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**COMPLETION REPORT**

**END OF PHASE ONE OF A GRASSROOTS  
BASED INTERVENTION**

**3 March 2010**

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*REGIONAL HUMAN RIGHTS LAW CLINIC*

*to increase*

*ACCESS to JUSTICE for VULNERABLE GROUPS*

*in*

*AFRICA*

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## “AN ORGANISATION WITH A STRONG IDENTITY”

### The Ability to Be

“In comparison to many other organisations, HRDI has a strong identity. It is quite remarkable that during our interviews nobody expressed any doubts about the identity of the organisation, nor did anyone raise questions concerning split mandates, roles that could not be combined, or other similar issues that reflect problems with the identity of an organisation. Over the past ten years we have completed several organisational analysis on the domestic scene in Sweden and amongst international organisations. Very few have as clear an identity as HRDI, and the clarity rests on both the understanding of the vision and mission of the organisation and its fundamental values such as are expressed in the table...” (Forss, K and Forss, C: *An Evaluation of the Project “Regional Human Rights Law Clinics to Increase Access to Justice for Vulnerable Groups in Africa*, 2009, page 15)

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 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 has the inherent capacity to contribute 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.

*Source:* HRDI's founding documents, available at [www.hrdi.org.za](http://www.hrdi.org.za)



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## LIST OF ABBREVIATIONS

AIDS	Acquired Immunodeficiency Syndrome
ARASA	Aids and Rights Alliance of Southern Africa
AU	African Union
CHRR	Centre for Human Rights and Rehabilitation
CLAN	Children's Legal Action Network
CPC	Country Project Co-ordinator
CRIDHAC	Centre de Recherche Interdisciplinaire pour la promotion et la protection des Droits de l'Homme en Afrique Centrale
DART	Development of Antiretroviral Therapy in Africa
DRC	Democratic Republic of Congo
EAC	East African Community
HIV	Human Immunodeficiency Virus
IOM	International Organisation for Migration
JAT	Justice Aids Trust
LAC	Legal Aid Committee
LRC	Legal Resources Centre
LADA	Law and Development Association
MSF	Médecins Sans Frontières
NIMR	National Institute for Medical Research
OSISA	Open Society Initiative for Southern Africa
PMC	Project Management Committee
PLHIV	People Living with HIV/AIDS
SADC	Southern African Development Community
ULC	University Law Clinic
UN	United Nations



# 1 EXECUTIVE SUMMARY

Being a completion report, this report *begins* by going far back to the time and context when the idea to establish HRDI was conceived. It places both the organisation and the project within that context and then proceeds to highlight what was planned, what was achieved and what was learned. What is pronounced at the start of the report is both the notion of the involvement of ordinary people in the evolution of regional human rights norms and standards and the need to build a cadre of lawyers to open up these processes for such ordinary people.

The report then looks more deeply at the foundation upon which the project was based which are the *partnerships with organisations* and lawyers and their work with organisations to enable all of us to reach the ordinary person at the grassroots level and for that person to then reach the regional system.

One of the main objectives that we set out to achieve was to *contribute to the development of centres of excellence* at university based law clinics. The next chapter describes what efforts were made in this regard and highlights the work done to train lawyers and enhance the capacity of the partner institutions to serve individual clients and engage in strategic litigation at a domestic, regional and international level. It looks at how issues of rights based approaches to HIV were incorporated and how a programme was designed to ultimately result in the trainees putting their training to use.

A further objective was to contribute *to the development of regional human rights jurisprudence*. This chapter will demonstrate the follies of setting targets too high but juxtapose that with tangible efforts made and novel approaches used to proactively reach clients and to address community based priorities.

HRDI set out to *proactively address key socio-legal and ethical HIV issues* when it embarked on this project. We did not anticipate that this would entail addressing what has emerged as exceedingly controversial issues such the rights of gay, lesbian, bisexual, and transgendered people. Nor did we anticipate that issues of witchcraft would directly impact on our and our partner's ability to serve our clients. In this chapter, we expand upon our efforts to address these and other controversial but important issues in a rights based approach to HIV.

As the programme unfolded, HRDI decided to work more tangibly to establish a *regional network*. In the next chapter we describe how that objective emerged, why it was incorporated among the set of objectives, what was done and what was learned.

As part of a process of obtaining external feedback, HRDI commissioned an *external evaluation* and hosted an international *stakeholder workshop* which are both presented in the next chapter. Thereafter the chapter on *lessons learned* begins with a focus on organisation and administration and continues to look at key lessons learned under all of the above mentioned areas. Thereafter an *analysis of the budget* and actual expenditure is presented in terms of which the overall under spending is explained.

Finally, the report *concludes* with a new determination based in a realistic appreciation of the context, the challenges, the organisation's ability and suggests that HRDI plans to continue into a second phase with renewed vigour and commitment to its mission and vision but that such continuation is not to be construed as indefinite.

## 2 INTRODUCTION

In 2004, when HRDI was formally established, Africa was on the cusp of a new era. An era of hope that was based on a new partnership among the leadership to work toward Africa's development and regeneration. After decades of work, a generation of young human rights lawyers were celebrating the success of their efforts to work with the African Union and the African Commission on Human and Peoples' Rights to establish the African Court on Human and Peoples' Rights. But, shortly afterwards the Assembly of Heads of State and Government of the African Union adopted a resolution in terms of which the "African Court on Human and Peoples' Rights and the African Court on Justice should be integrated in one Court"<sup>1</sup>. On the face of it, the decision was motivated by financial constraints, it was taken without due regard to the Vienna Convention on the Law of Treaties which stipulates that a treaty can only be amended or suspended by the parties to the treaty in a prescribed manner. Hence the need for a cadre of human rights lawyers that will use the newly established institutions proactively while at the same time highlighting such anomalies and inconsistencies in a manner that will facilitate the development of a regional system based on the rule of law.<sup>2</sup>

Interestingly, from that cusp the leadership could look ahead at the future – one which minimises opportunities for plunder, self gain and impunity, and decide to turn around and walk away.

Six years later, as HRDI reflects upon the past, what it set out to do, what it actually achieved, what went wrong and why, what went well and why, it cannot help but juxtapose the mixed reality of hope turning to despair and faith turning to doubt. Yet, in the midst of this, it remains determined to work toward its mission, vision and values and mostly to the cause of adding its shoulder to the wheel so that Africa may turn the corner. HRDI looked at the emerging development and human rights landscape globally and located Africa within that context. Despite the US war on terror that was raging at the time, the UN human rights mechanisms and the Inter-American system were flexing their muscles to deliver social and economic justice where the opportunity presented itself. The European Court of Human Rights was holding governments accountable even those with relatively strong traditions based in the rule of law; the ordinary flesh and blood individual played a role in determining whether their nation should become part of the European Union or not and whether the euro should replace their local currency.

In Africa, the leadership decided that there will be a "United States of Africa" over a period of time and there will be regional economic communities that will form the building blocks despite the proliferation of these regional economic communities and multiple membership. But all through, the ordinary flesh and blood person was absent.

HRDI recognised that the potential presented by African human rights institutions was one which could only be truly realised if ordinary people had real access to all domestic, regional and international human rights mechanisms.

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<sup>1</sup> Assembly of the African Union, 3<sup>rd</sup> Ordinary Session, 6-8 July 2004, "Decision on the Seats of the Organs of the African Union", decision number *Assembly/AU/Dec.45 (III) Rev. 1*

<sup>2</sup> For a more complete analysis see Gutto, S : "Legal Status and Implications of the Decision by the Assembly of Heads of State and Government to Integrate the African Court of Justice and the African Court on Human and Peoples' Rights into one Court", paper prepared for the Reference Group of the Workshop on the African Court on Human and Peoples' Rights, 8 August 2004, Johannesburg, South Africa.



It is within that context that HRDI developed a set of fundamental values, vision and mission with the ordinary person in the centre. From that centre, it then developed an ambitious strategic plan to add to what was being done on the continent. Committed to complementing and not duplicating existing efforts, HRDI consulted other organisations and eventually, in 2006 it embarked on a grassroots project to increase access to regional and international human rights forums for the poor and vulnerable groups.

HRDI's specific objectives were to:

- Contribute to the development of a regional human rights jurisprudence within the African Commission, soon to be established African Court on Human Peoples' Rights, Community Tribunals and other vital institutions;
- 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 HIV issues.

From the beginning it was clear to HRDI that its project and services will only reach the ordinary person through partnerships with domestic university based law clinics and/or human rights non-governmental organisations. In 2007 a nucleus of what could develop into a regional network was taking shape. HRDI and its partners decided to also work toward the development of a regional network of human rights activists.

HRDI intended to work in 15 countries in Southern Africa and the Great Lakes regions<sup>3</sup>. It aimed to work with 15 partner institutions (one in each country) who would in turn work with other community based organisations. HRDI planned on training two lawyers from each institution who will return to their organisation and implement what they learnt. Part of what they would do is to provide free legal representation, advice and training to ordinary people who are poor and vulnerable and who face stigma and discrimination as a result of their HIV status.

After four years and with a small team<sup>4</sup> HRDI has partnerships with nine<sup>5</sup> institutions in nine countries. It trained 23 lawyers from eleven countries. 15 of them continue to “put their training to use” as described by the evaluator. Seven of the nine partner institutions have structured and regular relationships with community based organisations and associations of people living with HIV (PLHIV) and because of the location and membership of these community based institutions, many more ordinary people are receiving legal representation and advice. There is now also a loose network of lawyers.

Towards the end of 2009, in an attempt to obtain external feedback and guidance, HRDI underwent an external evaluation and hosted a workshop of key stakeholders from within the partner countries and across the globe. Many have said that it is remarkable that such a small team was able to achieve a footprint in ten countries in such a short time. HRDI leans more toward the external evaluation findings which suggest that HRDI has “approached its goals rather than having reached them”. This report will expand upon what was planned, what was achieved and not, why and what has been learned.

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<sup>3</sup> Rwanda, Uganda, Kenya, Tanzania, DRC, Burundi Zimbabwe, Botswana, Malawi, Zambia, South Africa, Mozambique, Namibia, Lesotho and Swaziland

<sup>4</sup> Two lawyers, a paralegal, part time administrator and maintenance assistant in 2006 and 2007, a full time administrator and an additional lawyer in 2008 and an additional social scientist in 2009

<sup>5</sup> Rwanda, Uganda, Kenya, Tanzania, DRC, Zimbabwe, Mozambique, Botswana and Zambia

### 3 REGIONAL LEVEL OUTCOMES

#### 3.1 WORKING AT THE GRASSROOTS LEVEL – BUILDING PARTNERSHIPS AND COMMUNITY OUTREACH

The first step was to determine which countries we would work in and within those countries, which institutions we would work with. We anticipated that it would be easier since we narrowed our focus to university based law clinics and only if we were unable to work with these institutions, to then look for appropriate non governmental organisations. With the team's background in working with law clinics in South Africa and other parts of Africa a foundation had been established with at least four institutions before the project began in 2006. However, as the project unfolded it became evident that more work needed to be done at the level of building the university based law clinics since they were not all functional clinics in reality as opposed to how they were originally described. HRDI decided to work incrementally with five new partners each year while retaining the relationship with each partner for at least two years after the training. The plan was to work with 15 partners in fifteen countries by the end of 2008.

HRDI's partnerships were initiated with a brainstorming session to determine whether there were synergies. Thereafter, if such a synergy was found, HRDI entered into further discussion with the partner and then offered them fully paid for training of two lawyers<sup>6</sup>, a contribution toward the costs of the lawyer upon their return to the partner institution, a smaller contribution towards the operational costs of the institution for the additional work, a donation of two laptops, a set of DVD's of all the classes conducted by guest teachers and books and reading materials used during the training programme.<sup>7</sup>

In return, the partner institution was expected to assist in recruiting the appropriate, committed person, facilitate their preparation for the training programme which involved *inter alia* consulting with community based organisations, provide support and mentorship to them once they return to the institution to implement what they have learnt and to account for the funds that have been granted. It should be noted that the financial contribution was not originally contemplated as one that would be utilised to pay salaries but rather a small contribution toward the additional costs that the institution would incur as a result of the outreach programme. However, at the beginning of the project, the partners suggested that they would rather utilise the contribution to augment their staff so that they could do more. HRDI agreed, on condition that the partner takes over the cost after two years. The partnerships are formalised in two documents viz. a more general memorandum of understanding and a detailed legal agreement regulating the financial contribution and reporting requirements.

The *grassroots dimension* meant that HRDI and the partner institution actively work with community based organisations from the beginning. This entailed that appropriate organisations that work directly with PLHIV or have PLHIV as its core members needed to be identified. Thereafter structured relationships in terms of which our partner through the trained lawyers (and if possible others) would go to these organisations and work with them. They would engage in manual work for example gardening, to demystify themselves as lawyers and then go on to provide legal advice, representation and training.

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<sup>6</sup> HRDI paid for travel, accommodation, reading materials and medical insurance for each student.

<sup>7</sup> Approximately ZAR 2 000 per month for operational costs and ZAR4 000 per person per month



## Target Countries and What was Actually Achieved

YEAR	TARGET		ACHIEVED BY 2009	
	SADC	GREAT LAKES	SADC	GREAT LAKES
2006	Mozambique Zimbabwe South Africa	Rwanda Uganda	Mozambique Zimbabwe	Rwanda Uganda
2007	Namibia Botswana Malawi	Kenya Tanzania	Botswana	Kenya Tanzania
2008	Zambia Swaziland Lesotho	DRC Burundi	Zambia	DRC

### Reasons for Not Meeting the Target

HRDI was unable to work in *Burundi* and *Malawi* despite several attempts. In *Burundi*, political instability resulted in cancellation of travel to the country. In *Malawi*, the law faculty was deeply involved in a labour dispute with the university in 2007 and in 2008 the non-governmental organisation that we intended to work with decided at the last minute to send lawyers that were working for government instead. The HRDI team did not trust that these lawyers would return and implement the programme and decided not to enter into the partnership as it was too late to start recruitment afresh.

