

**IALS 2013 Annual Meeting Papers**  
***Experimentation and Innovation in  
Teaching Human Rights***

**Abstracts**

- Rosalie Katsande – University of Zimbabwe Faculty of Law, Zimbabwe
- Gloria Estenzo Ramos – University of Cebu College of Law, Philippines
- Annika Rudman – University of Stellenbosch, South Africa
- Sanjeevy Shanthakumar – ITM Law School, India
- Amy Tsanga – University of Zimbabwe, Zimbabwe

**Rosalie Katsande – University of Zimbabwe Faculty of Law, Zimbabwe**

The main objective of the Women Commerce and the Law Course is to facilitate the development of theoretical and methodological approaches to the analysis of the socio-legal aspects of women's participation in commercial activities in Africa with particular emphasis on Southern and Eastern Africa. The course explores and evaluates initiatives that enhance women's participation in all commercial arenas from the local, regional and the international sphere. To achieve this, bearing in mind that the field of commerce is predominantly gendered, methods and methodologies in teaching that enhance capacities to identify legal, social, cultural and other barriers that affect women's capacity to participate in commerce are used. These are pedagogical approaches that focus on critical thinking and inquiry, pedagogy that promotes dialogic approach to teaching and collaborative learning. The teaching methods of the course are therefore heavily influenced by feminist pedagogy and critical pedagogy.

**Gloria Estenzo Ramos – University of Cebu College of Law, Philippines**

Law schools have a grave responsibility in embedding the core values of respect, compassion and responsibility in each student and for fellow human beings through human rights (HR) education. They are tasked to mainstream HR education and help instill a mindset of care, compassion, stakeholder collaboration and equally as important, a strong sense of responsibility, among law students, in building capacity of the citizenry, especially the voiceless and vulnerable, to have a better quality of life.

**Annika Rudman – University of Stellenbosch, South Africa**

This paper presents ideas and outputs from the development and integration of new methods of active learning and dynamic assessment in teaching international human rights law. The research was conducted as a case study based on the experiences of the students and the facilitator involved in a pilot project course in international human rights law; and their engagement with course design, case based learning, pre-class assignments, peer review and oral presentations. The hypothesis that guided the pilot project and the underlying research discussed in the paper was based on the idea that a diverse and integrated approach to teaching and assessment would not only create a higher sense of learning where students would retain the information longer; but would also help achieve a sense of equality in the classroom where students had the opportunity to learn in different ways and to show their potentials through various forms of assessment.

**Sanjeevy Shanthakumar – ITM Law School, India**

Social Media [Facebook]: A Platform for Teaching Human Rights Effectively in this paper, the author attempts to elaborate his personal experience of the use of social media for effective teaching of Human Rights in class room. Human Rights violations are galore and everyone had been a witness to it at one point of time or the other. Human Rights violations get prime attention of the media, civil society, international institutions, National Human Rights Institutions and numerous NGOs working in this area. Hence, teaching Human Rights become very interesting through live examples and cases of violations happening around us. Students get deeply involved in these cases of violations and deliberate upon the potential causes and solutions. This involvement of the student in the subject is attained by using the social media very effectively in the class room and beyond. Creating a Facebook page and adding every student enrolled in Human Rights Course as Administrator of the page, makes the teaching-learning process very interesting. Inviting other stakeholders such as civil society groups and NGOs to be a member of the group creates an opportunity for live opinion/feedback on various Human Rights related news and views. This extends the process of learning outside the classroom and the discussion continues beyond the classroom benefitting the students with divergent views on the subject.

**Amy Tsanga – University of Zimbabwe, Zimbabwe**

I seek to describe how I have developed and utilized my course on women, law reform and social justice strategies to get students to examine challenges, and explore appropriate ways of grappling with the transformative potential of legal services. These include interventionist strategies such as lobbying for law reform, legal and human rights advocacy on individual and group rights, as well as empowerment initiatives through a variety of education programs. The two threads that tie this course together are theory and method; the theoretical considerations that emanate from our social, economic and political realities within a local and global context, and, secondly the challenges of practical application in changing some these realities. My course is therefore aimed at students who find themselves interested in sharpening their perspectives in engaging with the conceptual and methodological realities of social justice activism. They include lawyers and non-lawyers as multi-disciplinarily is key to effective interventions.

## **Papers**

- Rosalie Katsande – University of Zimbabwe Faculty of Law, Zimbabwe
- Gloria Estenzo Ramos – University of Cebu College of Law, Philippines
- Annika Rudman – University of Stellenbosch, South Africa
- Amy Tsanga – University of Zimbabwe, Zimbabwe

# **Innovative teaching techniques in human rights: Pedagogical approaches to teaching and research of the Women Commerce and Law in Africa Course**

Rosalie Kumbirai Katsande  
University of Zimbabwe Faculty of Law, Zimbabwe  
(Southern and Eastern African Regional Centre for Women's Law, University of Zimbabwe)

## **Introduction**

*"We tend to think of human rights abuses as basic violations to life - war, rape, genocide. Some of us also think of human rights violations as employment discrimination on the basis of race or gender, or barred access to public buildings on the basis of ability. These are certainly human rights violations! But there are other more subtle human rights violations that take place. Not many of us have taken the time to think about the right to an adequate standard of living as a human right. The right to a life free of poverty. **The right to fair participation in the economy.** What about the right to the means to care for one's children? Food? Shelter? Don't we all deserve those things? But no matter what our income or ability we all contribute to this world we share and therefore we all have a right to share in its richness. There is a growing movement calling for full recognition of these economic human rights"* Human rights defender Josephine Grey.<sup>1</sup>

The Women Commerce and Law in Africa course is an optional course under the Master's in Women's law programme offered at the Southern and Eastern African Regional Centre for Women's Law based at the University of Zimbabwe. The Master's Programme started in 2003 and the Women Commerce and the Law in Africa course was first taught in 2005. To date 29 students have taken the course over four programmes. The main objective of the course is to facilitate the development of innovative exploratory theoretical and methodological approaches to the analysis of the socio-legal aspects of women's participation in commercial activities in Africa with particular emphasis on Southern and Eastern Africa<sup>2</sup>. To achieve this, bearing in mind that the field of commerce is predominantly a gendered area, methods and methodologies in teaching that enhance capacities to identify legal, social, cultural and other barriers that affect women's capacity to participate in commerce are used. These are pedagogical approaches that focus on critical thinking and inquiry, pedagogy that promotes dialogic approach to teaching and collaborative learning (Shackelford: 2003). To this end, the teaching methods of the course are heavily influenced by feminist and critical pedagogy, that is, a teaching approach that encourage students to question and challenge domination and the beliefs that dominate (Penn 1997, Shalleck 1999). Among the varied pedagogical approaches that are used in teaching the course, this paper will focus on two approaches that I use namely a field trip at the beginning of the course and a mini research as assessment method. Over the years, I have found these two approaches to be very effective firstly in arousing student's interest in the course and secondly in aiding the students to question and challenge from a human rights perspective and most importantly from an economic justice view point the predominantly masculine field of commerce and the stereotypes associated with women's participation in the broader economy. Further, the two approaches are grounded thus they enable students to interrogate the women's lived realities as they interact with commerce and law.

