

DEED OF AMENDMENT

BETWEEN

COMMONWEALTH OF AUSTRALIA

represented by the Australian Agency for International Development
(AusAID)

ABN 62 921 558 838

and

THE ADVOCACY FUND

(formerly TIDES ADVOCACY FUND)

A US Non-profit organisation

FOR

DISABILITY RIGHTS FUND

AUSAID AGREEMENT 50426

THIS DEED OF AMENDMENT is made this 6th day of JUNE 2011

BETWEEN:

The **COMMONWEALTH OF AUSTRALIA**, represented by the **AUSTRALIAN AGENCY FOR INTERNATIONAL DEVELOPMENT, ABN 62 921 558 838** ("the Commonwealth")

AND

THE ADVOCACY FUND (formerly TIDES ADVOCACY FUND) of 1014 TORNEY AVENUE, SAN FRANCISCO, CA 94129 USA (the "Organisation").

RECITALS:

- A. On 26 May 2009 the Commonwealth and the Organisation entered into **Funding Agreement 50426** in writing for the funding of the Activity described in the Agreement. The Agreement has been varied in writing on 18 December 2009 and 9 September 2010.
- B. The parties have now agreed to alter the Funding Agreement as set out in this Deed.

OPERATIVE PROVISIONS:

1. In this Deed, unless the contrary intention appears, a reference to the "Agreement" is to the Agreement referred to in Recital A.
2. The Agreement is amended as set out below:

Clause 2.1	Delete existing Clause 2.1 and replace with new Clause 2.1 as follows: The Organisation must commence the Activity on 1 June 2009 ("Activity Start Date") and conclude the Activity by 30 June 2012.
Clause 3.2	Delete existing AusAID contact and replace with: To: [REDACTED]
Clause 14.1	Delete "June 2010" and replace with "June 2012". Delete "The second Steering Committee report shall be considered the final Activity report."
Clause 14.3	Delete existing AusAID contact and insert [REDACTED] and email [REDACTED]

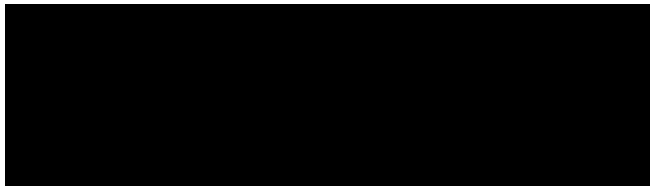
Amendment No. 5

Clause 15.1	Delete existing clause and insert as follows: Funds up to a maximum of AUD 3,200,000 shall be payable as an acquittable grant by AusAID as follows: <table><tr><th>Indicative Date</th><th>Tranche Number</th><th>Amount of Funds</th></tr><tr><td>June 2009</td><td>1</td><td>AUD 600,000</td></tr><tr><td>23 December 2009</td><td>2</td><td>AUD 600,000</td></tr><tr><td>24 August 2010</td><td>3</td><td>AUD 800,000</td></tr><tr><td>30 May 2011</td><td>4</td><td>AUD 1,200,000</td></tr></table>	Indicative Date	Tranche Number	Amount of Funds	June 2009	1	AUD 600,000	23 December 2009	2	AUD 600,000	24 August 2010	3	AUD 800,000	30 May 2011	4	AUD 1,200,000
Indicative Date	Tranche Number	Amount of Funds														
June 2009	1	AUD 600,000														
23 December 2009	2	AUD 600,000														
24 August 2010	3	AUD 800,000														
30 May 2011	4	AUD 1,200,000														
Clause 15.2	Insert new clause as follows: Tranche 4 will be payable upon the Disability Rights Fund’s submission to AusAID of a request for payment and the provision of all reporting in accordance with clause 14.															
Clause 16.2	Delete existing AusAID contact and replace with: Cc: [REDACTED] AusAID Email: [REDACTED]															
Schedule 1A	Add new Schedule 1A “The Advocacy Fund Letter dated 3 May 2011” and “DRF Proposal 2011-2014” which is Attachment 1 to this Amendment.															

3. The amendments set out in this Deed take effect on the date on which this Deed is signed by both parties.
4. In all other respects the parties confirm the Agreement.

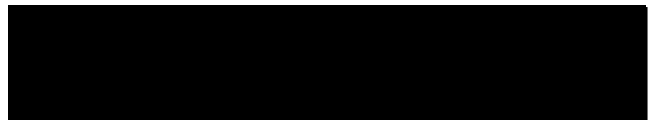
EXECUTED AS A DEED by the Commonwealth, by an authorised officer, and by the Organisation by its authorised officer(s).

SIGNED for and on behalf of the
COMMONWEALTH OF AUSTRALIA
represented by the Australian Agency for
International Development by:

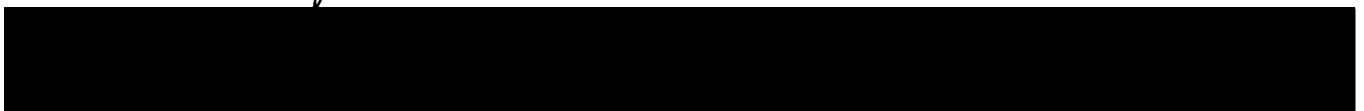


Signature of FMA/Act s44 Delegate

in the presence of:



Signature of witness



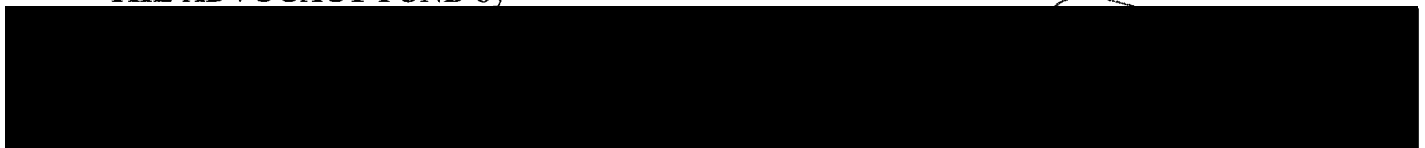
Name
(Print)

Name of witness
(Print)



Position, Section *DEVELOPMENT CLERK.*

SIGNED for and on behalf of
THE ADVOCACY FUND by

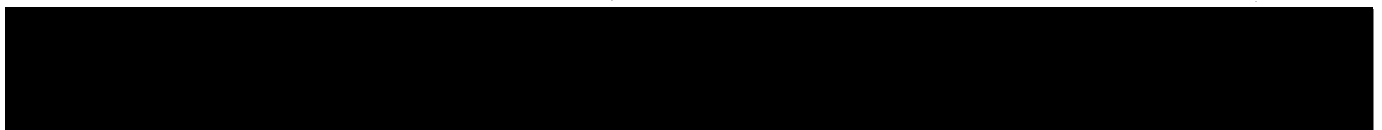


Name and Position
(Print)

Signature

By executing this Deed of Amendment the signatory warrants that the signatory is duly authorised to execute this Deed of Amendment on behalf of the Organisation.

in the presence of:



Name of Witness
(Print)

Signature of Witness

AMENDMENT SUMMARY SHEET

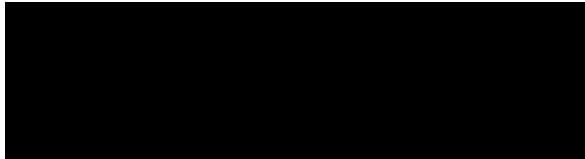
The Funding Agreement has been varied in accordance with the clause headed **Agreement Amendments** of the Funding Agreement on the following dates relating to:

Amendment #	Date	Brief Summary of Amendment	Increase/Decrease in financial limit	Adjusted Financial Limit
1	18/12/09	Increase in financial contribution and variation in reporting requirements	Increase AUD 600,000	AUD 1,200,000
2	9/9/10	Increase in financial contribution	Increase AUD 800,000	AUD 2,000,000
3	This Amendment	Increase in financial contribution and variation in reporting requirements	Increase AUD 1,200,000	AUD 3,200,000

THE ADVOCACY FUND

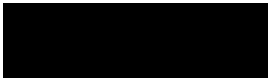
The Presidio | P.O. Box 29229
San Francisco, CA | 94129
tel: 415.561.7860
fax: 415.561.6301

www.advocacyfund.org



May 3, 2011

RE: Amendment to Funding Agreement Deed 'AusAid Agreement 50426' of 3 May 2011

Dear 

This letter requests an amendment to our current agreement—AusAID Agreement 50426—to enable The Advocacy Fund¹ / Disability Rights Fund to better address the rights of persons with disabilities around the world. We are requesting revision of the terms of the agreement, including revision to the overall amount of funding provided.