We did not work in *Lesotho* and *Swaziland* as in 2007 it became clear that we would train students from the Democratic Republic of Congo (DRC), Zambia and additional students from Namibia, Botswana, Kenya and Rwanda. In view of the fact that we limit classes to a maximum of ten, we<sup>8</sup> decided not to explore partnerships in Lesotho and Swaziland. In *South Africa* the students that were recruited took up more lucrative positions. And in *Namibia* politics within the law faculty frustrated the implementation. Consequently, the partnership with the institutions in South Africa and Namibia ended in 2006 and 2008 respectively. We continue to work with the lawyer trained in Namibia.

### Status of Partnerships in the Nine Countries

The partnership in *Mozambique*, *Uganda* and *Rwanda* continues to date with more emphasis on legal cases and collaboration on regional issues even though the financial dimension has ended as the institutions took over that aspect and fully integrated the project. However, in order to achieve this outcome, we had to change partners mid stream in Mozambique even though we continued to work within the university.

In *Zimbabwe*, the partnership with the university did not work out as planned as they demanded a larger contribution equal to HRDI's total budget for 2006. However, the trained lawyers were committed to the project and established a new organisation and continued to work on the project with our financial and organisational support.

When the agreement came to an end in *Kenya* (December 2009) and due to dissatisfaction with financial accountability, it was not renewed and funds were returned. The trained

<sup>8</sup> These changes to the original plan were approved by the development cooperation partners.



lawyers however continue to work with us and are in the process of establishing a new non-governmental organisation.

In *Tanzania* and *DRC* we continue to contribute financially and work together on cases and regional issues. In *Zambia* and *Botswana*, the partnership with the institution remains strong. However, the two of the three trained students no longer work within the partner institution.

### Overview of Partnerships during the First Phase (2006-2009)

COUNTRY	PARTNER	DURATION
Mozambique	Eduardo Mondlane University, Centre for Practical Studies (Legal Aid Clinic)	2006-2008
	Eduardo Mondlane University, Centre for Human Rights	2008-2009
Zimbabwe	University of Zimbabwe, Faculty of Law, Legal Aid and Advice Scheme	2006
	Justice Aids Trust	2007-ongoing
South Africa	University of Limpopo, Faculty of Law, Legal Aid Clinic	2006
Rwanda	National University of Rwanda, Faculty of Law, Legal Clinic	2006-ongoing
Uganda	Law Development Centre, Legal Aid Clinic	2006-ongoing
Kenya	University of Nairobi, Faculty of Law, Legal Aid Clinic	2007
	Children's Legal Action Network	2008-2009
Tanzania	University of Dar es Salaam, Faculty of Law, Legal Aid Committee	2007-ongoing
Botswana	University of Botswana, Faculty of Law, Legal Aid Clinic	2007-ongoing
Namibia	University of Namibia, Faculty of Law, Legal Aid Clinic	2007-2008
DRC	University of Kinshasa, Faculty of Law and Centre for Human Rights (CRIDHAC)	2008-ongoing
Zambia	Law and Development Association	2008-ongoing

### Grassroots Dimension

As stated above, to ensure that ordinary people were reached it was important for the trained lawyers to travel outside of the confines of the university campus and their offices to go closer to the people. Since the ultimate target group of this project are PLHIV, it was even more important as illness made travelling to the law clinics difficult.

HRDI is pleased to note that due to its intervention more community based organisations were reached by our partners thereby serving extremely vulnerable ordinary people. However, this was not the case with all the partners as some of them did not take this dimension as far as others.

As a result of this intervention there is no doubt that “*Community based organisations and paralegals have greater awareness of international and regional human rights standards and mechanisms in their work with grassroots communities within the sub region*”. The gap exists at the level of actually using these mechanisms as will be seen in the forthcoming chapters. For a list of the community based organisations reached in the seven countries, see the table below.



## List of Community Based Organisations

COUNTRY	OUR PARTNER	CBOs WORKING WITH OUR PARTNER
Mozambique	Eduardo Mondlane University, Centre for Human Rights	Human Rights League of Mozambique
		Paralegal advice centre Matola Boane
Zimbabwe	Justice Aids Trust	Women and Law in Southern Africa Research and Education Trust(WLSA)
		Zimbabwe National Network of People Living with HIV and AIDS (ZNNP+)
		Zimbabwe Widows and Orphans Trust(ZWOT)
Rwanda	National University of Rwanda, Faculty of Law, Legal Clinic	ABASA association
		ARBEF association
		Akabando K'iminsi
		Abakeneyimpuhwe
Uganda	Law Development Centre, Legal Aid Clinic	Igiti cy'ububugingo
		Busega Community
		National Community of Women Living with AIDS (NACWOLA)
Kenya	Children's Legal Action Network	Uganda Protestant Medical Bureau (UPMB)
		Kibera Post Test Clubs Network (KIPOTEC)
Tanzania	University of Dar es Salaam, Faculty of Law, Legal Aid Committee	WAMATA (support group of People Living With HIV AIDS)
Zambia	Law and Development Association	Lyaabe Support Group(LSG)



### 3.2 CONTRIBUTING TO THE DEVELOPMENT OF CENTRES OF EXCELLENCE

From the early days of conceptualisation to this moment, HRDI was consistent and clear in its commitment to “*building a cadre of human rights lawyers*”. In refining the plan it became clearer that this cadre of lawyers ought to be chosen from within the partner institution and must return to that institution after the training to enhance the partner institution’s programmes. Commitment to the cause of social justice was (and remains) the primary criteria in selecting students as HRDI believes that while skills and knowledge can be taught, commitment has to be there to begin with.

We were also keenly aware of the fact that lawyers, university law clinics and universities do not operate in isolation but are part of society. What we did not realise was the extent to which the notion of academic independence and academic freedom differs from country to country. The extent of the influence of the ruling party on universities in some countries influenced the trained lawyer’s ability to implement their programmes.

Lawyers all over the world need to have the ability to reason and to persuade. This ability to reason often results in the lawyer operating apart from the client, society and the actual problems that are being dealt with. To stand aloof and objective, affects the ability to empathise, understand the nuances and be guided by those who are submerged in the issues, namely the clients who are often poor and vulnerable. We believe that while the ability to reason needs to be there, it needs to be balanced with a deep empathy.

Clients and ordinary people often see lawyers as powerful people who are able to change things for the individual and for society. They are seen as part of the intellectual class and are often involved in political change. Elitism within society as a whole and of lawyers specifically perpetuates social injustice. Consequently, in developing its plans to “*build a cadre of human rights lawyers*” we ensured that these issues were addressed.

To achieve our objectives, we had to understand how our partners functioned to jointly define what we could add so that they could reach the levels of excellence they aspired to. As stated in the preceding chapter, our intention was to recruit lawyers who were already working within our partner institution. However, most of our partners did not have sufficient employed lawyers. They consequently recruited people who demonstrated a commitment to service of clients and who had thus far been volunteering at their law clinic. Some of them were new law graduates while others were already admitted lawyers. This diversity in levels required that we adapt to the context. We then concluded that our contribution to the development of centres of excellence will be to assist in increasing the number and quality of trained lawyers that work within the partner institution.

We then set out to develop an intensive training programme that would equip the lawyers with the necessary skills, knowledge and information to integrate the use of international and regional human rights norms and standards in their law clinics. In addition, they would be committed to challenging elitism, injustices, stigma and discrimination against PLHIV. They would work together across countries and be the example of lawyers driven by service to the poor rather than driven by money. Bearing in mind that HRDI is founded upon a strong set of values and has at the centre of this project the ordinary person, the training programme was designed to keep the notion of human rights being about what we do, not only about what we write or say at its heart.



## Intensive Five Month Training Programme and One Month Training Programme

The external evaluation found that “the most visible success of the project is the training programme that was implemented in 2006, 2007 and 2008. Former participants unanimously praise the programme and have benefited significantly – they have learnt new skills and it has meant fundamental changes in values and attitudes. It has had a significant impact. Those who have been trained apply what they learnt.”<sup>9</sup>

HRDI has run three intensive five month training programmes in 2006, 2007 and 2008. In 2007 and 2008 the five month programme ended with the one month training. In 2009, we ran only the one month programme with the past trainees and three additional people sent by the partners.

The *five month training programme* commenced with a preparatory phase in their home country. They were required to firstly, conduct research into domestication of international and regional human rights standards. Secondly, to examine how their courts and legislative framework dealt with discrimination against PLHIV and consult community based organisations on what they considered to be the most important HIV related issues in their lives. Finally they were to review client cases dealt with in the partner institution that presented HIV related issues.

When they came to South Africa, they participated in an intensive five month training programme. During this period a range of topics were covered. Our team went beyond what was planned to cover topics and issues that were pertinent. Consequently, each year we expanded upon the range and went deeper into certain topics.

Faced with a situation where the full team was not on board, we adapted and turned what could have been a major set back into what has turned out to be a great opportunity. We had originally planned to run the programme in house with the assistance of the Centre for Human Rights and the Centre for the Study of AIDS at the University of Pretoria. We did indeed work closely with these two institutions throughout the four year period. However, in addition we invited guest teachers who were renowned in specialised fields. Knowledge regarding HIV and human rights is evolving constantly hence this approach proved to be extremely beneficial. It was an added bonus that most guest teachers gave their time freely which then limited the cost implications for HRDI. A list of all the guest teachers who have taught over the four year period is captured in annexure “1”. It is important to note that each year (2006, 2007 and 2008) approximately 20-25 guest teachers from among the list taught during the five-month programme. (for the full daily schedule of classes for each year see Annexure 2(a),(b),(c))

The *one month training programme* was geared toward countries learning from each other and a relatively limited focus on new topics. Each year, the team assessed what was needed and structured the one month training programme to address those needs. For example, in 2009 it was evident that greater emphasis needed to be spent on *Strategic Human Rights Lawyering*. This was consequently the theme for the entire training programme. In 2009, we also included a workshop on fundraising skills as the partners indicated that they would like to learn more on this subject. It is during these one month programmes that the loose network started to emerge as all the trainees from all the prior years met and shared ideas and strategies in a structured process at this time.

<sup>9</sup> Forss, K and Forss, C: *An Evaluation of the Project “Regional Human Rights Law Clinics to Increase Access to Justice for Vulnerable Groups in Africa*, 2009, page 3



## Overview of Trainees during the First Phase (2006-2009)

COUNTRY (SEE NOTE BELOW)	TARGET	NUMBER COMPLETED TRAINING	NAME OF STUDENTS WHO COMPLETED THE TRAINING	“PUTTING TRAINING TO USE”
Mozambique	2	2	Farida Mamad	Y
			Armando Cuamba	Y
Zimbabwe	2	2	Albert Chambati	Y
			Thoughts Deme	Y
South Africa	2	2	Tebogo Kekane	N
			Amukelani Ngobeni	N
Rwanda	2	2	Appolinaire Kayitavu	M
			Tom Mulisa	Y
Uganda	2	2	Evelyn Aero	Y
			Catherine Tumusiime	Y
Kenya	2	3	Milka Kuria	Y
			Collins Omondi	M
			Ibrahim Alubala	Y
Tanzania	2	2	Daniel Lema	Y
			Fortunata Kitokesya	Y
Botswana	2	2	Tebogo Jobeta	M
			Nthabiseng Merafe	N
Namibia	2	2	Johannes Frans	M
			Isabella Tjatjara	N
DRC	2	2	Sylvestre Pakabomba	Y
			Patricia Pindi	Y
Zambia	2	2	Charles Dinda	Y
			Inutu Akolwa	N
	<b>22</b>	<b>23</b>	<b>12 Men and 11 Women</b>	<b>14 4 5</b>

Note: The list of countries excludes Burundi, Malawi, Lesotho and Swaziland as the target was modified by agreement.

Key: Y – Yes; N – No; M – putting the training to use but not directly within the HRDI project

### Analysis

A unique feature of the HRDI training programme is that the trainees are required to return to the partner institution in their home country and implement what they have learnt for at least two years. At the end of the training programme, they return home with a draft implementation plan that they then integrate into the organisational plan of the partner institution. We consider those who returned, are still working with the partner institution and are still implementing the project in collaboration with us – “trainees who put their training to use”. Thus as we see it, of the 23 lawyers trained, 14 are currently still working with the institution and are actively implementing the project.

However, we cannot discount the fact that one trainee in Rwanda continues to work with the partner institution and participates in the project; nor can we ignore the trainee from Namibia who remains committed to the project and is actively exploring strategies to continue implementing albeit not with the original partner organisation. In Botswana, we are told that one of the trainees still works with the partner institution however, the work is not done in collaboration with us. Finally, one of the trainees in Kenya left the employ of the partner institution but took up employment with another human rights organisation and informs us that he is indeed putting his skills and knowledge to use.



## **Voluntary Manual Work – Impact on Individual and Society**

In an attempt to understand more deeply the plight of a person living not only with HIV but with full blown AIDS, the class of 2006 and the HRDI team decided jointly to volunteer with an organisation that provides home based care to PLHIV who are extremely ill and need help with basic things such as taking a bath for example. Most of the trainees had not met anyone who was ill with full blown AIDS at that stage and all of us believed that it would be hypocritical for us to advocate on behalf of PLHIV without really understanding what life is like for any of them.

