



---

## COMPLETION REPORT

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

18 FEBRUARY 2016

---

*REGIONAL HUMAN RIGHTS LAW CLINIC*

*to increase*

*ACCESS to JUSTICE for VULNERABLE GROUPS*

*in*

*AFRICA*

---

---

HUMAN RIGHTS DEVELOPMENT INITIATIVE NPC

*Postal Address:* P.O. Box 12895, Hatfield 0028, Pretoria, South Africa

*Physical Address:* 909 Stanza Bopape Street (formerly Church Street), Arcadia 0083, Pretoria, South Africa

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

*Board of Directors:*

Ms Asha Ramgobin, Executive Director (RSA); Prof. Thandabantu Nhlapo, Chairperson of the Board (RSA);

Mr. Dan Bengtsson (Sweden); Mr. Pierre Brouard (RSA); Dr. Mothomang Diaho (RSA); Adv Jody Kollapen (RSA); and Mr. Aubrey McCutcheon (USA)

*Company Reg. No.* 2004/026920/08 • *Public Benefit Organisation Reg. No.* 930014184 • *Non-Profit Organisation Reg. No.* 040-807-NPO • *VAT Reg. No.* 4730219872



## “HRDI’S THEORY OF CHANGE”

“The project design is grounded in a sound intervention logic. The project design starts with the theory of change, fundamentally rooted in challenging elitism and ultimately premised on individual transformation and empowerment – on both sides of the access to justice equation. It posits that societal change starts by transforming individual agents (lawyers) and grows by strengthening the institutions (university law clinics), communities and systems they are rooted in. At the same time, individual clients are both the instigators and the ultimate beneficiaries of this transformative process. In this respect, the programme design reflects a human rights based approach (HRBA) by placing the individual at the centre of the equation, both as agent and as beneficiary. ...”

*(Bernt Andersson, Julia Rogers, Ian Christoplos, Indevlop AB: Evaluation of the Project Phase Two of a Grassroots based Project of the Human Rights Development Initiative on Regional Human Rights Law Clinics 2014, page 6)*

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)



# CONTENTS

<b>“HRDI’S THEORY OF CHANGE”</b> .....	2
<b>INTRODUCTION</b> .....	4
<b>ONE PAGE SUMMARY OF PROGRESS AGAINST OBJECTIVES</b> .....	5
<b>SPECIFIC OBJECTIVE 1: BUILDING A CADRE OF SOCIAL JUSTICE ACTIVISTS</b> .....	9
<b>SPECIFIC OBJECTIVE 2: DEVELOPING A NETWORK OF 15 ACCOUNTABLE LAW CLINICS</b> .....	21
<b>SPECIFIC OBJECTIVE 3: DEVELOPING THREE CENTRES OF EXCELLENCE</b> .....	31
<b>SPECIFIC OBJECTIVE 4: CONTRIBUTING TO THE DEVELOPMENT OF HUMAN RIGHTS JURISPRUDENCE</b> .....	32
<b>SPECIFIC OBJECTIVE 5: GRASSROOTS INVOLVEMENT IN REGIONAL DEBATES</b> .....	36
<b>MANAGEMENT AND ADMINISTRATION</b> .....	37
<b>RESULTS BASED BUDGET ANALYSIS</b> .....	38
<b>CONCLUSION</b> .....	40
<b>ANNEXURES</b> .....	41
<b>I LIST OF GUEST TEACHERS</b>	
<b>II LLM PROPOSAL</b>	



## INTRODUCTION

Where does one begin when producing a completion report of a period that almost defines one's existence? At the end of this report what will the reader conclude about this project? The people who undertook the project? Those who were meant to benefit from it? What will an outsider say when looking on at what we have done, what we have not done, what we have achieved, what we have not achieved? How will this report help someone define who we are and why we are here?

Since this is phase two of our project, we must remember that it began before 2010. In 2010 we built upon a structure that already existed and needed to strengthen some aspects of the foundation but spend more time building the framework that will hopefully outlast all of us who were there at the beginning.

This phase was built out of lessons learned from the wise and insightful external evaluators of phase one who suggested that it was not time to close at the end of 2009 nor was it time to expand but rather to consolidate and deepen with slight room for expansion. It was also designed with the views of a range of stakeholders as close as partners and as remote as representatives of law clinics from other continents. They provided deep insights during a stakeholder workshop held in 2009 as to how each dimension of our programme could be improved upon in this second phase.

The chapters that flow out of this are a result of insights gleaned from that rich process in 2009 and the creative thinking and hard work of a small but dedicated team.

It is structured into five sections which deal with HRDI's five objectives, thereafter a brief narrative regarding financial and human resources matters. This then leads to a results based budget analysis and finally it all culminates in a brief but heartfelt conclusion.

This phase of the project starts with an awareness that we might be overly ambitious in what we plan, but we have a clarity of purpose about what we want to achieve, a confidence that we can indeed change at least our small part of the world and thereby change the world and a determination to do it against all odds.

The project has been externally evaluated and in this report we break from the past and instead of dwelling on what was not achieved, we take a step back and notice that we have achieved quite a lot, in a short space of time with a small group of dedicated people.

The report begins with a quick snap shot of the achievements against the objectives from 2010-2015 and then a more detailed narrative addresses each dimension of our work analytically at times, descriptive at times but always with a sense of empathy for all that was put in to achieve these outcomes.

We welcome the reader to dip briefly into this small oasis that is HRDI.



Objectives	Outcomes						Reflection
	2010	2011	2012	2013	2014	2015	
Build a cadre of 30 social justice lawyers from the 13 target countries (Botswana and SA replaced by Lubumbashi and Goma)	11 new students from 5 countries	18 new students from 10 countries	14 new students from 5 countries, 6 institutions	40 students returned for 1 month	30 students trained for 1 month	Hosted two LLM graduates as interns.	70 students from 13 countries were trained during this phase of the work.  HRDI hosted 2 intense five month courses, 3 one month training sessions and 2 2 week sessions. In 2011-2013 the five month training was part of the course work of a LLM degree.
	6 past students from 4 countries	15 past students from 8 countries	32 students returned from 10 countries	Focus on filling gaps – running a clinic	Focus on ACHPR, Intl law, IFF, BITs		
	Total 17 trained for 1 month	Total 33 students. 18 for 5 months and 15 for 1 month	Total of 48 students. 14 for 5 months and 32 for 10-14 days	Added new area of human rights aspects of illicit capital flight	Intense manual work. Onsite training on curriculum and budgets		
	Prepared for an LLM in International Human Rights and HIV in Africa to be run by HRDI and CHR at UP	Beginning of LLM with UP	12 students graduated with LLM	12 students graduated with LLM total 24	1 student graduated with LLM total 25; hosted one LLM graduate as an intern at HRDI		
		25 guest teachers	36 Guest teachers	4 Guest teachers	1 Guest teacher		
Develop a network of 15 accountable law clinics that provide legal services to poor and vulnerable groups in the 13 target countries (Botswana and SA replaced by Lubumbashi and Goma)	Nascent network of 9 institutions (6 old 3 new)	11 partner institutions (6 old 5 new)	17 partner institutions (5 old and 12 new)	16 partner institutions (4 old and 12 new)	16 partner institutions	16 partner institutions	At the end of the project, HRDI has either established or strengthened 16 institutions from 11 countries. 15 of the 16 can be categorised as strong and stable law clinics. The clinic in Burundi was relatively strong until the
	New partnership plan	Started newsletter	CRIHAC from DRC out	JAT from Zimbabwe closed	Strengthened the clinics	13 law clinics on solid ground.	
	Facebook	Added Yahoo group	Facebook and yahoo group was used	Facebook, yahoo and skype used	Facebook, yahoo used	Facebook, yahoo and email	
	Partnership forum	PF with 10 partners	PF with 17 institutions	PF included sub-regional meetings	Hosted a full day partnership forum	GLIHD strong and self-sustaining partner. Potential node for Great Lakes	

	Zimbabwean student went on a study visit to Namibia to learn about the forced sterilization case.	Added new partner from Uganda, PILAC and CHR in Moz.	Added Universities of Goma and Lubumbashi, Independent University of Kigali and GLIHD from Rwanda	Strengthened capacity to run effective law clinics. Most partners developed more robust systems and procedures.	Regional meeting held in Rwanda of Great Lakes Clinics. Nucleus for a formal network established. Committee appointed to establish formal network.	Committee met in Rwanda. Decided against the formal structure. Informal meetings and events hosted by various partners.	internal conflict. While they do not work within a structured network, they do co-operate and work within a less formal structure.
	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	
Develop three centres of excellence within African university based law clinics	Developed framework and concept	Revised strategy – no firm decisions on which institution	Strategy revised further – centre of excellence needs to be a strong clinic to begin with.	Malawi, Rwanda (GLIHD) and Tanzania expressed interest in establishing IHRLC	Malawi and Rwanda clinics strengthened	GLIHD might evolve into a regional centre	Despite effort and deep engagement with this objective, in the end it was not achieved. In the end it was outside of HRDI's sphere of control. We could only encourage and influence but not go further.  Time will tell whether any of the law clinics ultimately evolve into international human rights law clinics. It might still happen without HRDI.
	Identified three potential centres	Moi developed an LLM programme	Moi and Makerere no longer options as they needed to build their clinic	Refined concept and planning with Malawi	Zambia launched a Human Rights Law Clinic	Partners from Lesotho, on their own initiative, visited Malawi to learn from them	
	Explored with each	UDSM and NUR no longer options	Malawi strengthened as a clinic	Connected Malawi with US IHRLCs	Goma clinic teaching international human rights law		
	UDSM, Moi, NUR	Moi, Makerere and Malawi now possibilities	Decided instead of centre of excellence or regional centre, to focus on an international human rights law clinic (IHRLC)		Plans developed for study visit to Latin American/US IHRLC but not undertaken		
	Trained three law teachers from Moi.	Explored PHD fellow from Mak	Planned study visit for Malawi		Sphere of control limited.		



	2010	2011	2012	2013	2014	2015	
Contribute to the development of human rights jurisprudence and conduct community based strategic litigation at a domestic, regional and international level	ACHPR appointed HIV Committee	Provided legal officer to HIV Committee	Provided second legal officer	Provided third legal officer	One legal officer recruited by AU	One legal officer for half the year.	The most notable success lies here as it is in this area that HRDI had the greatest control of the outcomes. Most notable success was the establishment and support of the HIV Committee as a regional body that vulnerable groups, including sexual minorities could use. Further work on submissions and illicit financial flows were major successes.
	Dialogue between UNSR on Health and HIV Committee	Investigation and research on unlawful clinical trial case. Started access to information process in SA.	Legal team established in Tanz. Papers drafted	Unlawful clinical trials case filed in Tanzania	Two legal officers remain	Drafted interim report for ACHPR on IFFs & human rights	
	Unlawful clinical trial case in preparation		HIV screening case revised strategy and restarted HIV Comm.	ACHPR engaged with govt of Tan re: claimed cures	Govt of Tan beings process to regulate traditional healers	Developed proposal, implementation and budget for IFF study	
	Pre-employment HIV screening case to ACHPR	ACHPR wrote to company regarding HIV screening	Submissions to ACHPR claimed cures for HIV in Tan	ACHPR Adopted resolution on illicit capital flight	ACHPR appointed HRDI secretariat for study on IFFs	ACHPR renewed apptmt of HRDI as secretariat re: IFFs	
			Submission to ACHPR on human rights dimensions of illicit capital flight from Africa	Submission to ACHPR on prisoner patients in Burundi	ACHPR engaged with govt of Bur re: prisoner patients Submission on disabled children in Kenya	3 clinics applied for observer status. Trainees drafted and presented own speeches and submissions to ACHPR.	
Grassroots involvement in regional debates	Partners engaged with EAC regarding LGBTI issues in HIV model law	CBO consultations prior to ACHPR session that led to the following submission	CBO consultations prior to ACHPR session that led to the following submission	CBO consultations prior to ACHPR session that led to the following submissions	CBO consultations prior to ACHPR session that led to the following submissions	HRDI trainees and partners continue working with CBOs and grassroots groups.	This is an area that led to submissions addressing a diversity of issues that were deep in their impact in the lives of ordinary people.



