

Higher Education Support Program
Disability Rights Legal Education in Africa and Latin America

Portfolio Review, 22 April 2016

I. Defining the Portfolio

This portfolio review takes a close look at OSF's work in disability rights legal education. It comprises two initiatives:

- Disability Rights and Law Schools Project in Africa (since 2010) – hereinafter **Africa Project**;
- Latin American Disability Rights Research and Teaching Project (since 2014) – hereinafter **LatAm Project**.

Both Projects are collaborative: LatAm Project runs in cooperation with the Human Rights Initiative (HRI); Africa Project in cooperation with HRI, the Open Society Initiative for Southern Africa (OSISA), the Open Society Initiative for Eastern Africa (OSIEA) and recently the Open Society Initiative for West Africa (OSIWA).

The review comes at an opportune time when our work in both Projects is nearing a turning point and important strategic decisions need to be made. Beyond informing our work in the field of disability rights education, this portfolio review presents a learning opportunity. It allows us to reflect on how best to advance an issue area through the agency of higher education – and the opportunities and limitations in doing so.

II. Origins and Ambitions

The **Africa Project** was born in response to the alarmingly low levels of discourse and advocacy on disability rights in Southern Africa. A research study, commissioned by HRI, OSISA and OSF-SA, established that there was scarce knowledge on disability rights in the human rights movement, as well as among academics.¹ Even though sixteen African countries had signed the UN Convention on the Rights of Persons with Disabilities (UNCRPD) on the first day it opened for signature in March 2007, laws and policies were not put in practice and there was little informed activism on the rights of persons with disabilities.² Staff of disabled people's organizations (DPOs) had limited knowledge of the UNCRPD and the Convention's potential as an advocacy tool. Furthermore, the study noted limited training opportunities on disability rights. At law schools, the topic was at most given a section in a constitutional law class. In a few places where some stand-alone courses appeared (primarily in the humanities and health sciences), they lacked a rights-based perspective and portrayed persons with disabilities as the objects of charity that needed rehabilitation.

¹ Hermien Kotzé. Status of Disability Rights in Southern Africa (2012) – supported by the Open Society Foundations. http://www.osisa.org/sites/default/files/disability_open_learning_-_overview_final.pdf

² J. Lord, M. Stein, Prospects and practices for CRPD implementation in Africa. African Disability Rights Yearbook 2013. <http://www.adry.up.ac.za/index.php/2013-1-articles/janet-lord-michael-ashley-stein>

OSF partners recognized the opportunity for intervention and came in with a clear **objective** to bridge the knowledge gap and train a pool of legal professionals with necessary skills and knowledge to undertake litigation, law reform efforts, and policy advocacy to advance implementation of the UNCRPD.

The Project aimed at creating education platforms on disability rights which would be sustainable; hence the decision to anchor the programming at universities, and specifically at law schools. That also meant building local capacity in disability rights from scratch. By doing so, we were also aiming to impact the existing global debates by bringing in new knowledge that spoke to the challenges facing the vast majority of persons with disabilities into a largely Global North-led discourse. HESP gladly entered into a partnership with HRI and OSISA to extend its experience in a new region and collectively develop a field of major social importance and value.

The LatAm Project partnership had similar beginnings and ambitions, responding to the conservatism of legal scholars in Latin America and the dearth of research and teaching on issues of social exclusion and inequality, and specifically the rights of persons with disabilities.³ HESP's work here required significantly less effort in laying the groundwork and building capacity. When HESP stepped in, HRI was already working with a small but excellent group of disability rights experts at law schools in Latin America. It was relatively simple to build on the existing capacity and develop new dimensions to the ongoing work.

Our ambitions expanded over time. Initially, we looked to increase the knowledge of the UNCRPD among future lawyers who would then support the capacity of legal and disabled people's organizations in the region. Over time, our ambition grew and we aimed at building up the supported law schools into hubs that offer expertise and solutions on disability-related legal issues in their countries and regions. We broadened our support in curriculum development, experiential learning, and regional research, and added components relating to university partnerships with the disability rights movement, collaboration with policymakers, and advocacy for inclusive higher education. We have also started to build a network - creating closer links among the schools and between the two regions of operation, as well as connecting with the expertise available internationally, including the consortium of law schools in the Disability Rights Scholarship Program (DRSP).⁴

As our own involvement grew, both HESP (and HRI) strategies for this work transformed from "field" into "concept". In HESP's current strategy (2014-17) this work ties to the category of work on *Bridging gaps in university curricula and knowledge production on issues of social justice, democratic practice and human rights* (Concept). Our programming in this category is driven by the following **goals**:

1. Bridging the knowledge gap on a theme of critical social importance;
2. Transforming traditional academia through bringing in reform and innovation.

Our theory of change in this Concept is based on the belief that higher education is a powerful tool for developing an issue area field and social transformation. This rests on the following **assumptions**: (a) introduction of teaching modules on disability rights into university curricula creates platforms for sustainable,

³ Juny Montoya. The Current State of Legal Education Reform in Latin America: A Critical Analysis. *Journal of Legal Education* (2010). <http://www.swlaw.edu/pdfs/jle/jle594montoya.pdf>

⁴ DRSP is a joint initiative of OSF's Scholarship Programs and Human Rights Initiative and an individual support scheme which awards scholarships for graduate studies in disability rights in a select number of universities in the Global North. Among the host universities are: McGill University, American University, Syracuse University, Cardiff University, University of Leeds and National University of Ireland-Galway.

long-term and qualified training of professionals; (b) locally relevant and socially engaged research sparks public debate and informs change in policies and practices; (c) awareness-raising activities help to tackle stigma and discrimination against persons with disabilities within universities and their adjacent communities; (d) universities possess relevant resources, they have authority and legitimacy, and they are of strategic value and are influential in their societies. Beyond the influence on a specific issue area, we believe that the introduction of new models of teaching and a culture of dynamic public engagement at one department/school will serve as an inspiration and have a wider impact on the university as a whole.

III. State of Play and Our Place

Context. In 2008, the UN Convention on the Rights of Persons with Disabilities (UNCRPD) entered into force. The UNCRPD is a progressive, grassroots-led legal instrument which triggered response and large-scale ratification internationally.⁵ The field is developing into an exciting and burgeoning area of human rights discourse. Its challenges are vast and complex, with persons with disabilities constituting the largest minority in the world and one that faces barriers in all spheres of life.⁶

The implementation of the UNCRPD remains slow and complex, especially in developing countries where the vast majority of persons with disabilities live. There are many challenges in achieving social change for persons with disabilities: civil society and government agencies often do not understand the full meaning of UNCRPD provisions; academics and lawyers lack the required expertise to develop solutions and defend the rights of persons with disabilities; communities harbor serious stigma and religious beliefs that further perpetuate discrimination against persons with disabilities and make change extremely difficult. Adding to the complexity of the field is the absence of a clear definition of disability – the UNCRPD itself sees disability as an evolving concept which may differ from place to place.⁷ Hence, it is important that the Convention is well-understood in diverse political, social and cultural contexts, if the promise of this progressive instrument is to be realized. Furthermore, disability rights are often seen differently than other issues of discrimination, confined to the notion of the need for protection. Getting past the discussion of mechanisms for protection to understanding the concept of full agency and engagement of persons with disabilities has been an important piece of work for this initiative.

Significant players. Over the past decade, the international donor community has invested significant resources into the disability field. Among the main players are DFID, AusAID, USAID, the Disability Rights Fund (a pooled effort of multiple donors), and UN agencies. The support of these donors can be grouped broadly into the following areas: (1) disability-inclusive development – programs to support economic empowerment and job training; (2) strengthening of disabled people’s organizations (DPOs); (3) inclusive education – in primary (and to some extent secondary) education and teacher training.

Higher education. The UN Millennium Development Goals (MDGs), although not addressing disability specifically, emphasized access to universal primary education. As a result, a lot of “action” and donor funding

⁵ In Sub-Saharan Africa and in Latin America all countries where we currently work, with the exception of Botswana, signed and ratified the UNCRPD. The majority of them also ratified the Optional Protocol.

