review the progress made on the case and wind up their work with a written handing over process. Finally, in order to ensure that the training programme grows and develops, students participate in an evaluation process.

The One Month Training Programme for Returning Students

In 2007, the returning students spent six weeks in South Africa. Their schedule was structured as follows:

During the first week they spend time on their own watching DVD's of the sessions they missed and discussing the content of these sessions, for example, Politics, Governance and HIV. The next week was a period of reflection and taking stock – they looked at what they did well and what could be improved upon

During the third week both groups worked together. The returning students briefed the new students on progress made with respect to implementation in their countries and with respect to the issues they chose. Thereafter we held a re-evaluative counselling workshop looking at internalised racism on the weekend.

The next two weeks were spent learning new skills together. They focused on Public Interest Litigation, Negotiation and Mock Trials and on Drafting Skills.

During the last week they discussed integration challenges and strategies. Here experiences were shared, strategies developed and plans made to ensure full integration.

Finally, the clinic directors arrive and are briefed by their students in preparation for the Project Management Committee meeting. They discuss freely among themselves what worked and what could be improved upon. The whole training programme ends with a small closing celebration and presentation of certificates.



Specific Topics Covered

Understanding the Terrain - Social, Economic and Political Context

- The Changing Political Landscape in Africa
- Africa and Human Rights in a Global Context
- Analysis of the Social, Economic and Political Context in each Participating Country
- Analysis of the SADC and Great Lakes Regions

International, Regional and Domestic Human Rights System

- Inter-American System
- European System
- African Regional System – African Commission and African Court
- Community Systems – East African Court of Justice
- Community Systems – SADC Tribunal
- Domestication of International Human Rights Standards
- UN System

Global Perspectives on HIV/AIDS

- Medical
- Social Psychological
- Current Developments

Rights Based Approach to HIV/AIDS

Key Issues

- HIV in the Work Place
- HIV and the Right to Health
- HIV and the Right to Education
- HIV and Refugee Rights
- HIV and Migration
- HIV and Trafficking
- HIV and Habitat Rights
- HIV and the Right to Food
- HIV and Socio-Economic Rights
- HIV and Children's Rights
- HIV and Women's Rights
- Customary Law, Traditional Practices and HIV
- Politics, Governance and HIV
- Prisons, Penal Reform and HIV
- Sexual Orientation and HIV
- State Obligations to Regulate the Conduct of Big Corporations: HIV, Intellectual Property and Access to Medicines



Skills Taught

This programme is geared at enabling participants to integrate what they have learned in the law clinics when they return to their home countries.

The following skills have been taught through role plays, simulations and other interactive methods.

Interviewing

Students were taught how to interview in general and particularly how to interview people living with HIV/AIDS and prisoners. In addition to the role plays and simulations, students were taught how to listen empathetically through the re-evaluative counselling workshops.

Fact Investigation

Students were taught how to identify the facts that needed to be established, verified and the skills required to do so.

Negotiation

Negotiation was taught through role plays and simulations developed specifically around the five issues that students were working on, namely, insurance, succession, prisons, HIV in the workplace and the right to education.

Legal Drafting

Here the students looked mainly at drafting amicus submissions.

Public Interest Litigation and Advocacy

Students were guided by experienced public interest advocates on the skills required to identify and select cases through to developing the litigation or other strategy to address root causes of problems.

Teaching Skills

Here the students were taught clinical legal education methodology and practice including developing and implementing lesson plans.

Analytical Skills

Students were taught methods to analyse issues, to distinguish between root causes and symptoms and to look deeply into issues.



Teachers

HRDI is privileged to work with specialists within our field from a vast geographical spread.

In many cases the guest teachers included representatives of tribunals and others who have worked closely with the tribunals. In keeping with our commitment to a multi-disciplinary approach, they include lawyers, political scientists, psychologists, medical doctors, and other social scientists.

We have maintained a balance between academic analysis and practical application.

List of Guest Teachers (2007)

| Name | Institution | Nationality |
|---------------------|--|--------------|
| Amanda Dissel | Centre for the Study of Violence and Reconciliation, South Africa | South Africa |
| Barbara Rijks | International Organisation for Migration, South Africa | Netherlands |
| Cameron Brisbane | Built Environment Support Group, South Africa | South Africa |
| Charles Mkandawire | SADC Tribunal, Namibia | Malawi |
| Christopher Mbazira | Community Law Centre, University of Western Cape, South Africa | Uganda |
| David Johnson | UN Human Rights Commission, South Africa | USA |
| David McQuoid Mason | University of Kwazulu Natal, South Africa | South Africa |
| Dennis Töllborg | University of Göteborg, Sweden | Sweden |
| Frans Viljoen | Centre for Human Rights, University of Pretoria, South Africa | South Africa |
| Frederik Eklof | Re-Evaluative Counselling, Sweden | Sweden |
| Gaston Chillier | CELS, Argentina | Argentina |
| Janet Love | Legal Resources Centre, South Africa | South Africa |
| Jody Kollapan | SA National Human Rights Commission, South Africa | South Africa |
| John Ruhangisa | EAC Tribunal, Tanzania | Tanzania |
| Jonathan Berger | Aids Law Project, South Africa | South Africa |
| Kondwani Chirambo | Institute for a Democratic South Africa | Zambia |
| Kristin Henrard | University of Rotterdam, Netherlands | Belgium |
| Laurie Bruns | UN High Commission for Refugees, South Africa | USA |
| Liesle Gernholtz | Tswaranang Legal Aid Clinic, South Africa | South Africa |
| Lukas Muntingh | Community Law Centre, University of Western Cape, South Africa | South Africa |
| Marlise Richter | PHD Student, Public Health, Formerly of Aids Law Project, South Africa | South Africa |
| Michaela Clayton | Aids and Rights Alliance, Namibia | Namibia |
| Pansy Tlakula | African Commission on Human and Peoples Rights | South Africa |
| Pierre Brouard | Centre for the Study of AIDS, South Africa | South Africa |



| | | |
|--------------------|---|--------------|
| Reiko Matsuyama | International Organisation for Migration, South Africa | Japan |
| Richard Moultrie | Legal Resources Centre, South Africa | South Africa |
| Sibonile Khoza | Community Law Centre, University of Western Cape, South Africa | South Africa |
| Simphiwe Mabhele | International Labour Organisation, South Africa | South Africa |
| Thandabantu Nhlapo | University of Cape Town, South Africa | South Africa |



Voluntary Manual Work

Each week, regardless of how tight the deadlines are, the whole HRDI team and all the students go out to a community based organization, Tateni, in a low income community, and engage in manual work as required by the organization.

This started out as an expression of our need to meet people living with AIDS and work closely with them. Our work does include meeting PLWHA's but also includes working in the vegetable garden, handy work such as painting a fence, playing with kids at a drop in centre and renovating a classroom that will be used as a drop in centre.

This work has kept the whole team grounded by removing the cloak of importance that comes with being a lawyer and instead engaging in necessary manual work. Through this, attitudes of elitism are challenged within us each week.

Participants

Each of the students has been carefully selected by the partner law clinic in co-operation with HRDI, to ensure that the person is committed to issues of social justice and to working within the clinic. The individuals selected are either already working within an established law clinic, or intend to work within the law clinic once they return.

The following participants were trained and still remain in the programme.

| | |
|-------------------|--|
| Rwanda | Tom Mulisa Appolinaire Kayitavu is no longer in the programme. Another person will be recruited and trained in 2008. For more information see the report on Rwanda below. |
| Uganda | Evelyn Aero Catherine Peace Tumusiime |
| Kenya | Collins Omondi Milka Kuria |
| Tanzania | Fortunata Kitokesya Daniel Lema |
| Mozambique | Farida Mamad Armando Cuamba |
| Zimbabwe | Thoughts Deme Albert Chambati |
| Namibia | Johannes Frans Isabella Tjatjara |
| Botswana | Tebogo Jobeta A second person will be recruited and trained in 2008. |



Unique Features of the Training Programme

Consultation with Community Based Organisations before the Training

The aim is to avoid strategizing in the board room without having a tangible sense of what communities really want and need us to do. Before students come to the training programme they are required to identify, meet with and consult community based organizations that work with PLWHA's.

