**REPORT**

**End of Project Evaluation**

**Enhancing Justice Delivery and Human Rights for All**

**Project award: 56887**

**Project ID: 00083252**

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**Abbreviations and Acronyms**

ACHPR African Charter on Human and Peoples’ Rights

ACRWC African Charter on the Rights and Welfare of the Child

AWP/s Annual Work Plan/s

CARL Centre for Applied Legal Studies

CAT Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment

CEDAW Convention of the Elimination of All Forms of Discrimination against Women

CSD Community Service Department

CSO/s Civil Society Organisation/s

GoZ Government of Zimbabwe

HRBA/s Human rights based approach/es

ICCPR International Covenant on Civil and Political Rights

ICERD International Convention on the Elimination of All Forms of Racial Discrimination

ICESCR International Covenant on Economic, Social and Cultural Rights

ICT Information and Communications Technology

IMC Inter-Ministerial Committee on Human Rights and International Humanitarian Law

IP Implementing Partner

JLOS Justice, Law and Order Sector

JSC Judicial Service Commission

LAD Legal Aid Directorate

LDC Law Development Commission

M&E Monitoring and Evaluation

MoJLPA Ministry of Justice, Legal and Parliamentary Affairs

NPA National Plan of Action

PRODOC Project Document, Enhancing Justice Delivery and Human Rights for All – Zimbabwe, 2012-2015

RMB Results Based Management

ToC Theory of Change

UN United Nations

UNCT United Nations Country Team

UNICEF United Nations Children’s Emergency Fund

ZimAsset Zimbabwe Agenda for Sustainable Socio-Economic Transformation

ZPCS Zimbabwe Prisons and Correctional Service

ZRP Zimbabwe Republic Police

**Executive Summary**

**Background and Context**

The four-year project (2012-2015) on “Enhancing Justice Delivery and Human Rights for All” was designed by the Ministry of Justice, Legal and Parliamentary Affairs (MoJLPA) with the support of the United Nations Development Programme (UNDP), with the aim to strengthen the Justice, Law and Order Sector (JLOS) capacities and improve access to justice for all, with focus on the vulnerable and marginalised sections of the population. The project was implemented through a National Implementation Modality in terms of which the MoJLPA would take the lead in implementation the project while UNDP would provide technical and advisory support.

The change that the project was aimed to bring about is that all people should have equal and enhanced access to justice and enjoy greater protection of human rights. This would be achieved by building the capacities of Government to respect, protect and fulfil human rights and empowering the rights holders to demand their rights. In particular, through the achievement of seven expected outputs, for which a number of interventions and activities were identified, the capacities of the JLOS institutions and the MoJLPA would be enhanced in respect of justice delivery and the promotion and protection of human rights

The seven expected outputs of the project were: strengthened coordination framework of the JLOS; policies and law reforms formulated in line with existing reforms, international conventions and obligations; strengthened capacities of JLOS institutions to effectively and efficiently execute their mandates; enhanced legal aid and legal empowerment mechanisms; enhanced capacities of the state to comply with international human rights obligations including state party reporting, UPR, and follow up recommendations in a participatory and consultative manner; regional and international human rights instruments ratified and domesticated; and increased knowledge, understanding and application of human rights based approaches (HRBAs).

**Evaluation purpose, scope and objectives**

The end of project evaluation was intended to serve not only an accountability function but also to provide the MoJLPA, UNDP and other project partners with an impartial assessment of the results of the support of UNDP to the MoJLPA with regard to enhancing access to justice and promotion and protection of human rights, and how this contributed to the overarching national objective of strengthening good governance, poverty reduction and equitable and sustainable human development.

The evaluation would also assess the extent to which project initiatives addressed the issues of social and gender inclusion, equality and empowerment, contributed to strengthening the application of these principles, and incorporated the UNDP commitment to HRBAs and gender mainstreaming in the project design.

The objectives of the evaluation were, to:

* assess the relevance and strategic positioning of UNDP support to Zimbabwe on access to justice service delivery;
* assess the frameworks and strategies that UNDP devised for its support on access to justice and capacity building of the MoJLPA and whether they are well conceived for achieving planned objectives;
* evaluate the progress made in the period under review through the project and advisory services to capacity build the state, the MoJLPA and relevant partners in complying with as well as in discharging their human rights obligations;
* evaluate the progress made in the period under review with regard to each output and what can be derived in terms of lessons learned for future UNDP support towards capacity building and service delivery of justice in Zimbabwe;
* review how the interventions succeeded to strengthen application of HRBA, gender mainstreaming and participation of other socially vulnerable and marginalised groups;
* assess whether the capacity of the MoJLPA and responsible partners was enhanced to deliver on their mandate;
* assess whether UNDP’s contribution added value to the capacity building efforts of the MoJLPA;
* assess the overall contribution of the project to the state of sustainable good governance, rule of law and human rights observance in the country.

**Evaluation purpose, scope and methodology**

The purpose of the evaluation was to ascertain the outcomes and impact of the project in relation to its intended outcome of the project as well as to assess the project’s relevance, effectiveness, efficiency and sustainability. This way, the evaluation would serve an accountability function in terms of which national stakeholders and partners would be provided with an impartial assessment of the results of the project. The evaluation outlines lessons learned and makes recommendations which hopefully will contribute to informing future projects by UNDP in support of human rights and access to justice.

The evaluation also assesses the extent to which project initiatives addressed the issues of social and gender inclusion, equality and empowerment and incorporated the UNDP commitment to HRBAs and gender mainstreaming in the project design.

The objectives of the evaluation were to assess:

* the relevance and strategic positioning of UNDP support to Zimbabwe on Access to Justice Service Delivery;
* the frameworks and strategies that UNDP devised for its support on Access to Justice and capacity building of MoJLPA and whether they are well conceived for achieving planned objectives;
* the progress made so far capacity building the state, the MoJLPA and relevant partners in complying with as well as in discharging their voluntary human rights obligations through the project and advisory services under both the national and international human rights law;
* the progress to date under each output and what can be derived in terms of lessons learned for future UNDP support towards capacity building and service delivery of Justice in Zimbabwe;
* how the interventions succeeded to strengthen application of a rights-based approach, gender mainstreaming and participation of other socially vulnerable groups such as children and persons with disabilities, Etc; and
* the overall contribution of the project to the state of sustainable good governance, rule of law and human rights observance in the country.

**Evaluation approach and methodology**

The evaluation approach and methodology was largely guided by the terms of reference for the evaluation and was undertaken in four main phases. A desk review of the project documents such as the PRODOC, annual work plans (AWPs) and project reports was followed the preparation of an inception report by the consultant[[1]](#footnote-1). Interviews with selected senior representatives of UNDP and the MoJLPA and focus group discussions with the IMC Secretariat, JLOS Technical Committee and UPR Steering Committee were conducted, and the IMC and JLOS Technical Committee members requested to complete questionnaires. Lastly, a draft report was circulated to UNDP and the Implementing Partners for validation.