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<sup>1</sup> Josephine Grey is a human rights activist who has been active in the struggle for economic and social justice

<sup>2</sup> See appendix 1

Due to the vast nature of issues in commerce that call for different expertise<sup>3</sup>, it is virtually impossible to cover all the issues in class the field trip and the mini research project bridges the gap. The mini research is extremely important because of the dearth of empirical material in this area. From a feminist pedagogical approach, students are partners in the process of knowledge construction as such, the output of the mini field research contributes immensely to the scholarship of the course (Carillo 2007).

### **The field trip and formulation of a case study**

The course starts with a field trip. I do the selection of the site in consultation with other guest lectures who participate in teaching. Consultation is important because from the field trip we develop a case study that we will use throughout the course. The field trip is meant to unpack and set the scene for teaching and learning of the Women Commerce and Law Course. Below are the issues that students are required to be mindful of during the field trip

- The location of women in commerce
- Women's access to and control of commercial resources
- Valuing of women's work and creating paradigms for women to value their own work.
- Women's commercial realms
- The law – i.e. legal and human rights issues as relating to women in commerce

A good example is a field trip I had with students to a place called Domboshava located 20km out of Harare. Domboshava is predominantly a horticulture farming area thus the students were to consider the issues raised above using a hypothetical case of a women tomato and vegetables farmer. The issues to consider among others were;

- Where do we locate this woman horticulture farmer in commerce?
- What is she a subsistence farmer or an entrepreneur?
- How does she value what she is doing?
- What legal issues surround her from the very first day she plants her tomatoes or even before that, to the day she takes them to the market.
- What legal obligations would she have exposed herself to without knowing?

In depth analysis of this women tomato and vegetable farmer provided students with a conceptual over view of a feminist perspective on entrepreneurship and the nature of the contribution that such a perspective can make to understandings of gender, work, and entrepreneurship. Class discussions after the field trip focused on the following questions, who is an entrepreneur and what counts as entrepreneurship? Based on what students would have observed, and taking a feminist analysis to entrepreneurship, we questioned what innovation is and what counts as innovation? To fully understand women's commercial realms, a feminist analysis is adopted because it encourages paying attention to gender and the power relations embedded in gender (Buttner and Moore1997). This perspective calls for taking of women's work seriously, thereby advocating the opening and critical exploration of categories that have long been taken for granted. It allows the interrogation of stereotypes associated with women's work and the discrimination that comes with the stereotypes (De Beavouir 1949).

A feminist analysis of entrepreneurship further entails a questioning and critical rethinking of most of the core concepts that comprise the study of entrepreneurship. This critical rethinking is important for gender analysis of women's participation in the economy. This we achieve through reconceptualization of the concept of entrepreneurship by looking carefully and critically at the concept of innovation. We are guided by two main approaches that

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<sup>3</sup> See appendix 11 for the course content

dominates the way in which scholars have thought about and sought feminist Perspectives on Entrepreneurship. The first and the most actively pursued, focuses on the individual and sees entrepreneurial activity as a quest. The second emphasizes the importance of entrepreneurial context. The discourse surrounding entrepreneurship describes the individual entrepreneur in terms that have been traditionally associated with masculinity: The entrepreneur is someone who is a risk taker, who is in control, who is independent, powerful, knowledgeable, someone who is, in brief, "a self-made man" (Buttner and Moore 1997).

The above description of entrepreneurship highlights the reason why a gender analysis within a women's rights context is at the core of this course. The above stated description of an entrepreneur does indicate that to enhance women's capacity there is need to interrogate and acknowledge the cultural and structural barriers to becoming an entrepreneur that women face, the discrimination that comes with these barriers and that the concept of entrepreneurship is itself biased towards men. Without doing this the majority of women in business will be dismissed as not being entrepreneurial and therefore misses out on opportunities. This also has a bearing on the business models that women utilize for entrepreneurial development.

### **Pedagogical benefits of the field trip**

The field trip is important as a starting point as it gives me the opportunity to get to know the students and their particular interests in as far as women participation in commerce are concerned. As students note their observations during the field trip, they also get an opportunity to interrogate their own experiences. The field trip enables students to explore the impact of regulatory frameworks in terms of women's lived realities. This is essential, for in acquiring a holistic picture of how law operates it is important to be aware of how law is mobilized from an array of perspectives. Information gathered by the students during the field trip often highlights the complex ways in which local forms of knowledge and the legal framework interact with each other. It demonstrates how power operates in different places and is transformed to provide for the emergence of new legal identities. Part of this analysis involves acknowledging the central role that gender plays in this process particularly in an African context. Students' observations and pursuant discussions pave the way for the discussion on gender mainstreaming in all commercial sectors.

### **Gender Mainstreaming and the international dimension**

Analysis of the potential benefits of gender mainstreaming in commerce is facilitated using the Millennium Development Goal (MDGs) Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and Beijing declaration and platform for action as frameworks. The question we explore is whether these injunctions alert us as to the critical needs in achieving genuine gender mainstreaming.

For example, CEDAW is the most comprehensive and detailed international agreement on women's rights. It establishes rights for women in area not previously subject to international standards most notably in personal and family life. CEDAW is based on two principles that is the principle of non-discrimination and the principle of state obligation, thus it raises key issues and standards that are essential for gender mainstreaming. An adjunct to the CEDAW is the Beijing declaration and platform for action which is notable for placing great importance on gender mainstreaming in development cooperation. The platform of action upholds the CEDAW and builds upon previous strategic frameworks and policy commitments at international level.

The MDG's constitute an agenda for poverty reduction and improving livelihoods worldwide. Goal 1 is on eradication of extreme poverty and hunger and Goal 3 is about promoting gender equality and empowering women. Although these goals are not specific to any particular sector or issue it is of particular interest to women in commerce since effective participation in commerce contributes towards poverty reduction. On the other hand, gender equality and women's rights underpins all the progress women can make in commerce bearing in mind that commerce is a male dominated field.

### **Assessment**

As part of coursework, students undertake a mini research project on a topic of their choice. The research is done in Harare and surrounding areas. This research project encourages students to apply the analytical and theoretical skills that they would have acquired and also to contribute to women commerce and the law scholarship. Data collection is done over a period of a week followed by analysis of the findings and writing up. Although the research may be limited in scope given the time frame for data collection, doing the research presents students with the opportunity to pursue vital information on how in reality women and law intersect in a commercial environment.

In so doing, students move from the more abstract and broader concerns of women's economic rights to a more specific and detailed focus on research in action with regard to a particular topic. Students apply and adjust their critical and theoretical insights from a macro to a micro level, in terms of establishing a small, self-contained local project thereby interrogating the law at a number of different levels. The idea is to make them move from more general, abstract propositions to concrete realities by building on the general theoretical and critical forms of analysis. This requires applying their knowledge to a defined problem area including the possibilities and limitations of a socio-legal perspective in action.