⁶ According to the WHO and World Bank report of 2011: more than one billion people or 15 percent of world’s population live with some form of disability. The estimated number of children and youth under 18 years old ranges between 93 million and 150 million. http://whqlibdoc.who.int/publications/2011/9789240685215_eng.pdf?ua=1

⁷ <http://www.un.org/disabilities/convention/conventionfull.shtml>

in the education sector in the past decade focused on access to primary education and teacher training. Support in these areas remains a high priority for the international donor community, which is reaffirmed in the new Sustainable Development Goals (SDGs), although this time the Goals specifically target inclusion of persons with disabilities at all levels of education, including university.⁸ This is a positive development in the field, and we look forward to seeing what new ideas and initiatives emerge at the intersection of higher education and disability. The Goals specifically target an increase in the number of university scholarships globally. So far, there is no indication if any support will address the issues of revising curricula, training faculty, increasing research, or transforming institutions of higher education themselves.

There are a number of bright scholars and progressive university-based research centers (such as National University of Ireland - Galway, University of Leeds, Syracuse University, University College London, etc.) and a growing movement of technologists exploring the potential of ICTs in increasing access to knowledge for persons with disabilities. Sadly, this knowledge resource is primarily concentrated in North America, Europe and Australia. Most higher education institutions and their communities in the Global South remain unprepared to teach or produce locally-relevant knowledge and solutions on disability rights issues. Furthermore, access to higher education remains a concern - the few persons with disabilities that reach universities are often allowed access only to selected disciplines and many drop out in the first year due to the lack of reasonable accommodations and stigma in university communities.

Our place. Although the above-mentioned donors and centers (and large international DPOs) invest significantly in raising awareness and ad hoc training on the rights of persons with disabilities, targeted and specialized education of professionals on disability rights (beyond teacher training on inclusive education) remains limited. There are only a few graduate programs specializing in disability rights around the world – the majority of these are located in the developed world (including the DRSP consortium hosts).

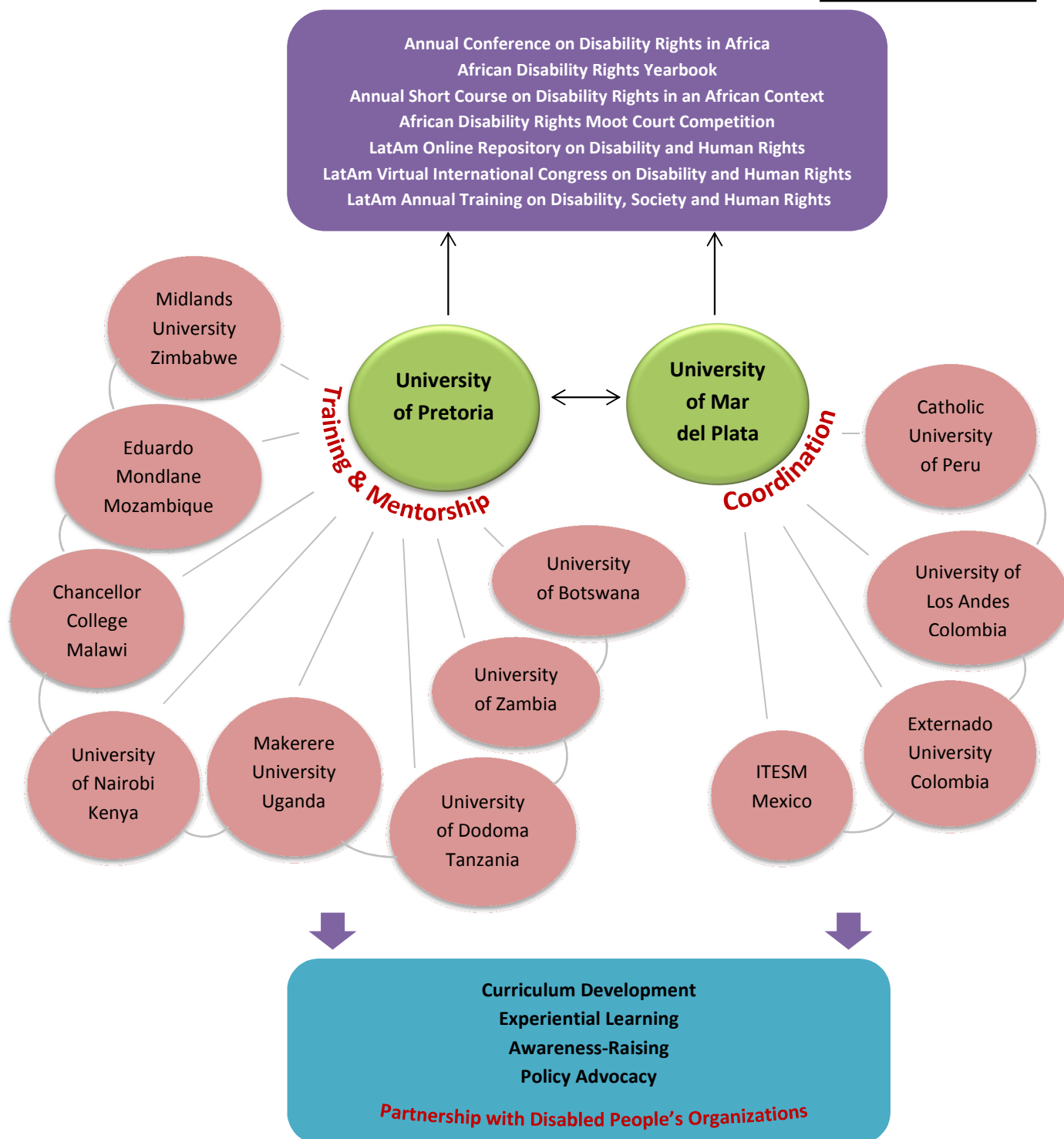
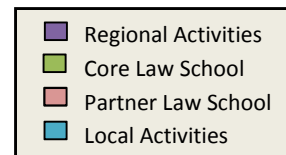
We have been trying to fill the gap by investing in a number of law schools and creating local capacities to drive change in the regions of Southern and Eastern Africa and Latin America. This work will not yield quick returns on investment, especially in Africa, where we had to start from scratch. It requires long-term commitment and significant investment of financial and operational resources. Our input is still modest as compared to what is going on globally, but the expectation is that we are laying the groundwork for the implementation of the UNCRPD for years ahead.

IV. Our Work

Program Design

Both the Africa and LatAm Projects are designed as networks with one law school at the core, taking the lead on project coordination, supporting a network of partner universities. The approach promotes close connection with the disability rights movement and the realities on the ground in all Project activities. The graph below illustrates the connections between different actors and outlines the main areas of work at regional and local levels:

⁸ SDG Goal #4 addresses inclusive and equitable quality education and lifelong learning opportunities for all. The targets include equal access for all, including persons with disabilities, to all levels of education. <https://sustainabledevelopment.un.org/sdg4>



Our funding commitment to the law schools is limited to three years based on one-year grant cycles. In this period, the schools are expected to establish local strategic partnerships and find solutions to institutionalize the main project components.

Taking Stock

The supported network includes **nine universities in Africa** and **four universities in Latin America** (please see *Appendix 1*). We are currently in the process of expanding to an additional three universities – two in West Africa and one in Latin America. At the African institutions, the work is spearheaded by a total of 34 lecturers who received advanced training in disability rights, clinical legal education and teaching methods. The LatAm project is led by a team of six disability rights scholars who have further reached out to another 150 law professors and introduced them to disability rights. The total investment by OSF in this work since 2010 is close to \$2.8 million (HESP – \$1.85 million, HRI - \$570K, OSISA - \$184K; OSIEA - \$175K).

Altogether, the partners developed 37 courses and modules and introduced 2,000 students to the subject of disability rights. Regional events reached an audience of 700 participants through traditional and online conferences, and 400 academics, activists, policymakers and students through summer schools and workshops. LatAm Project's online depository provided access to over 4,500 visitors. For detailed info on the Projects' outputs please see *Appendix 2*.

Successes: What Worked Well and What Was Our Role?