**Constraints and limitations**

The evaluation started slowly due to a number of factors that included the unavailability of key project personnel and informants. The response to the evaluation questionnaires was poor while some of the focus group discussions were not well attended. The evaluator’s efforts to have a focus group discussion with the law based CSO were unsuccessful. The evaluator was unable to access some of the project documents such as activity reports and minutes of meetings.

**Findings and conclusions**

**Project design and relevance**

The evaluation made an assessment of the extent to which the activities designed and implemented were suited to the achievement of the outputs of the project and whether the activities and outputs were consistent with its intended outcome.

It found that considering that the project design was informed by the Zimbabwe United Nations Development Assistance Framework (ZUNDAF) national development priority on “Good Governance for Sustainable Development”, which was designed to contribute to equal access to justice for all and to the realisation of human rights, the project was relevant to the extent to which it was designed to contribute to enhanced justice delivery and human rights for all, in line with ZUNDAF Outcome 1.1 “Improved Justice Delivery System and Rule of Law”.

For example, UNDP supported interventions that were aimed at providing proper coordination and enhancing the technical capacity of JLOS institutions in order to make them more efficient and effective in delivering justice. This would contribute to achievement of outputs such as the strengthened coordination framework for the JLOS and strengthened capacities of JLOS institutions to effectively and efficiently execute their mandates. In turn, the achievement of these outputs, among other project outputs, would contribute to the achievement of the intended outcome of the project. In the case of human rights, the interventions and activities which were identified for the purpose of achieving human rights related outputs managed to help to address some of the challenges facing the GoZ with regard to implementation of international human rights obligations, for example the drafting of state party reports, taking of measures to implement UPR recommendations, and ratification and domestication of human rights treaties.

Notable shortcomings regarding project design were: there were no interventions and activities to address the capacity of the rights-holders; there was limited provision for assessment or validation of the capacity needs of the Implementing Partner and the Responsible Partners; capacity in the areas of programming and project management was assumed and yet it was very limited; gender and HRBA mainstreaming were glossed over; disability mainstreaming was overlooked; and there was no clear exit strategy.

**Output 1: Strengthened coordination framework of the JLOS**

JLOS institutions are critical to justice delivery and they cannot be effective in ensuring access to justice if their interventions are fragmented and their institutional capacities are limited. The project was therefore spot on in seeking to ensure that the JLOS would adopt a strategic sector-wide approach to the delivery of justice that is harmonised and well-coordinated and capable of enhancing their capacities.

Key achievements in respect of Output 1 include: establishment and operationalisation of a coordination mechanism for the JLOS; recruitment of a project coordinator and servicing of the coordination mechanism by a secretariat; identification of key areas of collaboration by sector institutions such as capacity enhancement, information sharing and prison reforms; improved coordination, communication and other interaction among JLOS institutions; enhanced capacity of JLOS institutions e.g. knowledge of human rights, gender and HRBA; commencement of drafting of the JLOS work plan aimed at improving the coordination of sector institutions; development of a strategic and resource mobilisation plan; development of a policy document on the structure of the JLOS coordination mechanism; and development of a communication strategy and action plan for the purpose of increasing communication and visibility.

There were however challenges such as limited commitment and ownership of the project at the policy level, minimum participation by the JSC and failure to implement or complete some of the planned activities, for example training of members of the JLOS Technical Committee in programming, finalisation and operationalisation of a monitoring and evaluation tool, implementation of strategic plans and development and implementation of an anti-corruption strategy.

Progress towards achievement of Output 1, with particular reference to enhancing efficiency and effectiveness in the JLOS, and its contribution to enhancing access to justice, is rated as good. However, the MoJLPA and UNDP need to build on this by completing outstanding activities, providing additional training for Technical Committee members, and ensuring the active participation of and ownership of the project by the policy makers and the JSC.

**Output 2: Policies and law reforms formulated in line with existing reforms, international obligations and the Constitution**

The Output was linked to law and policy reforms that the GoZ intended to undertake with a view to bringing the country’s laws and policies, including those relating to access to justice, in line with regional and international instruments and obligations. UNDP’s support was tailored to strengthen capacities for law and policy formulation, through the provision of advisory services and supporting the drafting and development of best practice laws.

Key achievements included: training of over 40 law officers from the Attorney-General’s Office and other Government Ministries and Departments on legal drafting and incorporation of international best practices which has contributed to the drafting of bills; acquisition of software for the LDC for indexing and searching statutes and court judgments to allow easier access to statutes and judgments by JLOS institutions; getting stakeholder buy-in with regard to the introduction of new forms of evidence such as DNA and electronic evidence and the use of information and communications technology (ICT) in the courts with a view to improving justice delivery; and drafting of an Issues Paper and Bill on the proposed new forms of evidence and use of ICT.

There were however setbacks as some of the planned activities were not implemented. For example, a position paper on the review of access of justice laws with a view to aligning the with the new Constitution and international standards was not done.

Progress made with regard to Output 2 and its contribution to access to justice is rated as fair. This is because a number of targets were missed. For example, the thematic position paper on the alignment of access to justice laws was not done while work is still in progress regarding the enactment of a law on new forms of evidence and use of ICT in the courts. Insofar as the review of access to justice laws and the introduction of new forms of evidence have potential to help promote effective justice delivery and enhance the quality of justice, it is desirable for outstanding activities to be taken forward to the next project cycle.

**Output 3: Strengthened capacity of JLOS institutions to effectively and efficiently execute their mandates**

To achieve this Output, interventions that UNDP supported sought to address to develop the limited capacities of JLOS institutions such as the Judiciary, police service, prison service, the MoJLPA, the LAD and the Attorney-General’s Office which hampered optimal delivery of justice and to ensure sector-wide strategies that would promote synergy amongst the institutions to ensure effective delivery of their different mandates.

Key deliverables were: enhancement of knowledge of JLOS institutions through harmonised training on, inter alia, human rights, human rights mechanisms and special procedures, international standards on the treatment of offenders, and human rights and human rights based approach to community service programming; identification of the capacity needs of JLOS institutions and priority actions for capacity enhancement; comprehensive baseline survey of citizen experience in accessing justice, with focus on marginalised and vulnerable sections of the population, which will assist in identifying gaps and challenges faced by the citizens in accessing justice and guide the development of strategies that enhance access to justice; the participation of three officials from the JLOS in the revision of Standard Minimum Rules on the Treatment of Prisoners at meeting of the UNODC Commission on Crime Prevention and Justice and drawing up of action plan on lessons learnt which will feed into the review of national standards on treatment of prisoners; and capacity enhancement for the Community Service Department (CSD) through the re-establishment of Provincial Coordinating Committees and the establishment of District Coordinating Committees to support and supervise implementation of the Community Service Scheme and to provide a platform for interaction and cooperation between JLOS institutions and stakeholders such as CSOs at the district and provincial levels.

There is however more work to be done in terms of operationalising strategies to implement the recommendations of consultants arising from the JLOS comprehensive capacity assessment and survey of citizens’ perceptions of access to justice in the country as well as fully operationalising the community service provincial and district coordinating committees

Rating in terms of progress made to achieve the Output and the potential to contribute to enhancement of access to justice is good. UNDP should consider continuing support to the MoJLPA to build on the above achievements in respect of the development of a strategy to fully implement the consultants’ recommendations on enhancing the capacity of JLOS institutions, implementation of the recommendations of the survey on citizens perceptions and experiences of access to justice, and consolidation of efforts by the CSD to strengthen the capacities of the Provincial Coordinating Committees and the District Coordinating Committees.