This research project gives students an opportunity to interrogate all at once the International, Regional and National Human Rights Instruments, Country specific constitutions, national legislation, case law, customary law and practices, cultural, social, political, economic and to some extent environmental factors. They identify and interrogate the actors e.g. women in informal/formal businesses, men in informal/formal businesses, officials dealing with credit, government officials dealing with economic development, city council officials etc and the structures the actors interact with in the field of commerce e.g. the family and status of women within the family focusing on married/unmarried/divorced/widows, Ministry of Small and Medium Enterprises, Ministry of Youth, Gender and Employment Creation, City Council, Chamber of commerce etc.

### **Research Output**

Researches done by students over the years covered the following topics:-

- The Role of Women in Family Enterprises: A Case study of Women in Pre-schools Business in Belvedere
- A Comparative Analysis of the Socio-Economic Impacts of Water and Electricity Cuts in Harare on Women Entrepreneurs from High and Low Income Suburbs of the City: A Study of Dzivarasekwa and Mabelreign Suburbs
- The Zimbabwean Look East Policy and its Effects on Women Entrepreneurs in the Clothing Industry
- Challenges Faced by Women in Accessing and Marketing Edible Forest Fruits: A Case Study of Women at the Mbare Market in Harare, Zimbabwe
- Trade Liberalization and its impact on women in the flea-market trade in Harare
- An Evaluation of Women's Empowerment Groups and their Relevance to Women in Business

- An Analysis of Strategies Developed and Adopted by Women in Senior Management in the Corporate World to Deal with Sex and Gender Discrimination
- An Analysis of the Challenges Women Entrepreneurs in the Farming Sector Face in the Access and Use of the Internet.

These topics provide a varied range of research projects that mark an important beginning in building up a data bank of information in this area.

### **Conclusion**

After all is said and done, the ultimate goal of the course is for students to be able to devise law reform strategies and where appropriate, to implement law reform measures that would enhance women's full and effective participation in local, national, regional and international commercial activities. The Women Commerce and the Law in Africa course has been taught four times since the inception of the Women's law Masters programme in 2003. The course is still being developed and will continuously be reviewed with changing times. One's teaching methodologies changes as one's career progresses thus the course will periodically be updated in order to keep current with the progress in the commercial arena and to give the lecturer a regular opportunity to reflect on oneself.

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### **Appendix 1**

**COURSE** : **WOMEN, COMMERCE AND LAW IN AFRICA**  
**COURSE CODE** : **MWL 513**  
**COURSE CONVENER** : **R K KATSANDE (Ms)**

### **OBJECTIVES**

The main objective of the course is to facilitate the development of innovative and exploratory theoretical and methodological approaches to the analysis of the socio-legal



aspects of women's participation in commercial activities in Africa, with particular emphasis on Southern and Eastern Africa. To this end methodologies which will enhance the capacity to identify legal, social, cultural and other barriers which affect women's capacity and potential to participate in commercial activities will be identified and or developed .

Further objectives are:

To identify factors that enable or enhance women's participation in the commercial world, and to identify those factors that may inhibit their effective participation, either collectively or individually.

To explore and evaluate initiatives for enhancing women's participation in all commercial arenas: – from the local and rural to the international sphere.

To evolve monitoring and evaluation techniques that provide the capacity to 'track' women's involvement in commercial activities and the legal and social implications of such activities for purposes of promoting women's effective participation at all levels of development.

To investigate and critique the nature and content of laws, from a pluralist perspective, which mediate women's participation in commercial activities.

### **LEARNING OUTCOMES**

Students undertaking this course should be able at the end of the course to:

Identify, across a wide spectrum of laws, both formal and informal, those laws, norms and practices that may positively or negatively affect women's participation in the commercial sphere.

Identify problems that women face in the commercial arena, to design and carry out research programmes to further explore women's engagement with commerce, with particular emphasis on the legal aspects of such engagement.

Devise law reform strategies, where appropriate, and to implement law reform measures that would enhance women's full effective participation in local, national, regional and international commercial activities.

Recommend in conjunction with legal action appropriate social and economic strategies to improve women's participation in commercial activities.

### **TEACHING METHODS**

The primary method of instruction will be seminars. Women's Law methodology will be used to map the nature and form of women's participation, whether in the formal or informal sectors in commercial enterprise in its widest sense.

Students will be expected to carry out small Zimbabwe based research projects to test the theories and methodologies evolved during the course.

Lecturers with expertise in various aspects of the course will undertake specialist teaching on the course.

## Appendix 11

WEEK 1	0900-1300hrs	0900-1300hrs	0900-1300hrs	0900-1300hrs	0900-1300hrs
	<p>Women, Commerce and Law - parameters Raising the Issues</p> <p>Field trip</p>	<p>Women's work – men's control and profit? Gender mainstreaming in all economic sectors – how?</p> <p>Women's access to and control of commercial resources; defining access and control. Urban, rural continuum. Women, family, the home and commercial continuum Discussion Experiential Data</p>	<p>Marketing dilemmas – fair trading, market access, transport, logistics, pricing, determining the commodity market - broadening the vision of the market – rural urban dynamics.</p> <p>Development models – critiques – in and out of fashion? Donor dependency</p> <p>Women's legal, social and cultural capacity to access financial resources for establishing commercial enterprises; Macro and micro finance. Small and medium scale enterprises.</p>	<p>Rural niche markets? Barter trading? Cross border trading – the modalities Identifying international niche markets – marketing strategies. Women and intra-national, inter-regional and international trading activities - from the informal to the formal. Rural industrialization – value addition</p>	<p>Women's approaches to commerce (models)</p> <ul style="list-style-type: none"> <li>- Cooperatives</li> <li>- Round table</li> <li>- Partnerships</li> <li>- Agency</li> <li>- SMEs</li> </ul> <p>Legal implications of the models</p> <p>Gender Budgeting, concepts, principles and processes</p>

WEEK 2	0900-1300hrs	0900-1300hrs	0900-1200hrs	0900-1200hrs	0900-1300hrs
	Choosing a topic; Devising and designing mini research project	Devising and designing mini research project .	Role & importance of ICTs in the socio-economic empowerment of women. Information as an economic resource. Challenges women face in accessing and using ICTs. Steps on the e-commerce continuum.	How are women (including rural women) using ICTs in participating countries? What support and mentoring is available for the women as they engage in e-commerce activities? Internet searches; role of mobile phone.	Creating information networks to exploit local and global markets. Gender and ICT issues in ICT policy, regulatory and legislative frameworks of participating countries, tariff regulation. How women can benefit from the Universal services fund eg setting up of telecentres.
			2-4 Devising and designing mini research project Continue	2-4 Devising and designing mini research project Continue	
WEEK 3	Field Research  And  Reading Week	Cont ->			