Reflective Personal Enquiry

The training begins with the questions:

Who am I? and Why am I here?

These questions are asked through out the programme again and again. It is aimed at encouraging students to look more deeply at themselves and others.

The programme ends with the questions:

Who am I? Why am I here? Where am I going to? How am I going to get there? What am I most afraid of?

As students are preparing to leave they are urged to reflect upon challenges and strategies.

Working with Participants as Whole People

HRDI recognises the challenges associated with addressing stigma, and the fact that we are working with complex individuals who live with deep patterns as a result of internalized racism, personal experiences of social exclusion and stigma, insecurities and fears that hinder the full realization of their potential.

Our programme consequently includes skills to deal with these patterns and processes aimed at assisting the individual and group to work jointly within a safe and nurturing environment at confronting the patterns and working with them.

This is done through re-evaluative counselling workshops, open door policy of the HRDI team to help with personal trauma and difficulties, and through the assistance of clinical psychologists specializing in stigma and HIV/AIDS.

Incremental Approach

In view of the effectiveness of working with small groups, HRDI has chosen to increase the number of participants gradually. Consequently each year 8-10 new participants are recruited. However, during the last month of the programme all the students from the previous year and the current year work together. This is done to ensure that all the students benefit as the programme grows and improves. Since the students work on an issue/case they brief one another regarding progress made and then include the new issues/cases in their work when they return to their home countries.



3.2 LEGAL SERVICES

The legal services component is developed proactively. The students, during their preparation consulted with community based organisations and enquired among other things as to what the most pressing HIV/AIDS issues are. Cases/issues are proactively tackled as a result of this consultative process.

The groups have written detailed reports outlining their analysis of the issues, the impact they seek and a detailed implementation plan. All these documents are available on request. For the purposes of this report what follows is a very brief summary of only the human rights impact that they have chosen. In addition, to view progress made in each country regarding these issues please look at the analysis of progress made in each country below. Please also note that as a result of many factors, the least of which is the requirement to exhaust domestic remedies, none of the cases currently being handled by the students is ready to be taken to an international or regional tribunal.

The five issues currently being tackled are:

ISSUES CHOSEN IN 2006:

1) *The rights of prisoners and HIV/AIDS*

The group that works on the issue of prisoners and HIV/AIDS has chosen to look specifically at the right of prisoners to a clean and healthy environment which includes:

- Access to clean water
- Access to health care
- Proper ventilation
- Proper nutrition
- Access to toilet facilities
- Enough space and lighting

Prisoners are not able to access this right because of, among other things:

- Over crowding
- Poor prison conditions

2) *Discrimination within the life insurance industry against people living with HIV/AIDS*

This group has chosen, among other things, to challenge the various forms of discrimination within the life insurance industry such as:

- Pre Approval Testing
- Circulation Of The HIV Test Results Among The Insurance Companies
- Exclusion Clauses Exempting The Company In the Event of an HIV/ AIDS Related Death of the Policy Holder
- Violation of Principles of Administrative Justice.



3) *Discrimination against widows and orphans with respect to their inheritance rights*

This group chose to focus, among other things, on increasing access to justice particularly for the poor and illiterate vulnerable groups, in particular AIDS widows and orphans by:

- Equipping illiterate and vulnerable groups through our work with the ULC with the knowledge and skill of drafting wills and living wills; and
- Assisting the poor and vulnerable groups in succession planning to reduce the incidence of property grabbing when death occurs.

ISSUES CHOSEN IN 2007:

4) *HIV in the Workplace*

The group chose, among other things, to focus on the rights below:

- Right to Privacy
- Right to work and right to just and favourable condition of work
- Freedom from discrimination
- Right to social security
- Right to health
- Freedom of association and the right to collective bargaining

5) *HIV and the Right to Education*

This group chose among other things to focus on the following areas:

- Free and compulsory education
- Non discrimination/ equality in admission to schools
- Privacy and reputation
- Protection against child abuse and torture
- The link between the right to health and access to education
- Right to survival and development

It is important to note that the above areas have been comprehensively analysed and holistic strategies have been developed. Note also that with respect to 1) – 3) the group from 2006 have begun implementation which is covered more fully in the country analysis below. It is simply not possible to do justice to their work in this report.



3.3 COMMUNITY OUTREACH

Our primary partners are university law clinics. Since they are often situated on university campuses which are usually far away from the communities that they intend serving we acknowledged that for services to reach the most vulnerable groups, a comprehensive outreach programme was necessary. In the context of HIV/AIDS, it is even more difficult for a sick person to walk the long distances required to meet a lawyer hence the need for effective outreach.

Aims of the Outreach Programme

- To reach the most vulnerable PLWHAs;
- To help build strong relationships between our partner ULCs, CBOs, NGOs and FBOs in the community ; and
- To provide legal assistance to the vulnerable groups through ULCs and students whom we trained.

Guiding Principles

In developing the outreach programme we considered a few issues as particularly important, namely:

- Flexibility – when working in the community we must be able to adapt to changing circumstances as the situation in many of our partner countries is in a constant state of flux.
- Respect of diversity - although vulnerable groups have much in common, there are many differences that need to be taken into account
- Avoid duplication and seek to complement and co-operate rather than compete with other role players in the field. We must therefore always look for the niche that needs to be filled.

HRDI's Approach

Our approach to the outreach programme is multifaceted:

- Reach the PLWHA in their places of worship and other places where they seem to seek refuge;
- Assist in building networks/co-operations on location, where people are;
- Assist in creating a functional and efficient outreach program for the ULC;

ACTIVITIES

Our activities fall into two broad categories. Firstly, it involves co-operation between our partner law clinics and community based organisations. Secondly it involves developing a website that could help facilitate the outreach programme

At the outset we recognised that due to financial constraints the partners might not be able to travel long distances from their offices. A practical decision was made taking both the needs of the community and the resources of the clinic into account.



Community Based Organisations

During 2007, we actively encouraged and assisted the partners to identify community based organisations. We held meetings jointly in Rwanda, Uganda, Kenya, Tanzania and Namibia. The result of this process is a strong relationship between the partner law clinic and the community based organisations as described below in each country report.

We were not able to visit Botswana due to police harassment of the person in charge of the community outreach programme at the airport in Gaborone.

There were leadership changes at the university in Mozambique which rendered that visit impossible during 2007.

The outreach programme was postponed in Zimbabwe until the organisational problems described below were dealt with.

Website

Since we recognised that information and communication technology within the network of partner law clinics, between this project and its network partners, between the project and organisations of potential beneficiaries, with other activist groups, the media and other relevant organisations, institutions and regional and international human rights forums is vital to its effective functioning, a web site is necessary.

The main objectives of the web site are to:

- Ensure that information and knowledge are shared and easily accessible;
- Facilitate discussion and development of strategies across organisations and networks among the individuals and institutions mentioned above;
- Facilitate publication of new developments, successful strategies used, and other relevant information in the field; and
- Provide a gateway to other relevant organisations.

During 2007, the planning process which included staff discussions and dialogue with students, consultation with experts took place. After a search for a web designer, one was appointed during the last quarter of 2007. The website will be on line from the end of February. It includes a discussion forum to enable all the students and partner law clinics to communicate with each other and strategise jointly around common problems.



PROGRESS MADE IN EACH COUNTRY

GREAT LAKES

RWANDA

OUR PARTNER

Legal Clinic, National University of Rwanda (LCNUR)

The central focus of the LCNUR is on ensuring that the greater part of the population knows their rights and on providing easy access to justice in Rwanda. The LCNUR aims to make a contribution in this field through the provision of legal assistance, training of students and lay people and research. We entered into an agreement of co-operation with the LCNUR in 2006.