	12 people participated in 47 <sup>th</sup> Session of ACHPR i.e. 2 CBO representative: one from LGBTI and one PLHIV	Made submissions on poverty alleviation programmes and how they impact PLHIV in Rwanda	Submissions on a dispute regarding mine workers in the DRC	Submission on claimed cures of by traditional healers in Tanzania	Submission on disabled persons in Kenya		
	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	
	CBO representative who is also a PLHIV nominated by HRDI and appointed as an expert member of the HIV Committee.			Submission on distribution of food and agricultural fertilizers in Malawi.	Submission on prisoner patients in Burundi		
	34 people participated in a dialogue between the ACPHR and the UNSR on Health including CBO representatives			Submission on conditions in hospitals in Lesotho	Submissions on LGBTI issues and the Anti Homosexuality Legislation in Uganda		
	Submission to ACHPR on the denial of observer status to the Coalition of African Lesbians						



## **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*

70 students from 13 countries were trained during this phase of the work. Time and circumstances will tell whether they turn away from injustices or whether they do something about it. Time will tell whether they are social justice lawyers. We can say for now that they all go beyond their comfort zones.

### **THE HRDI TRAINING MODEL**

#### **Introduction**

The training programme has been described as the most notable success of HRDI. External evaluators have remarked that it is rare to hear the unanimous statement from past students that this training has changed their lives. Even more rare to see that they put their newly acquired skills to use.

While HRDI does indeed acknowledge that this is the case, in fact we would go further and say that the training programme changed our lives at HRDI as well and that through it we ourselves have grown and deepened our values, skills and understanding of international human rights law, HIV, the socio-economic and political drivers and dimensions in the development of Africa as a continent and so much more.

However, the question was and still remains whether we have built a “cadre of social justice lawyers”. At the beginning of our work in 2010, we asked ourselves who or what a social justice lawyer is so that we knew exactly what we had in mind. Definitions of social justice and social justice lawyers span across academia, political parties and social movements from one extreme to another. For some, social justice activism equates with holding up placards, marching on the streets, confronting authorities and demanding change. For others it entails carefully crafted legal strategies to influence policy makers, legislatures and the judiciary regarding particular perspectives of what social justice really is.

For us, a rather simple notion emerged as our definition of a social justice lawyer as a lawyer who is unable to turn away from an injustice but is instead spurred on to do something about it. That something could include litigation strategies but it also could easily entail doing something else that alleviates the injustice. It need not be in the public eye and consequently visible to all, it need not even always address all classes of people who endure that injustice. If a lawyer is unable to turn away from one person’s injustice and ensures that s/he does something for that one person, for us, s/he is a social justice lawyer.

We have noted however that there are a range of impediments to such people, not least among which is their sense of personal safety. Where a person draws the line in this regard could lead one to conclude that this person is not a social justice lawyer because s/he was not willing to take a risk that another would be willing to. In defining our understanding of a social justice lawyer, we deliberately took an approach that does not



necessarily exclude and include people into an exclusive, almost elitist club based on how much one or the other is willing to put on the line.

I consequently conclude that all of those whom I trained and worked with have gone beyond their own comfort zone to protect themselves and others from injustices. I concur with the external evaluators and HRDI trainees that the training programme has indeed changed our lives and it has indeed helped us all to see an injustice, look at it, whether it is inflicted upon ourselves or others, and try to find ways to address it.

The question then arises as to how this training programme achieved such a difficult outcome. What was it in the content, methods, structure, values and ideas that made a difference?

### **The Philosophical Basis**

As a teacher I have been inspired by these lines of Kahlil Gibran on teaching:

No man can reveal to you aught but that which already lies half asleep in the dawning of your knowledge. The teacher who walks in the shadow of the temple, among his followers, gives not of his wisdom but rather of his faith and his lovingness. If he is indeed wise he does not bid you enter the house of his wisdom, but rather leads you to the threshold of your own mind.<sup>1</sup>

And, like Paolo Freire, I have turned against the idea that “knowledge is a gift bestowed by those who consider themselves knowledgeable upon those who are considered to know nothing.”<sup>2</sup> Freire used the terminology of the banking concept of education which suggests that the student is an empty bank account and the teacher makes regular deposits into that empty bank account. The student’s role is to store the deposit and to regurgitate it at the correct time. Freire suggests that “the more students work at storing the deposits entrusted to them, the less they develop the critical consciousness which would result from their intervention in the world as transformers of that world. The more completely they accept the passive role imposed on them, the more they tend simply to adapt to the world as it is and to the fragmented view of reality deposited in them.”<sup>3</sup>

However, there is another way in which student and teacher can work together to unveil reality, come to understand it in a critical way and even re-create and re-imagine the world. Freire calls this form of education problem-posing education. It suggests that “people subjected to domination must fight for their emancipation. To that end, it enables teachers and students to become subjects of the educational process by overcoming authoritarianism and an alienating intellectualism; it also enables people to overcome their false perception of reality. The world — no longer something to be described with deceptive words — becomes the object of that transforming action by men and women which results in their humanization. Problem-posing education does not and cannot serve the interests of the oppressor. No oppressive order could permit the oppressed to begin to question: Why?”<sup>4</sup>

---

<sup>1</sup> Gibran, K: *The Prophet*, <http://www.katsandogz.com/onteaching.html> accessed on 18 February 2016

<sup>2</sup> Freire, P: *Pedagogy of the Oppressed*, <http://faculty.webster.edu/corbetre/philosophy/education/freire/freire-2.html> accessed on 18 February 2016

<sup>3</sup> *ibid*

<sup>4</sup> *ibid*



Steeped within these ideas it is then not surprising that the training programme is designed against the backdrop of two fundamental questions: Who am I? and Why am I here?

As stated above, HRDI set out to build a cadre of social justice activists. Its aim was to see a critical mass of young lawyers who are dedicated to fighting injustice wherever they see it and in whatever form it may arise. Ultimately, this young cadre would not be able to turn away from any injustice and instead stand their ground, use the tools and instruments at their disposal and fight against it –the primary tools being the law and more particularly domestic, regional and international human rights tools and mechanisms. They would be creative in their use of these mechanisms and not limit themselves to strategies that have simply not worked. Instead they will find a way through the labyrinth of options and ensure that the most vulnerable groups in society are able to seek solace and refuge in these important institutions that were established for just that purpose.

HRDI was **not** looking to build a group of human rights careerists who simply work in this field as part of an upwardly mobile career. Instead in all that is done, written and said, the aim should be to enable, empower and serve.

A social justice activist in most parts of Africa, and particularly in Southern Africa, East Africa and the Great Lake regions will be confronted by many aspects of the HIV and AIDS epidemic. Mostly in an effort to serve the most vulnerable, a social justice lawyer must be prepared to address very serious issues related to HIV and AIDS.

With that in mind, in 2010, HRDI developed a proposal for an LLM in “International Human Rights and HIV in Africa”. HRDI then entered into a partnership with the Centre for Human Rights at the University of Pretoria to advocate for the inclusion of this new LLM. On 12 May 2011, the senate of the University of Pretoria decided to include this LLM in its curriculum. HRDI ran the LLM programme from its offices in Pretoria with co-operation and assistance from the Centre for Human Rights.

## **The LLM in International Human Rights Law and HIV in Africa**

This LLM was meant to equip lawyers with the knowledge, skills and values to promote democracy, good governance, human rights and social justice. The lawyers were selected from university based law clinics and law faculties or nongovernmental organisations that were partners of HRDI. These lawyers were required in terms of a formal agreement to return to their home countries and to the specific institution and use their skills and knowledge to serve the most vulnerable in society.

HIV and AIDS presents not only a challenge but a window of opportunities for a creative social justice lawyer to tackle under-lying injustices. This programme equipped such lawyers with the tools needed for this endeavour.

### **Structure of the LLM Programme**

At the heart of this new LLM was a deep, clear and direct focus on values. Consequently a unique feature of the programme was weekly manual work and work with PLHIV and other terminally ill patients. HRDI staff members and students worked in a low income township on basic things like digging a toilet for a family where the mother and children



were HIV positive to ensure that they were 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 was 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 elitist backgrounds or leave law school with elitist attitudes. The hard manual work that was done by the whole team taught us all what it means to work with our hands and bodies and developed a sense of appreciation, respect and admiration for the workers who build our countries. We also learned, to some extent at least, what it means to live with HIV and other stigmatised conditions.

From this fundamental base, the programme was then structured in three parts. It began with an understanding of the social, economic and political context of human rights in Africa and specifically addressed the question – are human rights norms and principles imposed on Africa by the West or have they been an integral part of life for a very long time?

Thereafter the programme moved to focus on the *Theory and Practice of International, Regional and Domestic Human Rights Law*. This module was not meant to be an academic exploration of the various mechanisms resulting in interesting criticism of each. Instead it was meant to develop a deep understanding of each mechanism so that in the end lawyers can find a way to make them work to serve society's most vulnerable. Emphasis was placed on the human rights mechanisms within the African regional system. Our aim was to strengthen the ability of lawyers to find innovative ways to make the system work more effectively. We included sessions on the Inter-American and European systems but made certain that it was not done in a way to suggest that these systems work while ours in Africa are infantile. Instead activist lawyers who have worked within those systems shared their success and importantly their frustration. The UN system was also looked at with special emphasis on using both the treaty and charter based systems and more particularly on strategies to ensure that the UN system and the African system work together to tackle serious human rights violations.

The second aspect of the programme looked at *International, Regional and Domestic Human Rights Law Pertaining to PLHIV and those at risk*. It was structured in four dimensions. It began with developing a deeper understanding of the dynamics of HIV, including the medical developments, social and psychological perspective and sexuality and sexual orientation. Any discourse on HIV required also a discourse on sexuality in a respectful and open forum.

The second dimension addressed issues pertaining to specific vulnerable groups, namely, women, children, the elderly, trafficked persons, sex workers, prisoners, refugees, migrant workers, intravenous drug users, men who have sex with men and lesbians, gays, bisexuals, transgendered and intersex people. The specific aspects of the vulnerability of these groups were addressed within the paradigm of the applicable human rights norms and standards. Once again, the aim was to find within them the strategies to address the difficult issues that arise.

The third dimension related to a person's ability to manage – a simple statement that is about health care and services, and the linkage between food, nutrition security, water, climate change and public health. Here issues relating to intellectual property regimes,



parallel importation and access to affordable medication was studied more deeply from the international, regional and country specific perspective.

The fourth aspect within this broad theme was a person's ability to live fully in society – here we studied a child's need for education and an adult's need to work and earn a living in order to take care of their family. As in the preceding sections, human rights norms and standards were analysed to find appropriate strategies to combat situations where a child was not admitted to school simply because s/he was HIV positive; or a young adult was not granted a scholarship to pursue tertiary education; or a person was dismissed or denied employment on that basis.

Finally, the session moved to examine more deeply society's responsibility to protect and strengthen its most vulnerable. We began with an exploration of the philosophical underpinnings of this concept and then looked at today's reality. Thereafter the specific responsibilities of care giver, health care practitioner, government and business were analysed. This analysis took place within the normative framework of international, regional and domestic human rights.

*Grassroots based strategic human rights lawyering* was the final module to this programme. It began with reports on student consultations with community based organisations that took place before commencement of the training. This was another method used to ensure that lawyers go to the community they seek to serve and ask them questions instead of assuming that they know what the problems are. Students then analysed the problems to crystallise the root causes and effects and the links between various aspects. They then engaged in an intensive and interactive process to develop refined strategies to address the root causes and to have a cross-cutting impact. As lawyers they have many tools in their tool box and they were taught to figure out the appropriate tool for the appropriate circumstance. During this period, specific aspects of litigation were covered, such as interviewing PLHIV, preparing the case, analysing the facts and applying the law to the scenario, research and drafting. This session culminated with a mock trial where witnesses were led, cross-examined and closing arguments were delivered. It was during this phase that the lawyers were required to work very carefully with facts, domestic, international and regional law and develop arguments that clearly involve the domestication of international and regional human rights norms and standards.

Negotiation, media advocacy, legislative advocacy and internet based advocacy were additional important strategic tools that were carefully examined.