**Output 4: Enhanced legal aid and legal empowerment mechanisms for enhancing access to justice by vulnerable groups**

UNDP supported interventions that were intended to make the LAD and the customary law courts operate optimally and to contribute to effective and efficient justice delivery in the communities where the majority of vulnerable people are found. This was in response to challenges facing the provision of legal aid such as limited access to them due to human and capital resources constraints and the under-developed and poorly supported subordinate justice delivery systems like the customary law courts (Chiefs’ Courts).

Achievements under Output 4 included: increasing visibility of the LAD in an effort to get more vulnerable people to benefit from legal aid; decentralisation of to the LAD from two to eight provinces; procurement of furniture and equipment LAD offices in two provinces;

remand prison visits which have raised legal awareness among prisoners on remand and facilitated legal assistance and representation for some of the prisoners and release on bail of deserving prisoners; learning from international good practice which resulted in recommendations and a plan of action that have helped to guide the LAD’s decentralisation process; improved collaboration and strategic partnerships between the LAD and other JLOS institutions and stakeholders such as the of the ZPCS, the National Prosecuting Authority, the LDC, the JSC and CSOs that offer legal aid services.

Missed targets included failure to implement planned activities in relation to capacity enhancement of non-state and other legal aid mechanisms and development of capacities in the customary law courts to respond to community justice demands.

Progress in respect of Output 4 and its contribution to the expected outcome of the project is rated as good, although more work would need to be done. For example, there is need for additional support to the MoJLPA so that the LAD continues with its decentralising and publicity efforts to ensure that those in remote areas are able to access legal services and to provide training for customary law courts officials so that the capacities in the customary law courts are developed to respond to community justice demands.

**Output 5: Enhanced capacity of the state to comply with international obligations including state party reporting, UPR and follow up of recommendations in a participatory and consultative manner**

Interventions under the Output 5 were intended to address Zimbabwe’s limited capacity to comply with human rights and state party reporting obligations. UNDP supported the strengthening of the institutional capacity of the IMC to draft and submit on time state party reports. It also supported the formulation of plans of action on UPR recommendations and concluding observations of the treaty bodies.

Key achievements recorded under Output 5 were, with regard to the IMC: presentation of one state party report and adoption of a plan of action to implement recommendations of the treaty body; drafting of six state party reports that are now passing through various stages of validation and approval in preparation for submission to treaty bodies; updating of the Human Rights Core Document; capacity enhancement and skills development for the IMC through training; and re-printing of the Manual on State Party Reporting for distribution to IMC members.

Despite these achievements, the IMC still faces capacity challenges thus it remains unable to fully discharge its functions in an efficient and effective manner. It is desirable, therefore, that support for the IMC continues into the next project cycle so that sufficient capacity is built.

Key achievements recorded with regard to UNDP support to the GoZ with the UPR process include: acceptance by Zimbabwe of 130 recommendations following its review in 2011-12; securing stakeholders’ buy-in and adopting of National Plan of Action (NPA) for the implementation of the recommendations; establishment of the UPR National Steering Committee to oversee and monitor implementation of the NPA; submission of a UPR Mid-Term Report to the Human Rights Council; growing publicity of the UPR process, the Steering Committee and its work; development of a roadmap by the Steering Committee in consultation with stakeholders detailing the process, roles of stakeholders and timelines for drafting and submitting the second cycle report; holding of stakeholder consultative meetings around the country to gather information for the second cycle report; and study visit of a UPR Working Group in session undertaken by members of the Steering Committee and stakeholders representatives in preparation for the drafting and presentation of the next UPR report; and stakeholder involvement and engagement by the MoJLPA and Steering in the UPR process.

There is room for relations between Government and CSOs to continue improving, especially at the provincial and district levels. There is also scope for the Steering Committee to improve its operational efficiency, for example information and data collection.

The rating for progress made to achieve this Output and contribution towards implementation of Zimbabwe’s international human rights obligations ‘Good’. Areas for improvement include continuous capacity enhancement for the IMC and IMC Secretariat so that they are more efficient and effective in discharging their duties. Government must improve on stakeholder consultation and engagement, for example by casting its net wider and ensuring that stakeholders across the country have a fair opportunity to participate in the state party reporting and UPR processes.

**Output 6: Regional and international human rights instruments ratified and domesticated**

Having recognised that ratification and domestication of key human rights treaties has potential to develop and foster a strong architecture for the promotion, protection and fulfilment of human rights in the country, UNDP supported interventions that were aimed at addressing the fundamental gaps in the national architecture for the ratification and domestication of human rights treaties.

A number of targets were missed in relation to this Output and there was only one key deliverable achieved i.e. development of a ratification and domestication strategy. Missed targets related to interventions that include: the development of an advocacy strategy on ratification and domestication; stakeholder consultation forums for resolutions on reforms to laws and for domestication of ratified instruments; development of law reform policy documents by the LDC in accordance with resolutions and recommendations of the stakeholders; and development, training and dissemination of information on international instruments.

Despite the fact that there was only one key deliverable achieved, the GoZ made some notable progress in the ratification and domestication of human rights treaties e.g. ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children and the UNRCPD and its Optional Protocol, and the adoption of an expanded Declaration of Rights which largely domesticates human rights treaties by including socio-economic rights and the rights of women, children and persons with disabilities.

Despite the project missing a number of targets with regard to interventions which were targeted for the achievement of Output 6, progress made to achieve the Output and contribution to the enjoyment of human rights is rated ‘Fairly good’. UNDP may wish to consider further support to the MoJLPA so that an action plan can be developed to facilitate implementation of the ratification and domestication strategy.

**Output 7: Increased knowledge, understanding and application of human rights based approaches**

Interventions in respect of Output 7 supported by UNDP were intended to address limited knowledge and application of rights based approaches within the JLOS, so that rights holders can demand their rights and duty bearers respect, protect and fulfil human rights.

The only activities that were implemented were in relation to building the capacity of duty bearers on human rights and HRBAs, in respect of which two notable deliverables were recorded, namely capacity enhancement for the JLOS on human rights, gender mainstreaming and HRBAs and the development of a manual on HRBAs. No activities were implemented in respect of interventions relating to training the claim holders of their rights to trigger the demand and supply, conducting dissemination and advocacy activities on HRBAs, and monitoring and reporting on effective implementation of HRBAs.

In view of this, what has been achieved is considered as work in progress and the rating insofar as achievement of Output 7 and contribution to the overall objectives of the project is ‘Fair’. UNDP and the MoJLPA should consider carrying forward to the next cycle the outstanding interventions and to build on the knowledge of human rights, gender and HRBAs that has so far been acquired by members of the JLOS Technical Committee, IMC and UPR Steering Committee.

