



ANNUAL PROGRESS REPORT

6 March 2014

PHASE II OF A GRASSROOTS BASED HUMAN RIGHTS
INTERVENTION FOR THE PROTECTION OF PLHIV IN THE GREAT
LAKES, EAST AND SOUTHERN AFRICAN REGIONS

REGIONAL HUMAN RIGHTS LAW CLINIC

to increase

ACCESS to JUSTICE for VULNERABLE GROUPS

in

AFRICA

HUMAN RIGHTS DEVELOPMENT INITIATIVE NPC

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CONTENTS

INTRODUCTION	3
ONE PAGE SUMMARY OF PROGRESS AGAINST OBJECTIVES	4
SPECIFIC OBJECTIVE 1: BUILDING A CADRE OF SOCIAL JUSTICE ACTIVISTS	5
SPECIFIC OBJECTIVE 2: DEVELOPING A NETWORK OF 15 ACCOUNTABLE LAW CLINICS	13
SPECIFIC OBJECTIVE 3: DEVELOPING THREE CENTRES OF EXCELLENCE	22
SPECIFIC OBJECTIVE 4: CONTRIBUTING TO THE DEVELOPMENT OF HUMAN RIGHTS JURISPRUDENCE	23
SPECIFIC OBJECTIVE 5: GRASSROOTS INVOLVEMENT IN REGIONAL DEBATES	25
MANAGEMENT AND ADMINISTRATION	26
RESULTS BASED BUDGET ANALYSIS	27
CONCLUSION	30



INTRODUCTION

St Thomas Aquinas in his Student's Prayer wrote:

Point out the beginning,
Direct the progress,
And help in the completion.
(Emphasis added)

Accolades are often showered on those who come up with creative ideas and start something new. Entrepreneurship, both in the economic and social field is often about being at the cutting edge, filling a gap and/or addressing what may be an old problem in new and creative ways.

The beginning of HRDI was indeed difficult; it required a great deal of perseverance. But the completion process comes with a set of very special circumstances. The date set for completion forced the HRDI team, its staff, students or trainees, partner institutions and colleagues to focus. 2013 was a year when the certainty of HRDI's closure brought the uncertainty of what will happen afterwards to the fore.

For us who were there at the beginning this period brought into sharp focus the limited time that is left within which to ensure that the objectives set out are in fact achieved. It meant that each moment was precious and needed to be used to its optimum.

This report documents how the team utilised each opportunity to strengthen the cadre of lawyers, to build robust partner institutions, to deepen its work with building the African regional human rights mechanism to address issues that go to the heart of the implementation of human rights obligations and to hear the voice of ordinary people cut through legal jargon and go to the heart of the human rights challenges of this decade.

To end something well means to put in our best effort at each stage of the process and to eventually acknowledge that the final result of these efforts will not be known now.

For HRDI the period January to December 2013 was the first phase of the completion process. The phase of looking carefully at what still needs to be done, then planning creatively so that we develop the best and most appropriate strategies and finally harnessing the right people to help implement these strategies.

It was difficult to lead this process. The trainees and partner representatives consistently tried to negotiate for HRDI to continue in this form. The work that still needed to be done was intense and required diligent, patient and careful execution. Some of our students have been working with us from 2006. When they started, they were newly out of law school and in 2013 were now respected law teachers, lawyers and activists in their own right. They now have their own experiences to share which added a rich texture to the work undertaken in 2013. All these gems needed to be carefully incorporated into the strategies of 2013 to ensure that their light glowed even brighter.

2013 was a year filled with tears of joy and sadness, but ultimately with tears that opened the pathway to the fulfilment of all that we set out to do ten years earlier. With that, we now look deeply at each step that was taken, what was achieved, what was not and how these lessons will inform the final processes that lie ahead in 2014.



Objectives	Plans for 2013	Progress Made	Plans for 2014
Build a cadre of 15 social justice lawyers from the 5 target countries	Assist 20 students to finish & graduate	24 students have graduated	Assist 4 students to complete dissertations
	Co-ordinate supervision of 14 students	4 students still need to complete	Identify further training needs
	Conduct training with other staff at CRIDHAC and EMU in Mozambique	Partnership ended with CRIDHAC and was unable to find a date – Mozambique	Include time for further on-site training during visits to partners
	Estimate: 50 students return for 1 month	40 students returned for training	Conduct training with 45 students
Develop a network of 15 accountable law clinics that provide legal services to poor and vulnerable groups in the 15 target countries	Ensure partners establish ULCs	Established: 4 in SADC, 6 in GL+1 HR Centre Starting-up 4 GL, 1 SADC	Help the 4 in GL and 1 SADC to start up their ULC
	Refine and strengthen use of social media, FB, Skype and yahoo group	Facebook used often, Skype used for PF meeting, yahoo group used	Continue using web-based networking to keep the group talking to each other
	Host sub- and regional meetings	Sub-reg and regional meetings held in Pretoria. Partners in GL planning for 2014	GL and SADC meeting for 2014 in their countries and in Pretoria
	Host PF with 15 partners over 5 days	Hosted PF with 16 partners for 5 days	Formalisation of regional network
	Assess situation with Makerere Univ	Strengthened relations with Makerere Uni	Host PF with 16 partners for 5 days
Develop three centres of excellence within African university based law clinics	Strengthen established ULCs	Worked with Mal, Rw and Tan	Strengthen ULCs- Rwanda and Malawi
	Redefine regional centre concept and synchronise with organic developments	Helping at least 5, but expect 2 partners to establish IHRLC based on their interests	Follow up on concept note with those that have decided to establish IHRLC
	Follow up on IHRLC in Malawi	Refined concept with Malawi	Develop plan with faculty
	Co-ordinate study visits	No study visits undertaken	Study visits to Latin America/US
	Connect partners with other institutions	Partners are connected with US IHRLCs	Celebrate the launch of at least one!
Contribute to the development of human rights jurisprudence and conduct community based strategic litigation at a domestic, regional and international level	Work on pre-employment testing case	Followed up with ACHPR	Follow up - response to ACHPR letter
	Follow up clinical trial case	Case has been filed	Follow up on clinical trial case in court
	Continue work on claimed cures	ACHPR has engaged govt of Tan	Govt response on claimed cure case
	Inform UNSR about fake ARVS	Partner chose alternative advocacy strategy	Work with partners on other issues
	Develop and implement strategy on illicit flight of capital	Succeeded in obtaining a resolution from ACHPR and continuing	Assist ACHPR with illicit financial flows study – fund raising and co-ordination
	Appoint legal officer to ACHPR Sec	Appointed 2 legal officers to ACHPR Sec	Appoint a 4th legal officer to ACHPR
Grassroots involvement in regional debates	Host meeting of HIV Com in SA	Was unable to due to ICASA	Invite HIV Com and UNSR
	Arrange for CBOs to meet HIV Com	Was unable to due to ICASA	Arrange for meetings with CBOs
	Arrange for CBOs to meet UNSRH	Was unable to due to his busy diary	Work with partners to engage both

SPECIFIC OBJECTIVE 1: BUILDING A CADRE OF 30 SOCIAL JUSTICE ACTIVISTS FROM 15 COUNTRIES IN AFRICA

Planned Result:

30 social justice lawyers from the target countries use domestic, regional and international human rights instruments and mechanisms, generally, and more specifically with respect to discrimination against people living with HIV/AIDS.

Actual Results

In 2013, 43 of our students returned, comprising 17 women and 26 men. 32 were here for the full training period while the other 11 came for a week or two. They are distributed among all our 11 partner countries.

THE 2013 TRAINING PROGRAMME

Below is an analysis of our efforts to build a cadre of social justice lawyers.