In view of the grassroots dimension, specific work was done on how to develop a grassroots based public interest case and grassroots based advocacy strategy – a case that was rooted within a community and responding directly to community needs. In the end it was expected that the voices of ordinary people will be heard at the regional level and that cases won in court will not only be court victories but victories for the community. With this in mind the programme also included strategies on how to work, as lawyers, with social movements and community based organisations.

## **Dissertation**

In keeping with the grassroots dimension of this programme the dissertation topics were determined by community needs. Students were required to consult relevant community based organisations that work with specific vulnerable groups. The research topic and



proposal emanated directly from this process. Research for the dissertation consequently included interviews with PLHIV, relevant community based organisations that work with PLHIV and specific vulnerable groups in addition to traditional research methods. In the end the dissertations served the community needs while still being academically sound.

### **Daily Routines**

Each day, classes began with a moment of silence during which students and teacher would take the time to pray, meditate or contemplate in complete stillness and silence for approximately five minutes. At the end of that an inspirational quotation was read.

Classes began at 09h00 and typically ended at 17h00 but at times it spilled over. Each day was divided into three two hour sessions with two tea and one lunch break. On Fridays, students were provided with substantial reading material for the following week. Most classes were run interactively and even when guest teachers taught in a didactic manner, ample time was provided for questions and discussion.

### **Sustainability, methodology, assessment**

#### *SUSTAINABILITY*

“Each one teach one” was HRDI’s motto for sustainability. For this to happen, the lawyers need to know what to teach and how to teach. To this end, the programme included a session on teaching international human rights in Africa. At the end of this phase the students developed a comprehensive curriculum which they adapted and implemented in their home countries and institutions taking into account their particular contexts.

Furthermore, since all of them work within law clinics, they needed to ensure that they have efficient systems and procedures to work with real clients. Hence a short session was scheduled to facilitate this process.

Finally, in view of the fact that many law clinics require international funding to sustain their programme, a session on fundraising concluded the programme.

#### *METHODOLOGY*

Clinical legal education methodology infused much of the programme. Consequently the use of simulations, role plays and other interactive means were used as far as possible. There were several guest teachers who are experts in the relevant fields and have both academic knowledge and practical experience. While didactic teaching took place during some classes, opportunities were created to ensure that students worked with the ideas and concepts in simulated scenarios, applied what they learned, made mistakes in a safe environment and then learned from the mistakes and improved.

#### *ASSESSMENT*

Continuous assessment and feedback was a core aspect of HRDI’s approach. The approach was steeped in the notion that regardless of how good something was, there was always room for improvement. Consequently students were encouraged to return to the drawing board. Each module had four assessment tools as shown in the table below.



Module	Assignment	Credits
Theory and Practice of International, Regional and Domestic Human Rights Law		30
Social, Economic and Political Context of Human Rights in Africa	Debate – On a current regional human rights issue	
International, Regional and Domestic Human Rights Systems	Draft Request for Advisory Opinion to ACrtHPR	
Domestication of International and Regional Human Rights Norms and Standards	Essay	
Human Rights Situation in Africa	Submission to ACHPR and Simulated five minute speech (ACHPR)	
International, Regional and Domestic Human Rights Law Pertaining to People Living with HIV and Those at Risk in Africa		30
Key Issues in the Struggle Against HIV in Africa	Essay	
Manual Work and Work with PLHIV in Mamelodi	Reflective Journal	
HIV and Human Rights Issues at a Domestic Level	Country Reports	
Working with ACHPR Special Mechanisms	Submission and Simulated Presentation to ACHPR HIV Comm	
Strategic Human Rights Lawyering for the Protection of the Rights of People Living with HIV and Those at Risk in Africa		30
Development of a Grassroots Based Strategic Intervention Plan that Addresses Root Causes and Development of a Curriculum	Strategic Plan and Curriculum	
Legislative Advocacy	Response to Policy Document	
Working with PLHIV	Simulated interviews – individual client and community dialogue	
Trial Advocacy	Mock Trial	

## The One Month Sessions of 2010, 2013 and 2014 and Two Weeks of 2011 and 2012

### 2010

The theme for 2010 was *“Social Change, Social Dialogue and Special Human Rights Mechanisms for the Protection of the Rights of PLHIV in Africa”*. We used role plays, case studies and other interactive methods to ensure that our students are able to work relevantly and effectively with the community they seek to serve. In addition, we dedicated a few intense days to fundraising skills to ensure our partners’ sustainability. The HRDI team was supported by three highly skilled guest teachers.

We began with a high-level dialogue between the UN Special Rapporteur on Health (abbrev) and the ACHPR special committee for the protection of the rights of PLHIV (abbrev). This landmark event cemented our relationship with these two institutions and laid a solid foundation for our partners to engage with both of them. Consequently the first phase of the training programme was dedicated to looking more closely at this very important regional mechanism within the African human rights landscape. Mindful of the fact that its success is not only dependent on the determination of the ACHPR but also on the willingness of organisations such as our partners and their community based organisations to use the mechanism, we looked at how we could do exactly that.

Each country team looked at the work that they are doing and how this new mechanism could assist them and their clients achieve the human rights goals that they seek.



The next phase of the training focused on using the strategy of community conversations and dialogue to achieve social change. Bearing in mind that ordinary people in our target countries would not easily take their issues to the streets to achieve transformation, and that it might not always be the best strategy, we examined a way that is more resonant with the cultural context. This session was facilitated by two highly skilled guest teachers.

The next session led naturally into a more personal inquiry into how each individual and the group can move from being dissatisfied about social injustice to concrete strategic intervention. We learned about how each of us are able to surpass our own ideas of ourselves and our own fears and not turn away from injustice but to rather find a way to do something about it.

Finally, we spent time as a group and then in country teams on fundraising strategies. The highlights of this phase were the innovative ways in which each team were already developing cost saving strategies to ensure that they spent money prudently. In addition, the practical work done on writing strategic plans for their institutions that would lead ultimately to funding proposals demonstrated their insights and understanding of the situation in their individual countries, the region as a whole and importantly their determination to engage in strategic activities geared at social change. The year ended with us receiving the great news that one of our partners, Justice Aids Trust in Zimbabwe, successfully secured a new funding partner thus taking one further step toward their sustainability.

## 2011

The themes covered during the two weeks when past students returned for the training in 2011 were **“Fundraising”** and **“Working within a Regional Human Rights Network”**.

Trainees were taken through the process of drafting proposals, budgets, emails, telephone calls and meetings with potential donors. Students drafted the documents, simulated the phone calls and meetings and were given feedback on the spot and a chance to improve.

The session relating to working within a regional human rights network commenced with reflections from the HRDI appointed legal officer to the HIV Committee which led to deeper engagement and discussion on strategies to work more closely and effectively with the ACHPR.

## 2012

In 2012, there were four themes addressed during the period when past students returned namely: **“Illicit capital flights and human rights in Africa”**, **“Working with the Elderly as a Vulnerable Group”**, **“Ensuring that the Dissertations Served the Needs of the Community”** and **“Working within a Regional Human Rights Network”**.

Trainees were introduced to new themes that go to the core of the human rights discourse namely the obligation to harness adequate resources to meet human rights obligations. Guest teachers were invited to take participants and the HRDI staff through



a process to understand the concepts, how they manifest in the real world and what if any solutions can be found to curtail illicit capital flight.

Next, an elderly gentleman who runs an organisation that works with human rights and other issues pertaining to the elderly took participants through a workshop on the particular skills, knowledge and values needed to work with the elderly as a vulnerable group. This was an eye opening session.

The session regarding dissertations was mainly a session of the 2011 students who completed their dissertations sharing their experiences with the 2012 students who were about to embark on that process. The session demonstrated how important the process of selecting topics described above was to ensure that real issues of PLHIV were addressed.

Finally, the two legal officers appointed to the HIV Committee facilitated a session on how to work more effectively with the ACHPR using more examples and deeper insights gained from their work with the Commissioners and the Secretariat.

### 2013

The training in 2013 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 had only just begun. They were at different levels of development but all of them were extremely enthusiastic and committed to ensuring that they establish a law clinic. During this part of the training programme we looked at each element of a clinic's operation and provided them with tools in the form of reading materials and resources, skills and ideas to enable them to take a lead in their clinics.

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 did not have the skills and knowledge on how to go about it. We designed a session that equipped them with these skills and enabled them to go home and put them into practice.

The third aspect of the programme looked at *Understanding the dimensions of Illicit Financial Flows*. While this theme may seem out of place in the context of the previous aspects, we 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 with the new knowledge and skills necessary to take this process further with the ACHPR.

Thereafter, 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 and Tanzania had a definite interest in moving their institutions in this direction. The partners in other countries also indicated an interest in this aspect and benefited from it as they



were establishing the foundations of their clinics. We 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.

## 2014

This was the last training programme offered by HRDI. Consequently, it sought to ensure that:

- gaps that have been identified over the years are filled;
- work that was undertaken by HRDI and that has had an impact at a regional level continues through our students and partners;
- the roots for a strong, structured network of students and current partner institutions are established in a manner that ensures that it is able to grow, evolve and respond to needs across the region as they arise;
- the relatively new “Respect, Protect, Remedy” framework proposed by the UN regarding human rights abuses by business, whether big, small, medium or micro, is understood, applied and used by each student in their respective countries; and
- the issue of illicit financial flows from Africa is deepened by looking very intensely at the relevant international law dimensions, strategies and tactics.

### *Weekly Manual Work*

This aspect has been a Friday activity during each training programme run by HRDI from 2006. The aim has always been to address elitism among lawyers and to develop a deeper appreciation for the labourers who have built all of our countries.

Days before students were to arrive, the HRDI team spent hours working out what it will do during the weekly manual work. We wanted to ensure that in 2014 we responded to a real need of a whole community, a destitute family, individual or school. In view of the fact that we had limited time we wanted to ensure that our time was spent as effectively as possible and that some tangible change was felt in somebody’s life. We also wanted this change to be a sustainable change and not one which lasts simply for the moment.

With the help of a community based organisation in Mamelodi called Tateni, we found a family who live in a very difficult situation. They have two rooms and all five people sleep in the one room. Water seeped into their home when it rains – from the roof, the corners and from the ground itself. Two of the children were registered with one of Tateni’s drop in centres. We decided to take this work on and help to improve their home. In the end tore most of the house down and built a whole new one. In 2014 manual work was undertaken from approximately 09h00 – 21h00 every Friday.