The additional funding will be pooled with other donor funds and used towards grantmaking as well as programmatic and administrative operations. Of the additional AUD 1,200,000, at least USD 800,000 will be used towards grants from the second round of funding in 2011 (which includes grants to the Pacific Island countries) and for a new funding stream to be developed with this contribution. For monies used for re-granting, there is a 6% fee from The Advocacy Fund. The remainder of the AusAID grant will be utilized for programmatic and monitoring activities, such as capacity-building, grantee convenings and site visits, as well as for operations of the Fund, including governance meetings. For monies used for these expenses, there is a 12% service fee for The Advocacy Fund's services.

¹ Formerly known as Tides Advocacy Fund prior to a name change in October 2010.

Amendment of the following terms of the current agreement will be required:

2.1 -- dates. We request that this be changed to read, "The organization must commence the Activity on 1 July 2011 ("Activity Start Date") and conclude the Activity by 30 June 2012."

15.1 – funds for payment. We request that this be changed to reflect the additional amount of AUD 1,200,000 as outlined above.

We appreciate the support of AusAID and the recognition that more funding is needed to enable Disabled Persons' Organizations around the world to fully utilize the Convention on the Rights of Persons with Disabilities in advancing the human rights of their constituencies.

AusAID funding and support to date has enabled DRF to expand grantmaking to additional countries, including the Pacific Island Countries and Indonesia; hire a new Program Officer for the Pacific and Asia to meet the challenges of this expansion; and leverage renewed support from other donors to DRF (including a multi-year grant from DFID). In the period of AusAID funding to date, DRF has given out USD 4.95 million in grants to 135 different DPOs to advance the rights of PWDs. In addition, DRF has embarked on a process of organizational development that includes formalizing a M&E system and progressing towards organizational independence from Tides.

We are eager to continue this successful relationship with AusAID for a further three years. Our proposal takes into account our transition to independent legal status, which is anticipated to occur early 2012. Until that time, it is necessary for all funding to be streamed through The Advocacy Fund. In light of this, we are requesting a one year extension to the current agreement, to be followed by an additional two year partnership directly with AusAID once we have become an independent organization.

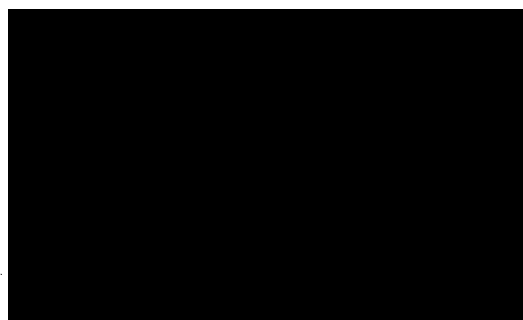
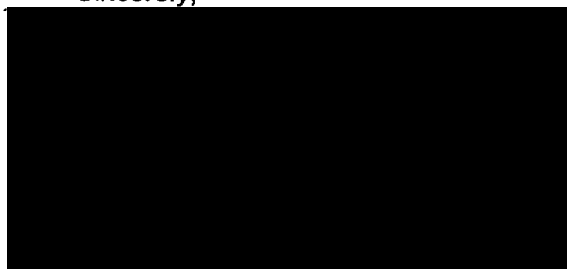
It is anticipated all current AusAID monies will be expended by 30 June 2011. Expenditure details for 2010-2011 will be outlined at the end of our grant-making period in the financial report due July 30, 2011 under our current agreement.

The indicative budget for the requested additional contribution is as follows:

Financial Year	Australia's Contribution	Activities to be supported	Indicative budget
2010-11	AUD 1,200,000	Grants (estimated 40 grants) (67% of total grant);	AUD 800,000
		The Advocacy Fund grants management fee (6%)	AUD 48,000
		Program Support activities	
		• Program Officer for Pacific and Asia	AUD 82,330
		• Program Officer for new funding stream	AUD 45,694
		• Governance meetings	AUD 30,500
		• Grants oversight (site visits, grantee convenings, in-country consultants)	AUD 50,000
		• Research Consultant & publication to highlight grantee work	AUD 50,000
		Administration & Strategy, e.g. part of DRF Director salary & benefits, office rent, etcetera	AUD 61,120,
		The Advocacy Fund Service Fee on program support and administration costs (12%)	AUD 32,357
TOTAL			AUD 1,200,000

We look forward to continuing partner with AUSAid to better address the rights of persons with disabilities around the world.

Sincerely,





Proposal to AusAID: 2011-2014

I. SUMMARY

The Disability Rights Fund¹ (DRF) – a unique collaborative grantmaker supporting Disabled Persons' Organizations in the Global South and Eastern Europe / former Soviet Union – is requesting AUD 4,200,000 for the period 1/7/2011 – 30/6/2014 to empower DPOs to participate in ratification, implementation and monitoring of the Convention on the Rights of Persons with Disabilities (CRPD) at country levels.

A marginalized minority, persons with disabilities (PWDs) make up a disproportionate percentage of the poor in the developing world (80% of all people with disabilities live in the developing world and there, make up 20% of the world's poorest people). Still, disability has not yet been widely recognized as important to many national or international poverty reduction strategies (e.g., disability is not mentioned in many PRSPs or in the Millennium Development Goals²). Because human rights and poverty are deeply connected³, and "Disability is viewed ... as an issue of social exclusion, requiring a rights-based framework,"⁴ enhancing the participation of representative organizations of PWDs in the realization of rights can have both a direct and indirect impact on poverty within this community.

DRF, which operates as a pooled fund – combining the resources of multiple governmental and private donors⁵ – enables donors to harmonize their efforts in this regard and provides donors with an efficient way to reach organizations outside their normal purview.

Expected **outputs** of DRF funding in target countries over the three-year period are 1) greater DPO participation in legislative, policy and program changes in accordance with the CRPD; 2) greater DPO participation in human rights monitoring at national and international levels; 3) a more diverse and representative disability rights movement; and 4) DRF grantees resourced and capacitated to advocate for and monitor implementation of rights – ultimately contributing to a society that fully includes PWDs in every aspect of life, as envisioned by the CRPD.

¹ The Disability Rights Fund is a project of the Tides Center and has a grantmaking fund at the Tides Foundation. It also is a project of The Advocacy Fund, under the name, Disability Rights Advocacy Fund.

² Australia has recognized the link between disability and the MDGs, as noted in the Development for All program, "Strengthening Australia's focus on disability in the aid program is integral to sustainable development and an essential part of achieving the Millennium Development Goals (MDGs) designed to improve the well-being of the world's poorest people by 2015," p.1.

³ OHCHR, the UN General Assembly, and numerous experts and governments have recognized the direct connection between human rights and poverty. See, for example, A/RES/63/175 Resolution Adopted by the General Assembly on Human Rights and Extreme Poverty, 20 March 2009.

⁴ AusAID, *Development for All: Towards a Disability Inclusive Australian Aid Program 2009-2014*, available at <http://www.ausaid.gov.au/publications/pdf/dev-for-all.pdf>

⁵ At present time, DRF has 7 contributing donors, including American Jewish World Service, an anonymous donor, AusAid, DFID, Leir Foundation, Open Society Institute, and The Sigrid Rausing Trust.