**Challenges and lessons learnt**

A number of challenges militated against the efficient and effective implementation of the project, such as the following:

* migration from the previous ZUNDAF cycle (2008 – 2011) to the cycle under review generally affected the smooth flow of planned activities e.g. the ZUNDAF document was only completed in July 2012 thus delaying commencement of activities and causing spillovers;
* failure to timely execute all planned activities as per the AWPs due to competing responsibilities and congestion;
* it was difficult at times to come up with dates to hold activities that were convenient for all key sector members hence some activities had to be held concurrently or back to back thus stretching the Secretariat and/or resulting in poor attendance;
* delays in finalising, approving and signing AWPs;
* limited commitment of the policy makers in respect of IMC and JLOS activities;
* competing priorities e.g. sector members invariably prioritise their core duties aat the expense of project related activities;
* frequent staff changes in sector institutions, which affects continuity and institutional memory and weakens capacity e.g. the IMC;
* some Government Ministries and Departments are not cooperative e.g. they take their time to respond to requests for information.

Lessons learnt include the following:

* ToC should have been factored in at the project design stage and built into the project, inter alia, to guide implementation and continuous monitoring and evaluation;
* validation of capacities and needs of target groups must be done at project design stage, or at least at the inception stage;
* there is need for a well-defined and planned exit strategy on the part of UNDP;
* there is need for regular communication between the MoJLPA and the Responsible Parties at the policy level to ensure retain interest and ownership in the project lost;
* there is need to train all members of the IMC Secretariat and Responsible Parties’ representatives on UNDP rules and requirements on project implementation;
* as soon as AWPs are approved by the Project Board they must be shared with all the Responsible Parties to enable them to plan ahead;
* there is need for regular communication with stakeholders as this enhances attendance and participation in project activities;
* there is need to sensitise Heads of Ministries and Departments on the project, with focus on the mandates of the IMC, JLOS coordination mechanism and UPR National Steering Committee and for the MoJLPA to engage the Office of the President and Cabinet so that priority is given to their work at the policy and political levels[[2]](#footnote-2).

**Recommendations**

Key recommendations include the following:

* Government must prioritise the work of the IMC, UPR National Steering Committee and the JLOS coordination mechanism. In this regard, the MoJLPA must work closely with the Office of the President and Cabinet and the Civil Service Commission to ensure that there is commitment at the level of the policy makers;
* the GoZ must start preparing to take over responsibility for funding of the IMC, UPR National Steering Committee and JLOS coordinating mechanism, for instance by setting up separate vote to fund them;
* the Responsible Parties as an integral part of the project must play their role in the project;
* IMC Heads of Ministries and Departments must be regularly updated on the work of the IMC and the Civil Service Commission and Office of the President and Cabinet must also be involved so that the work of the IMC is supported at the highest possible level;
* IMC work should be considered as an integral part of the duties of members of the Committee so that members are allowed adequate time to attend to the work of the Committee;
* information on implementation of human rights obligations must be systematically collected and documented;
* there must be at least three full time members of the IMC Secretariat at any given time;
* the Secretariat should generate draft UPR and state party reports and facilitate consultations with stakeholders;
* current members of the Secretariat, especially the new ones, must receive training on their functions and on project management. Appropriate arrangements must be put in place for the induction of new members soon after their appointment;
* immediate measures must be taken to finalise all outstanding reports and for the Permanent Secretaries and Cabinet to clear them;
* the project must emphasise gender mainstreaming and gender tracking;
* implementation of project activities must commence by February in each year to avoid congestion and be completed by no later than the second week of December, to allow for finalisation and approval of annual reports and AWPs;
* activity reports must show how the activities are contributing to the achievement of the expected outputs and outcome of the project;
* for effective gender tracking, all project reports should consistently give the gender breakdown of persons who participate in project activities;
* cooperation between Government and NGOs must continue to be strengthened so that it cascades to all levels, including at the provincial and district levels.
1. **Background and Context**

The Ministry of Justice, Legal and Parliamentary Affairs (MoJLPA), with the support of the United Nations Development Programme (UNDP), designed a four-year project (2012 to 2015) on “Enhancing Justice Delivery and Human Rights for All” with the aim to strengthen the Justice, Law and Order Sector (JLOS) capacities and improve access to justice for all, in particular the vulnerable and marginalised sections of the population. The project design was informed by the Zimbabwe United Nations Development Assistance Framework (ZUNDAF) national development priority on “Good Governance for Sustainable Development”, which aimed to contribute to equal access to justice for all, in particular the vulnerable and marginalised, and to the realisation of human rights.

The project was implemented through a National Implementation Modality in terms of which the MoJLPA as the Implementing Partner (IP) would take the lead in the implementation of the project, with UNDP providing technical and advisory support. Also involved in implementing the project were the following Responsible Authorities: Judicial Service Commission (JSC); Zimbabwe Prisons and Correctional Services (ZPCS); Ministry of Home Affairs; Zimbabwe Republic Police (ZRP); Attorney-General’s Office; Law Development Commission (LDC); Legal Aid Directorate (LAD); and law based civil society organisations (CSOs)[[3]](#footnote-3). There would be ongoing monitoring and evaluation of the project and an end of project evaluation. Ongoing monitoring and evaluation, which consisted mainly of quarterly meetings of the Project Board, quarterly reports and annual reports, would be useful in ensuring that there would be regular assessment of the direction that the project was taking in relation to the intended outcome and long-term objective of the project. That is, were activities being implemented as planned and were they contributing to the achievement of the expected outputs, and if they were, was this bringing about the change that was consistent with the project theory of change.

The theory of change (ToC), as emerges from the Project Document (PRODOC) and other project documents such as the annual work plans (AWPs) and annual reports, was that all people should have equal and enhanced access to justice and enjoy greater protection of human rights. This would be brought about by building the capacities of and empowering both the duty bearer and the rights holders, to respect, protect and fulfil human rights, including the right to access to justice, and to demand human rights, respectively. The capacities of the duty bearer and the rights holders, especially those of the former, would be developed through the achievement of seven outputs, leading to enhanced justice delivery and human rights for all, which was the expected outcome of the project. For each expected output, a number of interventions aimed at achieving the particular output were identified (these are referred to in the PRODOC as activities). The interventions would be achieved with the implementation of specific activities designed to enhance Government and JLOS capacities in respect of justice delivery and the promotion and protection of human rights[[4]](#footnote-4).

Achievement of the expected outcome of the project was expected to contribute to the long-term goal of strengthening of the human rights architecture, deepening democracy and enhancing people participation in matters of governance in the country[[5]](#footnote-5). The project identified the JLOS as being critical to the achievement of this long-term goal, because it has the potential to play an important role in strengthening democratic institutions that are responsive to the justice demands of the populace and the enjoyment of human rights[[6]](#footnote-6).

For the JLOS to effectively play its role, it must have capacity. The project was cognisant of the reality that although the JLOS was by and large functional, the socio-political and economic challenges that the country was grappling with had a negative effect on its capacities, notably the shortage of financial, human and capital resources. This resulted in reduced capacities of JLOS institutions to effectively deliver justice.