WEEK 4	<p>Pregnancy, maternity and - Valuing women's work and creating paradigms for women to value their own work.</p> <p>-Indigenous knowledge and craft skills – copyright, trade marks, industrial designs, geographical indications and patent protection.</p> <p>- <u>N'anga, sangoma</u> or country equivalent as a business woman and business activity.</p>	<p>tapping the sex and sexuality market. Using the “ male” to market to the female Women and commercial sex work. Women as a market target – selling to women, exploiting the female market – advertising ethics and the female form and psyche.</p>	<p>Women's realms? Women and Contributions to the family – valuation of her work, child work contributions in general – survival opportunities and educational dilemmas.</p> <p><u>Womens commercial realms</u></p>	<p>Women as ‘purveyors of sex’ - nurturing considerations: their impact on women's full participation in the market place, exploration of compensatory measures. “Home work” and public work – the continuum.</p> <p>Home industries” – I don't work syndrome</p> <p>-Round table discussion with selected women in commerce.</p>	<p>International interventions, local law reform – possible policy interventions and implications for family law, succession, pension, state food security etc.</p>
WEEK 5	<p>Locating women in the globalisation debate</p> <p>theories of international trade</p> <p>Actors in international trade Overview of SADC, COMESA, EU, US, BRIC EPAs and WTO</p>	<p>Principles and processes of international trade, regional and Bilateral agreements Overview of <u>Cotonou, Lome, AGOA</u></p> <p>Agreement on agriculture</p>	<p>Trade impact review -understanding the impact of trade on women Valuing women's inputs – fair trading</p> <p>measuring economic performance</p> <p>international - local interplay women as traders and economic actors experience of women traders</p> <p>examination of trade agreements involving choice countries</p>	<p>report and feedback on TIR in choice countries</p>	<p>Monitoring and evaluation of affirmative action strategies; state and international interventions – a continuous cycle of research and theorising.</p>

WEEK 6	<p>Finalizing coursework and exam preparation</p>		<p>Handing in mini field research report 1600hrs</p>	<p>research examination</p>	

# **An Innovative Initiative on Teaching Human Rights in Cebu, Philippines**

Gloria Estenzo Ramos  
University of Cebu College of Law, Philippines

## **I. Introduction**

Law schools have a grave responsibility in embedding the core values of respect, compassion and responsibility in each student and for fellow human beings through human rights (HR) education.<sup>4</sup> They are tasked to mainstream HR education and help instill a mindset of care, compassion, stakeholder collaboration and equally as important, a strong sense of responsibility, among law students, in building capacity of the citizenry, especially the voiceless and vulnerable, to have a better quality of life.

## **II. Legal Framework of HR Education in the Philippines**

The 1987 Constitution provides the foundation for HR education in the Philippines. It emphasizes the dignity of each person and full respect for human rights,<sup>5</sup> the vital role of the youth in nation-building imbuing in them patriotism and nationalism, and encouraging their involvement in public and civic affairs,<sup>6</sup> role of women in nation building and fundamental equality before the law of women and men,<sup>7</sup> and prioritizing education to “foster patriotism and nationalism, accelerate social progress, and promote total human liberation and development.”<sup>8</sup>

The Legal Education Reform Act aims, as a policy of the State, “to uplift the standards of legal education in order to prepare law students for advocacy, counseling, problem-solving, and decision-making, to infuse in them the ethics of the legal profession; to impress on them the importance, nobility and dignity of the legal profession as an equal and indispensable partner of the Bench in the administration of justice and to develop social competence.”<sup>9</sup> Legal education in the Philippines is thus geared not just for the practice of law but to “to increase awareness among members of the legal profession of the needs of the poor, deprived and oppressed sectors of society; to train persons for leadership; and to contribute towards the promotion and advancement of justice and the improvement of its administration, the legal system and legal institutions in the light of the historical and contemporary development of law in the Philippines and in other countries.”<sup>10</sup>

The benefits to the students, as leaders in the community, and to society are immeasurably immense. In the words of the humble and hard-working legislator from the Cebu City Council<sup>11</sup> Councilor Alvin Dizon, “exposing law students to social development work will help them have a more holistic perspective and analysis of the many social issues that beset our

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<sup>4</sup> Human Rights (HR) education is defined as “any learning, education, training and information efforts aimed at building a universal culture of human rights including (a)the strengthening of respect for human rights and fundamental freedoms; (b) The full development of the human personality and the sense of its dignity; (c) The promotion of understanding, tolerance, gender equality and friendship among all nations, indigenous peoples and minorities; (d) The enabling of all persons to participate effectively in a free and democratic society governed by the rule of law; (e) The building and maintenance of peace; (f) The promotion of people-centered sustainable development and social justice.”

<sup>5</sup> Constitution, Art. II, s 11.

<sup>6</sup> Note 9, Art. II, s 13.

<sup>7</sup> Note 9, Art II, s 14.

<sup>8</sup> Note 9, Art II, s. 17.

<sup>9</sup> RA 7662, Legal Education Reform Act of 1993, s. 2.

<sup>10</sup> Ibid.

<sup>11</sup> known as the Sangguniang Panglungsod.

country and motivate and inspire them to be more responsible citizens and advocate for the protection and promotion of human rights."<sup>12</sup>

### **III. Popularizing the Law Program: An Experimentation and Innovation in HR Education to Bridge the Gap Between Law and Justice**

Law schools are potent change agents for societal reforms. This is a golden opportunity and challenge that the University of Cebu (UC) College of Law dared to take on. Celebrating its 10<sup>th</sup> Anniversary this year, UC College of Law, although a relatively young law school, has produced two topnotchers in the Philippine Bar examinations,<sup>13</sup> and garnered the national championship in the 2011 International Humanitarian Law competition, reaping awards in all categories, besting what are traditionally considered the premier law schools of the country.<sup>14</sup>

The "can-do" culture has also its widest reach to the community through its innovative pro bono service to the community. The law school integrated HR education through the Mandatory Continuing Legal Education (MCLE) for the lawyers, the Popularizing the Law Program ("Program"), for non-lawyers, and in the Curriculum.

The Program's significance is best summed up by Ms. Estrella Catarata, Executive Director of Central Visayas Farmers Development Center (FARDEC), a partner of the UC College of Law's Program: "Among law schools in Cebu, UC College of Law is the one which pioneered Human Rights (HR) Education and truly implemented such innovative HR strategies which are responsive to the needs of society, especially our environment and the farmers. FARDEC found a good and reliable partner. We are just so grateful."<sup>15</sup>

#### **A. Mandatory Continuing Legal Education (MCLE) Program for Lawyers**

The MCLE Program of the UC College of Law is lauded for its progressive, relevant and reform-minded curriculum with protection and defense of human rights as the common thread underlying the courses offered. It attempts to enhance the awareness and deeper understanding of pressing human rights and sustainability issues among lawyers. It is a small step but it is never enough to cope with the prevailing lack of interest or prioritization on HR even in the legal profession.

#### **B. Popularizing the Law Program for Non-lawyers**

The Popularizing the Law Program (the "Program") at UC College of Law started in 2006, and had been participated in by 300 students law students, benefitting countless number of residents in Cebu. Its noble goal is "to make the Law closer to the people." Conceived to assist the marginalized sectors such as the urban poor, farmers, fisherfolk, the children, elderly and the women, it was meant to capacitate likewise the law students to inter-act with clients and share what they know about human rights, law and justice.