For the first year of the grant period, first of July 2011 – thirtieth of June 2012, DRF is requesting AUD 1,200,000 from AusAID. For the second year, first July 2012 – thirtieth June 2013, DRF is requesting AUD 1,400,000, and for the third year, first July 2013 – thirtieth June 2014, DRF is requesting 1,600,000. The year-to-year increase will continue AusAID support to the competitive grants scheme and enable growth of a new funding stream to incorporate goals shared by DRF and AusAID outside of the current DRF scope. Of the total projected **budget** for this period (AUD 13,275,542⁶), the request to AusAID represents 32%. Total re-granting projections for this period are: for 2011-12, AUD 2,520,000; for 2012-13, AUD 2,835,000; and for 2013-14, AUD 3,045,000.

Expected outputs from AusAID funding in the first year of the grant period are: 1) contribution at similar levels (of AUD 800,00 in 2010) to competitive grants scheme; 2) creation of structure and guidelines for the new funding stream and initiation of grantmaking (approximately AUD 200,000 in the first year); 3) creation of a new Program Officer position to manage the new funding stream and hiring for this position; 4) creation of policies (such as a Child Protection Policy and other necessary organizational policies to launch the Fund as an independent organization); and 5) development of DRF's first annual report, including grantee highlights.

II. PROJECT DETAILS

II.1 Project Description

People with disabilities are the world's largest minority population. In the developing world, less than 5% of children and young persons with disabilities have access to education⁷; the global literacy rate for adults with disabilities is as low as 3% and 1% for women with disabilities⁸. Women comprise 74% of people with disabilities in low and middle-income countries, yet receive only 20% of the rehabilitation services available.⁹ They are also up to three times more likely to be victims of sexual abuse and rape.¹⁰ Although few studies have been conducted and almost no hard data exists, individuals with disabilities are anecdotally estimated to be at twice the risk of contracting HIV/AIDS.¹¹ And, between 2.5 and 3.5 million of the world's displaced people are disabled.¹²

Despite these dire statistics, people with disabilities have largely been ignored by development agencies, human rights organizations and donors. The MDGs, agreed to by all the world's countries and all the world's leading development institutions, do not mention disability at all. (With strong backing from Australia, the UN General Assembly in November 2009 did adopt a resolution on 'Realizing the Millennium Development Goals for persons with disabilities'.) Prior to the CRPD, there was no dedicated, binding international instrument that people with disabilities could invoke to gain acknowledgment of their rights. Few donors

⁶ Please note that this projection has been converted from USD to AUD, using an exchange rate of 1 USD=1.05 AUD).

⁷ Secretary-General of the United Nations in his report on the Implementation of the World Programme of Action concerning Disabled, A/56/169, paragraph 79

⁸ UN DPI fact sheet

⁹ Women and Girls with Disabilities, Human Rights Watch Report. Available at <http://www.hrw.org/women/disabled.html>

¹⁰ Nora E. Groce, HIV/AIDS and Individuals with Disability, HEALTH AND HUMAN RIGHTS, Vol. 8, No. 2 (2005).

¹¹ Discrimination X 3: Women, AIDS, and Disability. Available at <http://www.aids-freeworld.org/content/view/88/66/>

¹² Disabilities Among Refugees and Conflict-Affected Populations. Available at <http://www.womenscommission.org/special/disabilities.php>

fund programs addressing disability¹³ (especially from a rights-based perspective) and even fewer work with DPOs – the representative organizations of people with disabilities. Surveys of Southern DPOs suggest that what little funding exists is usually routed through and controlled by Northern INGOs.¹⁴ Given the resulting power differential, people with disabilities and DPOs in the developing world “often have little or no control over what is being done ‘to us’ or ‘on our behalf.’”¹⁵

The Convention, signed by 147 countries and ratified by 99, provides an opportunity to dramatically alter this situation. Defining disability not as inherent in persons but as a result of “the interaction between persons with impairments and attitudinal and environmental barriers,”¹⁶ States Parties have acknowledged for the first time the need for a rights-based approach to disability. Drafted with the strong activism and unprecedented participation of people with disabilities, as elaborated in article 4¹⁷, the active involvement of people with disabilities and their representative organizations in implementation and monitoring is mandated. *“Full and effective participation and inclusion in society of persons with disabilities is a general principle of the Convention, which also specifically establishes the duty on States to closely consult and actively involve persons with disabilities in the development and implementation of policies that affect them.”*¹⁸

As disability legal expert, Gerard Quinn, rightly notes, “Now that there is a high level legal instrument at the international level on disability, the main challenge ahead is to harness it effectively. First this assumes an organized and vocal civil society – one that can successfully articulate arguments for change based on the norms of the Convention.”¹⁹ The years 2011-2014 are critical in terms of ensuring that DPOs can and do participate and that best practice precedence for this participation is documented and publicized.

Supporting disabled persons’ organizations in the Global South, Middle East and EE/fSU as they participate in advancement of the Convention is the main task of the Disability Rights Fund. To date, DRF has distributed USD 4,955,173 through 213 small-modest, CRPD-related, advocacy grants to 135 different DPOs in 18 countries, and in most of these countries, as grantees begin their projects, has conducted grantee convenings (including CRPD training, grantee information exchange, and opportunities to dialogue with government or NHRI officials). The average small grant has been in the range of USD 18,000; coalition grants thus far have been close to the maximum (USD 100,000 over a two-year period). DRF funding has

¹³ If US data are any guide, only 4% of total foundation and corporate spending goes to disability and very little of that, if any, goes towards rights. Disability Funders Network, “Bridging the Knowledge Gap: Working with Foundations to Attract Disability Funding,” at <http://www.disabilityfunders.org/attractdisfund.html>

¹⁴ Unpublished report, Workshop on Capacity Building of Southern Disabled People’s Organisations, Dhaka, Bangladesh, May 2007.

¹⁵ International Disability Equality Agency, Overseas Development Group, University of East Anglia, “Equalise It! A Manifesto for Disability Equality in Development Cooperation,” 6 July 2007.

¹⁶ Final report of the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities (A/61/611), U.N. General Assembly, 61st Session, 6 December 2006, preambular paragraph (e).

¹⁷ “It bears emphasizing that Article 4.3 embodies the principle of ‘nothing about us without us’. That is, DPO[s] must be consulted and listened to...” Quinn, Gerard, “The UN Convention on the Rights of Persons with Disabilities. National Institutions as Key Catalysts of Change,” National Monitoring Mechanisms of the Convention on the Rights of Persons with Disabilities, May 2008: Comisión Nacional de los Derechos Humanos México p.128.

¹⁸ A/HRC/10/48; Human Rights Council, “Annual Report of the United Nations High Commissioner for Human Rights and Reports of the Office of the High Commissioner and the Secretary-General: Thematic Study by the Office of the United Nations High Commissioner for Human Rights on enhancing awareness and understanding of the Convention on the Rights of Persons with Disabilities,” 26 January 2009, p. 6.

¹⁹ Quinn, p.128.

targeted DPOs and DPO-led collaborations (at local and national levels) in 6 regions and 26 countries²⁰: in the Pacific, 14 Pacific Island Countries (PICs)²¹; in Asia, Bangladesh, India, and Indonesia; in Africa, Ghana, Namibia and Uganda; in Latin America, Ecuador, Mexico, Nicaragua, and Peru; in EE/fSU, Ukraine; and in the Middle East, Lebanon. (See Attachment 1, DRF Grantee List.)

Operationally, major DRF accomplishments to date include: finalization of a multi-stakeholder agreed framework, governance mechanisms (Global Advisory Panel and Steering Committee), a strategic plan 2010-2012, and a monitoring & evaluation system; growth of the pooled fund from 1 to 7 contributing donors and a 2011-12 budget of AUD 4,086,340; identification and hiring of 6 staff persons, 4 of whom are people with disabilities; development of grantmaking strategy including target country criteria & country strategies; publication of grants guidelines in Arabic, English, Spanish, Ukrainian and Russian; development of grants administration procedures; and connection with and oversight of all 135 DRF grantees through program officer appointments, convenings and site visits.