With regard to human rights, challenges that could hinder to the full enjoyment of human rights included the non-ratification of key human rights treaties such as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the International Convention on the Protection of All Persons from Enforced Disappearance, domestication gaps, and failure to fully comply with human rights reporting obligations. Thus alongside enhancing justice delivery, the project was also aimed at contributing to the realisation of human rights as envisaged in the international treaties by enhancing the capacities of the relevant Government institutions such as the MoJLPA and the Inter-Ministerial Committee on Human Rights and International Humanitarian Law (IMC).

The expected outputs of the project were:

* strengthened coordination framework of the JLOS;
* policies and law reforms formulated in line with existing reforms, international conventions and obligations;
* strengthened capacities of JLOS institutions to effectively and efficiently execute their mandates;
* enhanced legal aid and legal empowerment mechanisms;
* enhanced capacities of the state to comply with international human rights obligations including state party reporting, UPR, and follow up recommendations in a participatory and consultative manner;
* regional and international human rights instruments ratified and domesticated; and
* increased knowledge, understanding and application of human rights based approaches (HRBAs).

The socio-political and economic context in which the project was designed and would be implemented shifted as the project was being implemented, with both positive and negative consequences.

At the time the project was designed, Zimbabwe had in place an Inclusive Government which was a product of the Global Political Agreement that had been signed by the three key political parties. The Global Political Agreement set out key governance reforms, among other things, with a view to move the country towards social, political and economic stability. These reforms included the making of a new Constitution and operationalising and strengthening independent commissions.

The constitution making process had commenced in 2010 and in the second year of the project (2013) it was adopted following a referendum. This paved the way for national elections which brought to an end the Inclusive Government. The adoption of a new Constitution with an expanded Declaration of Rights and provisions for strengthening of JLOS institutions was fortuitous for the project as it presented an opportunity to ride on these positive developments to boost implementation of project activities and achieve project objectives. For example, the process of aligning legislation with the Constitution could be taken advantage of to ensure that targeted legislative reforms took place and that human rights treaties are fully domesticated.

It was not as rosy on the economic front. Despite efforts by the Government of Zimbabwe (GoZ) to put in place measures such the Zimbabwe Agenda for Sustainable Socio-Economic Transformation (ZimAsset)[[7]](#footnote-7) to revive the economy and promote sustainable development, the economy continued to struggle. For example, the revenue base steadily shrunk and presented new challenges for Government such as raising enough revenue to fund recurrent expenditure, particularly salaries for civil servants take up over eighty per cent of Government revenue. This negatively impacted on project implementation and sustainability. Due to the general freeze on recruitment to the Civil Service, the JLOS institutions could not recruit new staff to fill vacancies, hence throughout the project period the institutions and other relevant Government Ministries and Departments operated below capacity. This meant that the human and institutional capacities within the MoJLPA and the JLOS were not able to match the demands and expectations of the project, thus it could not reasonably be expected to see a dramatic improvement in justice delivery and the enjoyment of human rights, especially socio-economic rights. Despite UNDP support, as well as the support of other partners of the MoJLPA, the justice delivery system remained overstretched.

1. **Evaluation Purpose, Scope and Objectives**

The purpose of the evaluation was to ascertain the outcomes and impact of the project, measured against its original purpose and objectives whilst in the process capturing the evaluative evidence of the relevance, effectiveness, efficiency and sustainability of the project. The evaluation was intended to serve as an important accountability function, providing national stakeholders and partners in Zimbabwe with an impartial assessment of the results, including gender equality results, of the project. The evaluation also sought to outline lessons learned and make recommendations which will be useful in contributing to the growing body of knowledge and future projects by UNDP in support of human rights and access to justice.

In addition to the above, the evaluation was expected to assess the extent to which project initiatives addressed the issues of social and gender inclusion, equality and empowerment; contributed to strengthening the application of these principles; and incorporated the UNDP commitment to HRBAs and gender mainstreaming in the project design.

The objectives of the evaluation were to assess:

1. the relevance and strategic positioning of UNDP support to Zimbabwe on Access to Justice Service Delivery;
2. the frameworks and strategies that UNDP devised for its support on Access to Justice and capacity building of MoJLPA and whether they are well conceived for achieving planned objectives;
3. the progress made so far capacity building the state, the MoJLPA and relevant partners in complying with as well as in discharging their voluntary human rights obligations through the project and advisory services under both the national and international human rights law;
4. the progress to date under each output and what can be derived in terms of lessons learned for future UNDP support towards capacity building and service delivery of Justice in Zimbabwe;
5. how the interventions succeeded to strengthen application of a rights-based approach, gender mainstreaming and participation of other socially vulnerable groups such as children and persons with disabilities, Etc; and
6. the overall contribution of the project to the state of sustainable good governance, rule of law and human rights observance in the country[[8]](#footnote-8).

1. **Evaluation Approach and Methodology**

The evaluation approach and methodology was largely guided by the terms of reference for the evaluation and was undertaken in the following four main phases:

* a desk review of the PRODOC, annual work plans (AWPs), project reports and other documents relating concerning the implementation of the project[[9]](#footnote-9);
* preparation of an inception report by the evaluator, which outlined his understanding of the terms of the terms of reference and task at hand, the proposed methodology to be used to undertake the evaluation, and the key questions that the evaluation would seek to answer;
* interviews with selected senior representatives of UNDP and the MoJLPA[[10]](#footnote-10), focus group discussions with the IMC Secretariat, JLOS Technical Committee and UPR Steering Committee[[11]](#footnote-11), and administration of questionnaires to the IMC and JLOS Technical Committee members[[12]](#footnote-12); and
* circulation of draft report to, and its consideration in a meeting by, stakeholders which served to validate the consultant’s findings, provide clarification and pave way for finalisation of the report[[13]](#footnote-13).

Planned interventions in respect of each of the seven expected outputs were evaluated for their relevance and adequacy, whether they were implemented and with what results i.e. were JLOS and Government capacities strengthened and to what extent did this contribute to the achievement of the expected outputs and intended outcome of the project? The extent to which each expected output was achieved and contributed to the achievement of the intended outcome was rated on a scale of “Poor”, “Fair”, “Good”, Fairly good” and “Very good”, denoted in percentage terms as follows:

Poor - below 50%

Fair - 50% to 60%

Fairly good - 60% to 70%

Good - 70% - 80%

Very good - above 80%

Key sources of information in answer to these questions were the PRODOC and other documents relating to the project that included AWPs, project reports and consultants’ reports, the Project Coordinator, IMC, IMC Secretariat, the UPR Steering Committee, the JLOS Technical Committee, senior MoJLPA officials, including the Permanent Secretary, and UNDP officials.

The evaluator also relied on observation and his experience interacting and working with some of the stakeholders such as the IMC, UPR Steering Committee, JLOS Technical Committee and CSOs. He was able to draw on the knowledge and experience gained through these interactions. For example, his facilitation of the UPR consultative meetings with stakeholders provided him with a good opportunity to learn from Government what it was doing to implement its human rights obligations and the progress made and to hear stakeholders’ views on these issues. The issues of the administration of justice and access to justice were part of the deliberations.