Manual Work

At the heart of our work with our students is a deep, clear and direct focus on values. Consequently a unique feature of the training programme was weekly manual work and work with PLHIV. In the past, HRDI staff members and students worked in a low income township on basic things like digging a toilet for a family where the children are HIV positive to ensure that they are able to simply go to the toilet in private. The team met with adults and children living with HIV some of whom were in the final stages of AIDS. This aspect of the programme is designed to ensure that the young social justice activist learns from early on that s/he cannot and should not advocate on behalf of a group of people without being steeped in the realities of their daily lives. Furthermore, lawyers emerge by and large from elite backgrounds or leave law school with elitist attitudes. The hard manual work that is done teaches us all what it means to work with our hands and bodies and develop a sense of appreciation, respect and admiration for the workers who are the backbone upon which our countries are built.

In 2013, we worked at a clinic in the low income community of Eersterust, Pretoria. Guided by the needs articulated by the staff of the clinic, our team did gardening, cleaning and painting cartoon characters on the walls. An interesting lesson was learned when our team drafted pictures of the Penguins of Madagascar in a room that was used to work with disabled children. The staff felt that those illustrations were not appropriate as the penguin images highlighted the children's disabilities in some way. We painted Donald Duck instead and in doing so we became acutely aware of how minute details impact upon those whom we seek to serve and how careful we need to be in making interventions involving vulnerable people, particularly disabled and traumatised people.



Students and staff of HRDI drew and painted the image above



Students drew and painted this image in the reception area of the hospital while a child from the community observes.

The Classroom Component of the Training

As a result of observations during our visits to our partners and as a result of input from students and partners we decided to address four main themes during the 2013 classroom component of the training programme, namely:

- Establishing and running an efficient and effective law clinic;
- Establishing and maintaining efficient and effective financial management systems;
- Understanding the dimensions of Illicit Financial Flows; and
- Transition from a Purely Domestic Law Clinic to an International Human Rights Law Clinic

Below is a brief description of how each theme was addressed.

Establishing and running an efficient and effective law clinic

This section began with a deeper understanding of the dynamics involved in *establishing and running an efficient and effective law clinic*. Some of our partners such as those in Goma (DRC), Lubumbashi (DRC), Burundi, Lesotho, Kenya and Uganda have only just begun. They are at different levels of development but all of them are extremely enthusiastic and committed to ensuring that they establish a law clinic and they are already doing work on the ground. During this part of the training programme we looked at each element of a clinic's operation and provided the students with tools in the form of reading materials and resources, skills and ideas to enable them to take a lead in their clinics.

At the end, each student left with a set of documents to run the legal services, community outreach and teaching component of a law clinic. They had basic forms for managing client cases and a draft teaching curriculum. They were deeply involved in producing all of these tools which makes it easier for them to adapt the documents to their local needs.



Three students involved in a role play – the student in yellow shirt playing the role of a client while the other two where a lawyer and law student interviewing him

Establishing and maintaining efficient and effective financial management systems

Thereafter the programme moved to focus on the *establishing and maintaining efficient and effective financial management systems*. This part of the programme responded to a need that we identified in our work with our partners. Most of them are committed to being accountable but we found that many of them simply do not have the skills and knowledge on how to go about it. We designed a session that will equip them with these skills and enable them to go home and put them into practice. They learned basic skills from how to use excel for budgeting and accounting purposes to basic record keeping and book-keeping. In addition, they were taught about the importance of accountability for non-governmental organisations and strategies on how to navigate the often difficult university systems to ensure that funds are managed with integrity. At the end of this, they were able to develop financial manuals for each institution and the trainer, being accredited by the South Africa Qualifications Authority (SAQA) gave certificates to each student.

Understanding the dimensions of Illicit Financial Flows

The third aspect of the programme focused on deepening our *understanding of the dimensions of illicit financial flows*. While this theme may seem out of place in the context of the previous aspects, we have realised that states in Africa use the argument that they do not have sufficient resources to meet their human rights obligations and have a good escape route particularly with respect to socio-economic rights that are progressively realisable. We realised that Africa loses more money through illicit financial flows than it receives in aid and loans put together. We consequently have been actively advocating at the African Commission on Human and Peoples' Rights (ACHPR) for a human rights based intervention. This part of the training was meant to equip all of us, students and HRDI staff, with the new knowledge and skills necessary to take this process further with the ACHPR. We consequently examined certain trade related aspects of human rights including a focus on how double tax agreements, tax incentive agreements, bilateral investment treaties, money laundering and tax havens all work towards facilitating the illicit flow of finances from Africa. The aim of this session was to enable

us to understand these aspects more clearly to improve our ability to assist the ACHPR to challenge the system. Professors who are specialists in each of the topics taught these sections and at the end provided the team with a comprehensive set of reading materials and robust framework from which to develop our strategic intervention. At the end of these classes, the group studied the ACHPR Resolution to analyse possible strategies.

Transition from a Purely Domestic Law Clinic to an International Human Rights Law Clinic

Finally, we focused on *transition from a purely domestic law clinic to an international human rights law clinic*. Our partners in Malawi, Rwanda and possibly Kenya have a definite interest in moving their institutions in this direction. The partners in other countries are also interested in this aspect and may benefit from it as they establish the foundations of their clinics. We have recognised the limitation of domestic human rights laws in the protection and promotion of the rights of vulnerable groups. It is likely to be even more important in some of our partner countries that they use the regional and international human rights mechanisms to further the interests of their clients and client communities and equip their students with the skills and knowledge to actively participate in these efforts.

During this session, the students were led by an experienced and renowned professor from George Washington University. He has experience and knowledge of the Latin American models (being of Colombian heritage himself) and the US systems. International human rights law clinics and public interest law clinics have played a pivotal role in these two regions. However, while the US has a long and rich history of international human rights law clinics, the Latin American context was more relevant as there were many common issues that arise such as repressive governments, government intervention within law faculties and similar socio-economic challenges.

These classes inspired some teams and educated the whole group. As a result, in addition to the countries mentioned above, the team from Goma (DRC) was also inspired to establish their clinic within the framework of an international human rights law clinic. They took inspiration from Colombia where they have a number of internally displaced persons as well. This session also laid the foundation for the study visits that will be undertaken in 2014.



From left to right: In Front: Ibrahim, William, Laurent, Vedaste, Frans, Eric. Back Row: Emile, Grace, Sharon, Henri, Oscar, Susan, Kassim, Cathy, Armando, Dieu-Merci, Milka, Carlo, Laurdes, Steve, Christophe, Prisca, Arturo, Olivier, Sylvestre, Chipso, Inutu, Fortunata, Isaac, Barnabas, Dianab, Maleabone, Patient, Tom, Hilda and Landilani



THE LLM IN INTERNATIONAL HUMAN RIGHTS LAW AND HIV IN AFRICA

This degree, while not in HRDI's original planning, served to ensure that there are now 24 lawyers who have a Master's level degree in International Human Rights Law and HIV in Africa. These graduates are important resources for their countries, their sub-regions and the continent at large. They have specialised knowledge and skills in various aspects of international human rights law especially as it pertains to HIV. In past reports we have described the content of the LLM programme so this will not be repeated save to emphasise that the degree comprises four modules:

Module 1 Theory and practice of international, regional and domestic human rights law

The topics covered include:

- (a) Historical, philosophical and political aspects of human rights in Africa, in general, and with specific reference to HIV.
- (b) Basic concepts in international human rights law, in general, and with specific reference to HIV
- (c) The standards and institutions of the human rights system under the United Nations; Council of Europe, Organisation of American States, African Union, Southern African Development Community; East African Community and selected national law systems are analysed with specific reference to HIV.