With that in mind, in 2006 we found an organisation based in a low income township that was established by a retired nurse. Their primary focus is to provide care to people who are ill in their homes. After a short orientation process, we were sent out to visit patients with the care givers. It was not long before we realised that we were intruding upon a very private process. Interestingly, we also realised how isolated many of the patients had become as family and friends had by and large abandoned them. What they wanted from us was time to simply sit and chat and make contact. Not all the trainees were comfortable with this at first. Moreover not all of them could visit patients on the same day as we went in pairs as opposed to large groups to avoid transforming the visits into a show case. Consequently the partner organisation, Tateni, asked others to assist in the vegetable garden and other simple chores that needed to be done.

This evolved into a weekly commitment from all the trainees and the HRDI team. We met patients and celebrated moments when we saw a young man recovering and were able to play board games with him and mourned when we saw an old man deteriorate and finally die. The impact of such experiences simply does not make room for any of us lawyers to remain aloof in the protective confines of our offices and books, but to empathise deeply at a basic human level.

The manual work brought notions of “dignity of labour” into sharp focus. In addition to the visits described above, which were conducted each year, in 2006, we planted a vegetable garden, repaired and painted a fence. In 2007, we renovated a classroom that was to be used as a drop in centre for children. In 2008, we planted a large vegetable garden at a school and during our visit to a patient who was both disabled and living with HIV, we (together with the family) decided to renovate their home. It was a small dwelling made of tin without proper ventilation and without a toilet. The team of trainees and HRDI staff made a window, repaired the leaking roof, and importantly dug a pit latrine and built a shelter around it. We raised funds for this from among ourselves and Tateni. Over the four year period this dimension of our work has deepened and during each year our whole team and the trainees spend one day a week during the training engaged in these types of activities.

Although the trainees participated in this aspect in South Africa and were deeply moved by it, not all of them have returned home and continued to implement it. Those who have, for example in Rwanda, have taken it to further levels where other members of the law faculty and clinic are also involved.

We ended the first phase of the project determined to ensure that in the next phase, this work is planned more completely and that it becomes a core component of all of our work, not only the training programme.



## **Guest Teachers, Topics and Skills Covered**

As stated above, we enlisted the support of at least 20-25 guest teachers each year during 2006, 2007 and 2008. The range of guest teachers included renowned professors of law, social scientists with expertise in specific fields, academics and practitioners. A complete list of all the guest teachers over the four year period is attached to this report marked annexure “1”.

The topics and skills were structured in a logical manner. At the beginning emphasis was placed on contextual issues as it was important for us all to develop or deepen our understanding of the social, economic and political context within which we work. Thereafter the programme moved into a more specific focus on the international, regional and domestic human rights framework. We ensured that during this phase both academics and people with experience in using these mechanisms taught classes.

Once this foundation was laid, we turned our focus to HIV/AIDS. We began with an understanding of current developments at a global level and then narrowed down from there to specific topics. They ranged from topics such as the women, children and HIV to migrant workers, trafficking and HIV. All through, however, a rights based approach permeated the classes. For a full list of topics covered see annexure 3 attached to this report.

With respect to the skills, we used clinical legal education methodology which is essentially ‘learning by doing’. Recognising that it requires special skills to interview PLHIV we ran classes where simulated interviews were conducted and feedback given to each trainee. Other skills such as fact investigation, using the media, drafting various documents, research using internet and other resources were covered. In 2009 more specific attention was given to skills required to conduct strategic human rights litigation. For more information see annexure 2(d) attached to this report.

## **Materials and Resources**

In view of the fact that many of our partner institutions would have been unlikely to benefit from the expertise of the guest teachers, we decided to record their classes. A set of DVDs of all classes has been donated to each partner institution. In addition, we obtained books, manuals and other reading material and distributed two copies to each partner institution through the trainees. During the training each trainee had use of a laptop to conduct research and draft documents. This was then donated to the partner institution for their continued use.



### **3.3 CONTRIBUTING TO THE DEVELOPMENT OF REGIONAL HUMAN RIGHTS JURISPRUDENCE**

It is with respect to this outcome that HRDI was most ambitious and hampered by the fact that we were only able to employ a full time lawyer in the middle of 2008. Within that backdrop it is consequently not surprising that we have neither utilised the budget amount set aside for this nor have we reached our objectives. Despite that, some work has been done to enable the evaluator to conclude that we have “approached our objectives rather than having reached them”.

We set out to work with our partners both on routine HIV related cases and on strategic human rights litigation that would impact on the balance of power between the haves and the have nots. Our approach to strategic litigation was one which was and still is rooted in the community setting the priorities. The consultative process that the trainees engage in before commencing the intensive five month training lays the foundation for a proactive approach to identifying issues that will potentially lead to strategic litigation. For at least one third of the training programme, all of the time and attention is devoted to this aspect. At first the trainees work in sub regions to identify the issues that will be delved into more deeply. For example, the community based organisations in 2007 stated that many of their members are dismissed from their employment once the employer finds out that they are HIV positive regardless of whether they remain capable of carrying out their functions. This was a common issue to all the countries. The group then decided that discrimination in the work place was an issue that needed to be tackled.

Once such a decision was reached, the group would at first define the problem, thereafter understand the root causes of the problem and step by step move toward developing an intervention strategy to address the problem. This ultimately led to one trainee returning to her home country and discovering a discriminatory pre employment testing practice within a large cell phone company. While the process and strategy was sound, as an issue identified by ordinary people within a community based organisation threw up the possibility of a strategic impact litigation case, the timing attached to it was overly ambitious on the part of HRDI and the trainees. These cases take a longer time to build and eventually get to court.

Taking cases to the regional system requires even more time as it is a requirement that all processes in the country (domestic remedies) must be exhausted. Apart from the time that cases take to be finalised in domestic courts, the trainees and their institutions were not ready for this next step as none of their cases had passed through all the phases of the domestic system. Moreover, upon their return to their home countries, the trainees found other more speedy remedies for clients that involved negotiation and mediation rather than litigation. They come from non-litigious societies where litigation is considered quite a drastic measure. In the end the interests of the clients dictate the strategy and the trainees took that closely to heart.

It is consequently not the whole truth if one were to conclude that nothing has been achieved in this regard. With respect to routine HIV related cases all of the nine partners have been delivering basic legal services to people who would otherwise not have received such advice and representation. It is difficult to attach numbers and hard statistics to this assertion as all of our partners and HRDI acknowledge that the system for maintaining case statistics is one which needs to be developed and implemented.



## **Strategic Human Rights Litigation**

HRDI had originally planned on working on twenty cases and expected to be taking a few of these to the regional system. It is now more realistic and currently working on the following two cases.

### **Proactively Identified Strategic Litigation “The Case on Effective Access to Treatment (EAT case)”**

The process of community consultations threw up those issues that are most pertinent to the ordinary person. In 2008, community groups unanimously stated that medication alone was not enough for them. They needed food and water as well, as otherwise they became ill and unable to recover. Moreover, it was noted that paediatric formulations of medication was not readily available for children living with HIV. This laid the foundation for the development of a holistic intervention strategy. Among the strategies chosen was litigation.

Often, when utilising the proactive approach, clients have not approached the institution but instead the law clinic would have to determine the profile of the client and then go out and look for one. In addition, the law clinic would need to work with an organised community to ensure that the impact of a court decision would be felt more widely at the level of the community.

HRDI makes a concerted effort, in cases such as these, to ensure that the strategy is developed by lawyers from several countries so that they can implement it in their respective home countries. For example, the EAT case is being worked on in Zambia and Kenya simultaneously.

Apart from the complexities involved in domestic courts, this case is by its nature multi-faceted. Some advocates have suggested that we focus on one issue at a time but the team, guided by the community priorities, is adamant that it needs to be tackled holistically. It is consequently being developed as such and requires the input of several other professions before it can be taken to court. At this stage the framework and structure is being defined while at the same time work within the community is being undertaken in Zambia.

### **Strategic Human Rights Litigation – Reactively Identified “The Case on Unlawful Clinical Trials”**

During an outreach process, a lawyer trained by HRDI in Tanzania came across clients who were the subject of unlawful clinical trials. These trials were conducted by a South African organisation that was declined permission in South Africa and some parts of Europe, but obtained support from certain prominent politicians in South Africa and Tanzania to conduct the trials in that country. The trainee was aghast when he discovered that Tanzanian officials defied the ruling of the civilian National Institute for Medical Research declining permission and conducted them anyway with the support of key military officials.

In 2009 a multi-country team interviewed the clients in Tanzania and took detailed instructions. The case is currently being developed in partnership with leading public interest litigation organisations both in Tanzania and South Africa.



## **Other Strategies to Develop Jurisprudence within the African Regional Human Rights System**

### **African Commission on Human and Peoples' Rights**

In the absence of precedent setting litigation HRDI explored other strategies to influence the African regional human rights system.

The first step was for HRDI to obtain observer status with the African Commission on Human and Peoples' Rights, which was indeed obtained. Once that was achieved, HRDI set out to advocate for the establishment of a *Special Rapporteur on HIV, Tuberculosis and Malaria*. The idea behind this strategy is one that builds on a multi-faceted strategy to hold governments accountable to agreed upon regional standards. The African Union, SADC, EAC and other such institutions have passed resolutions and declarations in terms of which governments make commitments to take tangible steps toward addressing the impact that the three health hazards have on ordinary people. But, once the meeting is over, each leader returns to their home country and does nothing, very little or not enough. The impact that a special rapporteur within the African regional system will have is, *inter alia*, that proactive steps can be taken to hold governments accountable and complaints can be lodged with that office without having to first exhaust domestic remedies.

HRDI developed a concept paper and is working together with the Centre for Human Rights at the University of Pretoria and other fraternal organisations that work within the African regional system.

### **Regional Economic Communities**

Although HRDI has not yet taken any cases to either of these entities, namely, the SADC Tribunal or the East African Court of Justice, it has developed a strong relationship with both institutions to teach the lawyers how to access these tribunals when they have a case that could best be resolved by these forums.

Despite not taking any cases to these tribunals, HRDI trainees have been involved in the development of HIV legislation at the East African Community level, for example. Some of their input has not been welcome as they have brought up issues relating to sexual minorities. However they are determined to continue raising them.



### 3.4 PROACTIVELY ADDRESSING KEY SOCIO-LEGAL AND ETHICAL HIV ISSUES

HRDI was not established to address the issue of discrimination against gay, lesbian, bisexual, and trans-gendered people (LGBT). Neither did we plan on addressing issues of trafficking, both the major issues of trafficking in people across border for the purpose of sex work and the trafficking of people from rural to urban areas for the purpose of house work. Our focus was not on the impact that China has had in Africa at the level of human rights and the economy. We certainly did not set out at the beginning of the project to address witchcraft or to examine the prejudices that people belonging to certain tribes within the same country have of each other.

However, once the programme began all these issues rose to the surface. We noticed that at the heart of the prejudice among tribes was a deep seated sense of “I am better than them” and at the same time preconceived notions such as “the Kikuyu are not to be trusted with money whereas the Luo are more loyal”. In view of the fact that our mission is to challenge all forms of elitism and that the nub of elitism is this notion of “I am better than...”, we chose to address such issues more deeply. In the process of doing so we all began to understand that at the heart of stigma, discrimination and elitism are these notions. Here, we could examine opinions deeply as people discussed matters honestly. There was no need for research into text books and other such tools, all that was needed was open, honest discussions for the notions to dissolve.

With respect to attitudes towards LGBT issues, it was more difficult. Opinions were very strong, quite hateful and comfort was sought in ideas about LGBT being a western construct that is being imposed on Africa. In all honesty, people felt free to ask for biological proof that LGBT practices are *normal*. Courage for these arguments was found in the Bible and a sense of African pride. At first we held debates based on human rights norms and standards in terms of which equality and non-discrimination was worked through. We also enlisted the support of one of the guest teachers who is a psychologist, AIDS activist, LGBT activist and a leader of a human rights organisation. In the end however, we realised that the conversation needed to be deeper than at the level of human rights standards. We decided to address two questions quite directly that go to the heart of the matter, namely, “Why am I relieved that I am not homosexual? And If I were homosexual, what would my greatest fears be?” Reflecting at this deep level threw up issues at a basic human level. Fear of friends and family turning away, fear of being alone and living a false life, fear of hell and damnation. This led to a more indepth discussion based in the teachings of the Bible as many sought refuge for their prejudice there. However, in the end it was the Bible that offered the path of compassion which then led to changes in attitudes.

Interestingly, we started along this path in 2006 and only later learnt from UNAIDS reports that the epidemiological trend with respect to HIV is not the general trend of the 1990’s but rather one where issues of marginalised groups such as men having sex with men, intravenous drug users and sex workers need to be taken up.

Early on work on the ground brought issues of witchcraft to the surface. PLHIV were considered to be witches, cursed and so forth. Addressing legal cases of clients in such circumstances required a deeper understanding of the belief system, demystification and brave, honest and open discussion so that sober strategies could be found. We enlisted



the services of an expert in this field who has both studied and worked in Africa for years.

Towards the end of 2006 and the beginning of 2007 we began to discuss the role of China in Africa. It began in the context of Zimbabwe but moved beyond that to other countries. While not at the heart of our work, it is important for our team and group of partners to have a deep understanding of all the forces at play even if at this point we might not be able to influence those developments. It turns on having a global world view while working on a very small and limited area.

Even organisations that are directly working with children's issues have encountered denial regarding trafficking. They have attributed it mainly to the fact that most often relatives or people closely associated with a family are involved. However, despite all of this we tackled the issue of trafficking as a result of which the team that returned to Zambia developed a working relationship with organisations of sex workers in Monze, a truck stop town between Livingstone and Lusaka.