INTEGRATION OF HRDI TRAINING INTO CLINICAL PROGRAMME

Complete integration did pose as a challenge at the beginning of the programme. However, both students are now fully integrated into the clinic, faculty and university. One of the students, in reporting to HRDI and the other students, exaggerated his performance and in fact did not perform well both upon his return to Rwanda and when he came back to South Africa for the one month programme. After consultation with the clinic management it was jointly decided that he will no longer be part of this programme. A further student (preferably a staff member) will be recruited and trained in 2008.

TRAINING

When the students returned they began to train law students at the university on interviewing, counselling, taking instructions, writing opinions and on the link between HIV and human rights. They conducted research into discrimination in the life insurance industry in Rwanda.

LEGAL SERVICES

The clinic planned on taking three cases to court per year. They have achieved that. In addition they provided legal advice to 14 individuals. During the outreach programme described below, they also interview and advise clients. They highlight the following:

Case One:

A case to note is one where a child was trafficked by a Rwandese couple from Kenya to Rwanda. The clinic is currently representing the child who is now a grown woman. The



case is fairly sensitive and high profiled as the other individual involved currently works in a UN agency. The matter is now in court. We have assisted in developing strategy, funding and through developing linkages with the International Organisation of Migration.

Case Two:

The clinic represents a little child aged five whose grandmother sold her mother's house because the mother was HIV positive and the grandmother assumed the mother would die soon. The case is currently in court.

Case Three:

The clinic represents a mentally challenged person whose father is trying to disinherit him and deprive him of property. He is currently without a home and access to care. The clinic has hired a lawyer to represent him.

Case Four:

The clinic represents a girl who was raped when she was 17 by her step brother. She became pregnant was removed from school and has not been properly assisted by the police and prosecution. The clinic is attempting to address all of the issues in this case including the trauma and human rights abuses.

COMMUNITY OUTREACH (THEIR PARTNERS)

The team from Rwanda returned to their home country and began to work more closely with the community based organizations than they had before. They provide legal advice and assistance, but also work in the vegetable garden.

They work with two organizations:

- **ARBEF (Rwandese Association for the Well Being of the Family)**

ARBEF works in all parts of Rwanda encouraging family planning among other things. Their work has evolved to include a substantial focus on PLWA's. The law clinic conducts weekly visits where they provide legal advice and do manual work in the garden.

- **ABASA (Kinyarwanda word that means "those who are the same")**

ABASA is an organization that works with survivors of the genocide and particularly with women and children who were victims of rape. The students visit this organisation regularly.



UGANDA

OUR PARTNER

Law Development Centre's Legal Aid Clinic (LAC)

The Law Development Centre is a post graduate programme geared at preparing law graduates for the practice of law. The Legal Aid Clinic is an integral part of the LDC. It is based in Kampala and is a part of Makerere University.

The main objective of the LAC is to improve the level of education of law faculty graduates of recognised universities by integrating clinical legal education into the Law Development Centre's (LDC) curriculum. Clinical legal education here means giving the students a deeper and more meaningful understanding of the law, the legal profession and lawyering process. The project also plays the public defender role by offering free legal assistance to indigent petty criminals, juvenile offenders and children in need of care and protection.

We entered into an agreement of co-operation with the LAC in 2006.

INTEGRATION OF HRDI TRAINING INTO CLINICAL PROGRAMME

The students are completely integrated into the LDC. They have established a working team at the clinic, briefed them and developed a joint operational plan. They have received support from the management. Management has in turn commented on their role in improving the services delivered by the clinic.

TRAINING

As a result of the training received, the students applied for and were allocated sessions to teach the students of the LDC. Their first module was alternative dispute resolution. They started with this module to equip students to conduct reconciliation sessions with complainants and accused persons (who were charged with petty offences but who were being held in custody). This was done with the intention of decongesting prisons. The process began in December 2006 and continues to date. As a result of this training, discussion with the court officials and police, the clinic has reconciled several cases of which 16 were done in just one day.

In addition, the students spearheaded a process of reviewing the curriculum to include HIV/AIDS and human rights and to include more participatory processes such as role plays into the training programme. This resulted in them training 550 students who were divided into 10 "firms" in 2007.



LEGAL SERVICES

In view of the fact that they chose to deal with the succession and prisons issue in Uganda, the bulk of their focus has been targeted towards these types of cases. The clinic handled 386 cases in total of which 79 clients had HIV/AIDS related issues. They divided the HIV cases into 62 that were about care and protection and 17 that dealt with issues of violation of property rights.

In their December report they highlighted four cases, two that deal with prisoners and two that deal with succession issues. A brief summary follows:

- a. A male had been charged with “fraudulent pretence to marry” and held in custody for three months without his case having been to court. He was eventually released on bail and sought legal assistance from the LAC. During the period in prison he had been raped several times by fellow inmates and contracted HIV/AIDS. The clinic has taken his case.
- b. A woman was falsely prosecuted and held in custody. She complains of the unhealthy conditions in prison such as toilet buckets that are not emptied out regularly, one meal a day. She is now the client of LAC.
- c. A male attended the clinic attempting to obtain the pension and retirement benefits of his late brother. The students realised that the late brother had died of HIV/AIDS and was survived by a widow and children. The client left and returned a week later with another story and suggested that his brother died a natural death and had no children. The students refused to draw up an affidavit, advised him that what he was doing was wrong and eventually issued a stern warning to him. They then wrote a letter to the Uganda People’s Defence Force informing them of the need to be cautious in such situations and to inform the clinic of these types of cases.
- d. Two children whose mother died of HIV/AIDS were being taken care of by their maternal grandmother for about six years. The father failed to maintain the children during that time. However, he took the children in December 2006 and did not return with them. The grandmother discovered that the father had remarried and that the new couple were trying to raise funds from a Swedish national who cares for orphans. The grandmother sought the help of the clinic as she witnessed the children living under unhealthy conditions. The LAC took on the case and eventually obtained an amicable solution in terms of which the father returned the kids to the grandmother who continues to take good care of the children.

COMMUNITY OUTREACH (THEIR PARTNERS)

The team from Uganda conducts regular field visits with students to the following organisations and institutions:

- The Luzira prisons (Kampala remand, Murchison Bay and Luzira Women’s prison)
- Naguru children’s remand home
- Legal Aid Project of Uganda
- The Uganda Association of Women Lawyers (FIDA-U)
- National Community of Women Living with HIV/AIDS (NACWOLA)



KENYA

OUR PARTNER

Student Association for Legal Aid and Research, SALAR, Faculty of Law, University of Nairobi, Kenya

- SALAR is a student run legal aid service. It is a membership organization comprised of law students from the faculty. Through SALAR students express their appreciation to society for the opportunity to learn. SALAR and the law faculty are in the process of establishing a full time legal aid clinic and clinical legal education programme. We entered into an agreement of co-operation with the law faculty and SALAR in 2007.

INTEGRATION OF HRDI TRAINING INTO CLINICAL PROGRAMME

It is still too soon to assess whether or not integration into the university and law faculty will work. However, the indications from the director of the programme, the dean and the students since their return in December 2007 have been quite positive. Despite the turmoil in Kenya, and despite the fact that work could not be carried out from the faculty, the director has invited the students to work from her home. She has indicated through email correspondence that they have been working. It is positive to note that they have incorporated the problem of IDPs in their work plan. We look forward to reporting more about this in our next report.

COMMUNITY OUTREACH (THEIR PARTNERS)

The organisations below were identified before the students embarked on the training programme. These were among the organisations consulted during the preparation phase. It is expected that they will continue to work together.