One of our **main oversights** in evaluating this work is that we have not yet solicited feedback from the Projects' final beneficiaries – persons with disabilities and lawyers who received the training. Beyond some anecdotal evidence, we do not have a confirmation of how valuable the cooperation with universities is for the partner DPOs – do they see real impact? Or if any of the lawyers took on working in disability field after graduating from the partner law schools.⁹

With that in mind, we can only speak to the successes in terms of our “footprint” and the impact/change in the field of higher education. These can be highlighted through the following three areas:

A. Creating a substantial body of locally-relevant knowledge - *Most Visible Component*

Both networks have developed into sources of information on disability rights in their countries and regions. The Africa Project's *Disability Rights Yearbook* is a “noteworthy compendium of short articles and country reports on disability rights implementation in Africa.”¹⁰ The *Conference* is an all-Africa academic event on disability rights bringing together one hundred scholars and practitioners yearly. The model *Core Curriculum* is being consulted by other, and especially new, partner law schools in Africa. The LatAm Project's *Online Repository*, a digital archive with 1,000 mostly Spanish-language items on disability rights, is accessed by visitors from ten countries in the region. Both Projects have also established regional platforms to offer training in disability rights to persons with disabilities, researchers, advocates and policymakers – “who come away with a solid understanding of disability rights, especially the UNCRPD”¹¹. Some of the Projects' public events have not risen to our expectations in terms of the level of expertise or impact, but even then some

⁹ Univesidad de los Andes (PAIIS) in Colombia is an exception here: we know that no less than five former students from PAIIS and one student supervisor have gone on to be DRSP fellows and continue working on disability rights issues.

¹⁰ Robert Dinerstein, Washington College of Law. External Evaluation Report on Disability Rights and Law Schools Project in Africa.

Please see Appendix 4, page 7.

¹¹ *Ibid.* page 3.

excellent works or individuals appear through these. Although sustaining this work requires substantial investment of resources, both financial and operational, our support to these regional activities was fundamental in getting traction and conversation started on the issue area in the regions.

Please see *Appendix 3* for links to the above-mentioned resources.

B. Teaching and experiential learning – *Most Sustainable Component*

Each partner law school has developed or is developing disability rights modules and/or stand-alone courses. Some of these, especially the stand-alone courses, have gone through all levels of university approval and are entrenched into the law school curricula – hopefully for years to come. The courses and modules are “comprehensive” and “well-thought-out.”¹² They also carry an experiential learning component that comes in various forms, from clinical legal education to field research, from moot courts to student-led community outreach. OSF’s operational support to these activities is quite sizable – from providing expert feedback on the curricula to technical assistance through site visits and organizing trainings on teaching methods, clinical legal education and inclusive classroom practices.

C. Breaching the “walls” of academia – *Most Exciting and Fulfilling Component*

One of our ambitions with these Projects was to see the new knowledge and expertise translate into action, policies and empowerment of the disability rights movement. To that end, we have encouraged and supported the law schools in developing partnerships with local DPOs and NGOs, national law societies and relevant government bodies. While we have yet to measure the impact on the disability rights field systematically, our partner universities have begun to inform and be informed by the realities on the ground. The contribution is still quite modest, but we are starting to observe the schools gaining legitimacy and visibility in their communities. Given the conservatism of some universities, these links did not emerge naturally. In Africa, in particular, OSF played a defining role in giving an initial push and facilitating these partnerships, which in some cases went beyond what we have supported financially.¹³

We believe that the success of this component was supported by the composition of the OSF team collaborating on this effort, bringing together HRI’s subject-area expertise and experience of working with the movement; HESP’s knowledge of academia and higher education development; OSJI’s expertise on clinical legal education; and the Africa Foundations’ regional expertise and operational capacity. Our combined knowledge helped us identify the right stakeholders and strategies for engaging them. Needless to say, it has also been an excellent way of learning from each other.

In addition to the above three areas, **what surprised us** is the level of traction that the Projects received within and outside the host universities. Externally, they raised interest from other institutions that came to us with

¹² Ibid. page 4.

¹³ Some examples of the schools’ cooperation with other stakeholders: University of Nairobi’s student mentorship program with a network of DPOs; Midlands State University invited by the government to comment on the draft National Disability Policy in Zimbabwe; University of Malawi’s students invited by public prosecutor to assist on cases related to persons with albinism; University of Malawi’s trainings of judicial officers; Eduardo Mondlane University’s trainings of Mozambican DPOs on development of shadow reports; Eduardo Mondlane University assisting the Ministry of Social Affairs in drafting legislation and policy related to persons with disabilities; University of Pretoria’s disability rights toolkit for South African Human Rights Commission.

ideas to develop similar work - this is partly the reason why the network has grown to its current size. Within the partner universities: our support triggered conversations and actions on developing disability-inclusive university policies, establishment of support centers and raised the interest of the departments outside the law schools.

Lessons Learned and What We Could Have Done Differently

Given the length and the growing scope of this work, we recognize a number of things that we could have conceptualized and done differently. Below we would like to specifically reflect on those that closely tie in with our main challenges today.

Program Design

1. Establishing mechanisms for measuring impact. In 2014, HESP commissioned an external evaluation of the Africa Project which was carried out by Bob Dinerstein from American University Washington College of Law. Although Bob came back to us with a generally positive assessment,¹⁴ he pointed out an important gap in our planning, namely in identifying desired outcomes and measurable goals for each Project component. It is true that although we knew “the big picture” and what we set out to achieve, we did not lay out clearly the desired outcomes and qualitative and quantitative indicators of success for each component of this work. This has affected our strategic decisions and planning. A good example of this is the curriculum component: we set out to introduce legal education on disability rights, but were loose in the requirement on the type, level and duration of the disability rights courses developed by the partners. As a result, they range from mandatory courses to electives, from human rights modules to self-standing courses, from LLM to LLB levels, from only eight teaching hours to semester-long courses. At the outset, we overlooked the question of what impact we would like these courses to have on future lawyers – is it awareness of and familiarity with the issue? Or is it to strike interest in the field and have young attorneys take up careers in disability rights? In which case, what is the ultimate length, level and intensity of the disability rights course? Identifying the targets and the “gold standard” beforehand or at the very early steps would have added more consistency and focus to our work.
2. Creating a stronger “core”. The Africa Project is highly dependent on our involvement and guidance. We chose the Centre for Human Rights at the University of Pretoria as the centerpiece and mentor of the Africa Project. Overall, we think that our choice was right - the Centre was one of few schools at the time with adequate resources, reputation and experience with participatory teaching methods. However, as the scope and size of the work grew, we realized that the Centre’s capacity was no longer sufficient to continue in a leadership role or to offer the kind of expertise needed. For this reason, we had to step in with supporting components of the project. In 2013, we brought in an excellent OSF Disability Rights Scholarship Program alumna – Elizabeth Kamundia – to join the Center as a PhD student and Project coordinator (now replaced by another Scholarship alumna); we supported additional training

¹⁴ The external evaluation identified that the Project made excellent progress in the areas of a) training faculty; b) introducing advanced courses into university curricula, and c) advancing regional scholarship on the subject; and it was only partially successful in developing university-based legal aid clinics, policy advocacy and awareness-raising. Please refer to Appendix 4.

opportunities for the partner schools; we have partnered with a colleague at the Justice Initiative to provide expertise in clinical legal education; and we became more hands-on in helping shape all project activities – hence the shift of this work from “field” into “concept” in both HESP’s and HRI’s strategies. These add-ons are irregular and hardly sustainable in the long run. As a result, there is a lot of handholding and occasional “putting out fires”. This work could have been more effective, had we originally ensured that the Centre had stronger leadership in the realm of disability rights and experiential learning. Perhaps, having more than one core school to share and complement the work would have been even a better choice. We realize the value of this now as Midlands State University in Zimbabwe has developed a strong experiential learning component and we are starting to rely on them as a mentor to other schools in the region.