It must be noted that much of the work described above was done with the partners and more particularly with the lawyers trained by HRDI. The extent to which this work has filtered down to the grassroots level in all the partner countries is at this stage not clear. Moreover, it should also be noted that while the issues above are those highlighted, several other issues were dealt with both during and after the training programme such as current medical developments in the field of HIV, the impact of climate change on HIV and human rights, the rights of indigenous people and minorities and so forth.



### 3.5 DEVELOPING A REGIONAL NETWORK

During the early days of conceptualisation the founding team of HRDI intended to work toward the development of a network. However we were advised that this was too ambitious and we consequently decided to place this plan on a back burner and concentrate instead on the three stated objectives. However as the project unfolded an informal or loose network of lawyers was developing. Encouraged by the partner institutions, the lawyers trained by HRDI and the development cooperation partners, we decided to re-introduce this dimension to our work and set aside time, effort and funds for it.

From the beginning of the project we set up multi-country teams where trainees would work on cases, issues and other smaller projects together. In addition, we held annual meetings of representatives of the partner institutions. These initiatives laid a foundation for people to ask, “How does your country deal with this?” The cross fertilisation of ideas and learning to find solutions to one countries problems in an example from a neighbouring country added to the pool of options going forward.

The partners suggested that they would like HRDI to facilitate and support study visits to each other so that, for example, those from DRC learn from Rwanda about how to run a law clinic since Rwanda’s law clinic is more established, they share a similar legal system and are neighbouring countries. They wanted to work more closely together on cases even once they returned to their home country. When they were developing strategies on for example discrimination in the workplace, they wanted to continue working more closely together and share experiences and solutions.

Consequently, we set aside funds to facilitate this process as it mainly entailed travelling to each other. We were pleased that the team from DRC did indeed visit our partner law clinic in Rwanda and that they learned from each other. We were also pleased that the trained lawyer from Zimbabwe who had been working on the case on unlawful clinical trials in Tanzania was part of the team that interviewed the clients in Tanzania. The partner institution in Zimbabwe incidentally also has a case that deals with clinical trials.

We set up a discussion forum using the yahoo group technology while the website was being developed so that information could still be shared and conversations could be held. Not all of the partners and trained lawyers participate as actively. It was pleasing to observe the conversation between the Kenyans and Tanzanians regarding a case that was being developed in Kenya. The website is now developed with a discussion forum<sup>10</sup>.

More recently (December 2009 and February 2010) we supported a multi country team of all our partners from the East African region to attend two workshops organised by the East African Law Society on the development of HIV legislation within that region.

The annual meeting of partners has unfortunately descended into a meeting to discuss financial issues mainly, even though it is an ideal platform to engage in more interesting discussions on regional issues and share experiences and strategies.

At this stage the network remains an informal one. We have been encouraged to work toward a more formal structure. This will be taken up in the second phase of the project.

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<sup>10</sup> See [www.hrdi.org.za](http://www.hrdi.org.za)



## 4 THE EXTERNAL EVALUATION AND THE STAKEHOLDER WORKSHOP

The external evaluation and stakeholder workshop were processes that were planned to assist the HRDI team reflect on the past and decide on its future. HRDI as an organisation and this project were never meant to continue reinventing itself and justifying its existence over a long period of time. We reflected deeply each year but during the year we constantly asked ourselves why we exist, what are we adding, is there still a need for us, our organisation and our contribution. Through the external evaluation and the stakeholder workshop we were looking for feedback from outside observers, organisations and people who have particular expertise, experience and insight into this field of work. In the end, both the external evaluation and the vast array of stakeholders concluded that HRDI does need to continue into a second phase and they provided guidance to the team and its partners as to how it can improve.

### **External Evaluation (For the complete report, go to [www.hrdi.org.za](http://www.hrdi.org.za))**

At first, HRDI intended to enlist the services of a law professor who was experienced in our field of work. However, the timing made this impossible. Instead we appointed a professional monitoring and evaluation specialist. This proved to be quite advantageous as in the end we were to benefit from the evaluators experience in looking at a range of different types of organisations and had feedback both at an organisational level and at the level of the project. Below is an extract from the executive summary of the evaluation report.

#### *Achievement of Objectives*

The objectives of the project were relevant, but not possible to reach within three years time. The project was based on an implementation plan that was not realistic; it presupposed organisational set-up and a network of committed partner organisations that did not exist at the start. The objectives have been approached rather than reached.

#### *Training Programme*

The most visible success of the project is the training programme that was implemented in 2006, 2007 and 2008. Former participants unanimously praise the programme and have benefited significantly - they have learnt new skills and it has meant fundamental changes in values and attitudes. It has had a significant impact. Those who have been trained apply what they learnt.

#### *Community Outreach*

As a result the community outreach activities have been carried forward when the participants returned after the training. Large numbers get access to legal advice – a service they did not have in the past. The information on rights and related advocacy work is significant and several persons have been reached, and through the training of trainers many more are reached indirectly. The outreach programmes reach vulnerable groups through choice of location and use of mobile services.

#### *Legal Services*

It takes longer to develop jurisprudence than could be completed within the life time the project and this work has merely started. The project has been partly successful in working with university law clinics and affecting what these do. It would take longer than three years to develop a common understanding of the objectives and develop ownership of project activities, and it should be considered a reasonably good result that there is a network with some institutions that do have a stake in the continued activities of the partnership.

### *Networks*

The time has come to devote more time to thinking about the network structure, and the evaluation concludes that a more formally developed network structure, with a governing body, a constitution, rules around membership, etc. needs to be developed if the activities.

### *Strengths and Weaknesses*

Analyzing organisation and management, the evaluation concludes that the main strengths were to be found in; relevant and pregnant formulation of vision, mission and values; strong and competent board and a clear governance structure; robust and well-working financial systems; a core of committed and competent staff members, and a learning organisation. The main weaknesses of the organisations were found to be: a top-heavy administration, initially a lack of realistic planning; lack of useful M&E systems; difficulties in recruiting and in assessing partners in the region.

### *Scenarios*

The evaluation presents three scenarios for the future, on expansion, consolidation, and closing shop, respectively. The pros and cons are outlined and it is concluded that a scenario based on consolidation of the network activities is well in line with the vision, mission and values of HRDI and makes good use of the past experiences.

## **The Stakeholder Workshop (For the complete report, go to [www.hrdi.org.za](http://www.hrdi.org.za))**

“Improving Human Rights Based Interventions to Protect the Rights of PLHIV in SADC and Great Lakes Regions”

HRDI decided to invite the UN Special Rapporteur on the Right of Everyone to the Highest Attainable Standard of Physical and Mental Health, Mr. Anand Grover. Despite HRDI having a strong identity, we did not expect that it would be as easy as it was to secure his participation in our workshop. We were also keenly aware that while we wanted to ensure that we had a wide range of participants, we did not want to lose focus on getting feedback and guidance about our intervention. We were careful not to transform this workshop into a show case of our achievements and to rather ensure that we were open, balanced and clear about our successes and failures and that the workshop would then provide the necessary guidance to enable us to make the hard decisions regarding our future that would follow.

Mr. Grover co-founded an organisation, the Lawyers Collective in India where he still works. He was consequently both available and insightful in his comments and guidance during the formal and informal sessions at the workshop. He presented the key note address at the beginning, shared his practical experience in strategic litigation during a panel and presented the closing address. In addition we ensured that we had panellists from other parts of the world, both the developing world (Brazil and Philippines) and the developed world (Canada). Participants from Africa included representatives from our partner institutions, community based organisations that they worked with, human rights non-governmental organisations and from South Africa the leading public interest litigation organisations, the grassroots activist organisations working on HIV issues and development cooperation partners.

A detailed account of all presentations is available in the report of the stakeholder workshop which we invite you to read as it is impossible to summarise the findings here except that it was unanimously stated that HRDI should continue into a new phase.

## 5 LESSONS LEARNED

As a learning organisation, HRDI has drawn a multitude of lessons over the last four year period. Lessons that relate to broad issues such as setting realistic targets and to more detailed aspects such as being involved in the recruitment of trainees more directly. Over the years, we have recorded several of these lessons and altered plans for forthcoming years. In this chapter of the report we will draw out two or three overarching lessons learned within the categories listed below rather than present a detailed account of all lessons learned over the four year period.

### **Organisation and Administration**

In the first phase we were “overly ambitious” bordering on idealistic. While that might be necessary at the beginning of an undertaking such as this, it is important to be realistic in planning even if one is idealistic in vision. We learned that we need to set more realistic and measurable targets.

While we acknowledge that we are a reflective organisation, the absence of structured monitoring and evaluation tools in the form of spread sheets that are regularly updated presented a gap both in our ability to manage ourselves and report on the outcomes. We need to ensure that at the start of the new phase these tools are in place and being used regularly.

### **Building Partnerships and Community Outreach**

At the beginning the team assumed that the potential partner institution operated as functional law clinics that represent clients and have lawyers on staff. However, all of the potential partner institutions were at different stages in their development. We refer to them as potential partners as in some cases we were simply not satisfied that the potential partner intended to revitalise a relatively dormant law clinic and was more interested in the monetary gain that was anticipated. In such circumstances, we simply did not enter into the partnership as we were not prepared to compromise on our principles of financial accountability and rather sought out other potential partners in the same country.

We learned from all of this that we needed more time before establishing a partnership. We needed to expand our focus to other potential institutions in the countries so that we have a range of alternatives. And we learned that we needed to develop the ability to end a partnership sooner when it is evident that it is not working. We also learned that we are able to adapt to difficult circumstances and that even though we were confronted by institutions that were not functional in the way we expected, we rolled up our sleeves to assist in setting up necessary systems where we could.

### **Contributing toward the Development of Centres of Excellence**

We learned the importance of working with trainees as whole people – not just as lawyers, potential social justice activists or human rights lawyers, but as ordinary human beings. We also witnessed how, when motivated, a trainee can achieve so much despite the external contextual issues that pose as impediments. And that attitudes and behaviour can change despite the fact that they are ingrained over a long time. But we also learned that we need to train more people as some may drop out and that should be planned for.



## **Contributing to the Development of Regional Human Rights Jurisprudence**

It is here that we were most unrealistic. We learned to set more realistic targets and that it takes much longer than originally anticipated to take cases to the regional level, particularly since we are committed to ensuring that we take community clients there and not that we are simply there taking a government to court.

Working in partnership with other public interest organisations and with an organised community is essential to ensure that the impact of any decision is felt more widely.

## **Proactively Addressing Key Socio-Legal and Ethical HIV Issues**

LGBT issues are difficult to tackle. It is necessary to address it from all the different angles, namely, human rights based approach, religious arguments and to bring it down to the level of ordinary human beings. Without all of that working together we might fall into the trap of saying the right thing and writing down the right opinion but behaving in a prejudicial manner.

While we have made inroads on difficult issues among our partners and with the lawyers whom we trained, these conversations and processes need to filter down to the grassroots level as well and more attention needs to be given to how best that can happen.

## **Developing a Regional Network**

It is easier for partners to relate directly with us or through us to others. For many reasons it is often difficult for them to relate to each other without some encouragement or support from us. We need to start to discuss and find ways to ensure that this network evolves into one which does not require HRDI to always be there. The time is now ripe for opening a discussion on how it should be formalised or structured.



## 6 RESULTS BASED BUDGET ANALYSIS: 2006-2009

### BUDGET VS. ACTUAL FOR THE FOUR YEARS ENDED 31 DECEMBER 2009

BUDGET CATEGORY	TOTAL BUDGET	ACTUALS	VARIANCE	% VARIANCE
		TOTAL		
<b><i>REGIONAL COSTS:</i></b>				
Result One: Legal Services	1,282,800.00	267,915.00	1,014,885.00	79.11%
Result Two: Training	1,212,950.00	1,212,202.00	748.00	0.06%
Students Costs	1,992,840.00	1,576,682.00	416,158.00	20.88%
Direct Contributions to ULCs	3,244,883.00	2,392,105.00	852,778.00	26.28%
Result Three: Community Outreach	961,300.00	350,230.00	611,070.00	63.57%
Monitoring State Compliance	90,000.00	-	90,000.00	100.00%
Regional Governance	290,651.00	277,806.00	12,845.00	4.42%
Developing a Structured Network	173,000.00	53,650.00	119,350.00	68.99%
Stakeholder Workshop	298,500.00	279,035.00	19,465.00	6.52%
<b><i>CORE COSTS:</i></b>				
Salaries and Related Costs	6,278,631.00	5,012,799.00	1,265,832.00	20.16%
Professional Fees	874,160.00	652,103.00	222,057.00	25.40%
Overheads	1,369,437.00	1,198,921.00	170,516.00	12.45%
Governance	388,000.00	252,790.00	135,210.00	34.85%
Conferences incl ACHPR Sessions	175,000.00	3,784.00	171,216.00	97.84%
Furniture and Equipment	365,500.00	258,991.00	106,509.00	29.14%
	<b>18,997,652.00</b>	<b>13,789,013.00</b>	<b>5,208,639.00</b>	<b>27.42%</b>



As can be seen from this report, we have under-spent on all line items. Some of the under-spending was a reflection of our inability to achieve the outcome, while other instances are a consequence of prudent spending. Explanations for each line item follow.

### **Contributing to the Development of Regional Jurisprudence**

#### **Relevant Line Items: Legal Services and Monitoring Compliance**

The under-spending on legal services (*ZAR 1 014 885*) and monitoring compliance (*ZAR 90 000*) occurred since we did not file a case during the four period. We recognised early on that we would consequently not be monitoring compliance with decisions until we have actually filed a case and obtained a judgement. When one looks at the detailed amounts for each year however, it will be clear that the amount spent on legal services increased each year from 2007 as an indication that work is being done on developing the strategic litigation cases and on providing support with respect to the routine cases.