<b>Total Number of Students as at the end of 2015 – Great Lakes and SADC</b>						
		<b>No of students trained</b>	<b>%</b>	<b>No of students still in network</b>	<b>%</b>	
	<i>Male</i>	<i>39</i>	<i>56</i>	<i>28</i>	<i>53</i>	
	<i>Female</i>	<i>31</i>	<i>44</i>	<i>25</i>	<i>47</i>	
	<b><i>TOTAL</i></b>	<b><i>70</i></b>	<b><i>100</i></b>	<b><i>53</i></b>	<b><i>100</i></b>	

<b>Number of Students as at 2015 – Great Lakes and East Africa</b>				
	<b>Country</b>	<b>No of students trained</b>	<b>No of students still in network</b>	<b>Names of students still in network</b>
<b>1</b>	<b>Rwanda</b>	<b>6</b>	<b>6</b>	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>
<b>2</b>	<b>Burundi</b>	<b>2</b>	<b>2</b>	Olivier Karemera
	<i>Male</i>	<i>2</i>	<i>2</i>	Christophe Bavumiragiye
	<i>Female</i>	<i>0</i>	<i>0</i>	
<b>3</b>	<b>Uganda</b>	<b>6</b>	<b>6</b>	Evelyn Aero
	<i>Male</i>	<i>1</i>	<i>1</i>	Catherine Tumusiime
	<i>Female</i>	<i>5</i>	<i>5</i>	Isaac Afunaduula
				Dianah Ahumuza
				<i>Sandra Oryema</i>
				<i>Patricia P'Odong Atim</i>
<b>4</b>	<b>DRC</b>	<b>11</b>	<b>8</b>	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 Mashagiro
<b>5</b>	<b>Kenya</b>	<b>6</b>	<b>6</b>	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>
<b>6</b>	<b>Tanzania</b>	<b>7</b>	<b>6</b>	Fortunata Kitokesya
	<i>Male</i>	<i>4</i>	<i>3</i>	Daniel Lema
	<i>Female</i>	<i>3</i>	<i>3</i>	Prisca Chogero Mkama
				Susan Joseph
				<i>Barnabas Ernest Kaniki</i>
				<i>Jonas Munguatosha</i>
				<i>Lyankundi</i>
	<b>Sub total</b>	<b>38</b>	<b>34</b>	
	<i>Male</i>	<i>25</i>	<i>22</i>	
	<i>Female</i>	<i>13</i>	<i>12</i>	

<b>Number of Students as at 2015 – SADC</b>				
	<b>Country</b>	<b>No of students trained</b>	<b>No of students still in network</b>	<b>Names of students still in network</b>
1	<b>Zimbabwe</b>	<b>3</b>	<b>2</b>	Thoughts Deme
	<i>Male</i>	<i>2</i>	<i>1</i>	Paidamoyo Mukumbiri
	<i>Female</i>	<i>1</i>	<i>1</i>	
2	<b>Mozambique</b>	<b>6</b>	<b>3</b>	Armando Cuamba
	<i>Male</i>	<i>3</i>	<i>1</i>	Farida Mamad
	<i>Female</i>	<i>3</i>	<i>2</i>	Maria de Lurdes Araujo
3	<b>Namibia</b>	<b>3</b>	<b>3</b>	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	<b>Malawi</b>	<b>2</b>	<b>2</b>	Kassim Amuli
	<i>Male</i>	<i>1</i>	<i>1</i>	Hilda Kaluwa
	<i>Female</i>	<i>1</i>	<i>1</i>	
5	<b>Zambia</b>	<b>7</b>	<b>6</b>	Inutu Akolwa
	<i>Male</i>	<i>2</i>	<i>1</i>	Sharon Williams
	<i>Female</i>	<i>5</i>	<i>5</i>	Landilani Banda
				<i>Chipo Mushota Nkhata</i>
				<i>Lungove Matakala Chishinga</i>
				<i>Felicity Kayumba Kalunga</i>
6	<b>Lesotho</b>	<b>4</b>	<b>3</b>	Mamofuta Kale
	<i>Male</i>	<i>1</i>		Mamello Phekani
	<i>Female</i>	<i>3</i>	<i>3</i>	<i>Malebeoana Phafane</i>
7	<b>Swaziland</b>	<b>2</b>	<b>0</b>	
	<i>Male</i>	<i>1</i>	<i>0</i>	
	<i>Female</i>	<i>1</i>	<i>0</i>	
8	<b>Botswana</b>	<b>3</b>	<b>0</b>	
	<i>Male</i>	<i>1</i>	<i>0</i>	
	<i>Female</i>	<i>2</i>	<i>0</i>	
9	<b>South Africa</b>	<b>2</b>	<b>0</b>	
	<i>Male</i>	<i>1</i>	<i>0</i>	
	<i>Female</i>	<i>1</i>	<i>0</i>	
	<b>Sub total</b>	<b>32</b>	<b>19</b>	
	<i>Male</i>	<i>14</i>	<i>6</i>	
	<i>Female</i>	<i>18</i>	<i>13</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 2015 HRDI had 16 partner institutions from 11 countries.

## **A NEW FRAMEWORK FOR WORKING WITH PARTNERS**

At the core of HRDI's organisational structure lies its highly valued partnerships with university based law clinics and human rights NGOs in the Great Lakes, East and Southern Africa regions. Hence, in 2010, after learning from lessons gained during the first phase, the HRDI team developed a new framework for working with partners as described more fully below.

Once we decided to work together, the first concrete step we took together was to recruit appropriate students, who then returned to the different partner institutions to strengthen them and deepen their impact. They returned to their partner institution and developed a strategy to implement what they have learned. This included providing legal advice and representation to poor and vulnerable people, teaching students within the law faculty, engaging in advocacy work with community based organisations, ensuring that these community based organisations were given a voice within the domestic and the regional human rights mechanism, continuing to work with the university law clinics and human rights NGOs in the other partner countries as part of a network.

Partner institutions, the trained lawyers and HRDI continued to work together in all the five areas described more fully below.

### *JOINTLY SELECTING THE "RIGHT" STUDENT*

Since much of the success of this venture depended on the students selected, HRDI carefully developed a set of criteria. It must be noted that even though the training was accredited as an LLM, this dimension was included mostly because partner institutions would not be able to employ individuals without an LLM qualification. However, the training itself was intensive and HRDI was open to recruiting students who were already employed, but were keen on deepening their skills and knowledge even if they do not wish to enrol for or do not qualify for enrolment in the LLM programme.

Ultimately HRDI was looking for candidates who would help the organisation realise the vision of an Africa where universally accepted standards of human rights are applied to everybody and where all people's value and dignity are respected.



## *Criteria*

- The most important criterion is commitment. We are seeking people who have a strong desire to serve and improve upon the indigent communities within their home country and who are committed to protecting and promoting human rights. This is based on the fact that skills and knowledge can be taught but commitment is hard to teach a person as it arises from within;
- The ideal student should be a legal professional working at a university based law clinic in the target countries in Africa;
- A basic law degree must have been completed;
- Academic results together with demonstrated well rounded experience, knowledge and skills will be taken into account;
- The students should be eager to learn, creative in their thinking and flexible in their approach; and
- He or she should be generally dissatisfied with the way things are for disadvantaged and marginalised groups and be searching for solutions that address root causes.

The above criteria will be applied with a degree of flexibility to make space for people with commitment and opportunity to further the goals of this project, but who might be located in a country where there is no domestic law clinic or where the law faculty does not have an operational law clinic.

### *WORKING TOGETHER ON CASES*

We assisted our partners with:

- developing legal strategy in cases;
- drafting pleadings and court documents;
- research into the legal remedies available;
- possible problems that might be encountered; and
- assisting with drafting submissions to the UN Special Rapporteur and the ACHPR's special mechanisms;

In some complicated cases, we participated in interviewing clients and facilitated the process of obtaining advice from experienced practicing advocates to assist with the case.

We continued and deepened that sort of work together. Our work together on cases was not limited to those that involve HIV. We also worked together on cases of discrimination or social injustices that are based in other situations such as sexual orientation, disability and other social justice issues.

### *WORKING TOGETHER TO BUILD A REGIONAL NETWORK OF LAW CLINICS*

The network that developed among the students was founded upon a strong and deep personal relationship. There were many problems that students and institutions encountered that were common and that have been dealt with creatively. For example, a student in Rwanda had sought advice and support from a student in Zimbabwe before and during embarking on a similar strategy in Rwanda. HRDI developed certain mechanisms to facilitate the deepening of this network through an annual partnership



forum, the establishment of a yahoo group and Facebook page and a discussion forum on its website. Students and partners used these mechanisms and suggested other means to strengthen the ties with each other such as a newsletter.

*WORKING TOGETHER TO ENSURE THAT THE VOICE OF THE GRASSROOTS IS HEARD AT A DOMESTIC AND REGIONAL LEVEL*

This was a really important part of our work and through our partnerships ensured that ordinary people gained access to important domestic and regional human rights forums particularly the ACHPR and the UN Special Mechanisms. We worked together to identify people who truly represent grassroots interests and were able to articulate their concerns in a clear and strong manner at the above mentioned forums.

*WORKING TOGETHER SO THAT HRDI IS NO LONGER NECESSARY*

HRDI was determined to close down its operations at the end of 2014 and wind up the organisation a few months into 2015. We decided to do this to ensure that partners develop a level of self-sufficiency and independence such that they are able to continue the work together without needing an organisation like HRDI. This required a concerted effort and commitment toward that end from HRDI and its partners. Through strong and mutually respectful partnerships this outcome was in fact achieved.

HRDI financial contribution to the partners, usually for a period of two years but at times for a longer period, enabled them to get started. We worked together to seek further long term financial support both from within the university and country and from outside. We believed and still do believe that it is our partners who need to be sustainable and have a long term life-span but not HRDI. To this end we worked very closely with our partners at all levels. We were meticulous in our financial management and believed that often the “devil is indeed found in the details”. In other words, good intentions, good plans and even great work can be lost in financial mismanagement. Consequently we dedicated a great deal of attention to this and worked with our partners to develop and implement sound financial systems and procedures.

We were open, frank and honest in our communication and welcomed robust and clear conversation with our partners. With mutual respect and a common goal binding us, we were able to overcome the inevitable obstacles that came along. All of our partner institutions grew from where they were when we began working with them into stronger institutions that serve poor and teach law students to challenge injustices with courage, strength and determination.

What follows is our reflection of where each partner is.

**Rwanda, Burundi, DRC (Goma)**

*Burundi*

Our partner in Burundi is the Light University of Burundi, an independent, private Christian university. We have been working in a very collegial manner with the Vice Chancellor, representatives of his office and a few members of the faculty of law.



We started working with them in 2012 after several failed attempts at working with the main public university in Burundi. This was an institution that had not heard of university based law clinics before. In 2012, we jointly recruited two staff members of the faculty of law. One of them the acting dean and the other a full time staff member. The faculty were determined to ensure that once the two trainees returned that they established a functional clinic. However, they encountered several difficulties along the way. At first they had a difficult time with working out exactly what to do, how to do it and how to budget for it. But with some guidance from our team at HRDI they put in place a modest outreach programme which included a visit every two weeks to a community based organisation and a hospital. During these visits, legal advice was offered to PLHIV and cases were registered. Consequently, the clinic commenced nascent operations in 2014. In that period they took instructions in HIV related cases relating to property issues.

Despite all their challenges, when it came to participation in the ACHPR session and community consultations, the team was able to provide us with information regarding people who were being held prisoner in the local public hospital due to non-payment of fees. This issue was taken up at the ACHPR.<sup>5</sup>

In 2015, the clinic was deepening its foundation into a solid structure when the country was wracked by the President's bid for a third term in office which rendered normal work virtually impossible as many institutions were shut down for long periods of time. It is heartening to note however that their colleagues in neighbouring Rwanda and Goma are keeping close tabs on them and trying to help as much as they can.

### *Goma*

The partner in Goma is the University of Goma, a public university. The VC's office also provides support with office space and assisting the HRDI trainees apply their knowledge and skills in teaching law students at the faculty.

In DRC, despite the substantial bureaucratic processes required to introduce a new course like clinical legal education, the Vice Chancellor arranged for the HRDI trainees to take up certain modules in the course on human rights and that they use clinical legal education methodology in teaching that course. This experiment worked very well both with respect to the course, the outcome and the prospective plans for the future.

HRDI financial support was used to assist the University with a building for a law clinic as they were extremely short of office space.

It is also important to note that the University of Goma has applied for observer status with the ACHPR.

### *Rwanda*

HRDI has three partners in Rwanda – two in Kigali and one in Butare. All of the partners in Rwanda are now firmly standing on their own feet. Each of them has grown exponentially in their systems, activities and impact over the years. HRDI worked to strengthen the two university based law clinics that were very much at the bud stage

---

<sup>5</sup> For more information on this issue and the current status of the issue see the section dealing with developing jurisprudence below.



when HRDI began working with them. The additional non-governmental organisation was established with HRDI assistance from its inception.

The University of Rwanda is one of the first partners of HRDI based in Butare. Their clinic was established when HRDI started its partnership with them and it continues to evolve to meet current challenges. While its outreach with community based organisations of PLHIV has moved down a few notches, it has developed the alternative dispute resolution dimensions of its operations particularly with respect to family related disputes.

The Independent University of Kigali (ULK) is the second partner in Rwanda. Their clinic has grown from stride to stride and the HRDI trainee has also been recognised within the university system for his dedication, commitment and hard work. They conduct outreach at a local authority where they provide free legal advice. They now also see clients at the clinic based at the university. During our visit we witnessed students conducting an interview with clients and providing legal advice. We were marvelled at the systems and the ease with which this clinic functions as it has the full support of the upper administration, management and the law faculty.