Module 2 International, regional and domestic human rights law pertaining to people living with HIV and those at risk in Africa

In this module a multidisciplinary approach is adopted and the topics include the following:

- (a) Global perspectives on HIV/Aids, including the current medical and socio-psychological perspective
- (b) Rights-based approaches to HIV in Africa are analysed
- (c) HIV/AIDS in the workplace, including an analysis of ILO standards and practice
- (d) Women's rights, including the reproductive rights of women and HIV
- (e) Children's rights and HIV
- (d) Customary law, traditional practices and values and HIV
- (e) Refugee rights and HIV
- (f) The rights of migrants and HIV
- (g) Prisons, penal reform and HIV
- (h) Politics, governance and HIV
- (i) HIV and the right to health
- (j) HIV and the right to food, shelter, water and education
- (k) The rights of specific groups at risk such as men having sex with men, sex workers and intravenous drug users
- (m) Witchcraft and HIV
- (n) Climate change and HIV

Module 3 Strategic human rights lawyering for the protection of the rights of people living with HIV and those at risk in Africa

In this module, specific aspects of the practice of international, regional and domestic human rights law pertaining to people living with HIV and those at risk are discussed. Specifics topics include:

- (a) An analysis of the development of grassroots based public interest litigation strategies that address root causes of issues
- (b) Analysing root causes
- (c) Defining the impact sought and the possibilities of social transformation through law and litigation
- (d) Developing strategic partnerships
- (e) Deciding on the appropriate strategy including negotiation, mediation, litigation, media advocacy
- (f) Selecting the appropriate forum
- (g) Conducting interviews
- (h) Investigating facts and gathering evidence
- (i) Advanced legal reasoning and legal writing
- (j) Working with social movements

Total Number of Students as at the end of 2013 – Great Lakes and SADC					
		No of students trained	%	No of students still in network	%
	<i>Male</i>	<i>38</i>	<i>58</i>	<i>31</i>	<i>60</i>
	<i>Female</i>	<i>27</i>	<i>42</i>	<i>21</i>	<i>40</i>
	<i>TOTAL</i>	<i>65</i>	<i>100</i>	<i>52</i>	<i>100</i>

The table above shows that 65 students in total have been trained. 52 of these students are still working within this field and are still part of the “HRDI cadre”. Of the 13 students who are no longer part of the HRDI, all 7 trained from South Africa, Swaziland and Botswana are pursuing their own careers outside this field. From DRC two are no longer part of the network but are still working with the university while the other is in private practice. One of the students from Zimbabwe is also now in private practice. One student from Zambia is attempting to establish a non-governmental organisation. Finally we are not certain about the person from Tanzania but have heard that he is pursuing a career in diplomacy.

The Graduates of 2013



Names of Graduates from Left to Right

*Prisca Bwihangane Minja (DRC, University of Goma),
 Emile Mukuna Luketa (DRC, University of Lubumbashi),
 Eric Katusele Bayongi (DRC, University of Goma),
 Patient Iraguha Ndamiyebe (DRC, University of Goma),
 Christophe Bavumiragije (Lumiere University, Burundi),
 Vedaste Babati (Independent University of Rwanda),
 William Ndengeyinka (Great Lakes Initiative for Human Rights and Development, Rwanda),
 Mamofuta Kale (University of Lesotho),
 Mamello Phekani (University of Lesotho) and
 Olivier Karemera (Lumiere University Burundi).*

Number of Students as at 2013 – Great Lakes and East Africa				
	Country	No of students trained	No of students still in network	Names of students still in network
1	Rwanda	6	6	Tom Mulisa
	<i>Male</i>	<i>6</i>	<i>6</i>	Appolinaire Kayitavu
	<i>Female</i>	<i>0</i>	<i>0</i>	Laurent Shenge
				William Ndengeyinka
				Vedaste Bahati
				<i>Steven Gatari</i>
2	Burundi	2	2	Olivier Karemera
	<i>Male</i>	<i>2</i>	<i>2</i>	Christophe Bavumiragiye
	<i>Female</i>	<i>0</i>	<i>0</i>	
3	Uganda	4	4	Evelyn Aero
	<i>Male</i>	<i>1</i>	<i>1</i>	Catherine Tumusiime
	<i>Female</i>	<i>3</i>	<i>3</i>	Isaac Afunaduula
				Dianah Ahumuza
4	DRC	11	8	Sylvestre Pakabomba
	<i>Male</i>	<i>8</i>	<i>6</i>	Emile Luketa
	<i>Female</i>	<i>3</i>	<i>2</i>	Grace Tshoma
				Dieu Merci Kabungi
				Patient Iraguha
				Prisca Bwihangane
				Eric Katusele
				Henri Mashagiyo
5	Kenya	6	6	Collins Omondi
	<i>Male</i>	<i>4</i>	<i>4</i>	Milka Kuria
	<i>Female</i>	<i>2</i>	<i>2</i>	Ibrahim Alubala
				Irene Maithya
				Desire Njamwea
				<i>Oscar Kiplangat Yegon Sang</i>
6	Tanzania	6	5	Fortunata Kitokesya
	<i>Male</i>	<i>3</i>	<i>2</i>	Daniel Lema
	<i>Female</i>	<i>3</i>	<i>3</i>	Prisca Chogero Mkama
				Susan Joseph
				<i>Barnabas Ernest Kaniki</i>
	Sub total	35	31	
	<i>Male</i>	<i>24</i>	<i>21</i>	
	<i>Female</i>	<i>11</i>	<i>10</i>	

Number of Students as at 2013 – SADC				
	Country	No of students trained	No of students still in network	Names of students still in network
1	Zimbabwe	3	2	Thoughts Deme
	<i>Male</i>	<i>2</i>	<i>1</i>	Paidamoyo Mukumbiri
	<i>Female</i>	<i>1</i>	<i>1</i>	
2	Mozambique	6	6	Armando Cuamba
	<i>Male</i>	<i>3</i>	<i>3</i>	Farida Mamad
	<i>Female</i>	<i>3</i>	<i>3</i>	Maria de Lurdes Araujo
				Bonifacio Ildefonso
				Samira Buraimo
				Carlos Lopes
3	Namibia	3	3	Ricardo Mukonda
	<i>Male</i>	<i>2</i>	<i>2</i>	Johannes Anthon Frans
	<i>Female</i>	<i>1</i>	<i>1</i>	Isabella Tjatjara
4	Malawi	2	2	Kassim Amuli
	<i>Male</i>	<i>1</i>	<i>1</i>	Hilda Kaluwa
	<i>Female</i>	<i>1</i>	<i>1</i>	
5	Zambia	5	4	Inutu Akolwa
	<i>Male</i>	<i>2</i>	<i>1</i>	Sharon Williams
	<i>Female</i>	<i>3</i>	<i>3</i>	Landilani Banda
				<i>Chipo Musbota Nkhata</i>
6	Lesotho	4	4	Mamofuta Kale
	<i>Male</i>	<i>1</i>	<i>1</i>	Mamello Phekani
	<i>Female</i>	<i>3</i>	<i>3</i>	<i>Letzadzo Kometsi</i>
				<i>Malebeoana Phafane</i>
7	Swaziland	2	0	
	<i>Male</i>	<i>1</i>	<i>0</i>	
	<i>Female</i>	<i>1</i>	<i>0</i>	
8	Botswana	3	0	
	<i>Male</i>	<i>1</i>	<i>0</i>	
	<i>Female</i>	<i>2</i>	<i>0</i>	
9	South Africa	2	0	
	<i>Male</i>	<i>1</i>	<i>0</i>	
	<i>Female</i>	<i>1</i>	<i>0</i>	
	Sub total	30	21	
	<i>Male</i>	<i>14</i>	<i>9</i>	
	<i>Female</i>	<i>16</i>	<i>12</i>	



SPECIFIC OBJECTIVE 2: DEVELOPING A NETWORK OF 15 ACCOUNTABLE LAW CLINICS THAT PROVIDE FREE LEGAL SERVICES TO THE POOR AND VULNERABLE GROUPS FROM 15 COUNTRIES

Planned Results:

15 law clinics work together to address common problems within their regions.