### **Contributing to the Development of Centres of Excellence**

#### **Relevant Line Items: Training, Student Costs, Direct Contributions to ULCs**

These three line items combined reflect our efforts to contribute to the development of centres of excellence in that we would train lawyers, pay for all their expenses during the training and make a contribution to the partner institution to enhance their programme once the trainees return.

The under-spending under *training* was only *ZAR 748*. In view of the fact that we brought a number of guest teachers, bought and donated reading materials and so forth, our under-spending was a result of more accurate budgeting coupled with prudent spending.

The under-spending under *student costs* was a consequence of some students dropping out (three students in 2008), a few students not returning for the one month training programme due to such things as writing exams and other similar commitments.

With respect to the under-spending under *direct contributions to ULCs* partnerships with Burundi and Malawi were budgeted for but did not materialise.

### **Building Partnerships and Community Outreach**

#### **Relevant Line Item: Community Outreach**

The under-spending of *ZAR 611 070* is attributed to two factors: firstly, we budgeted for but did not travel to Burundi; and secondly, we dove-tailed travel with legal services and/or recruitment and training and met with outreach partners, the partner institution and clients during one trip. We considered this prudent spending but also realise that it will be necessary to spend more time with potential partners before entering into partnerships in the future.

### **Developing a Regional Network**

#### **Relevant Line Items: Regional Governance and Developing a Structured Network**

With respect to the under-spending on *regional governance* it is mainly as a result of prudent spending as budgeting was closely tied to the number of partnerships entered into each year but it is also influenced by the absence of Burundi and Malawi.



Under-spending under the line item *developing a structured network* is a result of it being a relatively new area of work and that even though the lawyers trained by HRDI were enthusiastic about learning from each other, the pressure of their work obligations when they returned home made such travel difficult to undertake.

### **Salaries and Related Costs**

It ought to be noted that while the full amount of *salaries and related costs* are listed under the broad section of *CORE* costs, *ZAR 1 741 271* of the costs are directly related to project implementation with respect to the three specific objectives.

Nevertheless, the under-spending under this line item is a result of the full team not being assembled at the time originally planned.

### **Conferences**

Under-spending under this line item is simply because we were very careful about attending conferences and workshops. We were mindful of the fact that we needed to focus on our core outcomes and not fall into the trap of simply attending conferences to ensure that HRDI is visible. We have now structured the use of this line item such that it is targeted mainly at attending meetings of the African Commission and of the regional economic communities.

### **Other Line Items**

#### **Stakeholder Workshop, Professional Fees, Overheads, Governance, and Furniture and Equipment**

Budgeting was accurate and lean under these line items and consequently the under-spending is attributed solely to prudent spending and a culture of taking care of HRDI resources to avoid replacement and unnecessary losses being incurred.



## 7 CONCLUSION

HRDI had three options at the end of the first phase, namely, to expand, to consolidate or to close shop. There are pros and cons to all three options. Both the external evaluator and the HRDI team examined all angles of each option.

While we are keenly aware that the vision and mission of our organisation cannot and will not be attained within three or for that matter twenty years, this does not necessarily mean that HRDI should continue to exist until that mission and vision are attained. Clearly that vision and mission is one which cannot be attained by HRDI alone or by HRDI and its partners alone. It requires a concerted effort over a period of time that must continue long after HRDI has ceased to exist. In reflecting on the past, the lessons learned and the gains made, we cannot help but return to notions of hope and despair. However such notions are now underscored with a sense of determination based in a real and tangible understanding of things as they are and the contribution we can and must make.

In his last paragraph of the evaluation report, Kim Forss states as follows:

“Yet the brief outline of pros and cons seem to indicate that the most realistic scenario is the middle one, which is risky, but not wildly so. It builds on past experiences and would mean that the organisation could set realistic goals and objectives. It is adapted to the proven skills and capacities in governance and management, and it corresponds to the four abilities of the organisation – its ability to be, to do, to relate and show results. Most importantly, in particular compared to the third scenario, is that it is true to the core values, vision and mission of HRDI. ***That vision and mission statement does not open up for partial success.*** The challenge remains there and the community needs are as acute now as when the vision was formulated

It is clear that the option to close down cannot be taken as our work is not yet done. The option to expand, while ambitious and while it does speak to the energy and passion that led to the establishment of HRDI in the first place, is enticing but it is indeed a path that will lead to a dilution of the gains made. The middle way, the sensible way, is the only path for HRDI now. It is that path which is most likely to lead to a point where HRDI can say its contribution to the vision and mission is now done and it is now time for the partners to walk the rest of the path.



## Annexure 1

<b>Name</b>	<b>Institution</b>	<b>Country</b>
Mr. Adam Stofsky	New Media Advocacy	USA
Prof. Alan Whiteside	Health Economics and HIV/AIDS Research Division, University of KwaZulu-Natal	South Africa
Mr. Alf Karrim	Social Justice Anti-Apartheid Activist	South Africa
Ms Amanda Dissel	Centre for the Study of Violence and Reconciliation	South Africa
Dr. Ann Skelton	Centre for Child Law, University of Pretoria	South Africa
Ms Anneke Meerkotte	Tshwaranang Legal Advocacy Centre (TLAC)	South Africa
Prof. Avrom Sherr	Institute for Advanced Legal Studies, University of London	South Africa
Ms Barbara Rijks	International Organisation for Migration (IOM)	Netherlands
Mr. Rico Euripidou	Ground Work	South Africa
Mr. Cameron Brisbane	Built Environment Support Group	South Africa
Ms Carmel Rickard	Journalist	South Africa
Justice Charles Mkandawire	SADC Tribunal	Malawi
Prof. Chris Landsberg	Centre for Policy Studies	South Africa
Prof. Chris Peter Maina	University of Dar Es Salaam	Tanzania
Dr. Christopher Mbazira	Community Law Centre, University of Western Cape	Uganda
Ms Collette Letojane	Human Rights Institute of South Africa	South Africa
Mr. David Johnson	UN Human Rights Commission	USA
Prof. David McQuoid Mason	University of Kwazulu Natal	South Africa
Prof. Dennis Töllberg	University of Göteborg	Sweden
Prof. Diego Rodriguez Pinzon	American University of Washington DC	Colombia/ USA
Dr. Dominick Tibyampansa	Great Lakes Initiative on AIDS	Rwanda/ Tanzania
Ms Elize Ndjavera Angula	Attorney	Namibia
Ms Evelyn Serima	International Labour Organisation (ILO)	Zimbabwe
Prof. Frans Vijoën	Centre for Human Rights, University of Pretoria	South Africa
Mr. Fredrik Eklof	Re-Evaluative Counselling	Sweden
Mr. Gaston Chillier	Centro de Estudios Legales y Sociales (CELS)	Argentina
Prof. George Kent	University of Hawaii	USA
Prof. Gerrie Ter Haar	Institute of Social Sciences	Netherlands
Dr. Gloria Puertas	UN High Commissioner for Refugees, SADC/ East and Central Africa	Spain/ South Africa
Dr. Gunilla Backman	Senior Researcher to the Office of the Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health	Sweden/ United Kingdom
Mr. Ibrahima Kane	Open Society Initiative for East Africa	Senegal/ UK/ Kenya
Ms Janet Love	Legal Resources Centre	South Africa
Ms Jill Ritchie	Papillon Press, Fundraising Professional	South Africa
Adv. Jody Kollapen	South African National Human Rights Commission	South Africa



Dr. John Ruhangisa	East African Community (EAC) Tribunal	Tanzania
Mr. Jonathan Berger	AIDS Law Project	South Africa
Mr. Kevin Joubert	Consultant	South Africa
Prof. Kondwani Chirambo	Institute for a Democratic South Africa	Zambia
Dr. Kristin Hennrard	University of Rotterdam	Belgium
Ms Laurie Bruns	UN High Commission for Refugees (UNHCR)	USA
Ms Liesle Gernholtz	Tswaranang Legal Aid Clinic	South Africa
Prof. Lorraine Sherr	University College Medical School	United Kingdom
Dr. Lukas Muntingh	Community Law Centre, University of Western Cape	South Africa
Mr. Maciej Pieczkowski	International Organisation for Migration (IOM)	South Africa
Ms Maja Smrkolj	Max-Plank Institute	Slovenia/ Germany
Ms Marlise Richter	AIDS Law Project, Wits University	South Africa
Prof. Max du Plessis	University of KwaZulu-Natal	South Africa
Ms Michaela Clayton	AIDS and Rights Alliance	Namibia
Prof. Michelo Hansungule	Centre for Human Rights, University of Pretoria	Zambia
Ms Nyasha Chingore	Centre for the Study of AIDS	Zimbabwe/South Africa
Mr. Ongoya Elisha Zebidee	Pro Bono Lawyer	Kenya
Mr. Osogo Ambani	Human Rights Consultant	Kenya
Adv. Pansy Tlakula	African Commission on Human Rights and Peoples' Rights	South Africa
Ms Patricia Rios	Pela Vidda Niteroi	Brazil
Dr. Patrick Eba	Centre for Human Rights, University of Pretoria	Cote D'Ivoire/ South Africa
Ms Peggy Maisel	Florida International University	USA
Mr. Pierre Brouard	Centre for the Study of AIDS	South Africa
Ms Reiko Matsuyama	International Organisation for Migration (IOM)	Japan
Adv. Richard Moultrie	Legal Resources Centre	South Africa
Prof. Richard Neuman	School of Law, Hofstra University	USA
Dr. Sibonile Khoza	Community Law Centre, University of Western Cape	South Africa
Mr. Simphiwe Mabhele	International Labour Organisation (ILO)	South Africa
Ms Sophia Luhindi	Great Lakes Initiative on AIDS, GLIA	Tanzania/ Rwanda
Ms Stephania Tripodi	Office of the High Commissioner for Human Rights, Human Rights and Business	Italy/ Switzerland
Prof. Thandabantu Nhlapo	University of Cape Town	South Africa
Mr. Yitna Getachew Yitna	Southern African Counter-Trafficking, International Organisation for Migration	Ethiopia/ South Africa



**Annexure 2(a)**

**HRDI TRAINING PROGRAMME (17 July - 17 November 2006, Pretoria, South Africa)**

**INTERNATIONAL HUMAN RIGHTS LAW and HIV/AIDS**

Week	Dates	Theme		Possible Guest Teachers
		<i>Understanding the context</i>		
1	17	Induction and Orientation	Confirmed	Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga, Max du Plessis
	18	Introduction to Course	Confirmed	Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga, Michelo Hansungule
	19	<i>Changing Political Landscape in Africa - Human Rights (Pre-, Colonial and Post Colonial Period)</i>	Confirmed	Chris Landsberg
	20	Country Analysis - Rwanda, Uganda, Zimbabwe, Mozambique, RSA	Group Work	Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga
	21	Regional Analysis - SADC and Great Lakes	Group Work	Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga
	22			
	23			
		<i>International, Regional and Domestic HR Systems: Basic Concepts, History, Philosophy and Standards</i>		
2	24	Introduction to International Human Rights Law: Including Debate in the afternoon, Sources	Confirmed	Michelo Hansungule and Max du Plessis

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*Board of Directors:*

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

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	25	Introduction to International Human Rights Law: Including Debate in the afternoon, Wife Inheritance	Confirmed	Michelo Hansungule and Max du Plessis
		<a href="#">HR Enforcement Mechanisms</a>		
	26	UN System	Confirmed	Michelo Hansungule
	27	Regional Systems: African HR System	Confirmed	Michelo Hansungule
	28	Regional Systems: Inter-American and European Regional System	Confirmed	Michelo Hansungule
	<a href="#">29</a>			
	<a href="#">30</a>			
3	31	Domestication of International Human Rights Standards	Confirmed	Michelo Hansungule
	01-Aug	Drawing the intl, reg and dom HR landscape/picture	Group Work	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga
		<a href="#">Global Perspectives on HIV/AIDS</a>		
	<a href="#">2</a>	<a href="#">Free Day</a>		
	3	Social Psychological Perspective: Stigma, Discrimination and AIDS	Confirmed	Avrom and Lorraine Sherr Seminar
	4	Social and Psychological Aspects: Women and HIV	Confirmed	Avrom and Lorraine Sherr Seminar
	<a href="#">5</a>			
	<a href="#">6</a>	Medical Perspective	Confirmed	Pierre Brouard (14h00 - 17h00)
4	7	Access to Justice for People Living with HIV: Interviewing and advising clients with HIV	Confirmed	Avrom and Lorraine Sherr (Workshop staff and students)
	8	Rights Based Approach to HIV: International Standards and the Right to Equality	Confirmed	Avrom and Lorraine Sherr (Workshop staff and students)
	<a href="#">9</a>	<a href="#">National Women's Day - Public Holiday</a>		
	10	Key HIV/AIDS Challenges - SADC, Great Lakes	Confirmed	Micaela Clayton (ARASA) and Dominick Tibyampansa (GLIA) and Student Consultative Process
	<a href="#">11</a>	<a href="#">Visit to Law Library UP and Individual Work</a>		
	<a href="#">12</a>			
	<a href="#">13</a>			
		<a href="#">Key Issues in the Struggle Against HIV/AIDS</a>		
5	14	Criminal Justice and HIV/AIDS	confirmed	Michelo Hansungule
	15	Refugee Rights and HIV, Migrant Workers and HIV	Confirmed	Barbara Rijks, Intl Organization for Migration
	<a href="#">16</a>	<a href="#">Free Day</a>		
	17	Human Rights Obligations of Corporations: ILO standards, WTO,	Confirmed	Kevin Joubert