#### **C. HR Education in the Curriculum**

Human rights education is an innovative approach used by UC College of Law's faculty members who are human rights defenders themselves, specifically in the arena of women

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<sup>12</sup> Letter dated 13 November 2012, attached as an Appendix.

<sup>13</sup> The licensure exam for those who intend to practice law in the Philippines.

<sup>14</sup> S. Padilla, Philippine Daily Inquirer, October 9, 2011 <http://newsinfo.inquirer.net/73159/visayas-schools-rule-moot-court-contest>, accessed 13 November 2012.

<sup>15</sup> Message from Ms. Catarata sent through SMS, November 12, 2012.

and children's rights and the environment. The classroom discussion on human rights includes discourses on international, national and local HR instruments.<sup>16</sup>

The Program is a collaboration with academics, government and non-government organizations to ensure inclusive participation of stakeholders in policies and projects of government and to exact compliance of environmental and accountability laws. The community service projects under the Program share the following common features:

1. They are designed, implemented and evaluated by students, under the guidance of the professors, on a particular human rights theme.
2. Partnership with stakeholders from government, civil society or business sector is required.
3. Benefits are directed for a particular sector (such as children) or to the society in general (such as monitoring of compliance of solid waste management law)
4. Use of information technology and media

One of the outstanding projects was the drafting by UC law students of the implementing rules and regulations (IRR) for Local Sectoral Representation (LSR) at the local lawmaking body. The LSR is a constitutional mechanism for giving voice to the vulnerable sector at the local legislative body and provided for by the 1987 Constitution and the 1991 Local Government Code, RA 7160, which was never operationalized. The students-led initiative<sup>17</sup> was warmly commended by the Commissioner Rene V. Sarmiento of the Commission on Elections, as this was the first for the electoral body to receive a draft IRR, coming from the law students. Workshops were made subsequently to fine-tune the IRR, participated in by the vulnerable sectors, with the full support of Cebu City Councilor Alvin Dizon. The COMELEC has subsequently created a Task Force to draft the long-awaited IRR.

#### **IV. Challenges and Conclusion**

Sustainability of specific projects under the Program can be an issue because of time and financial constraints. Law students and faculty members have other commitments, including regular working hours to attend to. Likewise, effective coordination with government authorities, as partner, at times hits a snag, especially if the authorities do not prioritize the project. But, overall, the benefits and rewards outweigh the challenges. The innovative initiative of the University of Cebu College of Law in integrating Human Rights education prove that it can be done with the earnest collaboration of all stakeholders, and not much funding, but it does require creativity, determination and passion to make a difference in the lives of countrymen. Its partner, Ms. Mary Rose Maghuyop, sums it best: "There are endless possibilities when minds and hearts are connected and committed. Such is the impact and outcome of this project."

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<sup>16</sup> The courses are Local Government and Election Law, Environmental Law, Information Technology and the Law, Legal Ethics and Human Rights of the Child.

<sup>17</sup> UC Law Students Turn Over Draft Representation Rules, Cebu Daily News, July 18, 2012. <http://newsinfo.inquirer.net/230690/uc-law-students-turn-over-draft-representation-rules>, accessed on 10 November 2012.

# **From Passive to Active Perspective on the introduction of methods of active learning, participatory course design and dynamic assessment in the field of international human rights law**

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## ***See Appendices Separately on USB***

*Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.*

Article 26(2) of the Universal Declaration of Human Rights (UDHR)

## **1. Introduction**

For many lecturers teaching human rights, the topic we teach is not just a topic, but a philosophy of life and a way or method by which we engage with law and all other aspects of our existence. Whether we approach human rights teaching from a rights-based angle, by addressing questions of the minimum core or by focusing on human dignity, the rights we teach are central to what we teach and should consequently underline *how* we teach. Every student has a right to a purposeful and dignified education. Consequently, students entering a classroom, to learn about human rights, should have the opportunity to experience a diverse set of teaching and assessment methods, actively engaging their minds and challenging them to think critically about the application of human rights law. Therefore, the hypothesis that has guided the pilot project discussed below and the research presented in this paper is based on the idea that a diverse and integrated approach to teaching and assessment will not only create a higher sense of learning where students will retain the information longer; but will also help achieve a sense of equality in the classroom where students have the opportunity to learn in different ways and to show their potential through various forms of dynamic assessment. Furthermore, in transforming the classroom in to a more diverse and equal space for learning it is of importance to analyse both the changes necessary to the traditional modes of teaching *and* the ways of assessing the students. As suggested by Birenbaum et al (2006, p. 62) focus should be on assessment for learning instead of assessment of learning.

This paper analyses the shift from a more traditional way of teaching human rights law (the lecturer as the transmitter of information, one way, in a quiet and organised environment to a hopefully listening and attentive audience); to an interactive, sometimes loud and flowing way of discussing human rights where the lecturer acts as a facilitator and the students drive the contents of the course. The context of this paper is the pilot project run by the author at the Department of Public Law at the University of Stellenbosch, South Africa, in 2012 with regard to a 4<sup>th</sup> year elective course in Advanced International Law (International Law 451 hereafter referred to as the 'pilot'). The course focused specifically on international human rights law and the protection of human rights on the African continent. Ultimately 27 students participated in this course and the discussion below is based on the author's own experiences in and outside the classroom and the qualitative data (discussed below in section 4) relating to 3 separate questionnaires conducted at the beginning, mid and end of the course. The structure and contents of the pilot is for the purposes of limiting the main body of the text discussed in Appendix I together with the



course outline (study guide and general introduction to the course) as available in Appendix II.

In the following paragraph 2, some of the pedagogic challenges that served as a point of departure for the changes to the teaching and assessment methodologies in the pilot are brought forward. Paragraph 3 highlights specific teaching and assessment theories that formed the basis for the pilot; section 4 analyses some of the input from the students involved and their ideas and impressions of the changes made. In the concluding remarks some lessons learned from the design and future re-designs of the pilot is shared to strive towards an increase in the critical thinking around human rights (which is a motivation in itself ) and furthermore for the surge in the enjoyment of learning human rights law.

## **2. Pedagogical challenges**

South Africa is a diverse country from almost any vantage point; linguistic, ethnic, religious and cultural. Hence, in South Africa (and elsewhere) legal educators are often faced with a multiplicity of students from diverse backgrounds. We furthermore come from a recent history of grave human rights violations and segregation making it even more pertinent to not only give our students the best education in human rights law possible but also to work against exclusion and for diversity and transformation in the classroom. Against this backdrop my engagement with alternative learning and assessment methodologies in the pilot was ultimately sparked by the lack of critical thinking taking place in my classroom and the pressure on me to every semester answer the question religiously asked by the students: 'But if there are norms protecting human rights under international law, why are they not enforced?' This question and similar ones forces us to try to enable the students to see and understand a myriad of perspectives on the law, political, cultural, geo-political, gender, class, race, resources, sexuality and so on. One the one hand, the one way communication of this information, my perspectives on these issues, always felt limited to say the least; on the other the students never really engaged with the perspectives that I traditionally covered in class but rather treated them as factual conditions. Even though I made continuous efforts every year to expand my own horizon and to include as many perspectives as I could, it finally struck me that I had to encourage the students to critically engage with the material; and that the students were much better situated to do the 'updating' because they had access to sources and resources to which I was barely, to use the terminology of Prensky, and immigrant. As he furthermore concludes in his seminal article '*Digital Natives, Digital Immigrants*', students 'think and process information fundamentally differently from their predecessors' (2001, p. 1) i.e. most of us, and to try to remedy this, the challenge was to present as many perspectives as possible, to allow for the students to bring their own perspectives to class allowing them to learn from each other and to actively encourage them to think critically about the different discourses.