Our third partner in Rwanda is the Great Lakes Initiative on Human and Development (GLIHD). It is an NGO that was established with HRDI support by one of the first HRDI trainees. Staff of GLIHD have also been trained by HRDI during the LLM in 2012 and the one month training in 2013. For GLIHD, 2014 was a year of improving systems and procedures and becoming a more professional organisation. In 2013, they began work and did very well with establishing firm roots in the community. This was a strong foundation from which the rest was built. They developed close ties with the community members, provided both material and legal assistance to PLHIV, particularly women and established partnerships with a range of other organisations. In 2014, HRDI assisted them to develop more sound financial and operational systems and procedures. One staff member of GLIHD spent a few months at HRDI simply learning about human resource management, financial management and general management of the organisation. When he returned to the organisation, he implemented many of the systems and GLIHD became stronger for it.

In 2015, GLIHD has evolved into an independent self-sustaining organisation. It has secured funding from other institutions, has the support of the local bar, judiciary and other key stakeholders. It continues to engage at the grassroots level and has added substantial legislative and policy advocacy work to its growing portfolio. In 2015, it applied for observer status with the ACHPR.

### **Lubumbashi, a different side of the DRC**

The representatives of the University of Lubumbashi being Francophone had not really heard of university based law clinics. However, once they began to understand the concept, they were keen to establish one within their faculty. HRDI staff, together with their faculty then recruited three full time members of their faculty.

They were trained in 2012, returned to their home country and worked on their dissertations in 2013 but had a difficult time working out how they will structure their clinic. In the end, after much brainstorming among their team, they decided on a simple



but highly effective strategy. The team decided to take advantage of a new law that required lawyers to represent children at risk with the law who were accused of petty crimes. Consequently they engaged with the court officials and assembled a team of students and together, each Tuesday they all went to the Kasapa prison where these legal services were provided. This arrangement continues to date.

Three issues stand out regarding this clinic – the first relates to the representation of a child whose identity was confused with a member of a rebel group. This child was held in custody from December 2012 to October 2014 when he was finally released after the clinic staff successfully represented him. The second relates to a child who had been assisted but often returned after committing another petty offence. The clinic staff realised that this child needed a sustainable source of income and assisted him to open a small shop to sell things and thereby earn a living. This has resulted in the child staying out of prison. Finally, during one of the cases that the HRDI team witnessed, the HRDI trainee argued certain principles of international human rights law regarding torture, cruel and degrading treatment and the Convention on the Rights of the Child. The judge accepted the argument raised by the HRDI trainee and discharged the case against the child. In that moment, we as the HRDI team felt strongly that the programme has indeed been useful as it has bridged the gap between principles of international human rights law and ordinary, vulnerable people in practice.

HRDI's financial support to this institution came to an end in mid-2015. However, it is heartening to note that the university has contributed to and is determined to ensure that the clinic activities continue. The University provided funding to the clinic for this purpose. The dean of the law faculty who is now the Vice-Chancellor of the University has indicated both in word and deed his commitment to the continued growth of this clinic.

Furthermore, as was always expected the HRDI trainees trained others to take over from them in the end. Consequently, the clinic activities are now undertaken by more people while still supervised by an HRDI trainee.

It is also important to note that the University of Lubumbashi applied for observer status with the ACHPR in 2015.

## **Zambia**

Entering into a partnership with the University of Zambia was a difficult process. At the beginning the faculty were reluctant to undertake commitments that they were afraid they might not be able to fulfil. However, in 2012, the faculty decided that they were now ready to embark on this project. While the establishment of the clinic took time, it is now strongly rooted within the faculty. HRDI financial support was used to renovate a dedicated space for the clinic that would accommodate children and adults alike.

The clinic though firmly established is yet to begin direct legal representation of clients. They are currently engaged in teaching students, training communities and the legal services are currently undertaken on a pro bono basis by lawyers both within and outside the faculty.

When HRDI began working with this institution it had fresh wounds of failed clinics hence the slow process toward finally getting this new model of the ground.



## **Uganda, Kenya and Tanzania**

### *Uganda*

Our partnership in Uganda is with the Public Interest Law Clinic (PILAC) at Makerere University and with the Legal Aid Clinics of the Law Development Centre.

Our partnership with the Law Development Centre's Legal Aid Clinic began in 2006 as one of the first. It remains a partner dedicated to serving the vulnerable. It however has resource constraints which affects its ability to do as much as it would want to. However, the clinic and HRDI trainee continues, 10 years later, to serve vulnerable groups and to respond in a more sustainable way to issues. For example, after their training with HRDI the trainees returned, trained other students and began a process to decongest prisons by representing people in cases of petty crimes. During the second phase, without HRDI's financial support, they embarked on further outreach to the country side of Uganda.

PILAC has emerged as a shining light both due to its work with extremely controversial issues in a repressive climate and due to its focus on networking among African law clinics. At the beginning we were concerned that they were not moving fast enough toward providing direct legal services, however, they have since developed that area of activities. They hosted, on their own steam, a workshop of legal aid clinics from East Africa and the Great Lakes region, which included several HRDI partners. They intend continuing with this work and we are pleased to have been the partner that enabled Makerere University to establish PILAC.

### *Kenya*

Our partner in Kenya is Moi University Legal Aid Clinic (MULAC). It has a strong clinical legal education tradition but has had difficulty reviving that tradition. When we met them in 2010 we could see that this institution had the potential to become a regional centre or centre of excellence. We still believe that is true as they have a large group, more than a critical mass of talented and well trained people. However, the political developments in Kenya have resulted in many of them taking sabbatical breaks to work with the newly demarcated local municipalities leaving both the faculty and the clinic with gaping holes. In 2013 they established a clinic to work with children at risk with the law, with university funds. That programme grew and became a well-respected initiative both among the clients and judiciary. However, the absence of the co-ordinator during 2015 affected the operations of the clinic. Despite this, they raised the issue of children with disabilities in Eldoret and informed the HRDI team that these children were held together with children at risk with the law just because of their disability. This issue was taken up at the ACHPR.

### *Tanzania*

Our partner in Tanzania is the University of Dar es Salaam, Legal Aid Committee. We began working with this institution in 2007 and have seen it grow from an organisation that was relatively loosely run by members of the faculty during their free time, to one which saw full time dedicated legal representation of people by HRDI trainees. At first, students were not involved in the clinic, however after interaction with HRDI, the clinic evolved to find a way to include students and faculty members. During this second phase of the partnership HRDI shared several successes with this institution. Firstly, the issues



pre-employment testing, claimed cures by traditional healers of HIV and the case of the unlawful clinical trials all emanated from this institution. We have worked well together on all of these issues. Our main concern has been its sustainability as the university needed to provide the full time staff for the clinic. We are heartened to report that it now has taken that important step to stabilise their institution.

## **Lesotho, Namibia and Mozambique**

### *Lesotho*

When HRDI began its partnership with the University of Lesotho members of the law faculty who studied and worked at Wits University in South Africa were anxious to establish a law clinic. They had seen the effectiveness of the clinic both as a teaching laboratory and for legal service provision to the poor and vulnerable and they were keen to provide those services to their people in Lesotho. However, they had difficulty conceptualising what to do and how to go about it. The timing for their encounter with HRDI was in a sense perfect. At first they recruited two people. However the two people recruited were not already members of the law faculty. Consequently upon their return, the major area of focus for HRDI was integrating the two trainees into the faculty.

Ultimately, towards the end of 2014 that goal was achieved and the clinic is now on solid and stable ground. The staff went on self-funded study visits to other HRDI partners and to Wits University. Back home, they undertook community outreach activities in both peri-urban and rural areas, reaching people who would otherwise not be reached.

The clinic teaches students, trains community members, provides legal services and even goes as far as doing voluntary feeding schemes with a local low income hospital.

### *Namibia*

Our partner in Namibia is the Legal Assistance Centre, a public interest NGO based in Windhoek but operates in all of Namibia through various outreach programmes.

It has historically been a strong public interest organisation but wanted to reach people in rural areas that they would not ordinarily reach. Additionally, they had the potential to be a strong regional institution yet they did not have observer status with the ACHPR. It is well known that they successfully litigated the cases of forced sterilization in Namibia. Our main mission with LAC was to encourage it to obtain observer status with the ACHPR and to continue raising important issues at that forum. We also needed to demonstrate to them how that observer status could be used in their work and how it could assist their clients. We have achieved that as they have now applied for observer status.

### *Mozambique*

We have two partners in Mozambique, the Legal Aid Clinic and the Centre for Human Rights both based at Eduardo Mondlane University. Both these institutions are constantly evolving and are benefitting from strong leadership at the institutional level and at the faculty level. Our partnership with the legal aid clinic began in 2006 and we have seen how the clinic has grown in depth and breadth since then. Qualitatively the services they now provide to clients have improved exponentially. They also now reach



more people through their carefully developed outreach programmes that they run. We were particularly moved at the Catholic boarding school for orphaned and abandoned children in a very remote location. Also, in the heart of Maputo and in an informal settlement, the clinic conducts outreach at another children's school.

In 2011, both partners jointly hosted a regional conference on social security and several HRDI trainees participated. One of the HRDI trainees was nominated by HRDI and appointed a Commissioner to the Human Rights Commission of Mozambique.

These institutions are strong and firmly based within their universities. They have contributed to regional dialogues relating to business and human rights, labour issues and the represent vast numbers of ordinary people.

## **Malawi**

We began working with the legal aid clinic at Chancellor College in Malawi in 2011. At our first meeting with the then dean, we were struck by the synergy of values as he had just been cleaning the grounds with members of his faculty during a day when they swapped roles with cleaners. Cleaners sat in the offices while office staff cleaned. They had been working on the development of their law clinic for some time before HRDI met with them. However, as with many of the other partners, it was difficult for them to fully conceptualise how to go about it.

We jointly recruited a legal aid lawyer and a social worker turned lawyer for the 2011 LLM programme. These two people were quickly recruited into the faculty and promoted each year since then. During their first years they rolled up their sleeves and identified a local community based organisation of PLHIV with whom they entered into a strong partnership. From that foundation, they began working with students, and the community on pertinent issues. This led other members of the faculty to follow the model and establish other specialised clinics dealing with children, small scale business and petty crimes, among others.

It has functioned by and large off its own resources and has used HRDI support to augment its outreach. Moreover, HRDI trainees participated in two sessions of the ACHPR after their students under their supervision conducted intense community consultations. Submissions were made regarding distribution of fertiliser as part of a poverty reduction campaign.

This clinic was set to evolve into a regional centre or an international human rights law clinic. However, due to a determination to ensure that the clinic grows slowly but in a sustainable manner, some key staff decided to slow down that evolution. This is a strong stable model clinic.

## **Partners working with each other**

The idea of a structured formal network has been on the HRDI agenda since its inception. Both HRDI and its partners have been working toward that outcome. However, it is a complicated matter as in 2015 the committee appointed to achieve this was comprised of only three institutional representatives. The others were there in their individual capacity. This complicated the process substantially as the question arose as to whether the network was a network of individuals or institutions. In the end however,



the tension and conflict between these two areas coupled with issues of trust led to the failure of the committee to develop the formal, structured network.

Instead, it was decided that the institutions in Rwanda, Goma, Lubumbashi and Burundi would form a nucleus from which the formal network might grow. This task has been left to the team in these countries to continue beyond this project with HRDI. Time will tell how that unfolds. In the meantime, the informal network continues to function. During this period, partners in Mozambique hosted a gathering on the theme of social security, PILAC in Uganda hosted a conference of law clinics within the Great Lakes and East African regions, Zambia hosted a moot court and one of the HRDI trainees who works at Save the Children Kenya, hosted a meeting on child rights. These were all opportunities to continue sharing ideas, learning from each other and collaborating.

Further, the three institutions namely the law clinics of the Universities of Goma and Lubumbashi and GLIHD from Rwanda have all applied for observer status with the ACHPR thus improving the outlook for their future role as a nucleus for a network.