		TRIPS, Work Place Policy, CSR		
	18	AIDS and the Right to Health Care	Confirmed	David McQuoid Mason
	19			
	20			
6	21	Report Back from International AIDS Conference	Confirmed	Frans Viljoen
	22	Socio-Economic Rights, Food Security and HIV/AIDS	Confirmed	George Kent
	23	Childrens' Rights and HIV/AIDS	Confirmed	George Kent
	24	Women's Rights, Customary Law, Traditional Practices and HIV/AIDS	Confirmed	Marlise Richter (Aids Law Project)
	25	Retreat - Selection of Issue/Case and allocation of teams to each case/issue	Confirmed	Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga, George Kent
	26			
	27			
		<b>Develop an intervention strategy to address the issue</b>		
7	28	Identify and analyse options at International Level, including Legislative Advocacy	Confirmed	Ibrahima Kane
	29	Identify and analyse options at Regional Level, including Legislative Advocacy	Confirmed	Ibrahima Kane
	30	Identify and analyse options at Domestic level, including Legislative Advocacy	Confirmed	Ibrahima Kane
	31	Retreat - Selection of Issue/Case and allocation of teams to each case/issue contd	Group Work	Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga
	01-Sep	Selection of Issues/Cases and allocation of teams to each case/issue (Final)	Group Work	Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga
	2			
	3			
8	4	Research and Drafting - Essentials for Practice	Confirmed	Max du Plessis
	5	ADR in International and Regional HR as a means to Achieve Systemic Change	Confirmed	Michelo Hansungule
	6	Effective Litigation Strategies before Intl and Reg Tribunals	Confirmed	Max du Plessis
	7	Use of Media Advocacy to Achieve Social Justice	Confirmed	Carmel Rickard
		<b>End of Seminars and Beginning of Case Work and Clinical Legal Education Only</b>		



	8	Fact Investigation - Role Plays and Simulations	Confirmed	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga
	9			
	10			
		<b>Define, Contextualise and Analyse the Issue</b>		
9	11	Define and Analyse the Issue/Case and Understand the Root Cause/s, Simulated Problem Analysis	Confirmed	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga
	12	Group Work - Problem Analysis using Problem Tree - Causes	Confirmed	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga
	13	Scope (Country, Region, Continent) and Gravity - Effects	Confirmed	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga
	14	Training on Home Based Care	Confirmed	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga
	15	Type Problem Tree on Computer and Reflection	Confirmed	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga
	16			
	17			
10	18	<i>Gardening, Volunteer Work with Hospice/Home Based Care</i>	Confirmed	
	19	Introduction to stakeholder analysis and Group work	Confirmed	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga
	20	Group work - stakeholder analysis	Confirmed	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga
	21	Introduction to Objectives/Solutions Analysis and Group Work	Confirmed	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga
	22	Group Work - Identify Gap - Should all the identified problems be tackled or a select few? Select.	Confirmed	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga
	23			
	24			
11	25	<b>Heritage Day, Holiday</b>		
	26	Define and Analyse What Impact is Sought - Introduction, Internet Research Tools and Group Work	confirmed	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga
	27	Group Work - Socio-economic, political (including governance) and human rights impact	confirmed	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga
	28	<i>Gardening, Volunteer Work with Hospice/Home Based Care</i>	confirmed	
	29	Group Work - Socio-economic, political (including governance) and human rights impact	confirmed	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga
	30			
	01-Oct			
		<b>Develop and Implement the Strategy</b>		
12	2	What combination of strategies are most likely to bring about the	Confirmed	Asha Ramgobin (Grootboom Case, TAC Cases, Brown, Cato Manor Land



		desired impact? Analyse Examples		Claims, SMME Cases - KZN.)
	3	<i>Gardening, Volunteer Work with Hospice/Home Based Care</i>	Confirmed	
	4	Group Work - Explore the merits and demerits of litigation, ADRM, Media Advocacy, Legislative Advocacy	Confirmed	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga
	5	Group Work - Explore the merits and demerits of litigation, ADRM, Media Advocacy, Legislative Advocacy	Confirmed	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga
	6	Decide on strategy/s to be used and examine opportunities and constraints in relationship to case/issue	Confirmed	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga (Research - forum shopping)
	7			
	8			
		<b>Select a Forum/Forum Shopping</b>		
13	9	Group Work - List Relevant International, Regional, Community and Domestic Forums, Rank with Reasons	Confirmed	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga (Individual and small group meetings RC facilitator)
	10	<i>Gardening, Volunteer Work with Hospice/Home Based Care</i>	Confirmed	
	11	Domestic Forums	Confirmed	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga (Individual and small group meetings RC facilitator)
	12	<i>RC workshop - Internalised Racism, Effective Listening and Counselling Skills</i>	Confirmed	Frederik Eklof
	13	Regional and Community Forums	Confirmed	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga
	14			
	15			
		<b>Implementation of Strategy</b>		
14	16	International Forums and selection (Submit Report A)	Confirmed	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga
	17	<i>Gardening, Volunteer Work with Hospice/Home Based Care</i>	Confirmed	
	18	Implementation Plan (Submit Part One of Report B)	Confirmed	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga
	19	Individual/Group Work - Finalise Implementation Plan (Afternoon Workshop: Dealing with the Fear of Homosexuality)	Confirmed	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga and Pierre Brouard (Afternoon)
	20	Case Work - Meeting with Mentor	Confirmed	Max du Plessis
	21	<i>Africa Human Rights Day</i>		
	22			
15	23	Use of National Human Rights Commissions (Morning Seminar)	Confirmed	Jody Kollapan, Chairperson of SAHRC
	24	<i>Gardening, Volunteer Work with Hospice/Home Based Care</i>	Confirmed	



	25	Individual/Group Work	Confirmed	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga
	26	Individual/Group Work	Confirmed	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga
	27	Case Work - Meeting with Mentor	Confirmed	Max du Plessis
	28			
	29			
16	30	Individual/Group Work	Confirmed	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga
	31	<i>Gardening, Volunteer Work with Hospice/Home Based Care</i>	Confirmed	
	01-Nov	Individual/Group Work	Confirmed	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga
	2	Individual/Group Work	Confirmed	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga
	3	Case Work - Meeting with Mentor	Confirmed	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga
	4			
	5			
		<b>Development of Sustainable Clinical Programme on International Human Rights and HIV/AIDS</b>		
17	6	Finalising Reports and Implementation Plan Afternoon Session Client Counselling and Preparing to Negotiate	Confirmed	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga
	7	Negotiation Skills and Simulation (Hand out assessment and evaluation forms)	Confirmed	Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga and Peggy Maisel
	8	Teaching the Skills (Interviewing, Counselling, Fact Investigation and Negotiation)	Confirmed	Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga and Peggy Maisel
	9	Teaching the Skills (Interviewing, Counselling, Fact Investigation and Negotiation)	Confirmed	Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga and Peggy Maisel
	10	Meetings with Country Project Officers	Confirmed	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga
	11			
	12			
18	13	Closing Session	Confirmed	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga
	14	Teaching International Human Rights Law and HIV/AIDS	Confirmed	Max du Plessis
	15	Teaching International Human Rights Law and HIV/AIDS	Confirmed	Max du Plessis
		<b>Closing</b>		
	16	Project Management Committee Meeting	Confirmed	
	17	Closing Session with Presentation of Certificates	Confirmed	
	18	<i>Departure of Thoughts, Albert, Farida and Armando (Vengai and John)</i>		
	19	<i>Departure of Evelyn, Cathy, Appolinaire and Tom (Aimable, Elysa and Theo)</i>		



## Annexure 2(b)

### HRDI TRAINING PROGRAMME (2 July - 30 November 2007, Pretoria, South Africa)

#### INTERNATIONAL HUMAN RIGHTS LAW and HIV/AIDS

Week	Dates	Theme		Teachers
		<b><i>Induction and Orientation</i></b>		
1	02-Jul	Introduction to each other, To HRDI Values, Systems and Procedures	C	Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga
	3	Introduction to Course, Computer and Internet Research Skills	C	Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga
	4	Introduction to International Human Rights Law	C	Dennis Töllborg
	5	Regional Systems: European	C	Dennis Töllborg
	6	<i>Gardening, Volunteer Work with Hospice/Home Based Care</i>		
	7			
	8			
2		<b><i>Understanding the context</i></b>		
	9	Changing Political Context in Africa - Colonial - China	C	Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga
	10	Africa and Human Rights in a Global Context - UN, AU, NEPAD,	C	Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga
	11	Country Analysis - Namibia, Botswana, Kenya and Tanzania	C	Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga
	12	Regional Analysis - SADC and Great Lakes	C	Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga
	13	<i>Gardening, Volunteer Work with Hospice/Home Based Care</i>		
	14			
	15			
		<b><i>International, Regional and Domestic HR Systems: HR Enforcement Mechanisms</i></b>		
3	16	Visit to UP Library	C	
	17	Individual Research	C	Students to work in the UP Library



	18	Inter-American System - Opportunities and Constraints	C	Gaston Chillier (CELS)
	19	International Human Rights Law Clinic at a University - Lessons from Argentina for SADC and Great Lakes	C	Gaston Chillier (CELS)
	20	<i>Gardening, Volunteer Work with Hospice/Home Based Care</i>		
	21			
	22			
4	23	Domestication of International Human Rights Standards	C	Frans Viljoen (ARU)
	24	Regional Systems: African Commission and African Court	C	Frans Viljoen (ARU) and Pansy Tlakula (ACHPR)
	25	Community Systems: East African Court of Justice	C	John Ruhangisa (EAC)
	26	Community Systems: SADC Tribunal	C	Charles Mkandawire (SADC)
	27	<i>Gardening, Volunteer Work with Hospice/Home Based Care</i>		
	28			
	29	Students Leave for UWC, Potch and Rhodes		
		<i>Observing a SA Law Clinic</i>		
5	30	On site at Wits (T), Potch/North West (B),Rhodes (N), UWC (K)	C	
	31	On site at Wits (T), Potch/North West (B),Rhodes (N), UWC (K)	C	
	01-Aug	On site at Wits (T), Potch/North West (B),Rhodes (N), UWC (K)	C	
	2	On site at Wits (T), Potch/North West (B),Rhodes (N), UWC (K)	C	
	3	On site at Wits (T), Potch/North West (B),Rhodes (N), UWC (K)	C	
	4			
	5			
		<i>Global Perspectives on HIV/AIDS</i>		
6	6	Medical and Social Psychological Perspective	C	Pierre Brouard (CSA)
	7	Current Developments in the Sector	C	Pierre Brouard (CSA)
	8	UN System	C	David Johnson (OHCHR)
	9	UN System	C	David Johnson (OHCHR)
	10	<i>Gardening, Volunteer Work with Hospice/Home Based Care</i>		
	11			
	12			
		<i>Key Issues in the Struggle Against HIV/AIDS</i>		
7	13	Rights Based Approach to HIV	C	Frans Viljoen
	14	Taking Stock	C	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga
	15	<i>Compensation Holiday - work on Women's Day</i>		
	16	HIV/AIDS and the right to an adequate standard of health	C	David McQuoid Mason



	17	<i>Gardening, Volunteer Work with Hospice/Home Based Care</i>		
	18			
	19			
8	20	Individual Research - Revision Exercise FGM Case	C	
	21	Interviewing PLWHAs - Roles Plays and Simulations	C	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga
	22	Interviewing PLWHAs - Roles Plays and Simulations	C	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga
	23	Refugee Rights, Migrant Workers Rights, Trafficking & HIV	C	Laurie Bruns (UNHCR) Barbara Rijks, Reiko Matsuyama (IOM) & SACTAP
	24	<i>Gardening, Volunteer Work with Hospice/Home Based Care</i>		
	25			
	26			
9	27	Individual Research - Preparation for Seminars	C	
	28	Individual Research	C	
	29	Fact Investigation - Role Plays and Simulations	C	
	30	HIV and the Habitat Rights	C	Cameron Brisbane (BESG)
	31	<i>Gardening, Volunteer Work with Hospice/Home Based Care</i>		
	01-Sep			
	2			
10	3	Key HIV/AIDS Issues Namibia, Botswana, Tanzania, Kenya	C	Student Consultative Process (10h00 - 11h00, 14h45 - 17h00)
	4	HIV/AIDS in the Workplace (including ILO Standards)	C	Simphiwe Mabhele, ILO
	5	Women's Rights, Customary Law, Traditional Practices & HIV/AIDS	C	Marlise Richter (09h00 - 12h00)
		The Fear of Homosexuality	C	Pierre Brouard (CSA) (14h15 - 17h00)
	6	Politics, Governance and HIV	C	Kondwani Chirambo (IDASA) (10h00-12h00)
		Prisons, Penal Reform and HIV/AIDS	C	Amanda Diesel, CSV and Lucas Muntigh CSPRI (14h00 - 17h00)
	7	<i>Gardening, Volunteer Work with Hospice/Home Based Care</i>		
	8			
	9			
		<i>Developing an intervention strategy to address the issue</i>		
11	10	Briefing: Developments and Current Debate in the HIV/AIDS Sector	C	Michaela Clayton, ARASA (11h30 - 16h00)
	11	Children's Rights and HIV	C	Liesle Gernholtz (Tswaranang) (10h00 - 13h00)
		<i>Gardening, Volunteer Work with Hospice/Home Based Care</i>		14h30 - 17h00
	12	Human Rights Obligations of States to Regulate Corporations	C	Jonathan Berger, ALP (09h00 - 12h00)
		HIV and the Right to Education	C	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga (14h15 - 17h00)
	13	Use of National Human Rights Commissions - Seminar	C	Jody Kollapan, Chairperson of SAHRC (11h00 - 18h00)