With an **impact** of equal rights and opportunities and full participation in society for PWDs in the Global South, MENA, and Eastern Europe / fSU, the **outcome** of the present request is enhanced participation of persons with disabilities in rights advancement. **Outputs** towards this outcome are: 1) DPOs participating in legislative, policy and program changes in accordance with the CRPD; 2) DPOs participating in human rights monitoring at national and international levels; 3) a more diverse and representative disability rights movement; and 4) DRF grantees resourced and capacitated to advocate for and monitor implementation of rights.

Activities which will be undertaken to achieve these outputs are (1) finalization of a Fund M&E system which clearly tracks progress in addressing the DPO community; (2) improvement in dissemination & outreach efforts as well as applicant review mechanisms to ensure that DRF is adequately reaching desired target groups (DPOs, marginalized sectors of disability community, advocacy work, emergent & innovative efforts around the CRPD); (3) research about and capacity building of grantee DPOs in terms of rights understanding and rights work; and (4) showcasing this work to a wide group of stakeholders (funders, governments, human rights institutions, civil society in general).

Over the period 2011-2014, DRF will continue to address current target countries but, as resources expand, will (a) add additional countries²² into the competitive grants scheme and (b) grow new activities, such as other funding streams, research, and capacity-building, which complement the competitive grants scheme. For the competitive grants scheme, the general grants strategy as it now stands (for details, see *Management* section below) will remain relevant. New complementary activities will be designed over the first year of the AusAID grant, with input from DRF governance and advisory functions. These may include, for example, re-granting to regional-level DPO efforts, institution of a small discretionary fund that DRF staff can expend on

²⁰ Following two years of grantmaking, two of the 26 countries have been dropped from DRF's target country list because of lack of sufficient DPO applications despite outreach.

²¹ PICs where DRF has opened grantmaking are: Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Nauru, Niue, Palau, Papua New Guinea, Republic of the Marshall Islands, Samoa, Solomon Islands, Tonga, Tuvalu, and Vanuatu.

²² In 2011, DRF has added Lebanon in the first round. It is projected that over this period, at least 2 new countries will be added. Country selection is made based on (evolving) criteria set by the Global Advisory Panel and the Steering Committee (See Attachment 2 DRF Country Selection Criteria) as well as on country research completed by DRF staff and presented to the Steering Committee (See, as example, Attachment 3 Pacific Islands Country Brief).

grants which fall outside the general (country or priority) guidelines but represent unique opportunities, research regarding DPO advocacy work, and DPO capacity-building.

II.2 Project Appraisal

Background

The Fund's overarching goal is advancement of the CRPD in the Global South, MENA and Eastern Europe / former Soviet Union and its main strategy, supporting disabled persons' organizations at country-level via modest, advocacy-oriented grants. DRF's key program is grantmaking; field-building among donors in the area of disability rights underpins this aim.

AusAID joined the Disability Rights Fund in 2009 with a first grant of AUD 600,000 to help support expansion of the competitive grants scheme, especially to the Pacific Island countries – a key partner region of Australia. AusAID's initial contribution also supported the addition of a new Program Officer for the Pacific and Asia. AusAID attended both the June and November 2009 Steering Committee meetings. In these meetings, AusAID worked with other donors and with advisors and DRF staff on grantmaking strategy, including regional and country priorities moving forward, as well as on decision-making on grants to be supported. AusAID's involvement through the course of 2009 led to an additional grant (AUD 600,000) at year end, through June 2010, which helped DRF to strengthen staffing, communications, and infrastructure and leveraged other donor contributions.

After the November 2009 Steering Committee meeting, and with DRF's successful completion of both AusAID start-up grants, AusAID then made a larger commitment of AUD 800,000, spanning 1 July 2010 – 30 June 2011, contributing to both re-granting and operational (programmatic and administrative) expenses. At present, AusAID is one of seven contributing donors to the Fund, and a regular participant in Steering Committee meetings.

Contributing to DRF enables AusAID to both address internal policies on disability & development²³ as well as ensure that foreign aid commitments are in accordance with Article 32 of the CRPD, which Australia ratified in July of 2008.

Approach

Since launch of DRF in March 2008 with the support of 4 donors, the Fund has experienced rapid growth. Currently supported by 7 donors, DRF has a projected 2011 budget of USD 3.4 million (up from an annual budget of USD 1.5 million in 2008). Five grantmaking rounds have been conducted thus far, distributing USD 4,955,173 to 135 different organizations in 18 countries. Grants are supporting ratification campaigns, development of legislative proposals to ensure domestication of the CRPD, alternative reports to the CRPD Committee from civil society, documentation of abuses of rights, CRPD training across multiple groups of stakeholders, and DPO strengthening (particularly amongst the most marginalized groups of PWDs).

The process of creating the Fund, which involved extensive discussions with the disability community, an open vetting of the framework of the Fund, and nominations of advisors (and future Steering Committee members) via international and regional DPO networks, has been key to establishment of the Fund as an

²³ "Development for All" available at http://www.ausaid.gov.au/keyaid/pdf/FINAL%20AusAID_Development%20for%20All.pdf.

innovative grantmaking vehicle operating in concert with the disability community's slogan, "nothing about us without us".

The Fund's unique structure includes a Global Advisory Panel of 12 members – the majority of whom are people with disabilities from the Global South and Eastern Europe nominated by international and regional DPO networks – which makes grantmaking strategy recommendations and is now taking on a monitoring & evaluation role; and a Steering Committee composed of donor representatives and 4 of the advisors, which – through a consensus process – finalizes grantmaking strategy and guidelines, makes final recommendations of grantees, and has oversight of the Fund. (With DRF's move to independent non-profit status, this structure will change. The present Steering Committee will evolve into a grantmaking committee of the Board – which will make recommendations on grants to the Board.)²⁴

This structure, which places people with disabilities in powerful roles within DRF, was informed both by newer philosophies in grantmaking which strive to include grantee communities in the grantmaking process, as well as by the principles and articles of the CRPD which recognize participation as an imperative. The involvement of people with disabilities at all levels of the organization – advisory, governance, and staff – is a core strength of the organization, lending DRF legitimacy as well as access to worldwide networks of people with disabilities from which DRF can gather important baseline data and through which DRF can spread information about its work.

Other DRF strengths include the experience of its staff and its donors, which DRF can leverage through the vehicle of the Steering Committee. Through interactions with DPO applicants from around the world, DRF staff are building a unique repository of knowledge about the global disability movement. Donors to the Fund bring years of grantmaking expertise in human rights, poverty reduction and social justice, and many of them also have some experience in funding other disability rights work. Their experience and networks are critical for the Fund in determining and overseeing grantmaking strategy and structure.

Economic Appraisal

DRF, which operates as a pooled fund – combining the resources of multiple governmental and private donors²⁵ — enables donors to harmonize their efforts, provides donors with an efficient way to reach organizations outside their normal purview, and gives donors essential feedback on DPO investments.

There was (and still is) a huge knowledge gap, especially among donors, about who the stakeholders are, particularly at sub-national levels. (The few donors who have contributed to DPOs at country level, have usually contributed (either directly or indirectly, via INGOs or IDPOs) to the largest groups.) Because DRF incorporates in its structure, leaders of the global disability community from the Global South and EE/FSU, who are linked to international and regional DPO networks, DRF is able to identify, outreach to, support and evaluate organizations outside of the normal purview of its donors. Many of these organizations have never before received (foreign) grants; in many cases, as the disability movement expands, they are also emergent

²⁴ A founding Board, made up of 4 members of the present Steering Committee (2 donors and 2 advisors), 1 new member, and the Executive Director as an ex-officio member, has started to develop new governance procedures. (See *Attachments 4A and 4B By-Laws*.) Steering Committee members who are not interested in Board membership are still invited to participate in the grantmaking committee.