<b>List of Partner Institution – Great Lakes</b>					
	<b>Country</b>	<b>Name of Institution</b>	<b>No of Lawyers</b>	<b>Serving Clients</b>	<b>Status in 2015</b>
1	Rwanda	National University of Rwanda, Legal Aid Clinic	2	Yes	Very Strong
2		Independent University of Kigali	1	Yes	Very Strong
3		Great Lakes Initiative for Human Rights and Development	3	Yes	Very Strong
4	Tanzania	University of Dar es Salaam, Legal Aid Committee	2	Yes	Strong
5	Kenya	Moi University, Legal Aid Clinic	3	Yes	Established
6	Uganda	Legal Aid Clinic, Law Development Centre	1	Yes	Very Strong
7		Public Interest Law Clinic, Makerere University	2	Yes	Very Strong
8	DRC	University of Lubumbashi, Law Faculty	3	Yes	Very Strong
9	DRC	University of Goma, Law Faculty	3	Yes	Very Strong
10	Burundi	Lumière University, Bujumbura, Law Faculty	2	Yes	Established
<b>Sub Total</b>			<b>27</b>		
<b>List of Partner Institutions – SADC</b>					
	<b>Country</b>	<b>Name of Institution</b>	<b>No of lawyers</b>		
1	Namibia	Legal Assistance Centre	1	Yes	Very Strong
2	Malawi	University of Malawi, Legal Aid Clinic	2	Yes	Very Strong
3	Zambia	University of Zambia, Legal Aid Clinic	3	Yes	Strong
4	Mozambique	Eduardo Mondlane University, Legal Aid Clinic	3	Yes	Very Strong
5		Eduardo Mondlane University, Centre for Human Rights	3	No. Training people and students	Strong institution
6	Lesotho	University of Lesotho	4	Yes	Very Strong
<b>Sub Total</b>			<b>17</b>		



### **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:*

While there are several HRDI partners that are providing excellent services to their communities, none has emerged as the regional centre that HRDI has had in mind. We have failed to achieve this outcome.

This is a sad tale of what happens when ones sphere of control is limited. Indeed in such circumstances it is possible to exert control by dangling a carrot or administering a stick in some circumstances. However, in this type of situation, where an institution is required to take on a role that it simply does not feel ready to do, there is really nothing that can be done.

As can be seen from the spread sheet above, each year from 2010 onwards, HRDI was mindful of this important objective as being that objective which could result in the ideas, strategies and values that it subscribed to being pursued by another institution. However, perhaps that was fatal flaw of this objective. Perhaps it is that notion which not only impeded HRDI but also its partners from fully embracing the mission.

One institution was determined to take this forward. But, due to its internal constraints its law clinic was too fragile for that institution to evolve into the regional centre that HRDI had in mind.

At first we used the terminology of centre of excellence. Thereafter we evolved our collective thinking to consider regional centre instead and eventually settled on the notion of an international human rights law clinic. These adjustments were all made based on where our partners were and what appeared to make them comfortable to continue with this.

However, in the end, as stated above, perhaps it was the flawed starting point that led to HRDI's inability to achieve this outcome. Perhaps this is an outcome that each institution will achieve in its own time, at its own pace and in its own way.



## **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 900<sup>6</sup> 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 more submissions to the ACHPR and continues to assist in 1 strategic case;

Case of unlawful clinical trials was filed in Tanzania.

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

CBOs now 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. ACHPR appointed HRDI as its secretariat to assist it to implement resolution 236.

ACHPR engaged states and non-state actors on 4 submissions made by HRDI

HRDI highlighted issues relating to sexual minorities at the ACHPR

A retrospective look over the last years to 2010 demonstrates to us that it is with this objective that we had the most notable and clear success. What follows is a thematic retrospective view of where we have come from and what we have achieved.

### **The ACHPR's HIV Committee**

In 2010, we obtained observer status with the ACHPR and decided to begin to work with this institution. Having studied it, read about it and particularly about how ineffective, inefficient and useless the institution was, we embarked on this strategy with caution, scepticism and doubt. But despite all that we decided to make a strong attempt to advocate for a special mechanism for the protection of the rights of PLHIV. At first we considered following the trend set by the UN and considered a special mechanism on the right to health. However, during our internal discussions as we reflected upon the grassroots work we and our partners have done directly with PLHIV, we concluded that HIV is not just a health issue but needs to be addressed more comprehensively. Further, that PLHIV, those at risk and vulnerable to HIV form a special group of people that need specific attention and focus as a group. We consequently built our strategy around that notion. Our strategy involved a clear, concise and brief motivation for the special mechanisms in seven simple but robust points and a draft resolution that was sent

---

<sup>6</sup> 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.



beforehand to all the Commissioners of the ACHPR. In addition, we held a roundtable discussion with representatives from CBOs working directly with PLHIV and representatives of some of our partner institutions to highlight the issues with one Commissioner who we expected to champion the resolution among his colleagues. The last salvo was a powerful statement made by a representative of a CBO who is openly living with HIV. Her booming voice stilled a noisy room and finally convinced the general public and the Commissioners to do something more tangible about the HIV pandemic. At that same session the draft resolution prepared by HRDI formed the basis of the mandate for the HIV Committee. At that stage, it was the only resolution of the ACHPR that included men having sex with men as a vulnerable group that could approach the HIV Committee for assistance.

HRDI took a moment to celebrate that victory but did not stop there. Instead, mindful of the resource constraints that the ACHPR operated under, HRDI sought approval from its partner, Sida, to adjust its budget to provide a legal officer to the chairperson of the HIV Committee. This approval was granted and proved to be one of the most important steps taken after the appointment of the HIV Committee. The ACHPR, its Commissioners and Secretariat witnessed first-hand the dedication, commitment, professionalism and general willingness to help that HRDI trainees practiced. There is no task that is beneath an HRDI trainee after one has dug a pit latrine. Consequently, greater and greater demand was made by the ACHPR for more legal officers.

In the end, during the period 2011 – 2015, HRDI provided three legal officers to the ACHPR to assist the HIV Committee and the ACHPR more generally. Each one of them acquitted themselves with honour and integrity. Even today, as late as a week ago, the ACHPR still send requests for assistance from HRDI in the form of its trainees.

#### *Dialogue between the UN Special Rapporteur on the Rights to Health (abbrev) and the HIV Committee*

Soon after the appointment of the HIV Committee and its group of experts, HRDI organised a dialogue between them and their UN counterparts. The intention behind this was for both bodies to work more closely together particularly since the UN Special Rapporteur on the Right to Health has the resources but not the base in Africa while the HIV Committee does not have the resources but has the legitimacy and base in Africa. Unfortunately while the dialogue itself was successful this outcome was not achieved as all co-ordinated country visits and studies that were talked of did not materialise.

The success relates more to the fact that HIV Committee and the UNSR came closer to the community and to the HRDI trainees thus easing future communications.

#### *Submissions made to the HIV Committee and Other Special Mechanisms of the ACHPR*

As a result of community consultations, the following submissions were made to the HIV Committee. It is important to note that with each of these submissions, the first step was community consultations that provided a basis, secondly a convincing speech was drafted, practiced and then presented to the ACHPR. Thereafter, the written submissions followed in terms of which specific interventions were requested. We have been informed by legal officers that it is this follow through dimension that is particularly lacking among other NGOs and one reason for the level of respect and courtesy afforded to HRDI.



1. The issue of pre-employment testing by a multi-national cell phone company. This issue was brought up by our partners in Tanzania. The mandate of the HIV Committee included engaging with non-state actors. This is also a unique feature that was deliberately included in the draft resolution prepared by HRDI. In response to the submission, the HIV Committee sent a letter to both the government of Tanzania and the Company requesting them to investigate whether this practice is happening and if so to take steps to stop the practice.
2. The issue of claimed cures for HIV by traditional healers in Tanzania which also arose out of community consultations. The HIV Committee in this instance engaged directly with the government of Tanzania again. It was later noted that the government of Tanzania began a process to regulate the conduct of traditional healers.
3. The issue of disabled children in Eldoret, Kenya who were held in cells with children at risk with the law. This issue was taken up by the working group on disability rights. However, it is unclear as to what was done about the matter.
4. The well-known issue of prisoner patients in Burundi who were held captive in public hospitals due to the fact that they could not pay certain bills. The HIV Committee engaged with the Government of Burundi. The particular persons referred to in the submission were discharged however at this stage it is unclear whether the practice has stopped.

### **Other Ground-Breaking Work with the ACHPR**

In 2012, the HRDI team identified the issue of illicit capital flight as one of the most fundamental human rights issues as this practice deprives governments of much needed resources to fulfil their human rights obligations and commitments under the millennium development goals as they were then described. We raised this and in 2013 made specific links within various spheres of human rights work. Consequently in 2013, the ACHPR adopted resolution 236 which seeks to address the human rights impact of and human rights based solutions to illicit capital flight from Africa.

Due to their limited capacity to implement the resolution, the ACHPR appointed HRDI as its secretariat for a study that would form a solid basis for any future action or intervention on this issue. In that capacity HRDI drafted a comprehensive interim report which has been described as unique and one which fills a gap in the discourse on illicit financial flows.

HRDI and the ACHPR have been working closely from 2010 to date. It is also expected that HRDI trainees and partners will continue to work with the ACHPR, its special mechanisms and its secretariat going into the foreseeable future as four institutions have applied for observer status as mentioned above namely, the Legal Assistance Centre of Namibia, the legal aid clinics of the Universities of Goma and Lubumbashi and the Great Lakes Initiative on Human Rights and Development from Rwanda.

### **HRDI Engagement with the ACHPR on the Issue of Sexual Minorities**

Standing firmly with a strong sense of integrity, mindful that it is not driven by funding or any other such reward, HRDI, after consultation with the Coalition of African Lesbians publically raised the issue with ACHPR of the denial of their observer status in 2010. While the suggestion made by HRDI was not accepted by the Commissioners, at



that stage, this speech opened the space for dialogue between HRDI and several Commissioners on this issue.

In 2014, in response to the Anti-Homosexuality legislation in Uganda, HRDI developed a robust strategy to place the issue once again, squarely on the agenda of the ACHPR. Comparisons were made between speeches and language used by Hitler's SS in Germany and speeches and language used by parliamentarians in Uganda. The issue was looked at from the perspective of freedom of expression and the rights of human rights defenders, among others. While HRDI does not take credit for the adoption of the resolution at that session, it certainly influenced the outcome. All the speeches made by HRDI can be found on YouTube.

### **The Case of Unlawful Clinical Trials by a South African Company in Tanzania**

This was an issue that was raised during the previous of HRDI's project. In this second phase however, major strides were taken. At the beginning a multi-country team of HRDI staff and trainees worked with the clients and team in Tanzania to take full instructions and develop strategies. Thereafter, legal experts from South Africa and Tanzania met in Tanzania to refine strategies and map out a more detailed plan of action. This resulted in using the access to information legislation and processes in South Africa to obtain documents to build a case both in South Africa and Tanzania. However, due to the time delays and the state of the health of the clients, the team in Tanzania eventually decided to file their case in Tanzania only. The case was finally filed in 2013 and is going laboriously through the court system in Tanzania.

### **Legal Service Provision by HRDI Partner Institutions**

As described in the earlier chapters, HRDI partner law clinics are providing legal advice, representation and general legal services to clients on an almost daily basis. Unfortunately since we no longer provide financial support to any of the institutions, they do not provide us with detailed reports and statistics. We are however satisfied that they have surpassed our expectations of the number of clients served.



## **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 partner. The “voice of the community” was heard at the ACHPR.

This objective underpins almost all of HRDI’s interventions. We saw its effectiveness as a strategy when advocating for the establishment of the HIV special mechanism but for HRDI this dimension is more than a strategic benefit – it is instead a fundamental principle that was meant to guide and direct us all the time – but particularly during difficult times when hard decisions needed to be taken. At those times we had to ask ourselves how this decision or that affects Simon (a very ill, blind and diabetic PLHIV whom we all met in Mamelodi).

However, more specifically as can be seen from the spreadsheet above, the grassroots involvement and community consultations has enriched all interventions and in some instances been a driver of HRDI’s interventions.

A prominent matter that we often cite among ourselves as paramount among these issues is the day we stood up at the ACHPR and talked about Rwanda’s “One family one cow” programme and how PLHIV did not benefit from such programmes some 5 years ago. It was simply not the type of story one heard at the ACHPR so when this story was articulated the authenticity and the real voice of ordinary members of the community shone through.