- **Kicoshep**

KICOSHEP was established in 1991 to enable poor people to cope with the impact of HIV/AIDS and to enlist the participation of the community in reversing the AIDS trend. They operate in the Nairobi Province, Machakos District in Eastern Province, Nyando and Kisumu District in Nyanza Province and Thika District in Central Province. They provide home-based care, VCT and care and support to orphans and vulnerable children. They work in slums of Kibera in Nairobi.

- **Children's Legal Action Network (CLAN)**

CLAN was established in 1998 to help reduce the social injustices by giving children a chance to access legal assistance both from within and without the court system. CLAN also seeks to improve the ability of civil society and the government to respond to needs to uphold the rights of children. CLAN's programme on free legal aid is a direct frontline service delivery system that takes the following dimensions: Free Legal Representation, Victim Support, Diversion and Legal Counselling Clinics.



TANZANIA

OUR PARTNER

Legal Aid Committee, the Faculty of Law, University of Dar es Salaam, Tanzania

The LAC was one of the first law clinics established in Africa and has a long and strong tradition of professional service to vulnerable clients and communities. The LAC has represented clients in court with members of the law faculty, including the Dean, senior and junior lecturers. Legal representation, public legal education and networking are among the key activities of the LAC. We entered into an agreement of co-operation with the LAC and the law faculty in 2007.

INTEGRATION OF HRDI TRAINING INTO CLINICAL PROGRAMME

There have been leadership changes at the clinic. We are uncertain as to the background. Our correspondence thus far indicates that despite these changes both the old leadership and the new are committed to ensuring the success of this programme.

COMMUNITY OUTREACH (THEIR PARTNERS)

The organisations below were identified before the students embarked on the training programme. These were among the organisations consulted during the preparation phase. It is expected that they will continue to work together.

- **Comprehensive Community Based Rehabilitation in Tanzania (CCBRT)**

The Holistic HIV/AIDS Related Program (HARP) of CCBRT aims to prevent the spread of HIV and to improve the quality of life of AIDS patients and their families. The program addresses a wide range of components as HIV/AIDS affects every thinkable aspect of family life. CCBRT in collaboration with the Dar es Salaam City Council provide VCT and care services to AIDS patients and their families at their homes. They also provide legal aid (eg. preparation of wills, custodianship of children, land inheritance issues) to indigent people. CCBRT offices are located in hospitals where people living with HIV seek medical assistance.

- **Women's Legal Aid Centre (WLAC)**

WLAC works towards the elimination of discrimination against women and children through legal provisions, advocating for enactment of gender sensitive laws, research and documentation, and public awareness and education on women and children's rights. It operates in 16 regions of Tanzania mainland namely Arusha, Kigoma, Kilimanjaro, Lindi, Mtwara, Manyara (Hanang and Kiteto), Mwanza, Dodoma, Songa, Shinyanga, Morogoro, Dar es Salaam, Tanga, Iringa, Mbeya and Coast regions.

(This information was obtained from the promotional material of the organization.)



DEMOCRATIC REPUBLIC OF CONGO (DRC) AND BURUNDI

Groundwork for co-operation with the law faculty at the national university in the DRC and in Burundi has been accomplished. During 2008, the formalities of meeting the management, administration, recruiting and preparing students will take place.



SOUTHERN AFRICA

MOZAMBIQUE

OUR PARTNER

Center for Practical Legal Studies, Eduardo Mondlane University of Mozambique

The CPLS has dual, equally important objectives of training senior law students in the practical aspects of dealing with clients and providing legal services to indigent members of the public who would otherwise be unable to enforce their legal rights in Mozambique. The CPLS aims to make a contribution in the field of access to justice for the huge number of unrepresented accused or waiting for trial through a number of projects, ranging from providing Legal Assistance at Maputo Judicial Court and Legal Assistance at Maputo's Central Jail. We entered into an agreement of co-operation with the CPLS in 2006.

INTEGRATION OF HRDI TRAINING INTO CLINICAL PROGRAMME

The clinic is committed to the full integration of the students into the clinic programme. They are seen as an important new resource by clients, clinic and the faculty. Their input has been sought to incorporate HIV/AIDS and human rights into the curriculum. At the Project Management Committee meeting the director indicated that after the HRDI funding ends, they will apply for full time positions for the two students in the clinic.

TRAINING

The students have been involved in training clinic staff and law students. They have developed a comprehensive training manual that incorporates HIV/AIDS and human rights into the curriculum.

LEGAL SERVICES

The students have dealt with many labour, family and domestic violence cases among other things. In their report they highlighted a few cases. For the sake of brevity we will also focus on a four cases that are relevant to this report.

Case One:

A man approached the law clinic to seek help to evict people from what he believed were his premises. The facts of the case were such that the premises originally rented out was demolished and new premises erected. During the court case the wife of the opposing party suggested that she was being discriminated against due her HIV status. The students took the view that if this case were to proceed as planned they would be hurting instead of protecting a person living with HIV. They asked that the trial stand down and reconciled the parties through mediation. The case has been successfully finalised.



Case Two:

A security guard was dismissed due his HIV status. He fell ill was first treated for malaria and later diagnosed HIV positive and treated. When he returned to work and informed his employer of the situation he was summarily dismissed on the grounds of his absence from work. The students took on the case and at first attempted to sensitise the company to HIV issues and discrimination. However after these discussions failed, they decided to take the case to court. The papers are being prepared for submission to court.

Case Three:

In this case a woman approached the clinic. She had been living with a man from whom she had two children. The last child was HIV positive but her husband is HIV negative. This caused a schism in their relationship. She was expelled from the house. She came to the clinic seeking help with obtaining custody of the children and the right to live in the house. The students' first step is to attempt to reconcile the parties and sensitise them to each others issues. In this case they called the man in, had long discussions and facilitated a mediation process after which the couple reconciled.

Case Four:

In this case a woman sought help after her husband attempted to evict her from the marital home. They were married for 15 years and he now wanted her to leave so he could live with another woman in the home. She was of the opinion that he was doing this because he believed that she was HIV positive, which she was not. All the students' attempts at reconciliation failed in this case. Consequently, they are preparing the case for litigation.

COMMUNITY OUTREACH (THEIR PARTNERS)

- **Mozambican Human Rights League (LDH)**

LDH is a NGO that has the promotion of human rights as its main task, and the organisation works both with advocacy, legal counselling for the poor, information and human rights surveying as well as raising awareness about human rights violations.

The following villages and remote areas were visited: Matola, Buane, Matutune



ZIMBABWE

OUR PARTNER

Justice Aids Trust, Zimbabwe (JAT)

In 2006, HRDI intended to co-operate with the Legal Aid and Advice Scheme (LAAS) of the faculty of law at the University of Zimbabwe in Harare. They assisted with the recruitment of students and supervised the initial preparatory research. However, once discussions regarding the financial contribution began the faculty and LAAS requested amounts that were simply impossible for HRDI to provide.

The students that we trained did not despair and instead sought other avenues to continue to implement what they have learned. They consequently established the Justice Aids Trust as a formal organisation through which they intend to provide legal services, training and community outreach as described below.

JAT's purpose is to contribute to the prevention of the continued spread of the HIV/AIDS epidemic and mitigate its effects through ensuring access to justice for those affected and infected by HIV/AIDS. JAT is based on the realization that *law and policy and judicial action that uphold the human rights framework have a central role to play in effectively dealing with the spread of the HIV/AIDS epidemic*. JAT is founded also on the realization that legal protection for PLWHA is a powerful way of redressing and thereby mitigating the unequal power relations, *social inequality* and *exclusion* that lie at the heart of HIV/AIDS related discrimination.

INTEGRATION OF HRDI TRAINING INTO CLINICAL PROGRAMME

Since the students established an organisation with which we now co-operate the bulk of their work is geared at implementing what they have learned during their training in their organisation. It is fully integrated.

TRAINING

In view of the fact that this is not a university based law clinic, classroom teaching through the law faculty will not occur. However, students from the faculty will be recruited as interns where training will take place.