²⁵ At present time, DRF has 7 contributing donors, including American Jewish World Service, an anonymous donor, AusAid, DFID, Leir Foundation, Open Society Institute, and The Sigrid Rausing Trust.

and / or grassroots organizations, often representing the most marginalized sectors of the disability community (such as people with psycho-social disabilities or albinos or little people or women with disabilities).

With a focus on a strong, tailor-made mentoring and support role for each grantee²⁶, DRF is able to make small – modest grants to new, grassroots, and marginalized groups which would not be eligible for other (larger) donor grants. This ability to reach beyond national-level, more well-established organizations is a unique feature of this pooled fund, and contributes to enhancing the depth of the disability rights movement, and to including those populations which are often most excluded. By doing so, DRF enhances implementation of the articles and principles of the CRPD, which articulate the need for participation by all persons with disabilities.

For donors participating in DRF governance structures, DRF's grantmaking processes also enhance the information available about the disability community worldwide. Utilizing an evaluative learning approach to improve upon grant guidelines and oversight, grant outcomes and lessons learned are aggregated for presentation to the Global Advisory Panel and Steering Committee (or, in the future, grantmaking committee and Board) in two yearly meetings. Participating in the DRF structures enables donors to learn from the Fund's challenges and successes in outreach and rights-based grantmaking to DPOs and to apply these to their own work.

Social Appraisal

The poverty of living conditions for the majority of people with disabilities around the world is daunting. 80% of all people with disabilities live in the developing world and there, make up 20% of the world's poorest people. Especially in the developing world, lack of access to education, employment, and community life and abuse of person have forced most people with disabilities to concern themselves with basic survival rather than with achievement of rights.

DRF's grants, which often provide the first or only funds a DPO might have or at least the first funds addressing rights, allow organizations to begin to address the exclusion and stigma which drastically affect the livelihoods of persons with disabilities. As an example, a USD 5000 grant that DRF gave to an emergent organization of little people in Uganda to hold their first membership meeting, learn about the CRPD and create a strategic plan, resulted in strongly increased integration for this marginalized group. With the grant, Little People of Uganda received mass media attention, were invited to speak with Ministry officials in charge of disability, and within the course of a year, achieved other donor funding to strengthen their organization and address their exclusion from Uganda's education system. A USD 10,000 grant provided through fiscal sponsorship to an emergent group of people with psycho-social disabilities in Lima, Peru has enabled them to legally register as an organization (ASUMEN) and to gain voice in the larger disability community. Similarly, a USD 20,000 grant given via fiscal sponsorship to a network of women's DPOs in Bangladesh has strengthened their capacity to gather information about violence against women with disabilities and has resulted in a partnership with a leading mainstream legal aid organization to bring

²⁶ DRF currently has 3 Program Officers; one overseeing grants in MENA and Latin America; one overseeing grants in the Pacific and Asia; and one overseeing grants in sub-Saharan Africa and EE/fSU. Each Program Officer has an individual relationship with each grantee in their portfolio of 30-40 grants.

violations of rights to court. These and many other grants are breaking down the walls that have kept PWDs excluded from the rest of society and living life on the margins.

Institutional Appraisal

Most DPOs in the Global South are severely under-resourced. Many have no sources of funds at all and rely fully on volunteers. This is especially true in Latin America and the Pacific. In Africa and Asia, where development agencies have focused some funding on disability, there are a few national-level or urban DPOs which have budgets in the USD \$100,000-\$500,000 range; the more rural or more local DPOs, however, have few funds (ranging from nothing to \$50,000). Organizations sometimes have added resources from national or local government. Hardly any of these funds have directly addressed rights issues. Because of this history of being poorly resourced or when resourced, resourced as an act of charity, there is often, among DPOs, a lack of organizational (including financial) or leadership capacity coupled with poor legal understanding or poor understanding of how best to utilize rights tools (especially how to address domestication and monitoring of international rights treaties). As in any oppressed group, there is also competition within the disability community and difficulty formulating, or standing behind, a joint voice – critical for negotiating a place at the table. Further, because of internal and external stigma, the disability rights movement is most often isolated from legal and other rights communities which could be helpful in pursuing rights implementation.

These gaps make it difficult for DPOs to meet the expectation of participation in CRPD implementation and monitoring that the treaty mandates.

DRF grantees range from new and grassroots to national-level well-established DPOs, from organizations experienced in advocacy to those just starting to learn about rights. As such, they have varying capacity. Recognizing that scarcity of resources has limited the capacity of many PWDs and DPOs to engage in decision-making which affects their lives, DRF necessarily takes on some degree of risk in grantmaking, including fiduciary risk. However, this risk is mitigated by our due diligence procedures, including an intensive application review process (described below), one-on-one relationships with grantees, and DRF's extensive networks in the broader disability community which help with assessment, M&E, convening, training and mentoring. Financial risk is mitigated by (1) requiring, for grants over USD 20,000, two years of income & expenditure reports; (2) identifying, with DRF governance, grants which will be split into two tranches, with payment of second tranche only on receipt of satisfactory financial and programmatic reports; and (3) (as of 2010) requiring project audits.

This tailor-made approach is time-intensive; supporting new organizations, organizations without proven financial capacity, and many small grants requires additional work. DRF's participatory model of grantmaking, conducted with the support of global/regional disability leaders and with Program Officers (responsible for oversight of grantees) who manage no more than 30-40 grantees, ensures that these organizations are identified; gain technical assistance at proposal, implementation and evaluation stages; and increase their linkages within the larger disability and human rights community (through trainings, grantee convenings, etcetera). This movement-building or empowerment process, described more fully in DRF's strategic plan, is enhanced by the inclusion at all levels in DRF (advisory, governance and staffing) of persons with disabilities, who lend disability expertise, credibility, and mentoring capacities to the Fund and its grantees. Conducting grantmaking in this way has perhaps more costs up-front (to account for reasonable

accommodations of staff and advisors as well as to intensively support grantees)²⁷, but we believe it also delivers more impact.

Political Appraisal

Among many donors and governments, a charity approach towards people with disabilities (i.e. viewing PWDs as objects to be treated and not as subjects who can take control of their lives) has been the norm. The belief that people with disabilities belong in the realm of welfare or health and not in the realm of rights is persistent.

Gaining greater support from donors and governments requires addressing the pervasive invisibility of people with disabilities and DPOs in the rights arena. As recognized by AusAID's Disability Inclusive Development Team which has integrated leadership modeling among donors into their strategy, this is not an easy task. Because of exclusion and stigma, there is little reliable information on disability, especially in the developing world.²⁸ While information is expanding with more attention to disability post-adoption of the CRPD, most donors and governments do not have reliable information or statistics on (conditions for) persons with disabilities, nor do they have relationships with key stakeholders in the disability movement. This constrains ability to strategize remedies.

Precisely for this reason, the CRPD mandates the involvement of persons with disabilities and DPOs in implementation and monitoring. DPOs, however, need support to become part of the domestication process. DRF's grants enable DPOs to gain visibility, start dialogue, provide examples of best practices, participate in decision-making fora, and monitor government practices. For example, a DRF grant to the disability section of the Human Rights Law Network in India enabled DPOs across India to contribute to recommendations on changes to the Disability Act, post-ratification. Another Indian grant to parent-led organization, Parivaar, is modeling supported decision-making for persons with intellectual disabilities for possible broader uptake by the National Trust (a governmental entity in charge of guardianship). A grant to a coalition of organizations in Mexico is supporting the production of Mexico's first alternative report to the CRPD Committee. All these grants ensure an enhanced voice for PWDs in policy decisions.

Gender and Child Protection Appraisal

Statistics show that women with disabilities are 3 times more likely to be victims of violence than women without disabilities; violence against CWDs occurs at annual rates at least 1.7 times greater than children with no disabilities; and nearly 1 in 5 victims of violence with a disability were targeted because of their disability.²⁹

²⁷ Most intermediary grantmakers in the U.S. strive for a 70/30 balance, where 70% of their funding is re-granted and 30% covers other costs. DRF, still a new grantmaker with start-up expenses, at an average of 65/35 is very close to this ideal. In addition, of the 35% not re-granted, the majority is expended on program expenses related to the grantmaking (grantee convenings, grantee training, site visits, advisory meetings).