Using an evaluation matrix, the evaluator used a qualitative method to analyse the information collected[[14]](#footnote-14).

The evaluation made an evidence-based assessment of whether the project achieved its aim. In doing this, the key question that the evaluation sought to answer was whether the project strengthened the JLOS capacities and improved access to justice for all, in particular the vulnerable and marginalised sections of the population. The answer to this question primarily lay with the extent to which the targeted outputs of the project were achieved. The evaluation therefore focused on assessing the extent to which each of the outputs of the project had been achieved and whether, and how, this had contributed to the achievement of the expected outcome of the project i.e. equal access to justice for all.

The scope of evaluation was not, however, limited to this assessment. The evaluation also sought to ascertain the impact of the project, if any, in relation to its original purpose and objectives as well as to evaluate the relevance, effectiveness, efficiency and sustainability of the project and possibilities for new initiatives. The evaluation highlights the key lessons learned which could provide informed guidance to future support to the MoJLPA by UNDP and other agencies of the United Nations and makes recommendations on how to build on the achievements of the project and ensure that it is sustained by the MoJLPA and other relevant stakeholders.

With the exception of the progress made by the Government to fulfil reporting obligations arising from human rights treaties and the UPR process and to implement UPR recommendations, the evaluation was constrained to make a proper assessment of the overall contribution of the project to the state of sustainable good governance, rule of law and human rights observance in the country on the basis of the available evidence.

1. **Constraints and Limitations**

The evaluation got off to a slow start due to, among other factors, the unavailability of some of the key personnel at the MoJLPA and UNDP who were involved in other crucial activities taking place at the same time. It also took a while for the evaluator to meet with some of the targeted interviewees.

The response to the evaluation questionnaires was poor and deadlines were missed. For example, only a fifth of the members of the IMC completed the questionnaires and efforts to address this constraint by holding a focus group discussion were unsuccessful. A number of respondents were not informative hence the information provided was not very useful. It would appear that there was a lack of appreciation of the importance of the evaluation.

Some of the focus group discussions were not well attended as informants appeared to have more pressing commitments in their own Ministries, Departments and institutions. Efforts to have a focus group discussion with law based CSOs to get the perspective of non-state stakeholders on the impact of the project were not successful. Therefore the evaluation relied heavily on the perspectives of those who were directly involved in the running of the project i.e. UNDP, the Implementing Partner and the Responsible Parties. This was somewhat mitigated by the fact that some CSO representatives participated in the focus group discussions with the JLOS Technical Committee and the UPR Steering Committee and that the evaluator participated in UPR consultative meetings at which CSOs and other stakeholders gave their views on the situation of human rights in the country, including access to justice.

The consultant also faced challenges in accessing some of the project documents as they were not readily available, such as activity reports and minutes of meetings. This was probably a symptom of the limitations of the IMC Secretariat which are discussed below.

1. **Findings and Conclusions**
	1. **Project design and relevance**

As more fully appears below in the assessment of the expected outputs of the project, the evaluation made an assessment of the extent to which the activities designed and implemented were suited to the achievement of the outputs and whether the activities and outputs were consistent with the intended outcome of the project.

The project design was informed by the ZUNDAF national development priority on “Good Governance for Sustainable Development”, which was designed to contribute to equal access to justice for all, in particular the vulnerable and marginalised, and to the realisation of human rights. The project was expected to contribute to the achievement of ZUNDAF Outcome 1.1 “Improved Justice Delivery System and Rule of Law”. The intended outcome of the project as outlined above was therefore relevant to the achievement of ZUNDAF Outcome 1.1.

The JLOS is critical to justice delivery and this entails that JLOS institutions must have capacity and be properly coordinated if they are to be efficient and effective in delivering justice. Access to justice cannot be enhanced without addressing the challenges facing the JLOS in Zimbabwe, such as the shortage of financial, human and capital resources, as these challenges have had the effect of reducing the capacity of JLOS institutions to effectively deliver[[15]](#footnote-15). The interventions and activities which were designed to achieve outputs such as “strengthened coordination framework for the JLOS” and “strengthened capacity of JLOS institutions to effectively and efficiently execute their mandates” were relevant as they had potential to ensure a strategic sector-wide approach to the delivery of justice that is harmonised and well-coordinated and to enhance the capacities of JLOS institutions. For example, the planned intervention to establish a coordination mechanism for the JLOS would ensure that the work of JLOS institutions were properly coordinated and not fragmented, which would limit their efficiency and effectiveness, while the assessment of JLOS capacities would help to develop the capacities of the institutions based on the actual needs e.g. training in human rights and human rights based approaches.

The interventions and activities which were identified for the purpose of achieving human rights related outputs, such as “Policies and law reforms formulated in line with existing reforms, international conventions and obligations”, “Enhanced capacity of the state to comply with international obligations including state party reporting, UPR and follow up of recommendations in a participatory and consultative manner” and “Regional and international human rights instruments ratified and domesticated”, would help to address challenges facing the GoZ with regard to implementation of international human rights obligations such as the failure to produce state party reports on time. The relevant project interventions and activities were well designed in that they sought to enhance the GoZ to fulfil its human rights obligations e.g. domestication of human rights treaties, drafting state party reports and implementation of UPR recommendations, which they did to a considerable extent as reported below. The achievement of the aforementioned outputs had potential to contribute to the realisation of the intended outcome of the project (see full assessment below).

It is concluded that the expected outputs were well identified and relevant to the achievement of the intended outcome of the project. To a large extent, so were the interventions and activities that were intended to achieve the expected outputs. Good progress was made to strengthen the JLOS capacities and the capacity of Government to fulfil human rights obligations.

However, while the expected outputs and planned interventions and activities were apt in view of the project objective, they did not directly address capacity building for the rights-holders. HRBAs require that the capacities of the duty-bearers as well as the rights-holders must be developed, so that the rights-holders capacity demand their rights and the duty-bearers the capacity to respond to those demands.

Furthermore, although the challenges facing the JLOS and the Government with regard to justice delivery and implementation of human rights obligations were generally well identified, with the exception of a capacity gap assessment of the JLOS and needs assessment in relation to ratification and domestication of human rights treaties, which were done half way through the project cycle, there was no provision for assessment or validation of the capacity needs at the beginning of the project. For example, the capacities needs of the IMC, LDC, LAD and CSD were not validated although there were interventions and activities that were designed to enhance their capacities.

The IMC Secretariat was one of the key actors in the implementation of the project. While it has traditionally serviced the IMC, its mandate and size were expanded to provide administrative and other services to the UPR National Steering Committee and the JLOS coordination mechanism[[16]](#footnote-16). The project however appeared to assume existing capacity within the Secretariat in the areas of programming and project management e.g. drawing up work plans, writing concept notes, developing training and other capacity building programmes, running budgets, writing narrative and financial reports, and monitoring and evaluation. There were no activities planned to develop this capacity and yet there was a capacity gap. Most of the members of the Secretariat were not even familiar with the PRODOC.