Similarly later on when the issue of claimed cures by traditional healers, particularly a notorious traditional healer called Babu was mentioned, even government representatives from Tanzania asked the person who delivered our speech how he knew about Babu.

This authentic and uncensored voice from the community has resounded at sessions of the ACHPR and the East African Community.

In 2014, it was strong in response to the government clamp down against sexual minorities and the ripple effect that repression had on society in Uganda.

Our effort to ensure that our partners think things through, consult community organisations, victims of human rights abuses and others results in a level of depth and authenticity not often heard of at the ACHPR sessions.

As stated above, for us this was an end in itself as the regional human rights mechanisms were established for the protection of these vulnerable communities so bridging the glaring gap between the two was both necessary and imperative. We have noticed that on a strategic level it has also helped establish who we are and why we are there.



## **MANAGEMENT AND ADMINISTRATION**

### **FINANCIAL MANAGEMENT**

In 2010, we employed an in-house part time accountant who was supported by an external chartered accountant with PwC as out auditors. This arrangement worked very well and HRDI systems improved year on year until they both left due to changes in their personal circumstances in 2013. In 2013, HRDI appointed a division with PwC to undertake this function. However, experiencing certain problems with the PwC team in 2013, and realising that the regulatory environment prohibits PwC from being both the audit firm and the firm responsible for accounting services, in 2014, we appointed a new financial administrator, Lizette Muller. She is a qualified chartered accountant, trained at PwC and is experienced. We are extremely pleased with her work as she has assisted with improving systems in some ways. In 2015, after interviewing three firms, the board appointed a new firm of auditors namely RMS Chartered Accountants.

### **HUMAN RESOURCE MANAGEMENT**

The team at HRDI in 2010 comprised two lawyers, a social worker, executive director, administrator and maintenance assistant. At the end of 2010 one of the lawyers resigned and in 2011 HRDI appointed a deputy executive director who was also a lawyer. At the end of 2011, the social scientist decided to return to her home country in Norway. But HRDI chose not to replace her. In 2013, due to uncertainty regarding HRDI's planned closing, one of the HRDI lawyers decided to undertake consultancy work thus taking away some of his time from HRDI. In 2015, in view of the fact that the structured network of partners and institutions was not yet established and that the work on illicit financial flows required more time from HRDI, we decided to employ two HRDI trainees to assist us going forward. One person was selected by the students, namely Isaac Afunaduula, from Uganda and another by HRDI, Emile Luketa Mukuna, from DRC. Both people took up offices on a part-time basis in 2014 with the intention of full time employment in 2015. Only Emile Luketa Mukuna was offered and accepted full time employment in 2015.



## RESULTS BASED BUDGET ANALYSIS

### BUDGET VS. ACTUAL FOR APRIL 2010 – DECEMBER 2015

BUDGET CATEGORY	TOTAL BUDGET	ACTUALS	VARIANCE	% VARIANCE
<b>REGIONAL COSTS:</b>				
Developing Jurisprudence	R 1 315 000	R 669 147	R 645 853	49%
Building a Cadre of Activists	R 1 325 100	R 834 340	R 490 760	37%
Students Costs	R 4 451 000	R3 806 527	R 644 473	14%
Manual Work with PLHIV	R 210 300	R137 752	R 72 548	34%
Direct Contributions to ULCs	R 5 967 715	R 3 360 862	R 2 606 853	44%
Building Partnerships and Community Outreach	R 808 200	R637 626	R 170 574	21%
Developing Centres of Excellence	R 502 500	R151 800	R 350 700	70%
Developing a Regional Network	R 1 744 700	R1 204 355	R 540 345	31%
ACHPR, REC and other Meetings and Conferences (including support to the ACHPR)	R 2 851 470	R 2 487 830	R 363 640	13%
<b>CORE COSTS:</b>				
Salaries and Related Costs	R 12 720 569	R 11 735 031	R 985 538	8%
Professional Fees	R 1 735 182	R 1 558 045	R 177 137	10%
Overheads	R 3 155 975	R 2 490 387	R 665 588	21%
Governance	R 248 550	R 110 557	R 137 993	56%
Furniture and Equipment	R 106 000	R 29 353	R 76 647	72%
<b>TOTAL</b>	<b>R 37 142 261</b>	<b>R 29 213 611</b>	<b>R 7 928 650</b>	<b>21%</b>



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

### **Overall Under-spending**

The overall underspending is by and large a result of prudent spending. However, as will be seen below, certain line items relating to the outcomes are explained in detail below.

### **Under-spending of Core Line Items**

Underspending on office running costs, overheads, professional fees and so forth are a result of prudent spending, prudent behaviour with HRDI resources and careful planning.

### **Under-spending on Key Line Items related to Outcomes**

However, underspending under line items related to outcomes is a result of both prudent spending and other factors as expanded upon below.

#### *Direct Contribution to partner institutions*

Most partner institutions did not receive the full amount due to them during the project period as they did not use all the funds and/or report on time. In view of the fact that our payments are tied to their reports, we carried over quite a large sum into 2015 for each partner.

#### *Student Costs – Building a Cadre of Social Justice Lawyers*

Although we achieved what we set out and trained many more students than planned for, the under-spending on this line item is primarily due to prudent spending since we also make all the flight bookings and administrative arrangements, and hence we saved on inflated flight costs had we used travel agents.

#### *Developing a Regional Network Developing Jurisprudence, Training, Manual Work, Building Partnerships and Developing Centres of Excellence*

The overall underspending under these line items is mainly a result of the “piggy backing” strategy that HRDI uses to accomplish many things on one trip for example. It is also due to a culture of “doing more with less’ that has been developed among all HRDI staff, students and partners. Consequently, what was supposed to have been an inordinately expensive trip – the session in Angola, ended up being a normal and even less expensive trip than Banjul. We shared rooms, found a hotel that was reasonable and negotiated very well for dinner and meals at the hotel. As a result we spent very prudently for most meals, save for two where we were caught off guard. But in view of the overall prudence we still found that the expenses of that trip were more than reasonable. This took effort from all those who attended – including staff and HRDI trainees.



## CONCLUSION

If this project defines our very existence then who are we and why are we still here? This is a project that affirms our Africaness. Kwame Nkrumah said that “I am not African because I was born in Africa but because Africa was born in me”.

Our team is international, our heritage is vast yet all of us were and remain determined to see Africa, its institutions, its countries and its people arise – not from ashes like a phoenix, but rather from the grip of manacles that have restrained it from emerging and taking its true place among the community of nations.

These manacles are not always administered by outsiders but often by those closest to us. In Africa we have seen and witnessed first-hand the impact of those who choose to betray their people for short term personal benefit. We have often asked ourselves what price would make some of the consequences worth it and concluded that there is no real number that can justify what we have seen.

Our regional human rights institutions lack resources but are not short of courage, determination and wisdom.

So now we come to critical questions: Is HRDI closing this project because it has achieved what it set out to? Or because it failed to achieve what it set out to? Or because its resources ran dry?

One of our colleagues suggested that we are closing this project because there is nothing more to do with it?

Yet we know we have not fully achieved what we set out to, we have not failed in all aspects and our resources have not run dry. So why are we closing this project?

I would say because it is time. Time to leave it in the hands of our partners and those we trained. Time to let it all evolve and move into new spheres thus far not even contemplated by us at HRDI. If we were to continue chewing this gum we will spit it out when it loses all flavour. Without saying anymore we will conclude this report with words from Ecclesiastes chapter 3:

To everything there is a season, and a time to every purpose under the heaven: A time to be born, and a time to die; a time to plant, and a time to pluck up that which is planted; A time to kill, and a time to heal; a time to break down, and a time to build up; A time to weep, and a time to laugh; a time to mourn, and a time to dance; A time to cast away stones, and a time to gather stones together; a time to embrace, and a time to refrain from embracing; A time to get, and a time to lose; a time to keep, and a time to cast away; A time to rend, and a time to sew; a time to keep silence, and a time to speak; A time to love, and a time to hate; a time of war, and a time of peace.



## Annexure 1

Name	Institution	Country
Mrs Alapini Gansou Reine	African Commission on Human Rights and Peoples' Rights	Benin
Mr Anand Grover	UN Special Rapporteur	India
Prof. Annelize Nienaber	Centre for Human Rights, University of Pretoria	South Africa
Prof Annet Wanyana Oguttu	University of South Africa	South Africa
Mr Arvinn Gadgil	Past State Secretary of the Ministry of Foreign Affairs	Norway
Prof. Arturo Carillo	George Washington University	United States
Mrs Ashish Ramgobin	Participative Development Initiative	South Africa
Mrs Attiya Waris	University of Nairobi	Kenya
Prof. Ben Twinomugisha	Makerere University	Uganda
Mrs Carole Wanjau	Inerela	Uganda
Prof. Charles De Matos Ala	Wits University	South Africa
Justice Charles Mkandawire	SADC Tribunal	Malawi
Prof. Christopher Mbazira	Makerere University	Uganda
Mr Colin Gonsalves	Human Rights Law Network, India	India
Justice Edwin Cameron	Constitutional Court (South Africa)	South Africa
Prof. Frans Viljoen	Centre for Human Rights, University of Pretoria	South Africa
Justice Gerard Niyungeko	African Court on Human and Peoples' Rights	Burundi
Prof. Godwin Buwa	Makerere University	Uganda
Mrs Helen Duffy	Interights	United Kingdom
Mr Jill Hanass Hancock	HEARD	South Africa
Ms Jill Rithcie	Papillon Press, Fundraising Professional	South Africa
Mr Joan van Niekerk	ChildLine South Africa	South Africa
Mr John Ruhangisa	East African Court of Justice	Tanzania
Mr Johannes John-Langba	International Organisation of Migrants	South Africa
Prof. Julia Sloth Nielson	University of Western Cape	South Africa
Mrs Kamilla Gumede	Poverty Action Lab, Africa	South Africa
Mrs Katherine Laio	OHCHR	South Africa
Mrs Kristina Froberg	Forum Syd	Sweden



Justice Kate O' Regan	Past Judge of the Constitutional Court of South Africa	South Africa
Mrs Lisa Clarke	Centre for Human Rights, University of Pretoria	South Africa
Mr Lucas Muntingh	Community Law Centre, UWC	South Africa
Mr Luis Frota	International Labour Organisation	South Africa
Prof. Magnus Killander	Centre for Human Rights, University of Pretoria	South Africa
Mrs Maria Moreriane	International Organisation of Migrants	South Africa
Mr Marco Kallbusch	OHCHR	South Africa
Mr Maurice Tomlison	Human Rights Lawyer, LGBTI Activist	Jamaica
Dr Mothomang Diaho	Nelson Mandela Foundation	South Africa
Mr Mumba Malila	African Commission on Human Rights and Peoples' Rights	Zambia
Mr Necodamius Chipufa	Help Age International	South Africa
Mrs Nikki Stein	Section 27	South Africa
Mrs Niraj Dawadi	OHCHR	South Africa
Mr Patterson Njogu	UNHCR	South Africa
Mr Phakiso Mochochoko	International Criminal Court	Netherlands
Mr Pierre Brouard	Centre for Sexualities, AIDS and Gender, University of Pretoria	South Africa
Mrs Rashida Manjoo	UN Special Rapporteur	South Africa
Mrs Resh Metha	International Organisation of Migrants	South Africa
Mr Richard Neuman	Hofstra University	United States of America
Mr Simphiwe Mabhele	International Labour Organisation	South Africa
Mrs Soyata Maiga	African Commission on Human Rights and Peoples' Rights	Mali
Prof. Thandabantu Nhlapo	University of Cape Town	South Africa
Prof. Theresa Rossouw	Centre for Human Rights, University of Pretoria	South Africa
Mr Tom Decker	Openly Gay Anglican Priest	Canada



Section B: For submission to Senate

**University of Pretoria  
Faculty of Law**

**Date: September 2010**

**Degree programme: LLM**

**Proposal to**

- (a) introduce an option International Human Rights Law and HIV in Africa in the existing LLM programme; and**
  - (b) introduce three new postgraduate modules:**
    - ICH 811 Theory and practice of international, regional and domestic human rights law 811**
    - ICH 812 International, regional and domestic human rights law pertaining to people living with HIV and those at risk in Africa 812**
    - ICH 813 Strategic human rights lawyering for the protection of the rights of people living with HIV and those at risk in Africa 813**
- 

**1. PROBLEM STATEMENT AND MOTIVATION**

Promoting democracy, good governance, human rights and social justice in sub-Saharan Africa requires that the human rights dimensions of the HIV/AIDS pandemic be tackled. In 2004, 10% of the world's population lived in sub-Saharan Africa, yet it is home to 60% of all those living with HIV in the world. In 2008, sub-Saharan Africa accounted for 67% of all those living with HIV in the world and for 72% of AIDS-related deaths. Sub-Saharan Africa is home to 68% of new HIV infections among adults and 91% of new HIV infections among children.