3. Letting universities do what they do best. Addressing a gap in the field, we expected the schools to take on many areas of advancing the rights of persons with disabilities: from teaching to litigation, from research to community engagement, from awareness-raising to policy advocacy nationally. Looking back at what did and did not work well, we realize that ownership in some areas is best in the hands of the disability rights movement - regardless of whether law schools have the capacity to lead or not. In our experience, two such areas are policy advocacy and strategic litigation. Universities can and should be valuable allies and partners, but the lead and drive should remain with self-advocates and the movement. This is especially important for sustaining change in the long run. Academics are well-placed to inform, help draft or comment on policies (as the partners do in Mozambique and Zimbabwe), but leading advocacy efforts is not, nor should it be, their strongest suit. Legal case work through university-based legal aid clinics has an excellent experiential learning value for students and should be supported as such. It rarely fulfills some schools’ expectations of engaging in impact litigation and delivering on landmark cases. Although there have been exceptions: in 2015, the team at University of Los Andes received a favorable ruling from the Colombian Constitutional Court that the university must provide accommodations for its client, a deaf-blind student; and earlier this year, - the team from Midlands State University won a case in the High Court of Zimbabwe against the government regarding discrimination of employees with visual impairments.
4. Training teams of lecturers vs individuals. The original design of the Africa Project supported training of one university lecturer from a potential partner law school through a special disability rights track at the University of Pretoria’s LLM Program in Human Rights and Democratization in Africa. Upon graduation, the lecturers were expected to return to their home universities and spearhead the implementation of the Project activities. This approach revealed two weaknesses: (a) the fate of the Project was high risk if the trained lecturer left the project (as happened at the universities in Mozambique, Zambia and Namibia); and (b) it became unrealistic to expect one university lecturer to support teaching, clinical legal education and community outreach. The schools naturally developed teams and, in order to sustain the quality of the work, we found it necessary to offer additional training opportunities ranging from workshops in clinical legal education to teaching methods and inclusive education. Training teams through a more time-effective and targeted platform than a one year human rights LLM program, may have been a better fit for the capacity-building component of this Project.
5. Finding creative ways of engaging with student movements. Although all local Project activities are conceptualized to facilitate the involvement of students, we have also attempted to find ways to support

more independent student-led work on disability rights. In 2014, HESP launched an RFP to support student-led and student-designed advocacy projects on inclusion and access at higher education institutions. As a result, only two projects of eight applications received funding. The initiative did not get much traction and we did not explore this line of work further. Looking back and observing the increasing power of student movements, including recently in Africa, we wonder if we missed some opportunities by not identifying the right groups.

Stronger OSF “Hand”

6. Recognizing the importance of engaging with university leadership and the role of internal politics. There have been a number of hiccups when the Project’s work was delayed or even came to a complete halt due to weakened commitment of the leadership and/or power plays within the law departments of partner universities. Although we always have strong allies among faculty members, we could not continue our work with the University of Namibia due to a change of heart from the Dean. Similarly, we are currently awaiting an administrative conflict to be sorted out at the partner school in Peru. We have learned from experience that support and commitment of the university leadership is not only an important success factor that keeps the work going and helps to overcome challenges, it also often determines the dynamism and effectiveness of the work. After all, our most successful school – Midlands State University in Zimbabwe - largely owes its achievements to the strong leadership and commitment of the Dean.
7. Mainstreaming partnerships with civil society in the regional activities. We paid close attention to supporting links between the schools and DPOs and policymakers locally. But we left the regional Africa activities less attended to in this regard. Both the *Annual Short Course* and the *All Africa Regional Conference* with its outcome - the *Yearbook* - are unique academic events in the region. We have recently realized that the field could benefit greatly from re-conceptualizing these events towards co-production of ideas and policy recommendations jointly with the disability rights movement.
8. Increasing visibility of the work. Although the partner schools have done a relatively good job in promoting their work locally, we, as OSF, could have supported them better in reaching out to the international community through means available to us. This includes supporting the development of an online platform to consolidate and disseminate accumulated knowledge, promoting the work through OSF voices, and helping the schools in bringing in other donors and finding funding solutions beyond our three-year commitment. The latter proved to be very difficult – especially given that the schools have no experience in fundraising. The Projects carry plenty of stories that are worth telling and have adequate components to build up their visibility internationally.

Consolidating Our Own Efforts

9. Developing a joint written strategy for this body of work. This OSF partnership is efficient, dynamic and inspiring. While over time the lead staff for this work has rotated in all programs, we have continued to build on and deepen the Project’s shared ambitions and priorities. That being said, we also realize that a joint written strategy with clearly defined goals, indicators of success and sustainability targets would have supported our work better. The Project started off as a pilot and was to some extent a cooperation

experiment between the OSF entities. We had a shared vision but never articulated this in a formal, written joint strategy. The work grew vibrantly and we often now find ourselves in a situation when our strategic thinking catches up with the action of our grantees.

10. Consolidating efforts with the Disability Rights Scholarship Program (DRSP).¹⁵ We see potential in linking with the DRSP more deliberately, a recommendation that was made in Bob Dinerstein’s evaluation of the Africa Project (Bob himself is the representative of the Washington College of Law in the consortium of law schools that host DRSP). There have been two very direct links: in 2013, Elizabeth Kamundia, a stellar DRSP graduate from Kenya, became the coordinator of the Africa Project as a PhD candidate at the University of Pretoria; as of March 2016, Innocentia Mgiijima, a DRSP alum from Zimbabwe, is succeeding Elizabeth in this role. Yet despite these direct links and several partnerships between the law schools and the DRSP alumni that developed more organically, we see room for improvement in more closely weaving these efforts together, perhaps, on a more structural level.

Conclusions: Did Our Assumptions Work?

Our initial assumptions (please see end of page 2) were only somewhat correct.

- (a) **Universities possess appropriate resources and structures to develop educational platforms.** How sustainable they are remains questionable, especially when it comes to activities that reach beyond the regular university communities. All our partners confirmed that they are unlikely to continue their outreach components beyond our funding. Self-standing university courses that went through formal approval are more sustainable and should be seen as a “gold standard”.
- (b) **Locally relevant and socially engaged research has a potential to contribute to change.** We believe this assumption is valid, with a caveat that advocacy efforts around it are best left in the hands of self-advocates and civil society.
- (c) **Awareness-raising activities are an excellent way of promoting experiential learning for students, providing firsthand exposure to persons with disabilities and the rights violations they face, and developing their commitment to social justice.** Anecdotes we have heard from students involved in the Project provides incontrovertible evidence that this assumption has borne out. That being said, we have not collected this evidence in a systematic manner. Some schools have developed evaluation instruments to measure this impact, but we failed in collecting and systematizing this data across all schools involved in the Project.
- (d) **Universities are well-respected and have legitimacy in their societies.** Our partner schools had little obstacles in reaching out to various stakeholders, including government agencies, law societies, national human rights institutions. This means that Universities can serve as valuable allies to civil society in getting a message across and raising the profile of their work.