15 law clinics utilise resources and carry out activities in the interests of the beneficiaries and provide honest, reliable reports.

Actual Results

At the end of 2013 HRDI had 16 partner institutions from 11 countries.

To build strong, accountable institutions that operate within old, established universities is not an easy task. Over the years many people have asked the question: Why university based law clinics? Why not independent institutions? Why not non-governmental organisations? Why not the bar associations? Our answer has consistently been that it is mainly for sustainability and for long term change. We chose to work with university law faculties as our main partner not because of their track record on human rights, HIV, access to justice or social justice. We chose them primarily because they work with the lawyers of tomorrow. If change is made within the law faculty and if students of law are able to learn a different way of practicing law, a way that is at once professional and social justice and service orientated, there is a greater likelihood of a stronger legal profession, both within the university and outside which will be involved in issues of access to justice, human rights and social justice.

University bureaucracy, established systems that often do not work and hierarchical lines of authority have all presented enormous challenges to the complete achievement of the goal set out above. However, in many instances we found that our trainees found strategies to reach out to the surrounding communities and provide the much needed services despite these bottle necks. In other circumstances we found that certain members of the university administration were enthusiastic about the idea, inspired by the values and determined to make this project work.

What follows is an outline of HRDI's work with its partners based on the reports received and the visits undertaken.

Rwanda, Burundi, DRC (Goma)

In an effort to save money and to build the regional network, we decided to plan our trip to these partners in conjunction with each other. We travelled to Rwanda, hired a car and drove to Goma with trainees from Rwanda, returned to Kigali and went on to Butare. Then drove with trainees from Butare to Bujumbura and finally returned to Kigali and flew back. This trip helped build a bond between the individuals and institutions from these three historically warring countries. Despite the fact that at the time we travelled, Rwanda and DRC were in the middle of a dispute regarding the M23 in Goma, this trip was possible, peaceful and productive. The team from the National University of Rwanda has a well-established clinic, while those in Goma and Burundi were still starting out. However they each learned from the other and shared experiences. We understand

that the contact among them has continued beyond this visit and is very likely to continue for long after HRDI closes.

What follows are some of the notable features of the institutions visited.

Burundi

At the end of 2012, the students left South Africa knowing that the dean of the faculty of law at the university was completely against the establishment of the clinic as he realised that the funding provided by HRDI was only ZAR 126 000. He expected to come to the partnership forum and negotiate for more funds but when he realised that we cannot provide more than that, and that our partnership required the university to make certain contributions to the effort as well, he became non-cooperative. The students approached the vice-chancellor directly and in the end the agreement was signed with HRDI. When they arrived in Burundi, they continued to work with the university administration but had no assistance from the dean. Despite these impediments, they made contact with a local support group for PLHIV and a local hospital ward that is exclusively for PLHIV. These organisations provided the two lawyers with a desk and space to meet with PLHIV regarding their rights and to consult with those who had specific legal problems.

By the middle of 2013, they won the confidence of people within the administration and during a meeting with the HRDI team, the university administration committed to ensuring that the clinic is integrated within the university. They have appointed a senior member of the administration to take charge of this process. This new representative is supportive and participated in the 2013 partnership forum during which he undertook to ensure that the work is carried out and the institution is strengthened.



Trainees from Burundi with a doctor and social worker from the HIV/AIDS ward at the hospital in the room set aside for their regular visits to consult with PLHIV on legal issues

Goma

In Goma, the trainees had the direct support of the vice-chancellor of the university. They too faced serious problems of jealousy and risk of sabotage from certain members within the law faculty. The vice-chancellor consequently provided them with a small office space and a degree of autonomy from the faculty. Since the vice chancellor is also a law teacher, he facilitated a situation enabling the trainees to also work with law students.

When the trainees in Goma returned home, they also immediately made contact with local organisations working with PLHIV. Since there is a large camp of internally

displaced people in Goma, they started there and complemented this work with a local HIV, TB and Malaria clinic.

During the first few weeks they discovered through their consultations that several people were being provided with ARVs that had expired. They immediately intervened and engaged in urgent discussions with the health authorities as a result of which after a very short time, all the expired ARVs were withdrawn and all their clients were supplied with the correct medication. More information will be provided under the specific objective four, but for now it is presented as a typical anecdote of people being able to do more with less and to overcome serious obstacles if the passion, dedication and commitment are there.



From left to right: Vedaste (ULK, Rwanda), Patient (UNIGOM, DRC) Eric (UNIGOM, DRC), Tom (GLIHD, Rwanda), Prisca (UNIGOM, DRC) and Henri (UNIGOM, DRC) picture taken at the small office provided by the vice-chancellor of UNIGOM.

Rwanda

We have three partners in Rwanda who are all working together. Two are university based law clinics, one in Butare (National University of Rwanda) and the other in Kigali (Independent University of Kigali) and the third is a non-governmental organisation (Great Lakes Initiative on Human Rights and Development) established by two trainees of HRDI who also work with the university partners. Our trainees from these institutions work with associations of PLHIV that are registered with their local authorities. Their work covers individual problems with accessing government services and assisting the association itself. They have each worked on cases that will be discussed more fully under specific objective 4.



From left to right Appolinaire and Laurent, National University of Rwanda Legal Aid Clinic

Lubumbashi, a different side of the DRC



Representatives of our partner in Lubumbashi from left to right John Kabalika (Deputy Legal Advisor to Vice Chancellor and delegated director of finance and administration of the Legal Aid Clinic), Dieu Merci (HRDI trainee), Grace (HRDI trainee) and Emile (HRDI trainee)

This picture is of the three trainees of HRDI and a representative of the university administration who was designated to work on the establishment of the law clinic. At the beginning, the administration assumed that this was like most other projects where each individual is able to get “their share” of the funds. However, very early on, they realised that this is not like any other project and that we demand a high degree of accountability.

This picture is particularly funny as it depicts the outside of the office of the law clinic. For the first half of 2013, there was a battle for power over the law clinic as there was this misconception regarding the funds. However, the trainees during that time used their private funds and private offices to serve indigent people. This office was provided to the law clinic only a few days before the HRDI team arrived to visit the partner. It had not been used until then and in fact some of the trainees did not have the keys to the place until the day the picture was taken. We were told about all of this on that day hence each person in the picture has an almost laughing smile as it reflects the conversation that was held as the picture was taken.

What is very interesting about the situation in Lubumbashi is that the university has contributed to the office space, the furniture and equipment that is necessary for this clinic. The Vice-Chancellor and Dean assured HRDI of its transparency and accountability in all matters of finance and undertook to ensure that “none of these funds are eaten” as they put it.

It is a well-known fact that corruption is extremely high in DRC. However this level of openness and directness was a refreshing change. Furthermore, the trainees are all admitted members of the bar. They are all also employed by the faculty of law as is the case with most law teachers. They are senior, respected lawyers and have already and will continue to serve the poor and vulnerable. Lubumbashi, being a mining city, is in great need of such a service and these trainees and this clinic is now on a firm and solid foundation to serve ordinary people.