The other side of the coin was the growing sense that I was missing out on important contributions from the students by subjecting them to tests and exams with a pre-conceived set of limited range questions to answer. Dealing with a diverse<sup>18</sup> set of students I was always running a greater risk of not interpreting their answers correctly leading to unfairness in marking. As a consequence I decided to not only strive for the creation of more space for critical thinking in my classroom, to add more perspectives and sources; but also to diversify the perspectives of assessment to allow for much more peer review both individually and in groups. With a view to enhance students' learning the pilot project offered the students a combination of an active learning experience and dynamic assessment. The latter term has been used to distinguish the integrated process of learning assessment from the traditional *static assessment* (Pohner & Lantolf, 2003). In the traditional static assessment, the only feedback students receive is in the form of an exam

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<sup>18</sup> "Diverse" referring to linguistic background, ethnicity, nationality and sexual orientation.

or test score, typically without any additional information about their performance. Dynamic assessment, in contrast, refers to a more embedded nature of assessment in which learning is closely integrated with the assessment of the same. As an addition, any productive legal education should not only develop the skills as related to the specific topic we teach but ultimately contribute to the skills key to anyone in the legal profession such as writing skills, oral skills, the skills of contextualising a legal problem and the skills of presenting a logic argument based on the applicable law. In designing the pilot these skills were carefully considered, in balancing writing assignments with oral presentation and debates in class; all liked with different types of assessments.

### 3. Active teaching and assessing methodology

As discussed by Sandhu et al. (2012, p. 1) several<sup>19</sup> studies on comparing the effectiveness of instructive lectures with those of interactive or active teaching styles has indicated that student satisfaction, learning outcomes, deeper approaches to learning and knowledge retention is better following active learning. One of the acute problems with 'traditional' lectures is that students are in a passive mode of learning, which, as analysed by Windschitl (1999, p. 23) and Heward (2003, p. 35) adversely affects their attention and their ability to retain information. As furthermore described by Young et al. (2009, p. 42) such passivity has two potential consequences for the student; it does not facilitate the important deep learning and it can cause decrements in student concentration. Several<sup>20</sup> studies have showed that students' attention degrades after between 10 and 30 minutes of lecturing. Various authors such as Horgan (2003, p. 89) and Wankat and Oreovicz (2003, p. 40) advocate mixing up the level of stimulation during lectures in order to offset the attentiveness decrement. The demands should be changed every 10–15 minutes and the source of such variety could be a simple rest, a change in presentation medium, or setting the students a short task (Bligh, 2000; Frederick, 1986; Race & Brown, 1998). However, as pointed out by Young et al., (2012, p. 42) 'as with vigilance studies in human supervisory control, these interruptions only temporarily restore attention levels, and afterwards concentration will decline even more steeply'. The answer clearly does not lie in breaking up a lecture but rather using different techniques for learning.

Analysed from another angle, the problem with conventional lecturing, as pointed out by Mazur, lies in the presentation of the material. Commonly, the material presented comes straight out of textbooks and/or lecture notes, 'giving students little incentive to attend class' (2007, p. 6). In this environment it is difficult to provide an adequate opportunity for students to critically think through the arguments being developed. Consequently, according to Mazur, (2007, p. 6) 'all lectures do is reinforce students' feeling that the most important step in mastering the material is solving problems'. In Mazur's opinion the result is 'a rapidly escalating loop in which the students request more and more

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<sup>19</sup> See Richardson D (1997) Student perceptions and learning outcomes of computer assisted versus traditional instruction in physiology. *Adv Physiol Educ* 273: S55; Bulstrode C, Gallagher FA, Pilling EL, Furniss D, Proctor RD (2003) A comparison of the teaching effectiveness of the didactic and the problem-oriented small-group session: a prospective study. *The Surgeon* 1: 76-80; Ernest H, Colthorpe K (2007). The efficacy of interactive lecturing for students with diverse science backgrounds. *Adv Physiol Educ* 31: 41-44; Costa ML, Rensburg LV, Rushton N (2007) and Millis RM, Dyson S, Cannon D (2009) *Association of classroom participation and Examination performance in a first-year medical school Course*. *Adv Physiol Educ* 33: 139-143.

<sup>20</sup> Horgan, J. (2003) 'Lecturing for Learning', in H. Fry, S. Ketteridge & S. Marshall (eds) *A Handbook for Teaching and Learning in Higher Education* (2nd edition), pp. 75–90. London: RoutledgeFalmer; Frederick, P. J. (1986) 'The Lively Lecture – 8 Variations', *College Teaching* 34(2) 43–50. Stuart, J. & Rutherford, R. J. (1978) 'Medical Student Concentration During Lectures', *The Lancet* 2: 514–16.

example problems (so they can learn better how to solve them), which in turn further reinforces their feeling that the key to success is problem solving' (2007, p. 6). Students are too focused on learning 'recipes,' or 'problem-solving strategies' as they are called in textbooks, without considering the underlying concepts. Hence the basic goals of active learning in its different forms are to exploit student interaction during face-to-face time and focus students' attention on underlying concepts. Instead of presenting a traditional lecture the classroom can be 'flipped' and the instruction can consist of a number of short presentations on key points (could be done by the students themselves as in the pilot or completely outside the classroom), each followed by, what Mazur (2007, p. 8) refers to as a 'Concept Test', The concept test is a short conceptual test/question on the subject being discussed in class. The students are given time to formulate answers either during class or beforehand and are then asked to discuss their answers with each other. This process forces the students to think through the arguments being developed and provides them (as well as the facilitator) with a way to assess their understanding of the concept i.e. assessment takes place within the realm of the classroom. The students are forced to do the pre-class reading and assignments and the time with the facilitator is spent on elaborating on potential difficulties, deepen understanding, build confidence and add additional examples. Most of the instruction takes place outside the classroom and/or amongst the students themselves hence the term the 'flipped classroom'.

In designing the learning and assessment strategy for the pilot I was inspired by the various findings above but more specifically by Dr Guertin, a geoscience professor at Penn State University, who implemented Just in Time Teaching (JiTT) exercises in an introductory course entitled "Dinosaur Extinction and Other Controversies" (Zappe et al 2006, p. 4). In her class students were required to submit what she called the "DinoByte" exercises online through a course management system by a deadline before a specified class time. Before class, the facilitator reviewed all the responses to look for common errors, misconceptions, and particularly interesting submissions to share with the class. In class the facilitator lead a classroom discussion based on example responses, which were anonymously projected onto a screen. The assignments were graded using a rubric based on the amount of effort and correctness of the items. Individual feedback was given to each student electronically through the course management system. The JiTT assignments were then used in combination with several course projects to determine the final mark. No traditional tests or exams were administered. The weekly exercises were designed to encourage higher-order thinking skills in students, requiring critical thinking, synthesis, evaluation, and analysis.