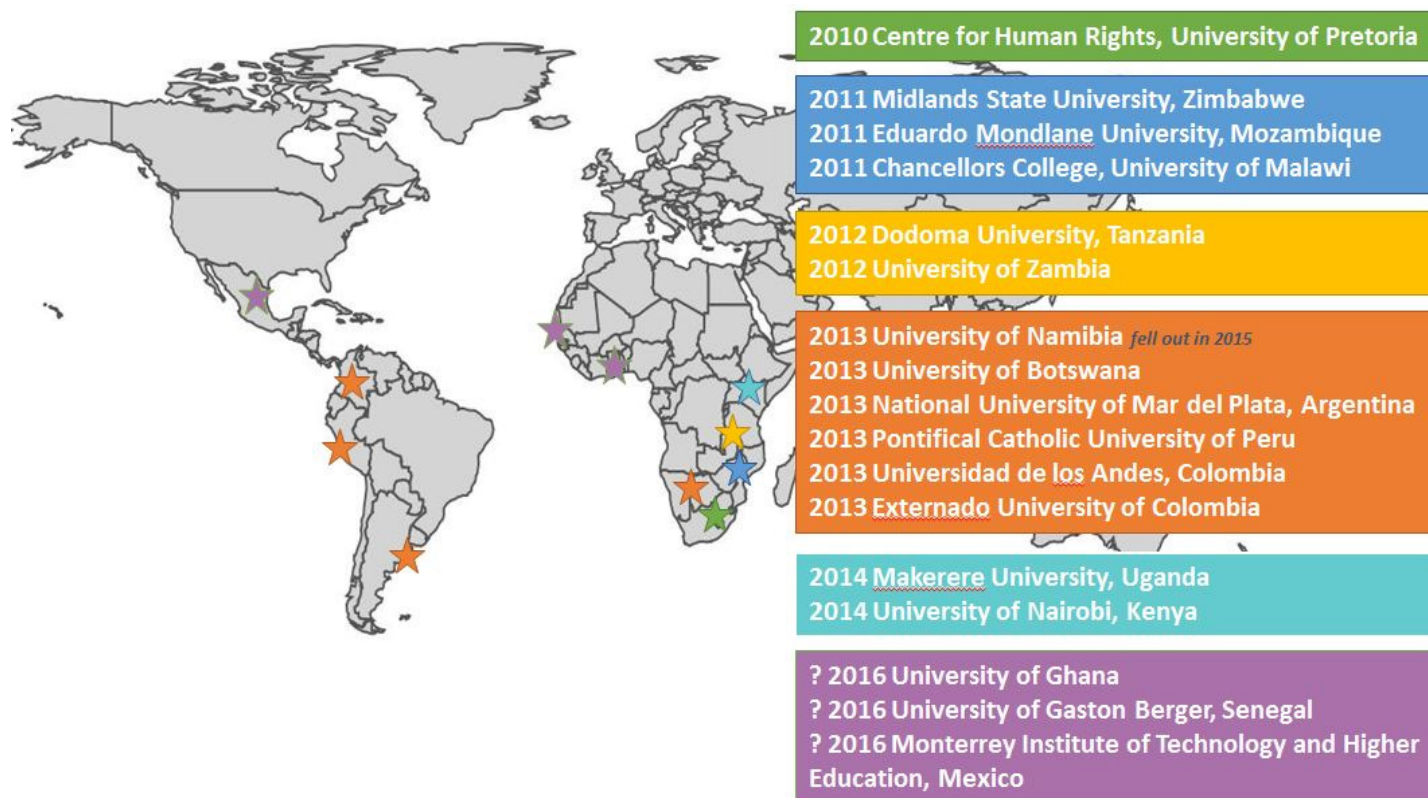
V. Looking Forward: Questions We Are Grappling With

Our work is approaching a turning point. At the end of 2016, we will be awarding the last batch of grants to the law schools in Africa – with the exception of two universities in West Africa, which are developing their first

¹⁵ Please see the short description of the DRSP program in footnote #4 on page 2.

proposals. The LatAm network is also expected to get strong on its feet by the end of the current grant ending in mid-2017. Given this, there are a number of questions which need our immediate attention and careful consideration.

- Over the years we have invested into building an issue area field – what does an ideal end result look like? When do we know that our job is done?
- What does “sustainable” mean in the context of this work? What are the indicators that this work will continue after we tie off our support?
- Should we let the current work run its course according to the originally planned three-year cycle? Should we keep expanding geographically or thematically (beyond legal education) given the novelty of the field? Should we shift focus towards empowerment of persons with disabilities supporting advocacy on access to higher education – a largely non-existent movement in the world?
- How could greater connections be built between the Projects and the DRSP initiative? What would be the value-added in making these connections, or is it better to let them develop more organically?
- To what extent are these efforts contributing to UNCRPD enforcement and the inclusion and participation of persons with disabilities in their communities? To what extent are they helping to build the disability rights movement?



APPENDIX 2: OUTPUTS

REGIONAL ACTIVITIES

| | Activity | # events / issues | # of attendees / items / visitors |
|-----------------------|--|-----------------------|-----------------------------------|
| Africa Project | Annual Conference on Disability Rights in Africa | 3 | 300 |
| | Annual Short Course on Disability Rights | 6 | 300 |
| | Disability Rights Moot Court Competition | 3 | 50 |
| | Annual African Disability Rights Yearbook | 3 | 23 country reports 28 articles |
| | Model Core Curriculum on Disability Rights | 1 | - |
| LatAm Project | Annual Training on Disability, Society and Human Rights | 1 | 50 |
| | Virtual Research Congress on Disability and Human Rights | 1 | 400 |
| | Online Repository on Disability and Human Rights | 1,000 digital objects | 4598 visits |

LOCAL PARTNER LAW SCHOOLS ACTIVITIES

| | | # of courses & modules | # of students trained | # of faculty trained | # of outreach activities | # of student dissertations |
|-------------|---|---------------------------|-----------------------------|----------------------------|-----------------------------|-------------------------------|
| 2010 | Center for Human Rights, University of Pretoria | 1 | 180 | | 12 | 5 |
| 2011 | Midlands State University, Zimbabwe | 2 | 264 | 4 | 10 | 8 |
| | Eduardo Mondlane University, Mozambique | 2 | 258 | 6 | 14 | 12 |
| | University of Malawi, Chancellor College | 2 | 186 | 7 | 4 | |
| 2012 | University of Dodoma, Tanzania | 1 | 322 | 2 | 2 | 9 |
| | University of Zambia | 3 | 45 | 6 | 5 | |
| 2013 | University of Botswana | 1 | 140 | 3 | 5 | 2 |
| | National University of Mar del Plata, Argentina | 2 | 135 | 10 | 3 | |
| | Pontifical Catholic University of Peru | 6 | 222 | 120 | 5 | |
| | Universidad de los Andes, Colombia | 1 | 36 | 10 | 2 | |
| | Externado University of Colombia | 6 | 300 | 10 | | |
| 2014 | Makerere University, Uganda | 1 | 0 | 3 | 2 | 0 |
| | University of Nairobi, Kenya | 9 | 0 | 6 | 1 | 1 |
| | | 37 | 2088 | 187 | 65 | 37 |

APPENDIX 3: LINKS TO REGIONAL ONLINE RESOURCES

African Disability Rights Yearbook

Volume 1 (2013): <http://www.adry.up.ac.za/index.php/issues/volume-1-2013>

Volume 2 (2014): <http://www.adry.up.ac.za/index.php/issues/volume-2-2014>

Volume 3 (2015): <http://www.adry.up.ac.za/index.php/issues/volume-3-2015>

Core Curriculum on Disability Rights for Undergraduate Law Students in Africa

http://www.chr.up.ac.za/images/files/publications/other/disability/changing_the_landscape_2015.pdf

Annual Conference on Disability Rights in Africa

<http://www.chr.up.ac.za/index.php/annual-disability-rights-conference.html>

Annual Short Course on Disability Rights in an African Context

<http://www.chr.up.ac.za/index.php/annual-short-course.html>

African Disability Rights Moot Court Competition

<http://www.chr.up.ac.za/index.php/african-disability-rights-moot-court-competition.html>

Latin American Online Repository on Disability and Human Rights

<http://repositoriocdpd.net:8080/handle/123456789/1>

Latin American Virtual International Congress on Disability and Human Rights

<http://redcdpd.net/congreso/>

Evaluation of Disability Rights and Law Schools Project in Southern Africa

Submitted to: Open Society Foundations, Higher Education Support Program (Elena Naumkina)
By: Robert D. Dinerstein, Professor of Law, American University, Washington College of Law
Date: October 19, 2014 (rev. from July 8, 2014)

At the request of the Higher Education Support Program (HESP), I conducted an evaluation of HESP's Disability Rights and Law School Project in Southern Africa ("the Project"). This evaluation consisted of review of materials (proposals, progress reports, etc.) prepared by HESP, Open Society Initiative for Southern Africa (OSISA), and the partner schools that are participating in the Project; a meeting in Johannesburg, South Africa, with representatives from four of the participating universities (University of Namibia, University of Zambia, University of Dodoma (Tanzania), and Chancellor College, University of Malawi); on-site visits to two Project partners, Midlands State University in Gweru, Zimbabwe, and Eduardo Mondlane University in Maputo, Mozambique; a meeting with Frans Viljoen, Charles Ngwena and Elizabeth Kamundia of the University of Pretoria Centre for Human Rights; and Skype or telephone interviews with Louise Olivier, formerly of OSISA (now with HRI); Enoch Chilemba, Chancellor College, University of Malawi; and Tshepiso Ndzinge-Makhamisa of the University of Botswana.

These meetings/reviews/interviews were conducted in the period from approximately May 3, 2014, to July 3, 2014. I received complete cooperation from all those with whom I interacted, and in particular want to thank Elena Naumkina for her able assistance in providing materials, assisting in logistics, and sharing her insights about the Project's goals and achievements. The observations and recommendations in this report are, of course, mine.