	14	Right to Food and HIV	C	Sibonile Khoza (CLC) and Christopher Mbazira (CLC) (10h00 - 17h00)
	15			
	16			
12	17	Retreat	C	
	18	Retreat	C	
	19	Retreat	C	
	20	Selection of Issues	C	09h00 - 13h00
	20	<i>Gardening, Volunteer Work with Hospice/Home Based Care</i>		14h30 - 17h00
	21	<i>Holiday</i>		
	22			
	23			
		<b>Define, Contextualise and Analyse the Issue</b>		
13	24	<i>Heritage Day, Holiday</i>		
	25	Final Selection of Issues and allocation of teams	C	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga (10h00-12h00)
		Use of Computers	C	After 14h00 - 16h00)
	26	<i>Gardening, Volunteer Work with Hospice/Home Based Care</i>		
	27	Internet Research and Computer Skills	C	Dan Bengtsson and Christian Tshimbalanga
	28	Define and Analyse the Issue/Case and Understand the Root Cause/s, Simulated Problem Analysis	<b>C</b>	<b>Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga</b>
	29			
	30			
14	01-Oct	<b>Group Work - Problem Analysis using Problem Tree - Causes</b>	C	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga
	2	Scope (Country, Region, Continent) and Gravity - Effects	C	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga
	3	Presentation of Problem Tree	C	Students (11h00 - 13h00)
	3	Introduction to stakeholder analysis	C	Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga (14h15 - 17h00)
	4	Group work - stakeholder analysis	C	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga
	5	<i>Gardening, Volunteer Work with Hospice/Home Based Care</i>		
	6			
	7	<b>Albert Arrives</b>		
15	8	Stakeholder Analysis	C	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga
	9	Stakeholder Analysis	C	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga
	10	Introduction to Objectives/Solutions Analysis and Group Work	C	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga (09h00 - 13h00)



	10	Group Work - Identify Gap - Should all the identified problems be tackled or a select few? Select.	C	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga (14h00 - 17h00)
	11	Define and Analyse What Impact is Sought	C	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga
	12	<i>Gardening, Volunteer Work with Hospice/Home Based Care</i>		
	13	Group Work - Socio-economic, political (including governance) and human rights impact	C	
	14	<i>Thoughts Arrives</i>		
		<b>Develop and Implement the Strategy</b>		
16	15	What combination of strategies are most likely to bring about the desired impact? Analyse Examples	C	Asha Ramgobin (Grootboom Case, TAC Cases, Brown, Cato Manor Land Claims, SMME Cases - KZN.)
	16	Group Work - Explore the merits and demerits of litigation, ADRM, Media Advocacy, Legislative Advocacy	C	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga
<b>Report One</b>	17	Decide on strategy/s to be used and examine opportunities and constraints in relationship to case/issue	C	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga
	18	Presentation on Impact and Strategies Chosen (if finished)	C	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga
	19	<i>Gardening, Volunteer Work with Hospice/Home Based Care</i>		
	20			
	21			
		<b>Select a Forum/s/Forum Shopping</b>		
17	22	Group Work - List Relevant International, Regional, Community and Domestic Forums, Rank with Reasons	C	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga (Research - forum shopping)
	23	Group Work - Choose Relevant International, Regional, Community and Domestic Forums	C	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga
	23	<b>Return of CPCs from 2006</b>		
	24	Implementation Plan	C	Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga and CPCs
<b>Report Two</b>	25	Individual/Group Work - Implementation Plan	C	Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga and CPCs
	26	<i>Gardening, Volunteer Work with Hospice/Home Based Care</i>		
	27			
	28			
18	29	Implementation Plan	C	Group Presentations - 10h30 - 13h00
	29	Completion of Reports		
<b>IP</b>	30	Completion of Reports		
	31	Finalisation of Reports - Group Supervision	C	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga
	01-Nov	Law, Media Advocacy, Legal Drafting and Social Justice	C	Dennis Töllborg



	2	<i>Gardening, Volunteer Work with Hospice/Home Based Care</i>		
	3			
	4			
19	5	Consolidation of 2006 and 2007 Groups	C	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga (10h00 - 11h00)
	5	Briefing - Current Students (2007)	C	Access to Education and HIV in the Work Place (11h00 - 17h00)
	6	Briefing - Returning Students (2006)	C	Insurance, Succession and Prisons
	7	Integration of Case Work - All Five Issues	C	Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga and CPCs
	8	Integration of Case Work - All Five Issues	C	Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga and CPCs
	9	<i>Gardening, Volunteer Work with Hospice/Home Based Care</i>		
	10	Re-evaluative Workshop - Internalised Racism	C	Frederik Eklof
	11	Re-evaluative Workshop - Internalised Racism	C	Frederik Eklof
		<b>Public Interest Litigation, Negotiation and Mock Trials</b>		
20	12	Negotiation Skills including Diplomatic Negotiation (preparation)	C	Kristin Henrard
	13	Negotiation Skills including Diplomatic Negotiation (simulation)	C	Kristin Henrard
	14	Break		
	15	Integration Challenges and Strategies - Clinical Legal Education Methodology	C	David McQuoid Mason
	16	<i>Gardening, Volunteer Work with Hospice/Home Based Care</i>		
	17			
	18			
21	19	Traditional African Values and Human Rights of Women	C	Thandabantu Nhlapo
	20	Drafting Skills - Amicus Curia Briefs and Communications	C	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga
	21	Drafting Skills - Amicus Curia Briefs and Communications	C	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga
	22	Public Interest Litigation in South Africa: The LRC Reflects	C	Richard Moultrie (LRC)
	23	<i>Gardening, Volunteer Work with Hospice/Home Based Care</i>		
	24			
	25			
		<b>Integration Challenges and Strategies</b>		
22	26	Mock Trial	C	David McQuoid Mason
	27	Integration Challenges and Strategies	C	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga
	28	Preparation of Briefing Document	C	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga
		<b>Closing</b>		
	29	Closing Session with Country Project Co-ordinators	C	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga (10h00 - 12h00)



		Presentation of Reports to Clinic Directors	C	Students (14h00 - 18h00)
	30	<i>Gardening, Volunteer Work with Hospice/Home Based Care</i>		
	30	Project Management Committee Meeting Begins	C	17h00 - 19h00
	1	Project Management Committee Meeting Continues	C	(09h00 - 17h30)
	1	<b>Presentation of Certificates and Celebration</b>	C	(19h00 - till ?)
	2	Departure of PMC Members and CPCs		13h00 onwards

## HRDI ONE MONTH TRAINING PROGRAMME (29 October - 30 November 2007, Pretoria, South Africa)

### INTERNATIONAL HUMAN RIGHTS LAW and HIV/AIDS

Week	Dates	Theme		Teachers
	23	<b>Return of CPCs from 2006</b>		
	24	Habitat Rights and HIV, Right to Education and HIV		Cameron Brisbane (BESG), DVD
	25	Politics Governance and HIV, Human Rights Obligations of States to Regulate Big Corporations		Kondwani Chirambo (IDASA), Jonathan Berger (ALP), DVD
	26	<i>Gardening, Volunteer Work with Hospice/Home Based Care</i>		
	27			
	28			
18	29	Reflection and Taking Stock	C	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga
	30	Reflection and Taking Stock	C	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga
	31	Reflections on Leander	C	Dennis Töllborg
	01-Nov	Law, Media Advocacy, Legal Drafting and Social Justice	C	Dennis Töllborg
	2	<i>Gardening, Volunteer Work with Hospice/Home Based Care</i>		
	3			
	4			
		<b>Briefing and Progress Report - Training, Outreach, Legal Services (issues and cases)</b>		
19	5	Briefing - Returning Students (2006)	C	Insurance, Succession and Prisons
	6	Briefing - Current Students (2007)	C	Access to Education and HIV in the Work Place



	7	Integration of Case Work - All Five Issues	C	Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga and CPCs
	8	Integration of Case Work - All Five Issues	C	Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga and CPCs
	9	<i>Gardening, Volunteer Work with Hospice/Home Based Care</i>		
	10	Re-evaluative Workshop - Internalised Racism	C	Frederik Eklof
	11	Re-evaluative Workshop - Internalised Racism	C	Frederik Eklof
		<b>Public Interest Litigation, Negotiation and Mock Trials</b>		
20	12	Negotiation Skills including Diplomatic Negotiation (preparation)	C	Kristin Henrard
	13	Negotiation Skills including Diplomatic Negotiation (simulation)	C	Kristin Henrard
	14	Preparation for the Mock Trial	C	Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga and CPCs
	15	Mock Trial	C	David McQuoid Mason
	16	<i>Gardening, Volunteer Work with Hospice/Home Based Care</i>		
	17			
	18			
21	19	Traditional African Values and Human Rights of Women	C	Thandabantu Nhlapo
	20	Drafting Skills - Amicus Curia Briefs	C	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga
	21	Drafting Skills - Amicus Curia Briefs		
	22	Public Interest Litigation in South Africa: The LRC Reflects	C	Janet Love (LRC) (10h00 - 13h00)
	23	<i>Gardening, Volunteer Work with Hospice/Home Based Care</i>		
	24			
	25			
		<b>Integration Challenges and Strategies</b>		
22	26	Integration Challenges and Strategies - Clinical Legal Education Methodology	C	David McQuoid Mason
	27	Integration Challenges and Strategies	C	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga
	28	Development of Personal, ULC and Regional Plans and meetings with CPC's	C	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga
		<b>Closing</b>		
	29	Closing Session with Country Project Co-ordinators	C	Asha Ramgobin, Dan Bengtsson and Christian Tshimbalanga (10h00 - 12h00)
		Presentation of Reports to Clinic Directors	C	Students (14h00 - 18h00)
	30	<i>Gardening, Volunteer Work with Hospice/Home Based Care</i>		(09h00 - 14h00)
	30	Project Management Committee Meeting Begins	C	17h00 - 19h00
	1	Project Management Committee Meeting Continues	C	(09h00 - 17h30)
		<b>Presentation of Certificates and Celebration</b>	C	(19h00 - till ?)
	2	Departure of All Guests		



## Annexure 2(c)

### HRDI TRAINING PROGRAMME (7 July - 5 December 2008, Pretoria, South Africa)

#### INTERNATIONAL HUMAN RIGHTS LAW and HIV/AIDS

Week	Dates	Theme	Teachers
		<i>Induction and Orientation</i>	
1	07-Jul	Arrival of Students	
	8	Lunch - HRDI staff and Students	
	9		
	10	Introduction to each other, To HRDI Values, Systems and Procedures	Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga, Tebello Thabane
	11	Introduction to Course and Induction	Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga, Tebello Thabane
	12		
	13		
2		<i>Understanding the context</i>	
	14	Bank Issues (08h30-10h30)	
	14	Country Analysis - DRC, Zambia, Rwanda, Botswana, Namibia and Kenya	Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga, Tebello Thabane
	15	Medical Aid Issues (08h30 - 10h30)	Dan Bengtsson
	15	Regional Analysis - SADC and Great Lakes	Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga, Tebello Thabane
	16	Africa and Human Rights in a Global Context	Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga, Tebello Thabane
	17	Computer and Network Usage and Internet Research	Dan Bengtsson and Pretesh
	18	Visit to UP Library and Individual Research	
	19	Domestication of International Human Rights Standards	C Frans Viljoen (CHR)
	20		
		<i>International, Regional and Domestic HR Systems:</i>	



		<b>HR Enforcement Mechanisms</b>		
3	21	Basic Concepts in International Human Rights Law		Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga, Tebello Thabane
	22	Regional Systems: African Commission and African Court	C	Chris Peter Maina
	23	Regional Systems: African Commission and African Court	C	Chris Peter Maina
	24	UN System	C	David Johnson (OHCHR)
	25	UN System	C	David Johnson (OHCHR)
	26			
	27			
4	28	Regional Systems: African Commission and African Court, including drafting a communication	C	Frans Viljoen (CHR) (10h00 - 15h15)
	29	Regional Systems: Inter-American System	C	Diego Rodriguez Pinzon
	30	Civil and Common Law Systems	C	Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga, Tebello Thabane
	31	Human rights is not about what we write or say, but what we do	C	Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga, Tebello Thabane
	<b>01-Aug</b>	<i>Gardening, Volunteer Work with Hospice/Home Based Care</i>		
	2			
	3			
5	4	Individual Research		
	5	Community Systems: SADC Tribunal	C	Charles Mkandawire (SADC) and Elise Angula
	6	Community Systems: East African Court of Justice	C	John Ruhangisa (EAC)
	7	Regional Systems: European System	C	Maja Smrkocij
	8	<i>Gardening, Volunteer Work with Hospice/Home Based Care</i>		DUE DATE FOR ASSIGNMENT
	9			
	10	Leave for Wits, U North West (Maf), U N W (Potch) UCT, UWC (N&T) and LRC (K)		
		<b>Observing a SA Law Clinic</b>		
6	11	On site at Wits (D), North West (B), Potch (Z) UCT/UWC (N&T) LRC (K&R)		
	12	On site at Wits (D), North West (B), Potch (Z) UCT/UWC (N&T) LRC (K&R)		
	13	On site at Wits (D), North West (B), Potch (Z) UCT/UWC (N&T) LRC (K&R)		
	14	On site at Wits (D), North West (B), Potch (Z) UCT/UWC (N&T) LRC (K&R)		
	15	On site at Wits (D), North West (B), Potch (Z) UCT/UWC (N&T) LRC (K&R)		
	16			
	17			