Zambia

Geographically close to Lubumbashi lies Zambia. At the University of Zambia, we found a group of enthusiastic and dedicated people. However we also found a leadership that is strong but very cautious about getting into something new. One of their concerns was the pedagogical dimension of the law clinic. During our visit to Zambia earlier in 2013, our team sat with their team and worked through this aspect that concerned the management. In the end a draft curriculum was put together and is being passed through

Senate. They are now thinking creatively about a mobile clinic option and we are looking forward to seeing that finally implemented in 2014.

Uganda, Kenya and Tanzania

Uganda

In 2006, we worked with the Law Development Centre's Legal Aid Clinic. We trained two people and that institution is still serving vulnerable people while fighting through the financial crisis and its consequent impact on their funding.

In 2011, we decided to also work with Makerere University as they were interested in establishing a law clinic and were keen on working within our partnership. Consequently, we were instrumental in supporting the newly established Public Interest Law Clinic (PILAC) at Makerere University. Their type of services differ somewhat from our idea of a law clinic, their version is more akin to a "street law" type service. While this is not entirely what we had in mind, the important aspect to note is that ordinary people are getting greater access to information about their rights, advice on the remedies and are being referred to pro bono lawyers and public interest non-governmental organisations in Uganda. They are in the process of registering as a legal service provider and it is expected that once that registration takes place, the institution will function more like a law clinic that we had in mind which includes all three components, namely, legal services, community outreach and teaching law students.

Kenya

Our original effort in 2007 was with the University of Nairobi. We trained two students from that institution but unfortunately due to management problems the students were not able to establish a law clinic there and instead worked with a Nairobi based NGO. They suggested that we re-direct our focus to Moi University that is based in the Rift Valley area of Kenya in a town called Eldoret.

This move was probably the most important move in Kenya in that at Moi we found a group of people who believed in the work of law clinics and were keen on resurrecting their defunct law clinic. The Dean, three senior members of the law faculty and two HRDI trainees are now involved in ensuring that a strong law clinic is established at Moi University. In addition, the faculty employed the services of a lawyer who has been working with children's rights for the whole of 2013 and is now a person called upon by local magistrates, judges, prosecutors and social workers within the sector of children's rights.

Institutionally, they are working on a structure that allows them to be free of cumbersome university bureaucracy yet still accountable. They are also working on an LLM programme focusing on the right to health. They are all creative, passionate and dedicated people which lead us to conclude that our original idea of a potential centre of excellence at Moi was well founded and with support in 2014 may come to pass.



Part of the Team from Moi: Irene Maitya, Clare Brenda Bengo, Jackline Njiru, Dan (HRDI), Oscar San, Vincent Mutai, Linda Kaamba and Desire Njamwea

Tanzania

The first law clinic in Africa was established at the University of Dar es Salaam (UDSM) during the time of Mwalimu Julius Nyerere. It was one of many parts of the great plan to re-build Tanzanian society. While it has given birth to many other NGOs in Tanzania, the Legal Aid Committee of UDSM has not grown as it could. With HRDI's support five full time people were recruited and trained. These five people worked tirelessly at the law clinic and served hundreds of poor people. Among them are many of the cases that will be discussed later under specific objective 4. However, due to a freezing of new university posts, changes in management and several other internal factors the five that were trained have not been retained. They have however trained others and they have remained with the legal aid and human rights sector. The university management says it is committed to ensuring that the Legal Aid Committee is strengthened and grows. Only time will tell.



Daniel Lema (Standing) with his team at their legal aid office in Dar es Salaam

Lesotho, Namibia and Mozambique

Lesotho

The former dean of the faculty of law at the University of Lesotho had for a long time been planning to establish a law clinic at his university. However, for many reasons years went by and that idea remained an idea. When HRDI contacted them, the ground was already fertile and they were ready to enter into a partnership and establish a clinic. They recruited two people for HRDI's training in 2012 and these two graduated in 2013. Heavily pregnant, the two young ladies engaged with stakeholders from the bar, judiciary and the department of justice to the community leaders and traditional authorities. In August, after securing local resources and support from both students and the legal profession, a very successful launch was held. After the short formal speeches, the major portion of the day was spent with lawyers and students consulting clients and advising them on their rights and remedies.



Clients waiting in line to register to be interviewed by lawyers and students at Roma in Lesotho

Namibia

Our partner in Namibia is an established non-governmental organisation, the Legal Assistance Centre (LAC). Our attempts with the University of Namibia ended in 2009 however they continue to run a legal aid clinic at the university. In 2011 we entered into a partnership with the LAC and we were pleased that with our support they were able to extend their services to the deep rural areas of Namibia. In addition their focus on litigation resulted in cases of unfair discrimination of PLHIV in the workplace being taken to court. This and other cases will be discussed more fully under specific objective four.

Mozambique

We work with two institutions at the Eduardo Mondlane University, namely the Legal Aid Clinic (LAC) and the Centre for Human Rights (CHR). Both institutions work with each other and while the LAC focuses on direct legal services and teaching law students, the CHR works on policy and advocacy issues. They have hosted sessions on social security and invited other HRDI partners. Importantly they trained parliamentarians on human rights aspects of HIV. They also have a strong base within the community and intend to expand their work to the rural areas outside of Maputo. HRDI was not able to visit them in 2013 but intends to do so in 2014.

Malawi

This partner will be discussed in the next chapter where we focus on developing centres of excellence.

Partners working with each other

As stated earlier, the partners in Rwanda, Goma and Burundi have the framework for continued co-operation. They are planning to host a meeting of the law clinics from the Great Lakes region in June 2014. In addition, all the partners participated in the annual partnership forum hosted by HRDI in Pretoria in December 2013. During this period they had the opportunity to meet within their two sub-regions and came up with a plan of action for implementation in 2014. They are concerned about what may happen with the network once HRDI closes and are examining methods to formalise it going forward.



Swaziland, Zimbabwe and DRC, Kinshasa – The Ending of Three Partnerships

During 2013, we ended three partnerships. What follows is an explanation regarding each institution.

Swaziland

This partnership ended before it began. As has been explained in previous reports, a lot is dependent upon the students that are recruited as implementation depends largely on them. The students from Swaziland are relatively senior members of the law faculty and we understand that they have not taken the necessary steps to formalise the partnership by signing the agreement of co-operation. After much correspondence and a period of six months elapsed after the students completed the first part of the LLM, we decided not to wait any longer and instead ended that partnership. This enabled us to enter into a further partnership with the Great Lakes Initiative for Human Rights and Development (GLIHD) in Rwanda.

Zimbabwe

HRDI's partner in Zimbabwe was a non-governmental organisation called the Justice Aids Trust (JAT) that we assisted our trainees to establish in 2007. We supported them financially since then. However, in 2010 we informed them that in 2012 we will reduce our support to them by half. This really applied pressure on them to seek funding elsewhere and they eventually succeeded and we were delighted when they were able to stand on their own feet with support from the Southern Africa Aids Trust (SAT). However, in the second half of 2012, JAT ran out of funds as the Southern African AIDS Trust (SAT) who were funding them in the last year had their funds frozen for a period. During that period, the leadership of JAT decided to go into private practice. JAT is not officially closed but effectively no longer operating.

DRC, Kinshasa

Our partners in Kinshasa, DRC were caught with their hands in the kitty. We sent them their first instalment of which ZAR 2 000 per month for three months was meant for operational and administrative costs. We have discovered that the Director of CRIDHAC insisted on taking a portion of those funds and has admitted to it after much correspondence. The students unfortunately were in a difficult position, one confessed all, the other colluded and defended and the third remained silent. We understand from colleagues that the one who colluded did so to save his position within the institution. In the end, we decided to terminate our partnership with CRIDHAC and decided that it is not worth the money it will cost to pursue a refund of ZAR 6 000. We have however informed all the university authorities about the situation but really do not expect that any of them will address the matter as it appears that this type of practice is very common in Kinshasa.