This report is an evaluation of the Disability Rights and Law School Project, with particular focus on the extent to which the Project is achieving its goals. In the course of this report, I will address additional specific questions that were posed in the Terms of Reference.

Basic Description of the Project

The basic goal of the Project is to build the capacities of law schools in disability rights through:

- Training faculty and introducing advanced courses into the curriculum
- Produce a pool of students with advanced knowledge and with practical skills developed through university-based legal clinics
- Support academic research to advance regional scholarship on the topic
- Promote policy changes and advocate for the ratification and implementation of legal instruments protecting the rights of persons with disabilities through lobbying and media campaigns
- Raise awareness through community outreach activities, such as public lectures and trainings for representatives of NGOs, DPOs and government officials.

The program's goals are ambitious. As stated in an OSISA document:

Through a range of interventions . . . we envision opportunities for advanced study in disability rights to students and faculty, with the goal of enhancing existing programs in order to foster a cohort of experts and legal professionals engaged in the disability rights discourse in Africa. These practitioners could then go on to take forward litigation to promote enforcement of rights protected in the CRPD, engage in legislative reform efforts, or train and mentor new lawyers in disability rights through clinical programs that would further innovative work in this area.¹⁶

Funding is scheduled to be provided for three years upon the return of faculty who receive disability rights training to their home institutions.

Participating Schools

- University of Pretoria, Centre for Human Rights (coordinator)
- Midlands State University, Zimbabwe
- Eduardo Mondlane University, Mozambique
- Chancellor College, University of Malawi, Malawi
- University of Dodoma, Tanzania
- University of Namibia, Namibia
- University of Zambia, Zambia
- University of Botswana, Botswana

The Project originally began with the first four universities listed above, with the others added later (and with the University of Botswana only now beginning to implement the project). As a result, conclusions about implementation of the Project at partner universities vary depending on the length of the time that the Project has functioned at that partner school.

Findings

Disability rights is a burgeoning area of human rights discourse. With the adoption and large-scale ratification of the UN Convention on the Rights of Persons with Disabilities (CRPD), disability rights has taken on increased importance in many areas of the world, including Southern Africa.¹⁷ The CRPD has already served as a catalyst for legislative change in these countries, spurring the passage of new legislation as well as re-examination of existing legislation (and constitutional provisions) to determine if they comply with the requirements of the CRPD.

Treaties and laws mean little, however, if civil society and government agencies do not understand the full meaning of their provisions (or are even aware of their existence); if academics have not been exposed to their content; and if lawyers are not trained to represent people with disabilities

¹⁶ OSISA Note to HESP to deepen the impact of the Disability Rights and Law Schools Project (undated), at 3-4.

¹⁷ As of October 19, 2014, seven of the eight countries covered by this Project have ratified the CRPD; only Botswana has not done so. Of the seven, five also have ratified the Convention's Optional Protocol, which permits submission of individual complaints for adjudication before the Committee on the Rights of Persons with Disabilities. World-wide, 151 countries have ratified the CRPD and 85 the Optional Protocol. See <http://www.un.org/disabilities/latest.asp?id=169> (visited October 19, 2014). For a discussion of the challenges and accomplishments of implementing the CRPD in Africa, see Janet Lord & Michael Ashley Stein, *Prospects and Practices for CRPD Implementation in Africa*, (2013) 1 ADRY 97-113.

whose rights have been violated. When added to the pervasive stigma still prevalent with respect to disability (especially intellectual and psychosocial disabilities), the task to effectuate positive societal change can be a daunting one. Disability rights is just past the starting line in Africa; the question is how it can reach the finish line within a reasonable period of time.

In this context, the Project's focus on capacity building is a highly appropriate one. Its goals are extensive and far-reaching, combining as they do educational elements (training of faculty; development of curricula; research), professional training (developing students' practical lawyering skills) and substantive law reform (policy advocacy). Half-way through the life of the Project, it would be unrealistic to expect achievement of all of these goals. But the Project has attained impressive results, especially in areas in which it can exercise the greatest control—e.g., the training of faculty and development of curricula. Moreover, the Project has been able to draw upon other entities within the OSF family—the Human Rights Initiative and the Open Society Justice Initiative— and outside of it—e.g., the Global Alliance for Justice Education (GAJE) --to develop synergies and multiplier effects that go beyond the financial and logistical support specific ally tied to the Project.

With respect to the specific goals of the Project, I have the following conclusions/observations:

1. *Training faculty and introducing advanced courses into the curriculum: Excellent Progress.*

Each partner school has or is developing a disability rights module or stand-alone course, with good curricular structure. The schools have adapted the model curriculum, developed at the University of Pretoria's Centre for Human Rights, to address country-specific disability rights issues in addition to the more generic international and regional instruments and interpretations. Although there is a need to develop additional materials that are specific to Africa, the curricula make good use of the existing materials in the field. One area of concern is for Eduardo Mondlane University, where the need for materials in Portuguese is an ongoing issue.

The Centre of Human Rights has brought on Elizabeth Kamundia (who was an OSF-funded student at National University of Ireland-Galway, Centre for Disability Law & Policy, receiving an LL.M. in International and Comparative Disability Law & Policy in 2011-12), to assist with interacting with the partner schools. She has played an important role in reviewing the disability rights curricula that the partner schools have been developing.

The Project also has been successful in training faculty in disability rights through the course at the University of Pretoria, Centre for Human Rights. Although not strictly part of the evaluation, I sat in on several lectures (and gave two of my own) in the Centre's week-long course on Disability Rights in an African Context in March 2014.¹⁸ The course attracts an impressive roster of South African, other African and international disability rights experts and the students were well-prepared and highly motivated in the sessions I observed. It is reasonable to think that students who take the course will come away with a solid understanding of disability rights, especially the CRPD.

¹⁸ The course is described at <http://www.chr.up.ac.za/index.php/ahrc-2015/disability-rights.html>

With the exception of the attendee from Eduardo Mondlane University, the attendees have returned successfully to their schools to pursue teaching these modules/courses. At least one attendee has gone on to pursue a Ph.D. while also intending to return full-time to his home institution. The Project is also making use of some of the early attendees as co-teachers in later training sessions or as resources to other partner schools.

Most of the law schools offer the disability module to upper-level students (e.g., at Midlands State, students take the disability rights module in either their third or fifth year of their undergraduate education), though the University of Dodoma offers the course (as a “self-standing core course that meets in the first semester of the first year for three hours per week) and Eduardo Mondlane offers the undergraduate course in the second year. Not all partner schools have been able to develop stand-alone courses in disability rights, which would be the gold standard, but all have developed at least a multi-week module in a general human rights course, and several schools have plans to seek approval of disability rights as a stand-alone course. In most cases, though, the disability rights curricula are modules nested within broader human rights courses. At Chancellor College, for example, the disability rights module lasts for three weeks within a three-month human rights course. At Eduardo Mondlane, the undergraduate module lasts for two weeks, four hours per week. (Eduardo Mondlane also offers a disability rights module in the LL.M. program for twenty hours of instruction.) At Midlands State, the module is robust, including 36 hours of instruction over twelve weeks.

The process for obtaining permanent approval of disability rights courses at the different universities can be somewhat cumbersome, as approval may be needed at the departmental, faculty, university, and national levels. National approval may be delayed depending on the country’s schedule for curriculum review. Nevertheless, the university representatives seemed confident that the courses could continue to be offered (frequently as electives) prior to receiving permanent approval.

The curricula I reviewed (especially from Midlands, Chancellor College and Dodoma) seemed well-thought-out and comprehensive within the time allotted for instruction. At Dodoma, the disability rights class makes use of lectures, seminars, class discussions and individual and group discussions. There are plans to include more exposure to the “real-life situation of people with disabilities.” Several of the universities incorporate field trips into their curricula. At Midlands, the curriculum calls for questions to be posed at the end of each unit. The questions require the students to take different positions or address different aspects of disability rights. For example, students were required to analyze the report of the UN special rapporteur on torture regarding institutionalization in Zimbabwe. An especially good question asked students to address the capacity of people with disabilities to handle money.¹⁹ Examination questions from Chancellor College presented

¹⁹ This question is especially important because it implicates issues of legal capacity, which are a key component of Article 12 of the CRPD, one of the most critical articles of the Convention.

opportunities for students to take a critical view of the implementation of the rights of people with disabilities in Malawi, and required students to know and apply the CRPD and cases from the African and European human rights systems.