The picture presented above is one where the tide is indeed not turning. Instead, both HIV prevalence and incidence rates are increasing, with children, women and young girls bearing an unequal share of the burden. Many reasons have been presented by analysts and most of them relate to the historical inequality between men and women and subsequent inability to negotiate safer sex. Static cultural practices that are harmful to women and girl children render them increasingly vulnerable to infection continuing unabated.

The legal environment has to bear its share of the burden. Recently, a growing trend toward criminalisation has added to the increasing challenges presented by this pandemic. It has expanded to further entrench outdated and inherited laws concerning sexual minorities, men who have sex with men, sex work and drug use.

A programme at master's level is required to equip lawyers with the knowledge, skills and values to deal with these issues. Such a programme should be directed primarily at lawyers, and should be well directed at those working at law clinics at university law faculties in Africa. They are in a position to use their qualification to serve their communities. The programme will cover a range of topics that are carefully combined to ensure that the programme covers the breadth of this highly complex and evolving field while at the same time delving deeply into issues and strategies. The design and implementation of the envisaged programme will ensure that there is a balance between theory and its application in the practice of law.

In South Africa, the law has been used as an effective tool in addressing issues related to HIV and AIDS, as exemplified in the work of the Treatment Action Campaign. However, in other parts of Africa, these strategies remain under-utilised due to, among other things, inadequate skills and knowledge and a legal framework that creates a non-conducive environment for such strategies.

**2. PROPOSAL**

The introduction of the following option in the existing LLM degree is proposed: International Human Rights Law and HIV in Africa.

This programme will be presented by the Centre for Human Rights, from June 2011, with the support and cooperation of the Human Rights Development Initiative (HRDI) – a Pretoria-based non-governmental organisation dedicated to teaching and training on HIV and human rights in the



context of sub-Saharan Africa. The two organisations have been working together for the past four years. A formal Memorandum of Understanding has been concluded between the two institutions, spelling out their respective rights and responsibilities.

Students in the first two years of the programme will be specifically selected, predominantly from law clinics at law faculties in the region, and will receive scholarships.

**3. FINANCIAL IMPLICATIONS**

In the short term: none. Scholarships for 12-15 students from designated countries in East and Southern Africa have been secured by the HRDI for the first two years of the programme. The HRDI also provides support to secure the presence of a number of expert lecturers from around Africa and abroad.

In the long term: The introduction of this programme further strengthens the arguments for the creation of an academic position (at the level of at least senior lecturer) in the Centre.

**4. TIMETABLE AND SPACE IMPLICATIONS**

Lectures et cetera will be presented in available space and at premises of the faculty of Law, and of the HRDI. The programme will fit into the timetable as it is a specialised degree.

**5. STAFF IMPLICATIONS**

An extraordinary lecturer in the Centre, Asha Ramgobin, who heads the Human Rights Development Initiative (HRDI), will be the coordinator of the programme, with the Director of the Centre or a designate member of staff of the Centre. The Centre, with the HRDI, will raise funds to ensure the presence of external experts from Africa and abroad. Centre staff and some members of other departments in the Faculty of Law will also be lecturing on the programme.

In the long term: The introduction of this programme further strengthens the arguments for the creation of an academic position (at the level of at least senior lecturer) in the Centre.

**6. TRANSITIONAL MEASURES**

It is proposed that the programme will start in June 2011. It will run for one year full-time.

**7. YEARBOOK/COURSE CATALOGUE IMPLICATIONS**

The proposed option has to be included in the 2012 yearbook as follows:

*NB Since the proposed option has to be approved by Senate (next meeting May 2011), it cannot yet be included in the 2011 yearbook. Should the proposal be approved for commencement in June 2011, the new modules will then have to be activated in the 2011 Course Catalogue and the programme will have to be marketed by the Centre for Human Rights.*

**English**

**LLM**

**International Human Rights Law and HIV in Africa**

**Total number of NQF credits: 200**

**SPECIFIC REGULATIONS**

**(a) Requirement for admission**

LLB or equivalent qualification required for entrance into the legal profession. Foreign qualifications are subject to SAQA evaluation. (This is a selection course and only selected applicants will be admitted to the programme.)

**(b) Duration**

A minimum of 1 year full time.

**(c) Mini-dissertation**

The student must submit a research proposal to the supervisor prior to commencing with the writing of the mini-dissertation.

A mini-dissertation (MND 800) of 13 000 to 15 000 words inclusive of footnotes but excluding the list of contents and the bibliography, is required. The mini-dissertation must be submitted within eighteen months of registration. The mini-dissertation must deal with the subject content of one of the modules registered for by the student for his/her LLM.

Any request for an extension of the period for the submission of the mini-dissertation may only be granted by the Dean on recommendation of the Postgraduate Committee.



**(d) Degree with distinction**

For the degree to be awarded with distinction a student must obtain an average of at least 75% for all the coursework modules together, as well as a minimum of 75% for the mini-dissertation. The modules must have been written for the first time.

**(e) Curriculum**

<b>A11 LLM</b>			
<b>International Human Rights Law and HIV in Africa (04251005)</b>			
Coordinators: Prof Frans Viljoen tel 012 4203228 and Ms AS Ramgobin, tel 012 342 2370 email <a href="mailto:aramgobin@hrdi.org.za">aramgobin@hrdi.org.za</a>			
		<b>Module code</b>	<b>Credits</b>
	Research methodology	NRM 801	5
	Research proposal	RHP 801	5
	Mini-dissertation [prerequisites: NRM 801 and RHP 803]	MND 800	100
	Theory and practice of international, regional and domestic human rights law	ICH 811	30
	International, regional and domestic human rights law pertaining to people living with HIV and those at risk in Africa	ICH 812	30
	Strategic human rights lawyering for the protection of the rights of people living with HIV and those at risk in Africa	AHR 811	30

**Afrikaans**

**LLM**

**Internasionale Menseregte en MIV in Afrika**

**Totale aantal of NKR-krediete: 200**

**SPESIFIEKE REGULASIES**

**(a) Toelatingsvereiste**

LLB of gelykwaardige kwalifikasie wat toelating tot die regsprofessie verleen. Buitelandse kwalifikasies is onderworpe aan SAQA-evaluering.  
(Hierdie is 'n keuringsrigting en slegs gekeurde aansoekers sal tot die program toegelaat word.)

**(b) Duur**

Minimum 1 jaar voltyds.

**(c) Miniverhandeling**

Die student moet 'n navorsingsvoorstel by sy/haar studieleier indien alvorens daar begin kan word met die skryf van die miniverhandeling.

'n Miniverhandeling (MND 800) van 13 000 to 15 000 woorde, insluitend die voetnotas maar die inhoudsopgawe en die bibliografie uitgesluit, word vereis. Die miniverhandeling moet binne agtien maande vanaf registrasie ingedien word. Die miniverhandeling moet handel oor die inhoud van een van die modules waarvoor die student vir sy/haar LLM geregistreer is.

Enige versoek vir die verlenging van die tydperk vir die indiening van die miniverhandeling mag slegs deur die dekaan op aanbeveling van die Nagraadse Komitee toegestaan word.

**(d) Graad met lof**

Ten einde die graad met lof te verwerf, moet 'n student 'n gemiddelde van minstens 75% in al die gedoseerde modules gesamentlik behaal, sowel as minstens 75% vir die miniverhandeling. Die gemiddelde vir die modules moet tydens die eerste eksamenpoging behaal word.

**(e) Kurrikulum**

<b>A11 LLM</b>			
<b>Internasionale Menseregte en MIV in Afrika (04251005)</b>			
Koördineerders: Prof Frans Viljoen tel 012 4203228 en Me AS Ramgobin, tel 012 342 2370 e-pos <a href="mailto:aramgobin@hrdi.org.za">aramgobin@hrdi.org.za</a>			
		<b>Modulekode</b>	<b>Krediete</b>



	Navorsingsmetodologie	NRM 801	5
	Navorsingsvoorstel	RHP 801	5
	Miniverhandeling [voorvereistes: NRM 801 and RHP 803]	MND 800	100
	Teorie en praktyk van internasionale, regionale en nasionale reg op menseregte	ICH 811	30
	Internasionale, regionale en nasionale reg op menseregte met betrekking tot mense wat met MIV saamleef en diegene wat gevaarloop, in Afrika	ICH 812	30
	Regspraktyk in strategiese menseregte vir die beskerming van die regte van mense wat met MIV saamleef en diegene wat gevaarloop, in Afrika	AHR 811	30

NB The numbering of programmes (following on this inserted option) will be adjusted when the yearbook is being edited.

### Course Catalogue implications

The new modules need to be activated in the Course Catalogue for 2011 (after Senate approval in May 2011) as follows:

#### **ICH 811 Theory and practice of international, regional and domestic human rights law 811**

**Academic organisation:** *Centre for Human Rights*

**Prerequisites:** None

**Contact time:** 2 lpw (50 minutes each)

**Period of presentation:** Semester 1

**Language of instruction:** English

**Credits: 30**

**Module content:**

The topics covered include:

- (a) Historical, philosophical and political aspects of human rights in Africa.
- (b) Basic concepts in international human rights law.
- (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.

#### **ICH 811 Teorie en praktyk van internasionale, regionale en nasionale reg op menseregte 811**

**Akademiese organisasie:** *Sentrum vir Menseregte*

**Voorvereiste:** Geen

**Kontaktyd:** 2 lpw (50 minute elk)

**Aanbiedingstydperk:** Semester 1

**Taal van aanbieding:** Engels

**Krediete: 30**

**Module-inhoud:** *Module word slegs in Engels aangebied.*

#### **ICH 812 International, regional and domestic human rights law pertaining to people living with HIV and those at risk in Africa 812**

**Academic organisation:** *Centre for Human Rights*

**Prerequisites:** None

**Contact time:** 2 lpw (50 minutes each)

**Period of presentation:** Semester 1

**Language of instruction:** English

**Credits: 30**

**Module content:**

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

**ICH 812 Internasionale, regionale en nasionale reg op menseregte met betrekking tot mense wat met MIV saamleef en diegene wat gevaarloop, in Afrika 812**

**Akademiese organisasie:** Sentrum vir Menseregte

**Voorvereiste:** Geen

**Kontaktyd:** 2 lpw (50 minute elk)

**Aanbiedingstydperk:** Semester 1

**Taal van aanbieding:** Engels

**Krediete: 30**

**Module-inhoud:** Module word slegs in Engels aangebied.

**ICH 813 Strategic human rights lawyering for the protection of the rights of people living with HIV and those at risk in Africa 813**

**Academic organisation:** Centre for Human Rights

**Prerequisites:** None

**Contact time:** 2 lpw (50 minutes each)

**Period of presentation:** Semester 1

**Language of instruction:** English

**Credits: 30**

**Module content:**

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

**ICH 813 Regspraktyk in strategiese menseregte vir die beskerming van die regte van mense wat met MIV saamleef en diegene wat gevaarloop, in Afrika 813**

**Akademiese organisasie:** Sentrum vir Menseregte

**Voorvereiste:** Geen

**Kontaktyd:** 2 lpw (50 minute elk)

**Aanbiedingstydperk:** Semester 1

**Taal van aanbieding:** Engels

**Krediete: 30**

**Module-inhoud:** Module word slegs in Engels aangebied.

**Prof FJ Viljoen**

**Director: Centre for Human Rights**

**Prof D Kleyn**

**Chair: Postgraduate Committee**

*This proposal has been perused and commented on by the members of the Regulation Amendment Meeting.*

**Head: Academic Planning:**

**Date:**