While our partnership with each of these institutions has ended, we understand that some of the students in Zimbabwe and Kinshasa continue to serve PLHIV through their private practices on a pro-bono basis. One student from Kinshasa represents the university in the UNDP National Consultation processes and he still serves indigent people and an organisation working with sexual minorities, namely *Si Jeneusse Savait*.



List of Partner Institution – Great Lakes					
	Country	Name of Institution	No of Lawyers	Status in 2012	Status in 2013
1	Rwanda	National University of Rwanda, Legal Aid Clinic	2	Very Strong	Very Strong
2		Independent University of Kigali	1	Under construction	Strong
3		Great Lakes Initiative for Human Rights and Development	3	Strong	Very Strong
4	Tanzania	University of Dar es Salaam, Legal Aid Committee	2	Strong	Strong
5	Kenya	Moi University, Legal Aid Clinic	3	Under construction	Strong
6	Uganda	Legal Aid Clinic, Law Development Centre	1	Very Strong	Very Strong
7		Public Interest Law Clinic, Makerere University	2	Under construction	Growing as a law clinic
8	<i>DRC</i>	<i>University of Kinsbasa, CRIDHAC</i>	<i>3</i>	<i>Growing</i>	<i>Not a partner</i>
9	DRC	University of Lubumbashi, Law Faculty	3	Under construction	Still under construction
10	DRC	University of Goma, Law Faculty	3	Under construction	Strong
11	Burundi	Lumière University, Bujumbura, Law Faculty	2	Under construction	Growing
Sub Total			27		
List of Partner Institutions – SADC					
	Country	Name of Institution	No of lawyers	Status of Law Clinic	
1	Namibia	Legal Assistance Centre	1	Very Strong	Very Strong
2	Malawi	University of Malawi, Legal Aid Clinic	2	Exceptional	Exceptional
3	Zambia	University of Zambia, Legal Aid Clinic	3	Under construction	Still under construction
4	<i>Zimbabwe</i>	<i>Justice Aids Trust</i>	<i>2</i>	<i>Strong but need funding</i>	<i>Closed due to no funding</i>
5	Mozambique	Eduardo Mondlane University, Legal Aid Clinic	3	Strong	Strong
6		Eduardo Mondlane University, Centre for Human Rights	3	N/A	Strong
7	<i>Swaziland</i>	<i>University of Swaziland</i>	<i>2</i>	<i>Growing</i>	<i>Not a partner</i>
8	Lesotho	University of Lesotho	4	Under construction	Growing
Sub Total			17		

SPECIFIC OBJECTIVE 3: DEVELOPING ONE CENTRE OF EXCELLENCE WITH AFRICAN UNIVERSITY BASED LAW CLINICS (ABBREV)

Planned Results:

The centre of excellence provides effective and efficient human rights and social justice training, legal services and community outreach to poor and vulnerable groups within their country.

The centres of excellence act as a base for learning for other institutions within their regions.

Actual Result:

The Legal Aid Clinic of the University of Malawi provides effective and efficient human rights and social justice training, legal services and community outreach to poor and vulnerable groups within their country but is not yet a base for learning for other institutions.

The Chancellor College Legal Aid Clinic of University of Malawi (CHANCO LAC)

When HRDI first met the dean of the faculty of law, the synergy between our two institutions were clear from the word go as they were examining methods of getting staff and students of the law faculty to do manual work to challenge elitism. From this foundation, it was inevitable that each step of our work together would gradually move towards this institution becoming the centre of excellence that HRDI had envisaged.

Some partners, such as the Legal Aid Clinic at the National University of Rwanda, had very strong clinics but would be reluctant to challenge the government. Whereas HRDI met our partners at CHANCO during a period when there were major demonstrations as a result of a lecturer challenging government and facing severe disciplinary consequences. Moreover the college and staff are rooted and are located close to low income communities. It also has a relatively young faculty of law teachers who are dedicated to ensuring that the clinic realises its full potential and that it works not only within the domestic arena of Malawi but also within SADC and Africa as a whole.

In 2013, the clinic was firmly established and providing much needed services to the community. A team of students were involved in all aspects of the clinic thus ensuring the sustainability principle of “each one teach one”. Intense community consultations were undertaken prior to the session of the ACHPR and the issues raised by ordinary PLHIV were brought to the attention of the ACHPR. The pictures below are a graphic illustration of a law clinic at work and a law clinic that is intent on growing. In 2014, it intends to evolve into an international human rights law clinic.



*The Malawi team including the dean, a law teacher
The clinic co-ordinator, staff, students and local children*



Malawi LAC students and staff with HRDI team



SPECIFIC OBJECTIVE 4: CONTRIBUTING TO THE DEVELOPMENT OF HUMAN RIGHTS JURISPRUDENCE AND CONDUCT COMMUNITY BASED STRATEGIC LITIGATION AT A DOMESTIC, REGIONAL AND INTERNATIONAL LEVEL

Planned Results:

15 law clinics, in cooperation with HRDI, provide regular legal representation in 900¹ cases and domestic judicial structures thereby address the issue of discrimination of PLHIV.

HRDI undertakes 5 community based strategic litigation cases that address the issue of discrimination of people living with HIV/AIDS, in cooperation with partner organisations.

Domestic, regional and international judicial and quasi-judicial structures address the issue of discrimination of people living with HIV/AIDS to a greater extent.

Community based organisations and paralegals have greater awareness of and are able to access domestic, regional and international human rights forums when necessary.

Actual Results

16 law clinics provide regular legal representation to the indigent and HRDI has made two submissions to the ACHPR and assisted in 1 strategic case;

A new regional mechanism specifically for PLHIV and those at risk has been established;

CBOs have greater awareness and are consulted before participation at each session of the ACHPR

ACHPR passed resolution 236 in terms of which it undertook to address the human rights implications of illicit financial flows from Africa.

SOME HIGHLIGHTS AT THE REGIONAL LEVEL WITH THE ACHPR

A Break-through on the Issue of Claimed Cures for HIV

In 2011 we were informed about the issue of a particular traditional healer in Tanzania who claimed to have a cure for HIV. He was so popular that people from the East African region would travel long distances to go to him for his cure. Many people died on their way to him. The government of Tanzania responded by building better roads to the traditional healer and a cemetery to bury those who died on their way there. This issue was brought to the attention of the HIV Committee of the ACHPR in 2012. In 2013, we followed up on the matter as a result of which the ACHPR through the HIV Committee wrote a strongly worded letter to the government of Tanzania where the issue was raised and they were asked to respond. The state representative for Tanzania tried to address the issues at the ACHPR session in Banjul. In 2014, we intend to follow up on the issue to ensure that the government properly responds to the ACHPR and that it takes corrective actions.

A Further Breakthrough on the Issue of Illicit Financial Flows, Now on the Agenda of the ACHPR

We raised the human rights implications of illicit financial flows at the ACHPR in 2012. We hoped that they would take the matter on and work out a way of addressing it. Our strategy at the time was not fully developed and was really meant to highlight the issue as

¹ Cases are defined not only as specific cases taken to court but also include matters where negotiated solutions and other dispute resolution mechanisms such as mediation are utilised.



a regional human rights issue. The interest of certain commissioners of the ACHPR was roused in 2012 but they were not yet ready to adopt the issue and develop an intervention strategy. In 2013, we planned and executed a more thoroughly developed strategy – highlighting the human rights implications of illicit financial flows under at least 5 agenda items at the April session of the ACHPR. On 23 April 2013, the ACHPR passed the resolution we proposed and undertook to address the issue by first conducting an in-depth study. Since passing the resolution, they have requested HRDI's assistance in giving effect to it. We have helped by assisting in the development of a carefully planned and structured work plan that will result in tangible outcomes. The commissioners responsible strongly request HRDI's assistance in the full implementation of this plan through appointing HRDI as their secretariat in carrying out the study. This is a major step in addressing a very important and difficult human rights issue that has the potential to change how human rights issues are addressed in Africa.