Several of the universities make excellent use of guest lecturers in their classes. For example, in the Midlands course, two guest lecturers on international human rights were from abroad, and one was from Zimbabwe. At Eduardo Mondlane, Professor Helene Combrinck from the University of the Western Cape teaches in the LL.M. course.

Being exposed to the substantive underpinnings of disability rights is not the same as knowing how best to teach disability rights to students (and, of course, one cannot become an expert in disability rights overnight). It appears that at least some of the Pretoria attendees have received feedback on teaching while still in the program, but the Project might develop such training on a more sustained basis, with follow-up mentoring once the attendees have returned home. In addition, the Project might place additional emphasis on developing active, interactive teaching pedagogical approaches that go beyond lecture/tutorial classes, student presentations, and field trips.

2. ***Produce a pool of students with advanced knowledge and with practical skills developed through university-based clinics—Partially achieved.***

Clinics at the partner schools are in various stages of development. Midlands State University (Zimbabwe), Eduardo Mondlane University (Mozambique), and Chancellor College (Malawi) have the most-developed clinics. The Midlands State University clinic is a disability-specific clinic for which that students volunteer in their fifth and final year of undergraduate education. The students are highly motivated and engaged. The clinic works on a mix of individual advice/referral matters and one larger public interest matter before the Constitutional Court. The clinic would be improved if the students had more opportunity to develop their own approaches to cases and more contact with clients. There is good coordination between the clinic (and its faculty) with the disability human rights module.

At Eduardo Mondlane, there is not a separate disability rights clinic but disability cases are part of the clinic's case load. Students at the university can appear in court on behalf of clients (sometimes without even a supervisor present), which is unusual among the other Project partners. Chancellor College offers a clinic as part of a collaboration with the Chikanda Community Centre. Students (fourth-year) receive credit for their clinic work. To date, most of the clinic work has been in the nature of drop-in legal advice without the ability to develop impact litigation, though recently the clinic took on a matter that addresses legal capacity. The Universities of Namibia and Zambia are in the process of setting up clinics that will take disability rights cases (Namibia has had a legal aid clinic since 2004, with disability cases accepted as of April 2014; Zambia planned to activate its clinic in September 2014). As of yet, Dodoma and Botswana have not established clinics that either are focused exclusively on disability rights or that take on disability matters as part of a more general legal aid clinic.

There is clearly additional work to be done to help the clinics (both those in existence and those being contemplated) determine how best to provide students with practical skills, including thinking

through the kinds of experiences they will need to have to solidify their understanding of the substantive law. Either as part of the disability rights course/module or the clinic, partner schools are aware of the need to expose students to people with disabilities and NGOs/DPOs that address disability rights issues to give concrete meaning to the international human rights and local and regional instruments and cases they read about. Exploring ways in which students can maximize their involvement in cases even when they cannot appear in court on behalf of clients is also critical. Students who wish to specialize in disability rights upon graduation will also need advice about which practice settings can provide them with the professional opportunities they seek.

Several representatives from partner schools commented favorably on the value of the clinical manual developed by Marguerite Angelari of OSJI and David McQuoid-Mason of South Africa.

Though not part of the clinic, many praised the value of the African moot court competition, sponsored by the University of Pretoria Centre for Human Rights, in which the partner schools competed. This competition's focus on disability rights was a very positive development. I observed a disability rights class (not the clinic) at Midlands State University in which students were asked to argue pro or con for whether, in light of the CRPD, Africa needed a regional disability rights instrument. I was impressed with the clarity and forcefulness of the student presentations and their embrace of the advocacy called for.

At a number of the universities (e.g., Midlands), the clinics are voluntary, and students do not receive academic credit for their clinical work. (At Chancellor College, fourth-year students can receive academic credit, but not others.) Although the Midlands clinic students with whom I met seemed enthusiastic about their clinical experience, making clinic credit-bearing is critical if students are to be able to devote the significant amount of time that intensive work on real cases requires.²⁰

During my on-site visits, I was able to spend significant time with the clinical faculty member and clinical students at Midlands and meet with a clinical student and client (and briefly with the clinical teacher) at Eduardo Mondlane. At Midlands, the clinical supervisor has a fairly large student teaching load, and although he can get assistance from the dean and the faculty member who teaches the disability rights class, he bears the primary responsibility for the cases and student supervision. The experience for the students in the Midland clinic would be enhanced if the students had more client contact (often clients come to the clinic offices prior to the beginning of the clinic course, and while the students work on their cases they do not get to interview or counsel the clients directly). Moreover, perhaps with fewer students to supervise, the faculty member would be able to be less directive in his supervision, posing questions to students and brainstorming with them about possible solutions for the clients rather than setting out the tasks that the students need to perform.

Having taught in clinical programs for over thirty years, I know that clinics can provide important early practice experiences for students. But even the best students in the best clinics will not be able to handle complicated matters for clients upon graduation without additional on-the-job and continuing education training.

²⁰ A corollary of giving credit for clinical work is to make the work graded. Although some clinics in the United States are graded on a pass-fail basis, most are graded on the same scale (if not on the same criteria) as non-clinical courses.

3. Support academic research to advance regional scholarship on the topic—Excellent Progress.

The first issue of the African Disability Rights Yearbook,²¹ produced under the auspices of the Centre for Human Rights at the University of Pretoria (with HESP support), is an excellent compendium of short articles on substantive disability rights topics and country reports on disability rights implementation. Professor Charles Ngwena, the convening editor, is a serious academic and presides over a thoughtful editorial process for the publication. The Yearbook can provide an ongoing source of material about disability rights in Africa, with positive effects for the disability rights courses and clinics at the partner schools as well as more generally. Several of the authors of articles in the Yearbook are teaching the disability rights courses at one of the partner universities, including Enoch Chilemba (Chancellor College) and Esau Mandipa (Midlands).

The Project support for the disability rights courses also provides students who choose to write on disability rights topics the opportunity to produce scholarship in this area. In my meeting with the LLM students from Eduardo Mondlane, all three LLM students had identified interesting research topics to pursue. The best disability rights papers from LLB students can be published in the University's Center of Human Rights Human Rights Review, which, like the Yearbook, is a seemingly impressive collection of articles on human rights, including the rights of people with disabilities.²²

4. Promote policy changes and advocate for the ratification and implementation of legal instruments protecting the rights of persons with disabilities through lobbying and media campaigns—Ongoing.

During the short time the Project has been in existence, two partner countries, Mozambique and Zimbabwe, ratified the CRPD. Advocates in Malawi are working on getting that country to sign and ratify the Optional Protocol. A number of the partner schools have developed or are developing relationships with local NGOs and DPOs to work on CRPD implementation, legislative follow-up to CRPD adoption, and policy changes affecting the lives of people with disabilities. The need for legislative change is ongoing as is impact litigation work in which some of the clinics are engaged. In particular, Midland State University's petition to the Constitutional Court of Zimbabwe on inclusive education (a petition that became possible after the adoption of a new constitution in 2013) is the kind of impact work that is a direct outgrowth of the Project. The clinic at Chancellor College in Malawi is excited about having its first case on legal capacity, an area ripe for broad legal attack. At Eduardo Mondlane University, one of the LLM students came to the school from the NGO FAMOD, and intends to return there full-time once he receives his degree. That kind of partnership is a good example of the kinds of connections that the Project has facilitated.

²¹ 1 African Disability Rights Yearbook (Pretoria University Law Press 2013). The Yearbook is accessible through the Centre for Human Rights website, <http://www.chr.up.ac.za/index.php/publications/african-disability-rights-yearbook.html>.