LEGAL SERVICES

No legal services have been performed yet.

COMMUNITY OUTREACH (THEIR PARTNERS)

- **Zimbabwe Widows and Orphans Trust (ZWOT)**

Since its inception in 1996, ZWOT, on behalf of its members, has been able to make significant contributions as outlined below.



- a. Provide assistance with legal affairs
- b. Coordinate income-generating self-help projects as a means of promoting sustainable development
- c. Provide bereavement counselling
- d. Assist with medical concerns
- e. Supervise donations and re-cycling programmes for orphans
- f. Media Campaigns
- g. Golden Girls Programme

(This information was obtained from the promotional material of the organization.)

- **New Life**

New Life's aim is to empower and support people infected with HIV/AIDS and their caregivers in this community and to educate the wider community about HIV/AIDS.

Membership is open to anyone living with HIV/AIDS although people whose status is unknown or are HIV negative are welcome to join as associate members. New Life is a program within Family AIDS Caring Trust (FACT). This is a Mutare-based welfare organisation.

FACT is a faith-based organization working with various communities to provide HIV prevention programmes, training and care for the community. FACT provides unconditional care and support to people affected by HIV/ AIDS. Worldwide FACT supports and cooperates with other groups responding to the issue of AIDS in Zimbabwe.



BOTSWANA

OUR PARTNER

Legal Clinic within the Department of Law of University of Botswana (LC)

The main objectives of the LC are to: 1) Provide practical legal skills to law students as part of the training for the LLB degree; and 2) Provide free legal services to indigent clients. LC achieves these objectives through a live client clinic which operates from the Department of Law at the University of Botswana situated in Gaborone. We entered into an agreement of co-operation with the LC in 2007.

INTEGRATION OF HRDI TRAINING INTO CLINICAL PROGRAMME

The LC recruited a full time staff member who was expected to return and incorporate the skills and ideas into the clinic and faculty. The university administration, faculty and clinic have demonstrated their commitment to ensuring that the programme is a success.

One student who was recruited obtained other employment and chose not to pursue this training. Consequently a second student from Botswana will be trained in 2008.

COMMUNITY OUTREACH (THEIR PARTNERS)

The organisation below was identified before the students embarked on the training programme. It was among the organisations consulted during the preparation phase. It is expected that they will continue to work together.

- **Botswana Network on Ethics, Law and HIV/AIDS (Bonela)**

BONELA's mission is to create an enabling and just environment for those infected and affected by HIV and AIDS.

BONELA's activities are aimed at ensuring that ethics, the law and human rights are made an essential part of the national response to fighting this pandemic in Botswana, which has one of the world's highest rates of HIV prevalence. They strive to fight HIV-related stigma and discrimination and to promote respect for humanity.



NAMIBIA

OUR PARTNER

Legal Aid Clinic, Faculty of Law, University of Namibia (LAC)

The main objectives of the LAC are to: 1) Provide better practical training to students studying law; and 2) Provide free legal assistance to indigent members of society. In fulfilling these objectives, the LAC adheres to the guidelines set down by the Law Society of Namibia. It achieves these objectives through a live client clinic which operates from a live client clinic based in a low income township called Katutura. We entered into an agreement of co-operation with the LAC in 2007.

INTEGRATION OF HRDI TRAINING INTO CLINICAL PROGRAMME

The clinic director was also the dean of the law faculty and ensured that the formalities such as the signed of agreements took place. While they do have funding problems, he is in search of innovative ways to ensure that the students are fully integrated into the clinic.

COMMUNITY OUTREACH (THEIR PARTNERS)

The organisations below were identified before the students embarked on the training programme. These were among the organisations consulted during the preparation phase. It is expected that they will continue to work together.

- **Lironga Eparu**

Lironga Eparu (a Kwangali phrase meaning "learning to survive") was established by a group of HIV+ Namibians in March 1999. The founding members wanted a forum in which HIV+ people could discuss and share their experiences of living with HIV and provide each other with support. This self-help role remains the group's main activity today; the group has also become actively involved in advocacy and awareness-raising activities. The group is made up of about 1,500 HIV+ people living in Namibia. Until now, it has been run by group members on a voluntary basis. Achievements to date – monthly group meetings; involvement in policy development (AIDS as notable disease); drafting alter-native guidelines on HIV counselling, testing, and treatment; lobbying for these guide-lines to be included in government policy (currently awaiting cabinet approval); participation in workshops and decision-making bodies dealing with HIV and AIDS; formation of support groups in all regions of Namibia.

- **Catholic Aids Action (CAA)**

Catholic Aids Action (CAA) was founded in 1998 through the Namibian Catholic Bishop's Conference as Namibia's first church-based response to the country's HIV /AIDS crisis, which had already reached pandemic proportions. It has since grown to be the largest NGO responding to AIDS in Namibia, currently operating 14 offices in 9 of the 13 regions.



Working closely with local parishes and faith communities, the work and mission of Catholic AIDS Action has four principal focuses: home-based family care and counselling, youth education and prevention, care and support to orphans and vulnerable children, and voluntary counselling and testing. Services are available to all, irrespective of religion, race or back-ground with a preferential option for the very poorest affected by this pandemic.

MALAWI AND ZAMBIA

Co-operation with the law faculty at the national university in Malawi has been established. During 2008, the formalities of meeting the management, administration, recruiting and preparing students will take place.

The law faculty at the national university in Zambia have other pressing priorities and while they would like to co-operate they have decided that the level required from our programme this year is beyond their capacity. Consequently, we have searched for and identified two other potential organisations.



4 COMPLIANCE WITH CONDITIONS AND RESTRICTIONS

PROCUREMENT

“All development cooperation activities shall be characterised by efficient use of resources, the promotion of good administrative practices and transparency in the management of funds and the hindrance of corruption.” (Sida: Procurement Guidelines for Foreign Non-Governmental Partners)

Due note was taken of the procurement policy. Consequently three quotes were obtained with respect to the production of the DVDs, the purchase of computers for the students, and the appointment of a service provider to IT back-up. Decisions were taken after due consideration of all factors listed in the procurement policy. All the documents relating to these items are properly filed and available for scrutiny.

CORRUPTION

“Sida and HRDI agree to co-operate on preventing corruption within and through the programme and undertake to take rapid legal measures to stop, investigate and charge any party suspected on good grounds of corruption or other wilful misuse of resources.” (Article 5 Co-operation Agreement between Sida and HRDI, 2005)

Unlike last year, we were not directly confronted with this issue and consequently did not need to take any proactive steps during the 2007 financial period. However, we do suspect that two of our students from two different countries, one in Southern Africa and one in the Great Lakes region may have had to engage in difficult negotiations to obtain their passports. We discussed issues like this in class and encouraged the students to make a concerted effort not to succumb to giving bribes to obtain any service from government departments.



5 ORGANISATION AND ADMINISTRATION

MANAGEMENT

RECRUITMENT

The main issue to deal with under management has been our difficulty in identifying a suitable person for the position of Specialist HIV/AIDS lawyer. The position was advertised at the beginning of 2007 and interviews were conducted. Suitable candidates demanded salaries that were simply unaffordable and in our view wholly unjustified given the level of qualification and experience of the candidates.

Since we have advertised this position twice without success, we decided to use a different approach. We approached the new director of the Centre for Human Rights in Pretoria to identify candidates. As a result, we interviewed two candidates. Unfortunately, the two people interviewed have no litigation experience. They are both completing their Phd. One is from Madagascar and the other from Korea. After reflection and due consideration, we decided that we cannot compromise on this aspect of the selection criteria but have decided against that notion as the incumbent's main responsibility is to head up the legal services component of the project. We have come across an individual who comes highly recommended and has a very impressive resume. She is unable to take up full time employment at this stage but is open to a part time position with a view to becoming full time in due course. We are considering this option as she is based in South Africa and is likely to accomplish her targets.