		<b>Global Perspectives on HIV/AIDS</b>		
7	18	Medical and Social Psychological Perspective	C	Pierre Brouard (CSA)
	19	Current Developments in the Sector	C	Pierre Brouard (CSA)
	20	Rights Based Approach to HIV	C	Patrick Eba (Aids Research Unit)
	21	Developments and Current Debate in the HIV/AIDS Sector - SADC	C	Michaela Clayton, ARASA
	21	Developments and Current Debate in the HIV/AIDS Sector- Great Lakes	C	Sophia Luhindi, Great Lakes Initiative on AIDS, GLIA
	22	<i>Gardening, Volunteer Work with Hospice/Home Based Care</i>		
	23			
	24			
		<b>Key Issues in the Struggle Against HIV/AIDS</b>		
8	25	Refugee Rights and HIV	C	Gloria Puertas, UNHRC SADC/East and Central Africa
	26	Individual Research		Hand out assignments
	27	<i>Gardening, Volunteer Work with Hospice/Home Based Care</i>		
	28	Migrant Workers and HIV; Trafficking and HIV	C	Yitna Getachew Yitna, Southern African Counter Trafficking, IOM
	29	HIV/AIDS in the Workplace (including ILO Standards)	C	Simphiwe Mabele and Evelyn Serima (ILO)
	30			
	31			
9	<b>01-Sep</b>	Women's Rights, Including, Reproductive Rights of Women and HIV	C	Anneke
	2	Children's Rights and HIV	C	Anneke
	3	Socio-economic rights and HIV - Food, Adequate Housing, Water and Education	C	Christopher Mbazira
	4	Customary Law, Traditional Practices and Values & HIV/AIDS	C	Thandabantu Nhlapo
	5	<i>Gardening, Volunteer Work with Hospice/Home Based Care</i>		Due date for handing in of assignments
	6			
	7			
10	8	Prisons, Penal Reform and HIV/AIDS	C	Amanda Diesel, CSVR and Lucas Muntigh CSPRI
	9	Politics, Governance and HIV	C	Alan Whiteside, HEARD, UKZN
	10	Interviewing Skills		Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga, Tebello Thabane
	11	<i>Gardening, Volunteer Work with Hospice/Home Based Care</i>		
	12	Drafting Skills - Amicus Briefs (hand out assignments)	C	Richard Moultrie (Legal Resources Centre)
	13			
	14			
11	15	HIV/AIDS and the right to the highest attainable standard of health	C	Gunilla Backman, Senior Researcher to former Special Rapporteur on the Right to the Highest Attainable Standard of Health



	16	Human Rights Obligations of Big Corporations	C	Stefania Tripodi, OHCHR
	17	Human Rights Obligations of States to Regulate Corporations	C	Stefania Tripodi, OHCHR
	18	Migrant Workers and HIV	C	Barbara Rijks
	19	<i>Gardening, Volunteer Work with Hospice/Home Based Care</i>		
	20			
	21			
		<b>Retreat and Selection of Issues</b>		
12	22	Key HIV/AIDS Issues in participating countries		Student Consultative Process
	23	<i>Gardening, Volunteer Work with Hospice/Home Based Care</i>		
	24	Retreat - Recap		
	25	Retreat - Develop Selection Criteria		
	26	Retreat - Break up into sub regions and select two issues/cases		
	27			
	28			
		<b>Define, Contextualise and Analyse the Issue</b>		<b>Due date for handing in of Amicus Briefs</b>
13	29	Define and Analyse the Issue/Case and Understand the Root Cause/s, Simulated Problem Analysis		Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga, Tebello Thabane
	30	<b>Group Work - Problem Analysis using Problem Tree - Causes</b>		Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga, Tebello Thabane
	<b>01-Oct</b>	Scope (Country, Region, Continent) and Gravity - Effects		Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga, Tebello Thabane
	2	<b>Presentation of Problem Tree</b>		Students
	3	<i>Gardening, Volunteer Work with Hospice/Home Based Care</i>		
	4			
	5			
		<b>Stakeholder Analysis</b>		
14	6	Introduction to stakeholder analysis		Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga, Tebello Thabane
	7	Group work - stakeholder analysis		Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga, Tebello Thabane
	8	Group work - stakeholder analysis		Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga, Tebello Thabane
	9	Individual Meetings with Students		Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga, Tebello Thabane
	10	<i>Gardening, Volunteer Work with Hospice/Home Based Care</i>		
	11			
	12			
		<b>Defining the Impact Sought</b>		
15	13	Group work - stakeholder analysis		Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga, Tebello Thabane
	14	<b>Stakeholder Analysis - Presentation</b>		
	15	<b>Stakeholder Analysis - Presentation</b>		



	16	<b>Stakeholder Analysis - Presentation (09h00 - 11h00)</b>	
	16	Objectives/Solutions Analysis and Group Work	Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga, Tebello Thabane
	16	Group Work - Identify Gap - Should all the identified problems be tackled or a select few? Select.	Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga, Tebello Thabane
	17	<i>Gardening, Volunteer Work with Hospice/Home Based Care</i>	
	18		
	19		
		<b>Develop and Implement the Strategy</b>	
16	20	Define and Analyse What Impact is Sought	Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga, Tebello Thabane
	21	Group Work - Socio-economic, political (including governance) and human rights impact	
	22	<b>Presentation of Impact Reports ?? Option to combine both presentations on 27</b>	
	23	What combination of strategies are most likely to bring about the desired impact? Analyse Examples	Asha Ramgobin (Grootboom Case, TAC Cases, Brown, Cato Manor Land Claims, SMME Cases - KZN.) 09h00-11h00
	23	Group Work - Explore the merits and demerits of litigation, ADRM, Media Advocacy, Legislative Advocacy	Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga, Tebello Thabane
	24	Decide on strategy/s to be used and examine opportunities and constraints in relationship to case/issue (preparation of report on strategies chosen)	Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga, Tebello Thabane
	25		
Report One	26		
		<b>Select a Forum/s/Forum Shopping and Developing Implementation Plans</b>	
17	27	<b>Presentation on Impact and Strategies Chosen</b>	Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga, Tebello Thabane
	28	Group Work - List Relevant International, Regional, Community and Domestic Forums, Rank with Reasons	Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga, Tebello Thabane
	29	Group Work - Choose Relevant International, Regional, Community and Domestic Forums	Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga, Tebello Thabane
	30	Presentation of Forums Selected	Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga, Tebello Thabane
	31	Implementation Plan - Group work	Group Presentations
	<b>01-Nov</b>	<b>Return of Students of 2006 and 2007</b>	
Report Two	2		
	3	<b>Presentation of Implementation Plans (10h00 - 13h00)</b>	



18	3	Country Briefing Session (Rwanda, Uganda, Moz)		Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga, Tebello Thabane
	4	Country Briefing Session (Zimbabwe, Kenya, Tanzania)		
	4	Preparation of Briefing Document - Issues (afternoon)		Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga, Tebello Thabane
	5	Briefing Issues - 2008 issues (morning), Insurance afternoon		Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga, Tebello Thabane
	6	<i>Gardening, Volunteer Work with Hospice/Home Based Care</i>		
	7	Briefing Issues - Prisons, Succession, Education and Wok		Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga, Tebello Thabane
	8			
	9			
19	10	Issue Reports Continued		Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga, Tebello Thabane
	11	Litigation Capacity of each partner institution	C	Ambani Osogo
	12	Drafting Skills - Shadow Reports		Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga, Tebello Thabane
	13	Witchcraft and HIV	C	Gerrie der Haar
	14	<i>Gardening, Volunteer Work with Hospice/Home Based Care</i>		
	15			
	16			
		<b><i>Public Interest Litigation Skills, Interviewing, Negotiation, Mock Trials and Drafting Skills</i></b>		
20	17	Regional Co-operation		Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga, Tebello Thabane
	18	Minority Rights and Indigenous People's Rights	C	George Mukundi
	19	Fundraising Strategies		Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga, Tebello Thabane
	20	Climate Change and HIV	C	Rico Euripidou, Environmental Epidemiologist, Groundwork
	21	<i>Gardening, Volunteer Work with Hospice/Home Based Care</i>		
	22			
	23			
21	24	Public Interest Litigation in South Africa: The LRC Reflects	C	Janet Love, Legal Resources Centre
	25	Impact Litigation Children's Rights	C	Ann Skelton
	26	Case Discussion		Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga, Tebello Thabane
	27	Case Discussion		Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga, Tebello Thabane
	28	<i>Gardening, Volunteer Work with Hospice/Home Based Care</i>		
	29			
	30			
		<b><i>Integration Challenges and Strategies</i></b>		
22	<b>01-Dec</b>	Development of Country Implementation Plan		
	2	Presentation of Country Plans		



	3	Closing Session with Country Project Co-ordinators		Asha Ramgobin, Dan Bengtsson, Christian Tshimbalanga, Tebello Thabane
	4	Presentation of Reports to Clinic Directors		Students
	5	<a href="#">Project Management Committee Meeting Begins</a>		
	6	<a href="#">Project Management Committee Meeting Continues</a>		
	6	<b><a href="#">Closing Event: Presentation of Certificates</a></b>		
	7	<a href="#">Departure of PMC Members and CPCs</a>		13h00 onwards
	8			

## Annexure 2(d)

### HRDI TRAINING PROGRAMME (2 November - 5 December 2009, Pretoria, South Africa)

#### STRATEGIC HUMAN RIGHTS LAWYERING FOR THE PROTECTION AND PROMOTION OF THE RIGHTS OF PLHIV IN SADC AND EAST AFRICAN REGIONS

Week	Dates	Theme		Teachers
		<b><a href="#">Reporting, Assessing Partnership and Understanding the Context</a></b>		
1	02-Nov	<b><a href="#">Gardening, Volunteer Work with Hospice/Home Based Care</a></b>	C	Gideon Mpako
	3	Introduction, Induction and Orientation - The WHY Question	C	HRDI Team
	4	Country Team Reports	C	HRDI Team
	5	Country Team Reports	C	HRDI Team
	6	Organisations and Planning Models - From Human Rights and Development to Social Justice Activism	C	Alf Karrim
	7			
	8			
2		<b><a href="#">Fundraising Skills</a></b>		
	9	<b><a href="#">Gardening, Volunteer Work with Hospice/Home Based Care</a></b>	C	Gideon Mpako
	10	From the Strategic Plan to the Fundraising Proposal	C	Jill Ritchie



	11	Fundraising Skills - Developing an organisational plan for fundraising	C	Jill Ritchie
	12	STAKEHOLDER WORKSHOP		
	13	STAKEHOLDER WORKSHOP		
	14	HRDI Board Meeting		
	15	Partnership Forum		
		<b><i>Developing and Implementing Public Interest Litigation Strategies</i></b>		
3	16	Public Interest Litigation and Social Movements iro PLHIV in Brazil	C	Patricia Rios
	17	Lessons on Litigation Strategies in East Africa and Specifically Kenya	C	Ongoya
	18	Framework and strategic planning on the EAT Case	C	Ongoya
	19	<i>Gardening, Volunteer Work with Hospice/Home Based Care</i>	C	Gideon Mpako
	20	Free Day		
	21			
	22			
		<b><i>Fact Investigation, Legal Reasoning, Writing and Media Advocacy</i></b>		
4	23	<i>Gardening, Volunteer Work with Hospice/Home Based Care</i>	C	Gideon Mpako
	24	Attitudes toward Homosexuality	C	HRDI Team (11h00 - 14h00)
	24	Legal Reasoning and Writing	C	Richard Neumann (16h30 - 19h00 Video Conference)
	25	Media Advocacy	C	Adam Stofsky (15h30 - 19h00 Video Conference)
	26	Country Team Meetings	C	HRDI Team
	<b>27-Nov</b>	Bible Studies - Arguments relating to Homosexuality - all dimensions	C	HRDI Team
	28			
	29			
		<b><i>Developing and Implementing Human Rights Advocacy Strategies</i></b>		
5	30	Case Discussions - EAT, Virodene and Documentary	C	HRDI Team
	01-Dec	Human Rights Advocacy within the African Regional System	C	Frans Viljoen and Collette Letojane
	01-Dec	Legal Reasoning and Writing	C	Richard Neumann (16h30 - 19h00 Video Conference)
	2	Individual, Institutional and Country Strategies	C	HRDI Team
	3	Presenting Strategies and Obtaining Feedback	C	HRDI Team, Pierre Brouard and Nyasha Chingore
	4	Free Day		
	5			
	6			



## Annexure 3

### List of Topics Covered During the Five Month Training

#### *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 Region

#### *International, Regional and Domestic Human Rights System*

- Basic Concepts in International Human Rights Law
- Inter-American System
- European System
- African Regional System – African Commission and African Court
- Community Systems – East African Court of Justice
- Community Systems – SADC Tribunal, including a session with a lawyer involved in the Zimbabwean Farmers Case
- Domestication of International Human Rights Standards
- UN System
- Common Law and Civil Law Systems

#### *Global Perspectives on HIV/AIDS*

- Medical
- Social Psychological
- Current Developments

#### *Rights Based Approach to HIV/AIDS*

##### *Key Issues HIV/AIDS Issue*

- HIV in the Workplace
- HIV and Refugee Rights
- HIV and Migration
- HIV and Human Trafficking
- HIV and Socio-Economic Rights – Water, Food, Education, and Housing
- HIV and the Right to the Highest Attainable Standard of Health
- HIV and Children's Rights
- HIV and Women's Rights
- Customary Law, Traditional Practices, and Values and HIV
- Politics, Governance and HIV
- Prisons, Penal Reform and HIV
- Sexual Orientation and HIV
- Human Rights Obligations of States to Regulate the Conduct of Big Corporations and HIV
- HIV and Witchcraft
- Climate Change, Human Rights and HIV
- Minority Rights and Indigenous Peoples' Rights and HIV