²⁸ Yeo, Rebecca, "Chronic Poverty and Disability," Chronic Poverty Research Center: Background Paper Number Four, August 2001.

²⁹ UN Secretary General's Report on Violence against Children, Thematic Group on Violence against Disabled Children, "Violence Against Disabled Children," 2005, available at

http://www.unicef.org/videoaudio/PDFs/UNICEF_Violence_Against_Disabled_Children_Report_Distributed_Version.pdf

As is true in virtually any other grouping, women and girls with disabilities have lower status than men and boys with disabilities, even among persons with disabilities. In DRF's experience, even in vibrant DPO communities (such as those in Peru and Uganda), organizations of women are few and weak, and youth organizations are primarily headed by males.³⁰

DRF assesses the involvement of women as staff and Board members in applicant organizations³¹ and makes a concerted effort to outreach to, identify, provide technical support to, grant to, and track impact on organizations of women with disabilities. To date, DRF has made grants to 14 WWD organizations, and many more to organizations which are led or chaired by a woman with disability.

Because DRF funds organizations founded and run by persons with disabilities, and children are not able in most countries to register organizations, organizations of children with disabilities are not grantees of DRF. However, parent organizations, addressing advocacy to advance the rights of people with intellectual disabilities, Deafblind, or children with disabilities can be and are grantees; youth with disability organizations are grantees; and DPOs addressing changes in policy or practices which impact children, such as inclusive education, are also grantees. DRF is committed to the protection of children. DRF is in the process of creating a child protection policy which will ensure that DRF is in full compliance with international standards of protection and also, in compliance with Article 7 of the CRPD on the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children. DRF will implement this policy when it becomes independent from The Advocacy Fund in 2012. In the interim, The Advocacy Fund and the Director of DRF have signed AusAID's Code of Conduct and will abide by AusAID's child protection policy.

Environmental Appraisal

While an environmental assessment and environmental impact statement are not yet a formal part of the DRF grant cycle, DRF takes a rights-based approach and does not support any type of construction/infrastructure work, so the environmental impact of grantee work is minimal. DRF (and its current fiscal sponsor, Tides) take environmental issues seriously.³² DRF's headquarter office space is located in a certified green building in Boston; 4 of 6 staff work from home; as possible, Program Officers (who conduct site visits to grantees) are located in / near the regions where grantees are based so that carbon foot prints from travel are reduced. As part of DRF's move to independent non-profit status, organizational and grantmaking administration policies, such as environmental policies and procedures, are being evolved by DRF's Operations Director.³³

II.3 Lessons and Evaluation

As a basis for judging success of DRF in increasing participation of DPOs in the achievement of rights, indicators are outlined in the attached logframe document. These indicators – which include measurement of progress through review of the content of DRF grant dockets from year to year, review of grantee engagements in rights advocacy and monitoring, and review of government and donor commitments to

³⁰ A telling indicator of women's status in the community in Uganda, for example, is the fact that the disability community calls itself the "disability fraternity".

³¹ This is a specific question in the application.

³² See attached Environmental Impact Statement from Tides.

³³ Child protection policies and procedures are also being generated.

disability rights – will highlight both challenges and successes internal to DRF and challenges and successes of the disability movement more broadly.

III. IMPLEMENTATION

Management Arrangements

DRF is currently housed as a Project in Tides Center, a grantmaking fund at Tides Foundation, and a grantmaking fund at The Advocacy Fund; in addition, the structure includes a Global Advisory Panel, which has a recommendations role, a Steering Committee, which has an oversight and decision-making role (*see Attachment 4 SC Role*), and (currently) 6 staff (Director, Operations Director, 3 Program Officers, and a Program Associate). Global Advisors, who helped DRF set the pilot (2008) grantmaking strategy and select countries, have since reviewed lessons learned through the grantmaking to improve strategy and alter direction, where necessary. Moving forward, they are taking on a stronger monitoring and evaluation role, to aid with review of results at Fund and grantee levels.³⁴ Under the current fiscally sponsored model, Steering Committee members (donor representatives plus 4 advisors) have oversight of DRF staff, finalize overall Fund strategy as well as grantmaking guidelines (including country selection), and make final grants recommendations to Tides and TAF. When DRF achieves independent non-profit status, oversight will be the responsibility of the Board(s)³⁵; a grantmaking committee, evolved from the Steering Committee, will make final grants recommendations to the Boards.

Based on experience with (DRF) grantmaking and on best practices in rights implementation for PWDs, staff propose changes to overall Fund strategy or guidelines and do the research which informs country selection. Changes to strategy are made through a dynamic exchange between staff, DRF governance structures, and the Global Advisory Panel which involves: a) reviewing lessons learned from oversight of the projects of grantees to date (as well as the overall process of CRPD implementation in target countries) and b) consulting DRF's goal documents (Framework document, Strategic Plan, Country Strategies).

DRF's competitive grant scheme has two funding rounds per year (RFPs publicized in February and July³⁶), each directed at a different set of target countries. Each funding round has two streams of funding, a smaller grant stream (USD 5000 – 20,000) directed at local, grassroots, marginalized, and emergent organizations and a larger grant stream (USD 50,000 per year over two years) directed at national coalitions of three or more organizations. Separating the grants into two streams allows DRF to emphasize both movement-building (widening and capacitating the disability rights movement in our target countries) and joint action on national levels among DPOs and between DPOs and other key stakeholders towards CRPD advancement. It also allows smaller or newer groups to apply in a simplified process.

With all DRF grantmaking aimed at supporting DPOs to advance the CRPD, eligible applicants in the small grant category include organizations and groups, based in one of the target countries, which are legally-registered DPOs (or fiscally-sponsored by these DPOs) or partnerships between other organizations and

³⁴ In the November 2009 Global Advisory Panel meeting, advisors agreed to this role change. A new role document is attached (*see Attachment 5 GAP Scope of Work*).

³⁵ Because DRF grants fund lobbying activities in DRF target countries, DRF will be set up as both a c3 and c4 organization (*see Attachments 4A and 4B By-Laws for more information on how this will function*).

³⁶ In 2011, DRF tested a Letter of Interest procedure in new target country, Lebanon, and is expanding that procedure to current target countries: Bangladesh, Peru and Uganda. Organizations successful in the LoI process are asked to submit full proposals.

DPOs (where the DPO is the managing partner), and partnerships between non-registered self advocacy or self-help groups of people with disabilities and other organizations. Eligible applicants in the national coalition category are coalitions of three or more of the above-described organizations, where the managing partner is a DPO (or an effort led by PWDs), and where the coalition as a group has national scope.

The competitive grants scheme has two separate application processes – one for small grants and one for national coalitions. Application packages consist of a (downloadable) brief application form, a narrative proposal (of no more than 5 pages in the case of small grants, and no more than 8 pages for national coalitions), one paragraph descriptions of key staff, (for national coalitions) a description of all participating organizations, current fiscal year organizational budget and projected project budget, list of people on the applicant organization's governing body, copies of the organization's incorporation and legal registration documents, (for national coalitions) an MoU between participating organizations, and two references. In the case of a grant request larger than USD \$20,000, also requested are organizational financial statements for the past two years.

Evaluation of applications occurs in a three-stage review process – a first review by DRF staff which culls those applications clearly not eligible for consideration, a second review also by DRF staff which grades remaining applications on a point scale, and a third review by the Steering/grantmaking Committee which looks at staff recommendations and results in decisions on grantees to be recommended to Tides/TAF (DRF Boards) for funding.