We had similar problems with the recruitment of an administrator. In this circumstance we also used the services of recruitment agencies. However, we are now happy to report that we have found and employed an administrator on a permanent basis.

We decided to begin the recruitment process with the Lawyer and Administrator. We invested so much time in that process that it became difficult to then focus on the process related to the Social Scientist. Also, we at a stage had to accept that if we were going to achieve the targets set for the year, we needed to get on with the work. The travel to eight countries and training programme, now five months with new students and at least one month with the old students required our focused attention. We consequently worked as a team and accomplished much of what was set out at the beginning of the year.

This year though, we do have people in mind and hope to finalise appointments before the end of March.

BOARD

As has been said in other documents we have an independent board who take their oversight role very seriously. They engage on all pertinent issues including some issues relating to management. There has been one change to the Board: Ms Evelyn Ankumah resigned and her resignation was accepted by the board at its meeting in March/April



2007. The board met twice in 2007, once face to face and once by conference call. Minutes are available for scrutiny.

FUNDRAISING

HRDI is at the cusp of a new phase in its life. It is financially stable and will be so until at least December 2009. It is timely for HRDI to begin to map out its strategy beyond 2009 at this stage.

We are considering expanding geographically to work in new countries and deepening our relationship with existing partners. Our team will begin a strategic planning discussion which will continue at our board meeting in March after which plans will be finalised and set in motion.



6 BUDGET FOLLOW-UP AND COST EFFICIENCY

OVERALL UNDER-SPENDING

Under each main line item there was under-spending and an overall under-spending of R1 914 107. We believe that under-spending with respect to overheads, running costs, capital equipment and such items is in the organisations best interests. This was mainly due to prudent spending and holding a tight reign on finances.

However, we believe that an explanation is required particularly with regard to the main activities – legal services, training, outreach, direct contributions to partner law clinics, and salaries. As these line items go directly to the outputs of the organisations.

LEGAL SERVICES

We have not yet undertaken any direct litigation. The students who have returned have used the funds we contribute to pay for litigation costs and provide free services unless the cases need special attention. We expect that we will take up two trafficking cases with the partner law clinics but have not yet had to incur costs. Much of the support work is done by us and other experts such as the International Organisation for Migration at little or no cost.

TRAINING

Except for three people, all the visiting teachers gave of their time at no cost. In addition many provided materials and resources free. Consequently we did not purchase as much as we anticipated. As mentioned above, Malawi was not in the programme and we trained only one student from Botswana. Consequently this reduced the training costs and student costs.

OUTREACH

Unfortunately due to time constraints and other organisational issues discussed above Christian Tshimbalanga, the paralegal responsible for outreach was not able to visit Mozambique, Zimbabwe and Botswana. In addition, Malawi was not in the programme for 2007. However, he did liaise with the students from these countries and assist with their development of the outreach programme.

DIRECT CONTRIBUTIONS TO PARTNER LAW CLINICS

We decided not to pay the amount due to Zimbabwe until their organisational structure was properly formalised and controls put in place to ensure the efficient use of funds. These funds are held for them and will be paid over to them in 2008. The situation described above with Malawi and Botswana is also relevant here.



SALARIES

As described above, it was not possible to finalise the appointment of the Lawyer, Social Scientist and Administrator in 2007. We now have an Administrator, and are determined to ensure that the other positions are filled in 2008.

OVERSPENDING ON SPECIFIC LINE ITEMS

LEGAL SERVICES MEETING COSTS

We budgeted R10 000 for meeting costs under legal services and spent R20 598. There was an overspending on this line item of R10 598. However, there was an overall under-spending under the main line item of legal services to the extent of R398 761.

As described above the proactive approach to legal services requires that students consult community based organisations in preparation prior to their coming to South Africa. Thereafter, they learn from experts in various fields. This culminates in a retreat where the criteria for selection of issues is determined and then applied to the various options available. This year we decided to take a retreat over two days as last year one day was not sufficient. In view of the fact that we stayed overnight the cost were higher than we anticipated. We however believe that they were reasonable in the circumstances.

TRAINING – TRAVEL AND ACCOMMODATION

Under this line item, we budgeted R43 000 and spent R51 172.35. There was an overspending of R8 172. This line item refers to our travels to the partner countries to recruit students, meet the university authorities and finalise the co-operation agreements. We erroneously did not budget for visa costs and airport transfers within South Africa. These costs amounted to R3 506.75. The balance is as a result of the high cost of accommodation in Kenya (USD 105 per person per night), Tanzania (USD 135 per person per night) and Zimbabwe (USD 111 per person per night).

It should be noted however that there was an overall under-spending under the main line item training to the extent of R16 604.

STUDENTS COSTS – TRAVEL AND TRANSPORT

We budgeted R79 000 for this line item and spent R94 914.02. This line item was originally meant to cover the transport costs of students to and from their home countries. However, due to the fact that the students from Kenya were required to return to their home countries and establish formal law clinics we decided to organise for all the new students to spend a week at a law clinic in South Africa that is efficiently run and that could help in the planning process. We realised it was necessary for all of them and selected appropriate clinics from among the 20 ULCs in South Africa. The full extent of the overspending is as a result of costs incurred to transport and accommodate the students at clinics in Cape Town, Johannesburg, Grahamstown and Potchefstroom. There was an overall under-spending of R137 821 under this main line item.



*STUDENT COSTS – ORIENTATION, INDUCTION AND CLOSING
REGIONAL GOVERNANCE – MEETING COSTS*

We budgeted R20 000 for the orientation, induction and closing and spent R26 559.01 on this, and R6 500 for the meeting costs but spent R11 854.16. There was an overspending of R6 559.01 on the orientation etc and R5 354 on meetings costs. This was due to the fact that despite many requests, those who organised these activities in 2006 did not submit an invoice to us in 2006. The payments made in 2007 consequently covered the costs for the events held in both 2006 and 2007.

OFFICE RUNNING COSTS – BANK CHARGES

We budgeted R8 400 and spent R10 596.10 on bank charges resulting in a total overspending of R2 195. Apart from the fact that South African banks charge excessively high charges for transactions and that we had more transactions in 2007 than in 2006, the main reason for the over spending was the fact that on the request of law clinics, where agreements had not been signed, we paid the direct contribution to the partner law clinics by money gram directly to the students. The charges for one money gram are an average of R500.



7 ANALYSIS AND PROPOSALS

We begin this section with several tables that both analyse aspects of the programme and compare 2007 with 2006. In view of the fact that we have detailed the progress made in each country, we focus more attention in this section on: Successes and Failures; Major Problems, Risks and Bottlenecks; Deviations from Plan: How? Why? What?; Qualitative and Quantitative Assessment of Implementation; Impact of External Factors and Future Risks; Impact on Objectives of the Project; and Proposals for Changes to the Programme

TRAINING AND LEGAL SERVICES

| | Target Per Year | 2006 | 2007 | Current Total |
|---|-----------------|------|------|---------------|
| No. of Countries | 5 | 5 | 4 | 9 |
| No. of Law Clinics | 5 | 5 | 4 | 9 |
| No. of Students Trained | 10 | 10* | 7 | 17 |
| No. of Issues | 2 | 3 | 2 | 5 |
| <i>Project Management Committee:</i> No. of New Members (excluding HRDI staff) | 5 | 4 | 4 | 8 |

* The students from South Africa obtained other employment. A decision was made that new students will not be trained from South Africa.

POST TRAINING CO-OPERATION WITH PARTNER LAW CLINICS – INSTITUTIONAL INTEGRATION OF STUDENT TRAINEES

| | Target Per Year | 2006 | 2007 | Current Total |
|--|-----------------|------|------|---------------|
| No. of Countries | 5 | 4* | 4 | 8 |
| No. of Law Clinics with Co-operation Agreements | 5 | 4** | 3** | 7 |
| No. of Country Project Co-ordinators Employed by Partner ULCs | 10 | 8* | 7 | 15 |
| No. of Issues | 2 | 3 | 2 | 5 |
| <i>Project Management Committee:</i> No. of Member (excluding HRDI staff) | 5 | 4 | 4 | 8 |

* South Africa has fallen away as students have taken employment elsewhere.