Support to and Development of the ACHPR and the HIV Committee of the ACHPR

In 2013, HRDI appointed a third legal officer based at the ACHPR Secretariat in Banjul to support the work of the HIV Committee. At the end of 2012 we concluded that assistance was required at the Secretariat to ensure that the HIV Committee worked more efficiently. This strategy proved correct as the letter to the government of Tanzania was a direct result of steps taken by the legal officer based at the Secretariat.

SOME HIGHLIGHTS AT THE DOMESTIC LEVEL

Unlawful Clinical Trials in Tanzania

This is a case of a group of people who were subjected to an HIV related clinical trial in Tanzania despite the fact that the local medical authority refused permission for it and that permission was also refused in South Africa. The South African company nevertheless obtained permission from the then Minister of Health of Tanzania and the administrators of two hospitals and carried out the test. The clients are suing the Government of Tanzania for breach of their rights under the Tanzanian Constitution. Summons has been issued and the case was finally brought to court for first mention during the latter part of 2013 and is due for second mention in the early part of 2014.

Expired ARVs distributed to PLHIV in Goma, DRC

During their outreach work with community based organisations in Goma and Muganga, the partners in UNIGOM were informed that their clients were receiving expired ARVs. They decided to engage with the hospital authorities who explained that the supplies were coming from the provincial authorities. The matter was escalated and once the health authorities realised that there were lawyers involved who were able to pursue the cases in court but who were also willing to discuss matters, they withdrew all the expired ARVs and supplied the clients with new medicines.

Fees for Collecting ARVs, Goma, DRC

The team were informed that their clients were required to pay a fee when collecting their ARVs. After negotiation with the authorities these fees were cancelled.



SPECIFIC OBJECTIVE 5: GRASSROOTS INVOLVEMENT IN REGIONAL DEBATES (PARAPHRASED)

Planned Results:

Grassroots organisations and vulnerable groups in the 15 target countries have greater visibility in debates on issues that affect them at the regional and sub -regional/REC level.

Actual Results:

Views and opinions of grassroots organisations have been articulated at each session attended by HRDI and its partners. In 2013, views of ordinary PLHIV from Malawi and Lesotho were articulated at the session.

International and regional human rights mechanisms were far removed from ordinary poor and vulnerable people within our target countries. However through concerted efforts with our students, HRDI has made strides in turning this situation around.

From the very beginning, students were required to consult with community organisations and to specifically look for those working directly with PLHIV. It was important that the students met PLHIV in their home countries and asked them what their main concerns were. Through these discussions students obtained information about property grabbing, stigma within the community and a host of other human rights abuses in accessing health care services. These voices were present throughout their training with HRDI as we would return to those issues from time to time

At the end of the training, the trainees were to return to these CBOs and PLHIV and do manual work, build their trust and confidence and provide legal services to them. After building a strong relationship, these teams would engage in training of community members regarding their rights under international, regional and domestic human rights law. Most importantly they would also share information regarding how the ACHPR works and consult with communities before sessions of the ACHPR. In 2013 the teams from Malawi, Rwanda and Lesotho engaged in such intense consultations.

The issues below were brought to the attention of the ACHPR at the 53rd ordinary Session held in Banjul, in 2013. The speeches are available on the HRDI website (see <http://www.hrdi.org.za/> or <http://www.youtube.com/user/hrdi2009>)

- *Malawi* – injustices with regard to the government’s fertiliser subsidy programme where local chiefs were distributing to their relatives instead of deserving people;
- *Lesotho* – problems that orphaned children experience with respect to identification documents and death certificates of parents in claiming certain government benefits;
- *Rwanda* – problems with categorisation of the level of poverty under the new health insurance which results in some vulnerable people being required to pay certain fees which are not affordable for them.

After the session, students returned to the organisations and briefed them about how the information was presented to the ACHPR. The state representatives from Malawi who were present at the session approached the trainee from Malawi to obtain details of the issues she raised and to follow up when they return home. Representatives from other NGO’s based in Lesotho also approached the trainee from Lesotho regarding the issues she raised to work together on these matters when they return home.

MANAGEMENT AND ADMINISTRATION

FINANCIAL MANAGEMENT

At the beginning of 2013, our accountant Susan Rossouw delivered her second baby. She consequently decided to end her consultancy work with HRDI to enable her to spend more time with her children. We expected to manage this difficulty by offering Heather van Niekerk, the consultant who prepared our paper-work the opportunity to work longer hours and to also then capture the accounting records on Pastel. However, her permanent employer, Save the Children who originally employed her for four days a week wanted her to work five days a week and offered her a promotion, which she accepted. HRDI was placed in a difficult position and interviewed three other accountants but was not comfortable with any. After discussions with our auditors, they informed us that they have a department dedicated to this type of function. We discussed the separation of functions since PricewaterhouseCoopers (PwC) are also our auditors and we were assured that the departments are managed separately, with different partners responsible and a different team that work on books as opposed to those who conduct the audit.

After considering the governance issues and the particular circumstance that we were faced with, also that even if we were not comfortable with the specific person that PwC sent, we were assured of a level of professionalism with the PwC brand name, we decided to utilise the services of the accounting division of PwC for 2013.

However, after 2013 we will appoint another accountant.

HUMAN RESOURCE MANAGEMENT

During 2013, under pressure of family commitments and HRDI's closure in 2015, one staff member responsible for community outreach and building partnerships decided to engage in consultancy work with UNDP in addition to his work with HRDI. After due consideration and attempts to find workable solutions, we accepted the situation. However, 2013 was a difficult year as a great deal of time was spent on addressing this issue at the expense of our direct work on the specific outcomes.

In the end, by using the remaining time optimally, the impact of the time spent on these issues were minimised and much of the outcomes were achieved. The team pulled together, the executive director and deputy executive director took on some additional responsibilities and ensured that at the end of 2013 HRDI had 16 strong partners and is closer to achieving all of its objectives. The year ended with the HRDI team being as strong as ever and the full team determined to work together into 2014 to ensure a successful outcome of all we set out to do.