The first review culls applications not from target countries, or eligible organizations/coalitions, and not addressing one of the priority areas outlined in the request for proposals, and ensures that in the second review period, any questionable areas, such as missing documents, extent of involvement of PWDs, or non-allowable activities are followed up directly with applicants for clarification. The second review looks at organizational capacity (as outlined in the application and as evident from references and other DRF contacts on the ground), (in the case of National Coalition applications) viability of the coalition, and project strengths, with the latter weighted more heavily to avoid favoring only well-established organizations/coalitions. A review of organizational capacity examines mission (and link of mission to activities), past achievements, equity within the organization (especially regarding people with disabilities and gender), strategic planning, income streams and existing funds, and ability to innovate. A review of coalition viability examines the rationale for the organizations selected as members, the plan for coalition project management, and the definition of member roles. A review of project strengths examines the extent to which the CRPD has driven the development of the project, involvement of (especially marginalized) people with disabilities at all stages, collaboration aims, clarity of goals and indicators, quality of contextual analysis and consistency of project goals with needs outlined, clarity of timing of activities and budget, and extent to which project may have impact on the human rights of persons with disabilities.

The docket presented to the Steering/grantmaking Committee includes an overview of the applications received, an update on CRPD implementation at international and national levels, country reports or CRPD updates on each of the target countries which include general and disability-specific information on the country, and 1-3 page summaries of each application to be considered. Summaries give brief information on applicant organization and/or coalition, project, budget, strengths, and weaknesses and are marked with staff recommendations (highly recommended, recommended, unsure). The Steering/grantmaking Committee

receives grants dockets in advance of a face-to-face meeting.³⁷ In docket meetings, Steering/grantmaking Committee members discuss the docket as a group and with staff before coming to consensus on grants recommendations to be passed on to Tides/TAF (DRF Boards). Once recommendations (and full applications) are passed on, they are reviewed for consistency with legal and fiduciary standards (a 2-4 week process), after which acceptance letters are processed and transfers of funds occurs.

Because relatively few DPOs in the Global South have ever achieved foreign funding, the DRF application and grantee monitoring and evaluation process includes technical assistance. FAQs are posted on the DRF grant guidelines web page, with further guidance for applicants. Grant review periods include substantial back-and-forth between DRF and potential grantees to gather missing documents, better understand applicant goals, help applicants incorporate rights strategies into their proposed projects, and support applicants with the grantee paperwork necessary for legal compliance.

Over the proposed project period, 2010-2013, DRF aims to add to the competitive grants scheme, two countries and also, to deepen and diversify engagement in current target countries. This expansion will be guided by DRF strategic (and operational) plans, including the overall Strategic Plan and Country Strategies.

Timing

The proposed grant period is 1 July 2011 – 30 June 2014. Baseline for output milestones in the attached logframe comes from information DRF has as of the close of 2010. Output milestones are advanced on an annual basis. Goal and Outcome baseline is 2010, with milestones advancing on an annual basis through 2022, after the grant ends.

Funding

For the first year of the grant period, first of July 2011 – thirtieth of June 2012, DRF is requesting from AusAID AUD 1,200,000 to incorporate both an increase in re-granting as part of a new funding stream (to be detailed in this year) hiring of a new Program Officer to manage this stream, and hiring of a consultant to create DRF's first annual report, with grantee stories and documentation. For the next year, first July 2012 – thirtieth June 2013, DRF is requesting AUD 1,400,000, to incorporate both an increase in re-granting (in the competitive grants scheme *and* in the new funding stream), and support for an independent evaluation (partially funded by DFID). For the final year, first July 2013 – thirtieth June 2014, DRF is requesting AUD 1,600,000, to enhance grantmaking and conduct capacity-building of DPOs, based on results of the independent evaluation. Of the total projected **budget** for this period (AUD 13,275,542), the request to AusAID represents 32%. In the first year, the AusAID contribution represents 29% of the overall expected income for the year. In the second year, the AusAID contribution represents 32% of the overall expected income for the year. In the third and final year, the AusAID contribution represents 34% of the overall projected income for the year. Total re-granting projections for this period are: for 2011-12, AUD 2,520,000; for 2012-13, AUD 2,835,000; and for 2013-14, AUD 3,045,000.

Monitoring & Reporting

The twice yearly meeting of the Steering/grantmaking Committee, which encompasses docket review, review of grantee progress and challenges to date, oversight of general CRPD implementation and

³⁷ In 2010, to ensure time for discussion of grants with lower recommendation levels at meetings, DRF moved to a pre-meeting review process for highly-recommended grants. Up to 30 highly-recommended grants are reviewed by the Steering/grantmaking Committee in advance of meetings.

development of the disability movement in DRF target countries, and general oversight of the strategy and operations of the Fund, will help measure progress toward the milestones and targets shown in the attached logframe. For each meeting, DRF staff prepare a summary of the number and type of applications (including a comparison with previous rounds); and either baseline research on new target countries or updates on target countries (including country strategies) which outline gaps and advancements in the disability movement in each country and national CRPD implementation and monitoring. Risks encountered during each grant cycle are also discussed by the responsible Program Officers to help formulate solutions or changes in strategy.

Tools Program Officers utilize for monitoring of grantee outputs, outcomes and expenditure include baseline country research and applicant evaluation, mid-term (six-month) narrative and financial reports, final narrative and financial reports, and grantee convenings and site-visits. To ensure tracking of grantee (and disability movement) progress as well as lessons learned, DRF has created grantee reporting formats as well as site visit and grantee convening guidelines, and is working with consultants on a comprehensive M&E system.

On a broader level, to measure the outcomes of DRF as a whole, DRF is planning an independent evaluation of Fund and grantee impact in early 2013. This evaluation will look at logframe outputs, such as strengthened DPO capacity; diversity of voice in the disability communities; participation of DPOs in monitoring of rights; and improved policies. It will evaluate three levels: DRF, the organization (i.e., governance structure, processes); grantee portfolio; and impact of DRF grantmaking and advocacy on other key stakeholders. The evaluation will encompass the following elements: relevance (to what extent has DRF contributed to the realization of rights of PWDs); effectiveness (to what extent did DRF achieve its intended outputs? Did the resources reach the intended population groups? What supports and barriers affected the achievement?); efficiency (did DRF deliver its grants and products in a timely and cost-effective manner?); impact (what contribution did DRF make to enhance the participation of PWDs in rights achievement so that they can enjoy equal rights and opportunities? What were the intended and unintended consequences of DRF's activities?); sustainability (Will the benefits of DRF-funded activities continue after the funding ceases?); external utility (to what extent might the approaches, methods, and model have potential value if applied to another context or group?).

Terms of reference (TOR) will be developed by staff and shared with Board co-chairs following an initial scoping of good practices in evaluation of advocacy and human rights grants. The TOR will be based on a monitoring and evaluation (M&E) system that DRF is currently putting in place with the aid of the anonymous donor and DFID -- which over the course of 2010-11 has been designing and initiating an innovative and robust system to ensure that DRF systematically collects data and information. Terms of reference will include: a description of DRF; rationale and expectations for evaluation; scope and focus of the evaluation, including issues to be addressed and key questions to be answered; stakeholder involvement, i.e., who will be involved, how responsibilities are defined; deliverables, including evaluation work plan, interim report, final report, and presentations. The TOR will also include evaluator qualifications (including subject matter and geographic expertise). A request for proposals for the consultancy will be disseminated through evaluation listservs and through human rights networks. Timing will be six months from identification and selection of consultant to final report.

The evaluation will provide information and lessons learned that will be beneficial for DRF operations, the disability rights field, and its grantees. It will help to improve the structure and processes for DRF, including

governance mechanisms and grantmaking processes and operations. An evaluation of this nature will also be a contribution to the fields of international human rights, social movements, and in particular disability rights and grantmaking because there are currently few evaluations which look at DPO support. The evaluation will add value to DRF donors (including AusAID) by providing information about the challenges and opportunities in the disability rights field. Intended to be participatory, the evaluation will also help the grantees and all DRF stakeholders identify indicators or reasons for project success or failure and apply lessons to other projects for better results.