** Signed with Rwanda, Mozambique, Uganda, Zimbabwe, Botswana, Namibia and Tanzania. In Kenya, the process has been delayed but the work has begun.



PROGRESS MADE BY COUNTRY PROJECT CO-ORDINATORS (CPC)*

| | 2006 | 2007 | Total |
|---|------|------|-------|
| No. of CPCs Providing Training to Law Students based on HRDI Training | 8 | 7 | 15 |
| No. CPCs Providing Legal Services Based on HRDI Training | 8 | 7 | 15 |
| No. of Clients served based on HRDI Training | 18 | 90** | 108 |
| No. of Training Manuals on HIV and Human Rights developed based on HRDI Training | 1 | 1 | 2 |
| No. of Law Clinics that are engaged in outreach programmes targeted at community based organisations working with PLWAs | 4 | 4 | 8 |
| No. of CPCs following implementation plan on issues proactively identified | 8 | 7 | 15 |
| No. of CPCs remaining in close contact with HRDI staff | 8 | 7 | 15 |

* Country Project Co-ordinators are students who return to implement the project.

** 14 Cases from Mozambique, 14 from Rwanda and 62 from Uganda. All the clinics have handled many more than these but highlighted those that are relevant to this project.



HIV AND HUMAN RIGHTS ISSUES COVERED DURING TRAINING

| Target | 2006 | 2007 |
|--|---|--|
| Unfair discrimination in the workplace | Covered under Human Rights Obligations of Corporations: ILO standards, WTO, TRIPS, Work Place Policy, CSR | Covered |
| Compulsory testing and informed consent | Covered under AIDS and the Right to Health Care | Covered |
| Unfair discrimination with respect to insurance benefits and social security | Covered under Human Rights Obligations of Corporations: ILO standards, WTO, TRIPS, Work Place Policy, CSR | Covered |
| Unfair discrimination in housing allocation and testamentary issues | Not Covered | Covered |
| Unfair discrimination within the political framework | Not covered | Covered |
| Unfair discrimination in schools and within the education system broadly | Not Covered | Covered |
| Access to treatment, care and support | Covered under AIDS and the Right to Health Care | Covered |
| Unfair discrimination in respect of child headed households and AIDS orphans | Covered under Children's Rights and HIV/AIDS | Covered |
| Prevention of cruel, inhuman and degrading treatment due of AIDS status | Covered moderately under Social Psychological Perspective: Stigma, Discrimination and AIDS | Covered |
| | Additional Topics | |
| | Women's Rights, Customary Law, Traditional Practices and HIV/AIDS | See table above for additional topics covered |
| | Social and Psychological Aspects: Women and HIV | |
| | Medical Perspective | |
| | Access to Justice for People Living with HIV: Interviewing and advising clients with HIV | |
| | Rights Based Approach to HIV: International Standards and the Right to Equality | |
| | Childrens' Rights and HIV/AIDS | |
| | Report Back from International AIDS Conference | |
| | Criminal Justice and HIV/AIDS | |
| | Refugee Rights and HIV, Migrant Workers and HIV | |
| | Socio-Economic Rights, Food Security and HIV/AIDS | |



CONTENT OF TRAINING PROGRAMME: MAIN MODULES AND SKILLS PLANNED AND ACTUALLY COVERED

| Main Modules Planned | 2006 | 2007 |
|---|------|------|
| Introduction to international human rights law | Yes | Yes |
| The international human rights system | Yes | Yes |
| The regional human rights system | Yes | Yes |
| Interdependence in international human rights law | Yes | Yes |
| Internal functioning of enforcement mechanisms | Yes | Yes |
| How decisions are implemented | Yes | Yes |
| Role the ULC and other NGOs | Yes | Yes |
| Access to justice for people living with HIV/AIDS | Yes | Yes |
| Current HIV/AIDS issues within the international and regional context | Yes | Yes |

| Skills Planned | 2006 | 2007 |
|---|--|---|
| Analytical skills to identify root causes of problems, distinguish root causes from symptoms and to identify systemic issues within situations | Yes | Yes |
| Writing skills – including skills required to: <ul style="list-style-type: none"> • draft documents and correspondence for submission to relevant institutions • media and press releases, • information packages for advocacy purposes • make contributions to academic journals | Moderately Yes Yes Yes | Yes Yes Yes Yes |
| Advocacy Skills – including skills required to: <ul style="list-style-type: none"> • make a decision on whether to litigate or not • determine which issues to litigate about • determine which forum to use within the domestic, regional or international judicial system • understand consequences of an adverse decision • engage in diplomatic negotiation • engage in legal negotiation • utilise media advocacy • engage legislative advocacy • conduct litigation • conduct actual representation before the forums listed above, including oral presentation skills to argue a case before a tribunal. | Yes Yes Yes Moderately Yes Yes Yes Yes Yes No | Yes Yes Yes Yes Yes Yes Yes Yes Yes through mock trial |
| Information technology (IT) skills for: <ul style="list-style-type: none"> • networking • lobbying and advocacy purposes • generating discussion and activism around specific issues • conducting research and disseminating information. | No No No Yes | Yes Yes Yes Yes |



Successes and Failures

Failures

Upon reflection, our team is most disappointed about the removal of one of the students from the programme. However, we do see the situation as one from which our team and the rest of the students have learned. This student was selected by his law clinic without our participation in 2006. He was older and seemed to subscribe to the values we jointly espoused. He did the dishes, something he'd never done before and appeared to be committed to the plight of the vulnerable. However, in the last week of 2006 he raised concerns about the amount of money we contributed toward their salaries. We later realised that he misrepresented the situation at their law clinic. This laid the basis of all his future actions. Throughout 2007, his main concern was money. All his actions at the law clinic were motivated by money. Over and above that, he was not working to the extent he should and in subtle ways was making it difficult for the other student who he was supposed to work with. For the sake of brevity, I will omit the details that we now know. When they returned to HRDI in 2007, the problems at first manifested in his exaggerated reports of his work. At this stage we were already aware of certain things that were accomplished and those that were not. We took this very seriously and dealt with it very firmly. In the end, after discussion with the director, the decision was made to remove him from the programme and to train another student from that country.

We refer to this as a failure because we hoped to be able to inculcate values in our students. We've worked so closely with them and dealt with issues so deeply, we expose them to very vulnerable people and work with them personally and hoped that this would affect people enough to iron out some of the money mindedness. However, in this circumstance it simply did not happen.

Consequently, we revert to our previous position that it is very difficult to teach values and commitment, this is something that needs to be there in a person. We consequently are more careful in our selection and insist on being part of the process.

The entire process was one which the whole team and students were engaged in. They are now very aware of the level of honesty required. This might be viewed as a positive off shoot of a negative situation.

On our part there were things that we set out to do, but due to time constraints were unable to. For example, we intended to, but did eventually not, teach the students how to draft shadow reports and communications. We did not have enough time to give individual feedback on drafting exercises. We did also not arrange a visit to the constitutional court.

We arranged for the students to be able to read at the law library at the University of Pretoria, but this did not work out well enough. The programme was so tight that they did not have enough time and they did not get the level of co-operation we expected at the library. Consequently, more work needs to be done to ensure that this year we are not faced with similar problems.



We still do not have a good hold on time management. In 2008, we will make a concerted effort to both fix a time-table as early as possible and try as hard as possible to stick to it and to keep the times we set.

We have students from both the common law and civil law systems but have not included any specific seminars or sessions on those two different systems. This year we will.