²² I write "seemingly" because although I have copies of volumes 2 & 3 the Review (as well as a collection of international and regional legislation on the rights of people with disabilities) they are written in Portuguese, which I do not read (though I can read enough Spanish to have a sense of the articles in the volumes). I can report that Volume 2 of the Human Rights Review was an entire volume devoted to the rights of people with disabilities; that the Human Rights Review was financed through OSISA's Disability Rights in Law Schools in Southern Africa Project, and has issued at least three volumes, the latest in 2013; and that Orquidea Massarongo-Jona, the lead faculty member for Eduardo Mondlane, is the coordinator of the Review.

5. Raise awareness through community outreach activities, such as public lectures and trainings for representatives of NGOs, DPOs and government officials-Ongoing.

I did not assess this goal from the perspective of the NGOs, DPOs and government officials who might attend and benefit from these lectures, trainings and presentations. What I can say is that all of the partner schools understand the importance of public education of various stakeholders. The partners vary in the extent to which students are involved in these activities, and I would recommend that partners be encouraged to facilitate that involvement. At least one clinic, at Midlands State University, has found that public lectures and presentations have been a good source of potential clinic cases.

The University of Zambia intends to have its clinic partner with various NGOs, including the Legal Resource Foundation, MHUNZA & ZAFOD. The clinics in general present an excellent opportunity for the kinds of community outreach and training that this goal contemplates.

Recommendations

I have the following recommendations for HESP as it considers the further development of the Project:

- 1. Increase opportunities for connections among and between partner schools.** The conferences/workshops sponsored by the University of Pretoria have been valuable to the partners and their faculty. Because of the cost of travel and the difficulty in making sufficient time available for in-person meetings, the Project should develop a robust website²³ (perhaps maintained by Pretoria), Wiki and listserv that would facilitate sharing of information, ideas, challenges, and materials. Partners are making some of these contacts on their own, but with Pretoria as the hub the opportunities for engagement could be increased.
- 2. Take advantage of the Network Scholarship Program to provide support and mentorship to partner schools.** To the extent that some participants in the Network Scholarship Program²⁴ come from schools in this Project, the Project can and should take advantage of the connections that those students have made with the Network Scholarship schools, faculty, and their fellow students. As someone who teaches at one of the Network Scholarship law schools (American University), I can say that although I have not been asked to be involved in this manner I would be happy to do so. There is a natural connection with one of the Network Scholarship schools, Galway, with respect to its summer disability law program, and there appear to be some possible connections with McGill, but as far as I know there have not been efforts to engage the other partners (Cardiff, Leeds, American and Syracuse).
- 3. Clarify the role of the clinics in the Project.** I sensed some ambivalence about the extent to which the clinics at the partner schools were an essential part of the Project or a nice addition. Almost all

²³ The OSISA Note, *supra* n. 1, at 2, stated that “A website will be developed and the on-going work of the network will be primarily web based.”

²⁴ In 2013-14, two students from Kenya were in the group of Open Society Foundations Disability Rights Fellows who were enrolled in the LL.M. program at American University, Washington College of Law. In 2014-15, one of the fellows is from Tanzania. Although neither of these countries is covered by this Project, they could be if the Project is extended to East Africa.

of the partner schools have developed or plan to develop clinics and the goals of the Project include development of the clinics but there has been more focus on developing the disability rights substantive course/module and training the faculty who would teach it than with the clinics and their faculty. If clinics are to be a central part of the Project, there should be greater coordination at each school between the clinic and the disability rights course/module with respect to sequencing, pedagogy, interaction with clients, and so on. More assistance should be provided to partner schools to think through such issues as developing appropriate teaching materials (simulations, role plays, etc.); partnering with NGOs and DPOs that may be able to appear in court through counsel; advocating with the Law Society or other appropriate entity for the possibility of a student practice rule that would permit students to represent clients in court under faculty supervision; case selection criteria; and so on. The Project should urge partner schools to make the clinics credit-bearing for students (and part of the teaching load for instructors) so that students can devote sufficient time to their clinic activities.

Training of clinical teachers is a complex, resource- and personnel-intensive process that can take a number of years to achieve the goal of producing experienced, thoughtful teachers.²⁵ HESP should continue to partner with OSJI and other training resources to bring clinical best practices to the attention of the clinical faculty at the partner schools. In addition, HESP should consider supporting visits of clinical faculty from partner schools to law schools with mature clinical programs (in the US, UK, Latin America, etc.) not only to observe programs in action but to exchange ideas with experienced clinical teachers who have thought carefully about the issues that new clinical teachers confront.

4. **Consider training of additional faculty from partner schools to build in flexibility for ongoing programmatic development.** The faculty from partner schools who were trained in disability rights at the University of Pretoria (with some also going to the summer program in Galway) seem highly motivated and thoughtful about their disability rights teaching. But the success of the program, in particular the delivery of the disability rights course/module, is highly dependent on that one person and if that person leaves the partner school or otherwise does not work out, the program is jeopardized or at least set back (as it arguably was at Eduardo Mondlane and, to a lesser extent, Chancellor College). To avoid this problem, the Project might consider supporting at least one more faculty member from a partner school to receive the Pretoria disability rights training. In addition to providing flexibility, having a second person who has received disability rights training would provide a colleague to the original trainee and facilitate ongoing research projects and programmatic developments. One possibility here is for the Project to support the training of faculty who would teach in the disability rights clinic (or section of a broader clinic) at the partner school, so that the clinician would have substantive training as well as clinical experience.
5. **Make explicit training in the teaching of disability rights part of the University of Pretoria program.** This recommendation follows from my observations earlier in this report that learning the substance of disability rights is a necessary but not sufficient step toward knowing how best to teach this subject. Assigning trainees to teach a class on some aspect of disability rights (e.g., a class on

²⁵ I have been involved in the training of new clinical teachers in the United States and internationally for many years, both at conferences and workshops and within my own clinical program at American University, Washington College of Law, where our practitioner-in-residence program trains and mentors new clinical teachers for three-year periods before their entry onto the tenure-track teaching market.

legal capacity) and then providing feedback to the teacher would be very helpful and provide a baseline from which the teachers can develop professionally.

6. **Assess specifically the opportunities for disability rights practice in the partner countries and assist partner schools in tapping into existing networks.** To the extent one of the Project goals is to produce students who develop practical skills in representing people with disabilities, it is important to explore what practice settings exist for post-graduate practice in this area. It is clear that these opportunities vary from partner country to partner country. The Project might suggest to the partner schools the need to think carefully about how to link their soon-to-be-graduates with law firms, government agencies, NGOs/DPOs, and other entities in which one can function as a practicing lawyer in this field.
7. **Increase the transparency and clarity when dealing with partner schools on administrative matters.** There have been some growing pains in determining who at the partner universities needs to be “in the loop” to set up the disability rights program. Some of these issues have now been resolved, but Project staff need to be sensitive to the local practices, procedures and cultural assumptions of the partners. Increased use of Memoranda of Understanding may be helpful. Also, greater clarity about when partner school faculty need to attend meetings/conferences (as opposed to being “invited” to do so) could smooth over some misunderstandings. More notice to partners of Project requirements (reports due, etc.) would also be a positive development.
8. **Enhance the evaluation component of the Project by soliciting the views of valued stakeholders.** There is some evaluation of the program by partner constituents (students; Project faculty) but if, for example, it is important to the Project that the partners establish relationships with NGOs/DPOs then surveying those entities, and others, on their view of the success of these relationships would be an important element to include. Evaluation criteria should be tied to the desired outcomes (see the next recommendation) and should identify baselines from which the effects of the Project’s components (classes, clinics, partnerships, etc.) can be measured.
9. **Clarify desired outcomes, and, in particular, identify sustainability goals.** To the extent possible, develop measurable goals, both qualitative and quantitative, for each component of the Project. Define what sustainability means in this context—e.g., is the goal for the partner to develop a disability rights course as a permanent part of the curriculum? If so, what are the steps that the partners must take to assure the achievement of that goal? Is the goal to produce a cadre of disability rights instructors/professors/researchers? If so, what additional mentoring is necessary for the achievement of this goal?

Conclusion

The Project has achieved some notable successes, and is well-poised to meet its remaining goals as the nascent programs it has supported develop. I would certainly urge continuation of the project, and, depending on the availability of resources, expansion to take account of additional training and ongoing mentoring activities. Moreover, the Project can serve as a model for possible expansion into other regions of Africa if OSF-HESP makes the decision to do so.