This example clearly indicates that for the student to reap the full benefit of active learning it has to be coupled with a suitable assessment structure. In order to facilitate student understanding of the material, ideal classroom assessments should not only provide information on whether students are learning, but should also be exercises from which students can learn (Wolf, 1993). This typically blurs the line between assessment and learning. Smaller, more frequent assignments can be used as ways to track the progress of students' understanding as well as being potential learning experiences for students. In these types of exercises, as put forward by Zappe et al (2006, p. 1), 'the question of whether the assignment is one of assessment or teaching becomes unanswerable'. Rather, these assignments intertwine the aspects of student learning and assessment.

The motivation behind shifting from the common practice of assessment to a dynamic method of assessment in the pilot was firstly to increase learning; secondly to make assessment a natural part of the learning process and; thirdly, to enable me, to track what level of that learning that was actually taking place. The more practical aspects of this shift was to firstly diversify and integrate the methods of assessment; secondly to start

assessment earlier in the semester; thirdly to assess over the whole period instead of, as previously, mainly towards the end; and lastly to lower the level of stress on behalf the students. With regard to the diversity and equality aspects, as discussed in the introduction, it was important to make the students feel that they were involved in the assessment.

#### **4. The qualitative data**

As mentioned in the introduction 3 different surveys<sup>21</sup> were conducted in class for the purpose of understanding how the students perceived the new learning and assessment methods. The scope of this paper is too limited to analyse the qualitative outcomes of this research in detail; but a few indicators and challenges will be discussed. Firstly it was notable that most students were positive in general towards the introduction of active learning. The majority<sup>22</sup> suggested that similar techniques should be used in other subjects and that the case based method helped them better understand the topic.

However it was clear that they distrusted themselves as conveyers of 'accurate' information through the oral presentations and as assessors conducting peer-review in class. Although they felt involved and comfortable to discuss a specific topic in class they did not find that they could rely on the information if it was not 'certified' by me as the 'authority'. I would often receive questions with regard to the presentations held in class querying the correctness of the information and in the overwhelming majority of the cases the information presented by the students themselves was both accurate and well formulated. Furthermore, the majority of students responded that they did not trust their peers to review them objectively, 'as would the lecturer'. Interestingly, for the 7 oral group presentations that were held and peer-reviewed in the pilot the difference between the marks given by me and the students peer-reviewing the group presenting never differed more than 5 per cent and for 5 out of the 7 presentations the difference was less than 2 per cent.

Another interesting observation was that even though there were some very innovative ways of presenting the materials most groups choose to duplicate what we as lecturers do in class namely to speak to Power Points, one student after the other. This will probably be one of the most difficult challenges for next year's class, to not replicate the loss of student engagement in having the students themselves mimic the stereotyped behaviour of a lecturer transmitting information one way.

Lastly, a striking feature observed in all 3 surveys and in class was that once faced with the 'LawByte' exercises in class, exposing a number of possibilities of how to structure a valid argument, the majority of students could not let go of the idea that there had to be one solution, a yes or a no, a right and a wrong answer. This was the most important lesson for me as it indicated that we are currently, to a great extent, fostering an environment in class where we profess to have all the right answers and that there is only one right solution.

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<sup>21</sup> These surveys consisted of 3 sets of questionnaires and was handed out in the beginning, mid and end of the semester; generating in total 60 responses.

<sup>22</sup> Out of the 24 questionnaires that were collected in the first round 16 answered yes to the question 'Would you encourage other lecturers in other subjects to adopt the same teaching model?', 5 answered no and 3 yes with certain qualifications such as wanting case based teaching but not oral presentations.

## 1. Concluding remarks

Active learning and dynamic assessment is all about *equality* in learning human rights law. Different methods suits different students and in South Africa, and elsewhere, legal educators are faced with a diversity of students from many different linguistic and ethnic backgrounds, as discussed above. The overarching objective behind the shift in teaching methods was therefore not only to increase the depth of the learning but also, through different teaching and assessment methods, to reach a multiplicity of students and by doing so also promote and protect human rights amidst the students.

Switching from being a lecturer to a facilitator did not reduce my work load, it rather transformed it; and it has certainly helped me view human rights law through a much more critical lens. I quite often receive the question from colleagues 'but if you don't teach what do you do?' What I have learnt throughout this process is that active learning is a much more rewarding and enriching experience for me as an academic because I constantly have to push against my own boundaries and I have to venture far outside the comfort zone of my lecture notes and slides. Leading a discussion based on LawBytes or trying to tease out the problem areas in the students' exercises is far more demanding than a 'traditional lecture'. Furthermore, this shift has in many ways helped me conceive new topics for my own research.

Initially the combination of JiTT, peer-instruction and peer-review with dynamic assessment resulted in an increase of my work-load. After engaging with other lecturers' experiences through articles and the Peer-Instruction Network it seems to be a manageable process which gets easier with time and experience. As stated by a law lecturer at Adelaide University that re-designed her course using JiTT and peer-instruction, 'the information from the assessment energized [my] presentation and that although it seemed to be a lot of work [...] it was worth it [...] [I] believe the preparation will get easier as [I] develop greater familiarity with the method' (Carrington and Green 2007). The dynamic approach to assessment furthermore allows me to distribute the marking over the whole semester instead of fixing the marking to a short period during test and exam times. This enables me to put much more focus on the individual student and it most importantly allows me to detect low performing students early in the semester. I believe that even though some students indicated in their questionnaires that they felt nervous about their presentations in class, this system will lower the stress level overall of the students because the assessment is done in segments on a weekly basis.

Finally, for the future of this project the main challenges are to encourage the students to believe in their own abilities and to de-mystify the position of the lecturer in favour of the many opinions and objectives present in the student group. If we are to fulfil the objective of the UDHR, that introduced the discussion in this paper, we have to not only strive for the promotion and protection of human rights in our teaching but *by* our teaching enable our students to secure the universal and effective recognition and observance of the said rights.

# **TEACHING WOMEN, LAW REFORM AND SOCIAL JUSTICE STRATEGIES THROUGH DIALOGIC AND HANDS ON LEARNING**

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All too often activist interventions spend too little time conceptualizing the contextual settings that the problems that are sought to be addressed are located. Human rights for instance, provide a core conceptual framework within which today's social justice activism takes place. A key argument for example, is that the concept of human rights itself, if not located within the political and historical experiences of the target groups, can simply scratch the surface and stall rather than promote, the dismantling of unequal relations, while hiding behind rhetoric and slogans. From a women's human rights perspective, we explore the dilemma for women that emanates from cultural identity on the one hand and human rights on the other. Of concern are also conceptual challenges centered on engagement with religious and customary laws. Given the primacy accorded to culture and traditions in most of our African countries, the primary concern is how to address tensions that often arise between the observance of culture and the adherence to human rights. How for instance, should activists go about getting people to abandon practices that are clearly at variance with women's human rights, in manner which is non-defensive and non-offensive to the holders of such traditions?