One of the failures that bother us greatly is the fact that we still have not taken up any cases as a team. We intend to do so this year. The students have cases that they would like us to assist in and spend time with them. The main constraint has been the absence of the specialised HIV/AIDS lawyer and the resulting time constraints that our small team is then faced with. In 2008, we will ensure that this is remedied. While none of the cases are ready to be taken to an international or regional tribunal, our intention is to assist in the domestic forums with a view to ultimately taking the case further if needs be.

Successes

One of the greatest successes of our programme is the tight regional network that is emerging. We have noted with joy the fact that through 2007 the students found ways of communicating with each other. It is an off shoot of the way they live when they are here, the work they do together and the participatory methodology adopted by HRDI. They now have a working network among the students. Moreover, the structure of the Project Management Committee (a body on which directors of all the partner law clinics sit) facilitates greater regional collaboration and co-operation both on a strategic and ad hoc case by case basis. They have decided at the last meeting to deepen the network both at the sub-regional and regional level.

We were able to attract teachers who are from relevant institutions and tribunals. We had better materials, more comprehensive coverage of topics and improved the entire programme from last year.

The site visits, although not originally planned for was effective.

Our involvement in the selection process was a further success.

Despite the fact that we have not yet taken up a case, the students are now proactively looking for cases and finding ways to involve themselves as amicus curiae or as direct legal representatives in cases; for example the students from Mozambique are finding ways to assist in the recent trafficking case and similarly in Tanzania they are intending to draft an amicus submission in a case with the Women's Legal Centre.

From the reports of directors from Mozambique, Uganda and Rwanda, we are informed that the students are actively engaged in incorporating human rights into the curriculum. They have noted a distinct difference in the students before the training and after.

Our partners now have tight contact with communities and have effective outreach programmes.



Through the training and the provision of lap tops, we have helped the clinics grow especially as regards information technology. Over and above that, the trained students in themselves have helped the clinics grow and reach more vulnerable people.

Major Problems, Risks and Bottlenecks

We faced certain major problems in 2007. One of them being that one of the students selected from Botswana obtained other employment before starting the training. It could have been worse, she could have come and then returned to Botswana to take up the employment as was the case in South Africa. Our approach to this was to be relieved that it happened at this stage without substantial cost and could be easily remedied with the selection of a second student in 2008. It does then affect the numbers we can train in 2008 though. Due to the fact that we work so closely with the students, a full class of ten is about as much as we can handle. Consequently a ripple effect of both the Botswana and Rwanda situation has resulted in us being cautious about the numbers we can take in 2008.

This leads to the second problem we faced when by May-June 2007 we realised that we would not be able to finalise the co-operation with Malawi with enough time for the students to prepare themselves. Again this worked out well with hindsight as during 2007 one of their law teachers from the university in Malawi was out being trained on the running of law clinics. Both the dean of the faculty and our team realise that our co-operation with Malawi is now more timely and relevant to them.

In Zambia, we are faced with a similar problem. The law faculty and clinic have other priorities for 2008 and are unable to sustain this programme. They would like to work together with us in some form though. We have explored other options and intend to work with a community based non-governmental organisation.

We encountered problems with the exaggerated reports as discussed above. It was a major issue as it affected the whole student group when we attempted to resolve the situation. However, the outcome was positive in that these ground rules are now firmly set – students know that they need to be brutally honest and state what they have done and what they have not been able to do with reasons. We have been clear that we do not expect them to accomplish everything they set out but to be honest about it.

The funding element of our co-operation with law clinics and their funding constraints has been a problem. While we make a financial contribution to the clinic, we are not a funder and do not want that primary role to be thrust upon us. In 2007, we encountered problems with some of the 2006 partners but that has now been ironed out and we hope that the relationships will be clearer now. They are all in the process of developing their own fundraising strategy, both within the university and outside, with some help from us.

Deviations from Plan: How? Why? What?

The main deviation from our plans was the inclusion of site visits. This has been explained and we intend to include it in our plans for 2008 as will be seen below.

Our plan was to train only two students per country and to work with them closely thereafter through mentoring processes and so forth. The decision to let one student go as described above was a major deviation. In the circumstances we believe it was justified



and very important to do as it laid down a firm basis for our relationship with current students who realise the importance attached to integrity.

A further deviation was the fact that we arranged for students from Zimbabwe to return earlier than the other students of 2006 to train them on organisational management, financial management, strategic planning and other organisational development skills. This was necessary as they were now thrust into a different sort of position from the rest. It also helps in view of the fact that we are co-operating with JAT, as described in the Zimbabwe report, instead of the law clinic attached to the university.

In view of the fact that we covered certain topics in 2007 which were not included in 2006, the returning students were in South Africa for six weeks instead of one month. This was justified and a necessary deviation from the plan without a substantial financial implication.

Qualitative and Quantitative Assessment of Implementation

HRDI has begun an evaluation process. We prepared questionnaires for the students, directors and teachers. They have been circulated. Responses have been received from the students thus far. While we were able to address this aspect last year, we believe it is premature at this stage to make conclusive statements in this regard.

Suffice it to say for now that the directors from Mozambique, Rwanda and Uganda have all indicated that they are very pleasantly surprised at the transformation of their students after the training. They are sought out by clients and the staff for assistance. They are more competent and have become resources that their faculties use to incorporate human rights into their curriculum. They report that people refer to the students and the clinic as specialist in human rights and HIV. While it is tempting to bask in these compliments, we prefer to complete the process and submit the findings once they have been compiled.

Impact of External Factors and Future Risks

The political turmoil and economic instability remains the primary external risk factor. However, as described both in the Kenya and Zimbabwe reports, this factor has fuelled the students and us into working harder.

Impact on Objectives of the Project

The objectives of this project are to:

- *Contribute to the development of an international and regional jurisprudence within the African Commission and the soon to be established African Court for Human and Peoples' Rights;*
- *Contribute to the development of centres of excellence within African university based law clinics that will contribute toward discourse within the regional and international human rights institutions; and*
- *Proactively address key socio-legal and ethical issues within the field of HIV/AIDS in the Southern African and Great Lakes region.*



As mentioned in our previous report we have made substantial headway in achieving all but the first objective.

Our plan for 2008 is to engage in focused case discussions during our visits to the partner law clinics. During these discussions we will identify certain cases that we will work on jointly. The cases will be selected on the basis of potential impact, complexity and the merits of the case itself.

Proposals for Changes to the Programme

We have seven proposed changes to the programme, some of which have been discussed at length in other parts of the report. They are to:

- Train another student from Rwanda;
- Possibly exclude Swaziland and Lesotho from the 2008 training due to number of students;
- Co-operate with an NGO instead of the ULC in Zambia;
- Send the students on site visits to appropriate South African law clinics;
- Train a second student from Botswana in 2008;
- Work with Malawi in 2008 instead of 2007;
- Possibly appoint a lawyer on a part time basis to begin with, as she is interested in taking up full time employment in due course;
- Reduce the amount budgeted for legal services and redirect some of those funds to enable the partner law clinics to appoint lawyers in their cases; and
- Postpone monitoring compliance with decisions to 2009 when it is more likely that we would have been involved in litigation.



8 CONCLUSION

We have not achieved everything we set out to when we planned this project in 2005. We thought we would have many cases and even finalised some by now. In hindsight we might have been a bit ambitious as it does take time to exhaust domestic remedies before taking a case to an international and/or regional forum. We thought that we would work in fifteen countries instead it seems the best we can do is work in twelve for now.

Despite these shortcomings, we retain our focus on the ultimate goal and continue to build on our successes in the training programme, our partnerships with the law clinics, the community outreach programme and the loose network that is developing. We acknowledge that we will not necessarily achieve everything we set out to but we will continue to try our best to get as close to the goal as is possible.

To do that we need help and have indeed had much help from our board, our partner law clinics, the students, the array of guest teachers and many others. We close this report with gratitude and with shared joy from the HRDI team.