From left to right: Hester (Administrator), Dan (Deputy Executive Director), Christian (Lawyer), Gideon (Maintenance) and Asha (Executive Director)



RESULTS BASED BUDGET ANALYSIS

BUDGET VS. ACTUAL FOR JANUARY – DECEMBER 2013

BUDGET CATEGORY	TOTAL BUDGET	ACTUALS	VARIANCE	% VARIANCE
REGIONAL COSTS:				
Developing Jurisprudence	179,000.00	116 701.93	62 298.07	35%
Building a Cadre of Activists	153 750.00	100 598.41	53 151.59	35%
Students Costs	832 200.00	606 077.57	226 122.43	27%
Manual Work with PLHIV	35 988.00	7 688.40	28 299.60	79%
Direct Contributions to ULCs	1 386 000.00	474 750.00	911 250.00	66%
Building Partnerships and Community Outreach	91 000.00	88 527.68	2 427.32	3%
Developing Centres of Excellence	80 000.00	33 778.71	46 221.29	58%
Developing a Regional Network	357 200.00	141 559.92	215 640.08	60%
ACHPR, REC and other Meetings and Conferences (including support to the ACHPR)	614 000.00	602 906.81	11 093.19	2%
CORE COSTS:				
Salaries and Related Costs	2 032 126.00	1 992 108.96	40 017.04	2%
Professional Fees	257 072.00	209 428.53	47 643.45	18%
Overheads	545 637.00	413 088.23	132 278.77	24%
Governance	20 300.00	3 171.49	17 128.51	84%
Furniture and Equipment	10 000.00	4 633.99	5 366.01	54%
TOTAL	6 594 003.00	4 795 020.63	1 798 982.37	27%



BUDGET ANALYSIS – EXPLANATION OF UNDER-SPENDING AND OVER-SPENDING

Over-Spending – Maintenance (sub account under overheads)

We budgeted ZAR 19 800 for maintenance and spent ZAR 20 416.62 resulting in an over-spending of ZAR 616.62 (3%). This over-spending was due to higher water and electricity costs. The municipality installed a new water meter as the old meter was stolen. Once the meter was installed, the costs of water increased. We suspect that in the past we were not paying the correct amount for the usage. For 2014, we have budgeted more accurately based on the estimated monthly costs incurred in 2013. There was however an overall under-spending under the line items, overheads.

Overall Under-spending

Under-spending of Core Line Items

We under-spent ZAR 242 433.78 on core line items. This is due to prudent spending, ensuring that all the equipment and supplies are taken care of and ensuring that we use each item such as pens for example until they are finished. All members of staff make attempts to obtain the best possible price for office supplies and each person also ensures that they do not abuse HRDI property, telephones, stationery and so forth for their personal gain. Moreover, staff use Skype where possible when making long distance calls to our partners and colleagues outside of South Africa.

Under-spending on Key Line Items related to Outcomes

We highlight three specific line items where the under-spending was relatively high and present a brief explanation regarding the other relevant line items.

Direct Contribution to partner institutions

This line item relates to the financial contributions that HRDI makes to some of its partners. The usual pattern is that we recruit students from the partner institution and train them intensively over a 5-6 month period in Pretoria. Thereafter they return to their home institutions to establish a law clinic or to improve upon an existing law clinic. We usually contribute an amount of ZAR 126 000 per year for two years after the training. In some instances, these financial contributions continued beyond the two year period as the institutions demonstrated willingness to undertake the work but were unable to harness the necessary resources.

In 2013, we budgeted to contribute to 4 partners in SADC and 6 in Great Lakes and to make small contributions to three institutions that were starting up. At the end of 2013, we had only been able to disburse the full amount to one partner, namely GLIHD in Rwanda. As stated earlier under *specific objective 2* of the report, our partnership with the Universities of Swaziland and Kinshasa were terminated. In addition our partners from Zambia and Moi University wanted to sort out administrative matters within their universities to ensure that the money contributed by HRDI is not tampered with by the university administrations before we disburse to them. We are still in discussion with our partners in Uganda regarding the second year of funding to them. Partners in Burundi,



Lubumbashi, Goma received one quarterly instalment while those from Malawi received half and Lesotho two thirds of the funds due to them for 2013. The main reason for this delay was that partners had not furnished final reports and submitted disbursement requests on time. Students from most of these institutions were busy with their dissertations for part of this time and were unable to undertake both tasks fully. In addition, we required that supporting documents for each quarter be provided before we disburse the next quarter instalment. We needed to assist our partners to ensure that they improve their financial management systems and controls which also added to the delays in some instances.

At the end of 2013, agreements were reached with each partner further detailing the disbursement amount, the reporting time periods and feedback processes from HRDI staff to ensure that these types of delays do not occur in 2014 as well.

Student Costs – Building a Cadre of Social Justice Lawyers

The main reason for the under-spending under this line item is that we budgeted for 50 students to return for the one month training but only 40 students were able to participate. In addition, we negotiated with the University of Pretoria regarding the registration fees for the year when students are writing dissertations in their home countries. The fees were reduced drastically, resulting in a net saving of ZAR 73 460. Costs were also reduced for the closing event as we found a venue and caterer who was both better and cheaper than the service provider of 2012. Consequently, the under-spending here was partly due to prudent spending and partly due to the 10 students who could not participate.

Developing a Regional Network

The under-spending under this line item was also due in large part to prudent spending and to a lesser extent to the fact that certain activities were not carried out. The bulk of the under-spending related to the costs of the partnership forum. 12 of the 16 partners sent representatives to the partnership forum. Skype conference calls were held with two partners of the four non-present partners. The Law Development Centre of Uganda and the Legal Assistance Centre of Namibia were unable to participate due to tight schedules. In addition, the partnership forum was held over five days in 2013 to ensure that there was adequate time for HRDI to have individual meetings with each partner and to ensure that the sub-regional groups and full group were able to meet. While we provided good food and refreshments to partners during these sub-regional and regional meetings, we did not enlist the services of an outside caterer but rather arranged for the food ourselves. The partners enjoyed the meals better this year than in previous years despite this saving.

Developing Jurisprudence, Training, Manual Work, Building Partnerships and Developing Centres of Excellence

While there was under-spending on these line items it was relatively low. In most cases, all activities planned under these line items were carried out, except the study visits. The study visit was not under-taken by our partner in Malawi as they were focussed on strengthening their clinic first. During the partnership forum, they indicated that they will be ready to undertake the visit in early 2014. As stated above, we had five guest teachers during the training period but made arrangements that were cost effective.



CONCLUSION

On 5 December 2013, the HRDI team, students, partner representatives and colleagues from fraternal institutions were celebrating the end of an intense training programme, the graduation of 10 LLM students, and the end of the partnership forum. Each country team stood to listen to their national anthem, received certificates and re-committed themselves to making their country and this continent a little better for those who are the most vulnerable. It was a singular honour to share in the pride, dignity and honour that marked that moment.

After 13 national anthems were heard and all the certificates were handed out, the party began. And then the party ended when the news reached us that Nelson Mandela had died. Not yet! Not now! We are not yet ready for this! These were some of the feelings that emerged that night. Gratitude, loss and sadness were all rolled up in one.

A little earlier that same night we remembered Mwalimu Julius Nyerere and shared his dream of Ujamaa. We imagined a time when public service would not be scoffed at but would be something to be proud of. We dreamt of a day when lawyer might say to a doctor, "I've just come back from community service. We built a toilet!" and the doctor replies, "I too have just returned from community service and we cleaned the toilets in a ward for disabled children!" It seemed that such a world was not far away.

A few days later, on 10 December 2013, our students were graduating in Pretoria while Barack Obama shook Raúl Castro's hand at Nelson Mandela's Memorial in Johannesburg.

How is all of this relevant to HRDI one might wonder?

Let us not fool ourselves that the terrain we work in is built upon strong values, honour, integrity and duty. The legal profession, the NGO world, the world of public interest and social justice advocacy is as fraught with cynicism, greed and envy as any other dimension of society. In HRDI's effort to place values, integrity, honour and duty at the heart of its work, it needs the spirit of Nelson Mandela and Julius Nyerere to help light up the way.

We ended the year by remembering what Nelson Mandela dreamed of. He had a "vision of all our country at play....enjoying deserved and enriching recreation in ... theatres, galleries, beaches, mountains... and all in conditions of peace, security and comfort". He shared this vision during his first State of the Nation address on 24 May 1994 and ended it by saying "Let us all get down to work!"

We remembered that when he was asked what he would want to have written on his tombstone, he said: "Here lies a man who did his duty!"

We ended the year remembering all of this, reflecting on our lives and re-committing ourselves to doing our duty too. What could be more relevant to the HRDI mission than this?