It also appears that there was an assumption that the MoJLPA and the Responsible Parties had capacity in monitoring and evaluating the kind of projects UNDP was supporting. Generally, the MoJLPA and other Government Ministries do not run projects as part of their day to day responsibilities. Despite there being a monitoring and evaluation framework for the project, which appeared largely used by UNDP and not by the Implementing Partner, capacitation was still necessary as shown below[[17]](#footnote-17).

It is also noted that the project design and implementation was not strong on the components of HRBAs and gender. Although one of the expected outputs of the project (Output 7) was focused on developing the capacities of the JLOS in relation to HRBAs and gender mainstreaming, the project itself appeared to gloss over gender mainstreaming and application of HRBAs. That is, the PRODOC and AWPs did not stipulate how gender and HRBAs were to be mainstreamed or factored into project implementation. Fortunately, in the case of gender representation, most of the project reports provided the gender breakdown of participants at meetings and workshops.

Equally, the PRODOC did not provide for a clear exit strategy ensures that Government is well prepared to continue running the project after UNDP’s exit. While indications are that UNDP might continue supporting the project for a while longer, there is need to start now planning for its exit.

* 1. **Output 1: Strengthened coordination framework of the JLOS**

The JLOS is a sector-wide approach to the delivery of justice which aims to ensure a harmonised and coordinated system for strengthening justice delivery, access to justice and the enjoyment of human rights[[18]](#footnote-18).

It is composed of a number of institutions that are involved in the administration of justice, maintenance of law and order and the promotion and protection of human rights. The core members are primarily Government Ministries and Departments, namely: the MoJLPA; Ministry of Home Affairs; Ministry of Public Service, Labour and Social Welfare; Ministry of Women Affairs, Gender and Community Development; Attorney-General’s Office[[19]](#footnote-19); LDC; National Prosecuting Authority; LAD; JSC; ZPCS; and ZRP. The Ministry of Finance and Economic Development is also involved in the JLOS, which is strategic since the Ministry is responsible for the national budget and allocations of resources to Government Ministries, Departments, institutions and agencies.

The project has brought about the participation of non-government stakeholders that are involved in the administration of justice and the promotion and protection of human rights. These include law based CSOs such as the Legal Resources Foundation (LRF), the Law Society of Zimbabwe (LSZ), and independent commissions such as the Zimbabwe Human Rights Commission.

UNDP provides technical and advisory services. Other members of the United Nations Country Team (UNCT), such as the United Nations Children’s’ Fund (UNICEF) and UN Women, from time to time also provide technical and advisory support to the JLOS.

The major shortcoming in the JLOS which the project intended to address was the fragmented nature of the interventions of the sector, which resulted in minimal gains. Also, ownership of results was individualised, such that follow up for crosscutting actions was difficult to coordinate. Supporting the establishment of a coordination framework for the JLOS would hopefully result in strategic, sector-wide partnerships to enhance coordination within the sector[[20]](#footnote-20).

UNDP sought to provide technical assistance in the following interventions:

* establishment of a secretariat to coordinate and manage implementation of the JLOS project;
* establishment and strengthening the JLOS coordination mechanism;
* development of work plans by the coordination mechanism based on sector reform strategy drawn up by stakeholders;
* administration of resources and effective coordination and communication with stakeholders by the coordination mechanism;
* development and implementation of an anti-corruption strategy for the JLOS;
* monitoring and evaluation of sector strategy implementation by stakeholders.

We examine below progress in respect of each of these interventions.

* **establishment of a secretariat to coordinate and manage implementation of the JLOS project**

Planned activities included drafting of terms of reference for and recruitment of the Project Coordinator as well as a secretariat to service the JLOS coordination mechanism.

While a full-time Project Coordinator was recruited, no secretariat was established as such but the existing IMC Secretariat was expanded in terms of its mandate and personnel so that it also service the JLOS coordination mechanism. As long as there was provision for capacity enhancement for the IMC Secretariat, this arrangement was more ideal than setting up an entirely new secretariat, especially in view of limited human, capital and financial resources. It also made sense to take advantage of a structure that was already in place and operational.

* **establishment and strengthening of a JLOS coordination mechanism**

Planned activities to support the establishment of a JLOS coordination mechanism included drafting terms of reference for the mechanism, establishment of the mechanism, capacity enhancement, and policy and coordination meetings for the mechanism.

Terms of reference were drafted and the coordination mechanism established. The coordination mechanism is constituted at two levels: the Steering Committee (policy makers) i.e. heads of Government Ministries and Departments and other JLOS institutions; and at the technical and operational level, the Technical Committee, comprising Directors and Deputy Directors. In practice, however, not all members of the Technical Committee are at the level of Director or Deputy Director[[21]](#footnote-21).

Both the Steering Committee and the Technical Committee were supposed to meet on a quarterly basis. However, while the Technical Committee was able to meet consistently throughout the project period, the policy makers at most were only able to meet once a year.

The meetings of the Technical Committee were important in that they provided a platform for sector stakeholders to reflect on the duties of the Committee (including mapping out its capacity building needs) and to share experiences, knowledge and lessons learnt among key stakeholders. Sector institutions were able to identify key areas of work where synergies and collaboration are essential as well as ways to strengthen the sector, and to engage in dialogue on the institutions’ individual programmes as well as the sector as a whole. Areas identified for collaboration included capacity enhancement initiatives, information sharing, resource mobilisation and prison reforms. Attendance and participation at the meetings were generally high and the project benefitted immensely from the commitment of the Technical Committee as shown below.

Joint capacity building activities included training for members of the Technical Committee on human rights, conflict resolution mechanisms, and HRBA. There was also learning and experience sharing with the Uganda JLOS on issues such as resource mobilisation, information sharing and strengthening coordination. The JLOS Policy Document on Structure which was developed with support from UNDP reflects a number of good practices that were learnt from Uganda, especially proposals relating to the structure of the coordination mechanism.

Notable outcomes of the quarterly meetings and capacity building initiatives of the Technical Committee are improved coordination, interaction, communication, and collaboration between and among the JLOS stakeholders, and enhanced knowledge of human rights, gender and HRBA among the Committee members. Apart from improved coordination among JLOS institutions there was also increased participation of the institutions in each other’s work e.g. joint activities and strategies in the area of prison reforms. Information sharing among JLOS institutions is critical to coordination and collaboration within the sector, which has the potential to contribute to improving access to justice. It would therefore be desirable that the gains made in the period under review are consolidated in the next project cycle through, among other interventions, further capacity enhancement of the Technical Committee in areas such as HRBA, project design and management, and monitoring and evaluation.

It is at the policy level that concerns arise as it would appear that there was a lack of commitment and ownership of the project. Not only did the policy makers meet infrequently but when policy meetings were held they opted to send subordinates, in many cases their representatives on the Technical Committee. For example, in the policy meeting held in 2013, out of forty (40) participants there was only one Permanent Secretary and one Deputy Secretary. While the policy briefing meetings may have been highly participatory and enhanced dialogue among sector institutions as reflected some of the annual reports, policy makers still need to show full commitment to the project.