IV. RISKS

In terms of **risks**, supporting disabled persons' organizations as they participate in advancement of the Convention is not an easy task. While the CRPD has introduced new national implementation and monitoring frameworks for internationally-recognized human rights, there are, as yet, no best practice models for these frameworks, and they are widely misunderstood by governments. Further, though the CRPD mandates the active involvement of organizations of persons with disabilities in these frameworks³⁸, basic disability awareness and accessibility programs which might aid participation, are, in most places, non-existent. And, many DPOs are not prepared for these tasks.

Primary risks that could adversely affect the project are as follows. A risk assessment matrix is at bottom:

A. DRF unable to solicit significant ongoing funding to grow and improve pooled fund.

High impact, medium probability. DRF has had good fundraising success to date, but without other major donors opening their grantmaking to disability, this scenario is possible.

Mitigation strategy: Part of DRF's strategic plan is advocacy to other donors and development agencies about the critical importance of funding disability rights and the opportunity DRF gives to donors to fund in this new arena. DRF staff (in particular the Director) spend a good amount of time presenting DRF work at donor convenings, meetings, and in print media³⁹. This commitment has helped to garner existing support and will continue to do so.

B. Majority of grantee organizations lack capacity to implement proposed advocacy projects.

High impact, low probability. While many DPOs lack some capacity, DRF has found that with support, most projects meet their proposed outcomes, particularly over repeat grant periods.

Mitigation strategy: DRF is committed to provision of technical aid to its grantees. Over the three years of DRF's existence, DRF staff have visited every grantee and hold grantee convenings in each

³⁸ "Full and effective participation and inclusion in society of persons with disabilities is a general principle of the Convention, which also specifically establishes the duty on States to closely consult and actively involve persons with disabilities in the development and implementation of policies that affect them." A/HRC/10/48; Human Rights Council, *Annual Report of the United Nations High Commissioner for Human Rights and Reports of the Office of the High Commissioner and the Secretary-General: Thematic Study by the Office of the United Nations High Commissioner for Human Rights on enhancing awareness and understanding of the Convention on the Rights of Persons with Disabilities*, 26 January 2009, p. 6.

³⁹ In end 2010, the DRF Director was asked to join the Steering Committee of the International Human Rights Funders' Group – an indicator of the growing importance of disability in the agenda of human rights funders. The Director is also a member of the Global Partnership on Disability & Development's Development Partners' Forum.

target country (or region) once/year. As part of these meetings, CRPD and other rights experts are brought in to provide grantees with training. With the initiation of DRF's new M&E system, a baseline survey has also been sent to repeat grantees to assess growth in CRPD knowledge and advocacy skills, due to DRF support. This survey will serve as the basis for development of additional grantee support mechanisms to ensure project impact.

C. Grants money is squandered through poor financial management by grantees.

High impact, low probability. Many DPOs do lack proper financial procedures, but thus far, DRF has found that only a minority of grantees misuse funds.

Mitigation strategy: Through processing lessons learned in the area of financial management by grantees, DRF has already made changes to grant application, review and oversight to minimize loss in this area. Changes include: requiring grantees to include the cost of project audits into their applications, requiring project budgets and reports in USD (and requiring exchange rate details), requiring two years of financial records for grants over USD 20,000, and including review of grantee books and financial records in site visits. To complement these changes, DRF is currently identifying financial oversight training for Program Officers.

D. Coalitions and partnerships proposed to carry out projects are unworkable.

High impact, medium probability. Especially for DRF's National Coalition funding stream, partnering among DPOs and between DPOs and other stakeholders is essential to project success. While DRF requires MoUs detailing partnership mechanisms as part of applications, carefully assesses coalition viability in the review process, and provides support during implementation, partnership is difficult and the risk of failure is real.

Mitigation strategy: To better track coalition projects, DRF has begun to ask coalition lead partners for monthly reports (by email) of activities, successes, and challenges. This will enable early identification of potential issues needing intervention. As DRF did this year in Uganda (with national coalition partners working on legislative advocacy) ⁴⁰, specific partnership meetings to address challenges will be added to Program Officer visits, and technical experts will be brought in as necessary to help address challenges.

E. Despite the advocacy efforts of DPOs, governments do not change attitudes, policies, or practices towards PWDs, even with ratification of the CRPD.

High impact, medium probability. While change at legislative or policy level (including ratification) can be fairly rapid, implementation and funding of improved practices is a much slower process, affected by many factors often beyond the control of civil society (lack of resources, entrenched bureaucracy, corruption, etcetera).

⁴⁰ In March 2011, DRF brought in CRPD legal expert (and OSF employee), Tirza Leibowitz, to work with National Coalition partners in Uganda on disagreements they were having over how to address legislative change, in the wake of CRPD ratification. DRF also worked with the local DFID office to enable the Coalition to access additional funding for a critical meeting with concerned Ministries.

Mitigation strategy: Entrenched discriminatory attitudes at governmental and societal levels and corrupt or poor practices impacting marginalized communities, like the disability community, are difficult to mitigate. DRF hopes that its 6-year commitment to each target country will enable some change to begin. Heightening awareness of and demand for rights by persons with disabilities is the critical initial step.

- F. DRF grantees or other DPOs are unable to carry out their work due to security risks or political upsets in their countries.

High impact, medium probability. A couple DRF grantees have encountered threats to their security specific to their advocacy work. In addition, because DRF targets developing countries, many of which have fragile political environments, work can be upset by evolving political situations.

Mitigation strategy: It is beyond the scope of DRF's capacity to address large-scale political upset or security risks. On a smaller scale, DRF has drafted an initial Security Protocol for Grantees which addresses prevention, response, and long-term planning. The Protocol will be reviewed by the DRF Steering Committee in June 2011, following which it will be revised and then, implemented.

- G. DRF grantees dependent on DRF funding and unable to identify other funding sources.

High impact, medium probability. Many DPOs have little history of previous funding, and DRF makes a special point to fund emergent and marginalized groups.

Mitigation strategy: Because DRF is a pooled fund, and many of the donors involved do their own separate disability rights grantmaking, and because of DRF's involvement in other donor fora (like IHRFG), DRF is often able to connect grantees to other potential funding sources and to help grantees with applications and references. Numerous grantees have achieved other funding in this way. As noted under A. above, DRF also works with donors to increase funding to disability rights.

- H. Children adversely affected in the course of DRF work or funding.

High impact, low probability. As noted in the text above, pp. 9-10, DRF does not directly fund or interact with organizations of children (with or without disabilities). However, DRF does fund youth with disabilities organizations, parent organizations which address children with disabilities, and other DPOs addressing changes to policy or programs that affect children with disabilities. Currently under fiscal sponsorship of Tides, DRF is not able to have a child protection policy, by which staff or sub-grantees abide.

Mitigation strategy: Until DRF is able to adopt its own child protection policy, it will act in accordance with AusAID's policy. DRF is committed to drafting such a policy and code of conduct. DRF will do its best to ensure sub-grantees are aware of their obligations with regards to child protection under AusAID's policy, national legislation and international conventions. See DRF Statement on Child Protection Policy attached for more details.

I M P A C T	PROBABILITY		
	Low	Medium	High
	High	B, C, H	A, D, E, F, G
	Medium		
Low			

It will take many years to ensure that PWDs and their representative organizations are full and equal participants in rights promotion, obtainment and oversight. DRF is a new grantmaker, with limited resources and scope. Nonetheless, the rapid growth of the Fund signifies that it is occupying an important niche in the grantmaking world. Initial response from civil society to the Fund's requests for proposals also supports the conjecture that there are people and organizations who are eager to participate in advancing the CRPD at country levels in the Global South. The challenge is in figuring out how best to use limited (financial and staff) resources to have the most significant impact. In doing this, it is important that DRF continue to carefully track lessons learned and to share successes in a way that heightens awareness of DPO efforts (with other grantmakers, but also with other key actors such as the UN system and major human rights organizations), thereby sharing the burden of bringing justice to people with disabilities around the world.