Much of the activism around women's rights in Africa takes place through nongovernmental organizations (NGOs). The role of the non-governmental sector as a provider of services and an important change agent is therefore also significant to analyze conceptually. This is particularly so in light of the romanticized purity that has indeed often accompanied our perception of this sector when compared to the state on the African continent.

The role of lawyers as change agents is yet another fertile terrain for conceptual introspection from a social justice perspective. Lawyers in the third world have, for example, been criticised for helping to create and maintain political economies which produce international dependency, skewed distribution of wealth and power, as well as persistent and growing inequality. The last two decades in particular have witnessed discernible shifts in the focus of lawyers in the developing world. This is especially with the growth of NGOs and also the emphasis of the global human rights agenda. While not detracting from the major inroads lawyers have made in working with disadvantaged communities, still key questions arise as to the efficacy of that engagement. In what ways for instance, has work with grassroots resulted in strengthening interventionist strategies such as mediation and settlement since women are often not looking for strict legal remedies? What has this meant in terms of working with other disciplines? Is feminist and human rights jurisprudence filtering through to judges and magistrates in their interpretation of legislation? Is there shift in black letter lawyering that reflects the impact of strands of feminist jurisprudence that call for bringing on board women's lived realities in dealing with the law? How is the need for continuing education being addressed for judicial officers and with what results? In the various countries that students come from, has the women's agenda for equality and justice befitted at all from having lawyers in public policy

The content of what is focused on has significant bearings on whether social justice will be achieved for the intended beneficiaries – at least from their view point. In reality this means unearthing and understanding some of the critical concerns that affect the lives of our people on the continent. We examine the question of human rights priorities – what are they and who decides? What is the implication for women? Does aid for instance

compromise the issues that we prioritize in our social justice struggles on the continent? What for instance, could be different in our prioritization if current struggles did not go with the flow of donor money? Thus for instance, some of the urgent concerns include access to health, education, housing, and food to mention a few. Peace and security is also another real concern on the continent to date. Its absence fundamentally affects the realisation of important civil as well as social and economic rights. Grasping how these issues impact on women is crucial. Yet despite such issues being significant from a legal and social justice perspective they have not, until recently emerged as the core issues of concern for activism at the grassroots level. Also, with the growing emphasis on social and economic rights, how do we engage with such issues in a manner which does not make them the exclusive engagement of professionals who are able to engage with the complexities of human rights law?

I have often gotten students to examine the practical implications of An Naim's<sup>23</sup> suggested methodological approach of anchoring the norms of international systems within their own cultural traditions. His suggestion of using "internal discourse" within the framework of each country and "cross cultural dialogue" among the various traditions of the world is discussed from the viewpoint of what this would actually mean in practical terms using key problems in a particular country.

An example that students have in the past chosen to dialogue and work on is early marriage of young girls as this is fairly common in many African societies. As they have noted, the reasons can often be economic and stem from extreme poverty. Marrying off a young girl brings in bride-price which can alleviate poverty somewhat. Students examine the range of applicable human rights instruments to assess the violations at hand and to craft appropriate arguments.<sup>24</sup> Issues for internal discourse include health implications for girl children that might arise from early marriage; the need for education, and the long term benefits that may accrue to the family from having an educated girl child; the need to experience childhood; and the possibility of government loans and subsidies to combat poverty.

From a cross cultural perspective they state that they would focus on campaigns about early marriage in other countries focusing especially on implications for human rights. Methods such as posters, role plays, radio, TV are seen as useful in this regard. Given that formal and informal education is also regarded as key tools for changing attitudes and practices, we discuss how theses can be used in practice. Garnering support for reforms that impact on customs and traditions can also be more effectively done by engaging with traditional leaders. As such examining the role of traditional leaders in different settings and the strategies that are being used to bring them on board can provide useful insights for exchange among the students.

I have also looked at the issue of gender training to combat gender bias in the courts. Since legal justice for women is dependent on a number of core factors such as the legal framework, legal literacy, access to courts and in particular fair treatment in the courts, I zero in on gender training as this has become an important area of focus with social justice activists. In order to appreciate for example the challenges that emanate from biased judicial officers, in one instance we decided to horn in on the opportunity to train judicial trainees using the Sexual Offences Act as the back drop for the exercise. The two aspects of

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<sup>23</sup> See for example Abdullahi An' Naim *State Responsibility Under International Human Rights Law To Change Religious and Customary Laws* in R Cook (Ed) ***Human Rights of Women: National and International Perspectives*** (University of Pennsylvania Press, Pennsylvania Press 1994)

<sup>24</sup> These include for example the Convention on the Rights of the Child, articles 24, 28 and 29 in particular and Article 6(b) of the Protocol to the African Charter on the Rights of Women.

interest in this Act that were regarded as important to engage with included the criminalization of the wilful transmission of HIV and marital rape. The aim was for students to understand how gender bias on the part of judicial officers on issues of sex and sexuality may lead to unfair treatment for women seeking relief in such cases. The target groups in terms of judicial officers were trainee magistrates and prosecutors at the Judicial College in Zimbabwe. The institutions trains judicial officers at all levels and is also key in training non-degree prosecutors and magistrates for the lower courts. Working with these trainees on a specific area of the law such as the then Sexual offences Act<sup>25</sup> was regarded as an opportunity for social justice students to engage with the legal system in its various facets i.e. the law's substance (content), the structure (the courts, enforcement agencies) and culture (the shared social attitudes) especially given our discussion of these in class in terms of how each of these presents challenges for women. The overall aim of the exercise was to create critical consciousness of the participants on gender and its application to the law. This approach to learning which combines the theoretical and the practical is something that the students appreciate. As one student noted in herself evaluation of the exercise:

The practical exercise component of the course work is a very vital learning experience for law reform and social justice work in our different countries such that it needed more time than was given. It demands not just the conceptual understanding that can be communicated to the audience but creativity too which reflects lived realities.....

## **Conclusion**

The combination of law and lived realities helps to ensure that we are producing graduates who are able to make the linkages between theory and practice in very practical ways. A key challenge of teaching the course in this way though is always the time frame within which all this has to be achieved given that the course is taught as an intensive four week. However, as the aim is to provide reflective fields for analysis from both angles, the intensity is well worth it as the students themselves always acknowledge at the end of it all. An additional bonus to crafting a course of this nature, are the number students who increasingly choose to focus on social justice related issues in their detailed masters dissertations. By so doing they are undoubtedly contributing to a groundswell of knowledge based on women's lived realities in the field of access to justice.

(For a more detailed analysis of teaching this course see Amy Tsanga and Julie Stewart (eds) ***Women and Law: Innovative Regional Approaches to Teaching, Researching and Analysis*** (Harare, Weaver Press 2011)

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<sup>25</sup> The Sexual offences Act has since been consolidated into the Criminal Code.