Also of concern was the lack of participation in JLOS initiatives by the JSC and yet it is a critical actor in the administration of justice. In fact, it is the expectation of the Implementing Partner that the JSC should take leadership of the JLOS. The JSC only began to show interest in the last year of the project, when they participated in the policy briefing meeting and the last meeting of the Technical Committee. It is therefore critical that the participation of the JSC is secured in the next project cycle.

* **development of work plans by the coordination mechanism based on sector reform strategy drawn up by stakeholders**

While there were plans to train members of the JLOS Technical Committee in programming, with focus on how to compile work plans, concept notes, write reports, etc, this did not take place. The Technical Committee however managed to commence drafting of the JLOS work plan, which was aimed at improving the coordination of sector institutions. Improving coordination of sector institutions has potential to contribute to efficiency and effectiveness of the institutions, with the likelihood of enhancing access to justice. Therefore it would be desirable for the work plan to be completed and implemented in the next project cycle.

A strategic and resource mobilisation plan was developed, which was intended to help guide planned activities to be implemented in a strategic and coordinated way and to mobilise resources, though it was hardly implemented due to time constraints and may have to be carried forward to the next project cycle. A policy document on the proposed structure of the JLOS coordination mechanism was also developed and will be referred to Cabinet for adoption so that the coordination mechanism can be formalised. Formalisation of the coordination mechanism by Cabinet presents an opportunity for Government to assume ownership of the mechanism and to fund it beyond the current UNDP support. Resource mobilisation must be given more priority as the JLOS cannot expect infinite funding from UNDP. This entails that Government must be prepared to play a greater role in the funding of the coordination mechanism. If Government commits itself to supporting the mechanism, this may ensure sustainability of the project.

* **administration of resources and effective coordination and communication with stakeholders by the coordination mechanism**

A communication strategy and action plan was developed for the purpose of increasing the visibility of, and communication within and with stakeholders of, the JLOS. Pursuant to this a logo and publicity materials were developed while plans to develop a website were carried forward to the next project cycle.

* **development and implementation of an anti-corruption strategy for the JLOS**

No anti-corruption strategy for the JLOS was developed and interviews with project personnel appeared to suggest that the intervention was not a priority, although it had been proposed in the PRODOC. There were however some notable anti-corruption initiatives by the JLOS during the period under review, such as anti-corruption awareness raising. For example, there was a discussion on issues affecting the justice delivery system on a popular television talk show (Mai Chisamba Talk Show) that attracted about 160 participants from the general public and in which representatives from JLOS institutions participated. According to the relevant project report, the public showed interest in the issue of corruption in justice delivery and suggested more such discussions. Positive outcomes of this discussion included feedback from the public that motivated the MoJLPA to engage consultants to carry out a media campaign which, due to logistical challenges, could not be carried out and had to be deferred[[22]](#footnote-22). Public interest in anti-corruption in justice delivery was also generated, though the JLOS was not able to take immediate advantage of this momentum and build on it. Unless these initial developments are followed up and consolidated, the few gains made during the period under review will be lost. In particular, the JLOS must ensure that the proposed anti-corruption strategy is developed and implemented in consultation with stakeholders and that the Anti-Corruption Committee is functional.

In this regard, the JLOS should consider the possibility of tapping into a related anti-corruption in justice delivery campaign that was initiated outside the context of the project by the JSC and other stakeholders in the administration of justice that include the MoJLPA, National Prosecuting Authority, ZPCS, ZRP and the Zimbabwe Anti-Corruption Commission. The campaign, codenamed ‘ACT’ (Against Corruption Together), is an effort to combat corruption in the justice delivery system. The JLOS should also consider how its anti-corruption initiative can dovetail with the National Code on Good Corporate Governance recently launched by the Government in an effort to fight corruption in public institutions. This can help in obviating unnecessary duplication and wastage of resources.

* **monitoring and evaluation by the JLOS of sector strategy implementation by stakeholders**

Planned activities for this intervention include the development of a monitoring and evaluation (M&E) tool for the purpose of monitoring and evaluating progress regarding implementation of the strategic plan by JLOS institutions. The information sources (i.e. project reports, Project Coordinator and JLOS Steering Committee) provided conflicting information on whether the M&E tool had been developed and the evaluator was unable to verify the correct position. While the relevant project report and the Project Coordinator suggested that the tool had been developed, members of the Steering Committee said that the issue of the tool was merely broached in one of their quarterly meetings without being finalised.

There was no other meaningful activity in support of this intervention and it may be necessary for this intervention to be pursued in the next project cycle. Ongoing monitoring and evaluation are critical in terms of tracking progress in implementation of the project as well as in assessing whether its expected outputs are being achieved and if this is contributing to the achievement of the intended outcome of the project. The JLOS coordination mechanism must ensure that the M&E tool is finalised and that ongoing monitoring and evaluation takes place.

The key achievements of the project in relation to Output 1 can be summarised as follows:

* establishment of a coordination mechanism which contributed to improved coordination among JLOS institutions as well as increased participation of the institutions in each other’s work. Especially notable were the quarterly meetings of the JLOS Technical Committee where attendance and participation was generally high and the outcomes of the meetings included increased awareness of the work of the different sector institutions and information sharing[[23]](#footnote-23);
* identification of strategies and areas of collaboration and joint initiatives arising from the opportunities provided by the quarterly meetings of the Technical Committee. For example, sector institutions agreed to work together to decongest prisons and to improve the welfare of female inmates, especially those incarcerated with their children. Collaboration and joint activities are an effective way of addressing common problems that affect stakeholders, and this can contribute to improvement of justice delivery by the sector institutions and access to justice especially by vulnerable and marginalised persons;
* formulation of policy and strategic documents intended, inter alia, to improve coordination of and information sharing within the sector, formalisation of the sector, and facilitate integrated data management;
* development of a communication strategy for the purpose of increasing the visibility of JLOS among stakeholders, including the development of a logo and publicity materials;
* joint capacity building for sector institutions and enhancement of knowledge of human rights, international standards on the treatment of prisoners, international standards on anti-trafficking in persons, conflict resolution mechanisms, Results Based Management (RBM), HRBA and gender mainstreaming. However, those who received the training have suggested that it was inadequate, mainly due to the short duration and spacing of the training workshops, and that they would require further training[[24]](#footnote-24); and
* experience sharing and learning from international good practice, notably the tour of Uganda by some members of the Technical Committee to learn how its JLOS is coordinated and managed, and using the experience to come up with strategies to help to strengthen the local JLOS in order to enhance access to justice.

Progress towards achievement of Output 1, with particular reference to enhancing efficiency and effectiveness in the JLOS, and its contribution to enhancing access to justice, can be rated as good. The MoJLPA and UNDP must build on this by completing outstanding activities as outlined above, providing additional training for Technical Committee members on RBM and HRBA in order to enhance knowledge and skills for practical application of what has been learnt, and addressing challenges such as the non-participation of the JSC and limited commitment of the policy makers to the project (some suggestions have been made below on how this can be done).

* 1. **Output 2: Policies and law reforms formulated in line with existing reforms, international obligations and the Constitution**

This Output was linked to the agenda of the GoZ with regard to law and policy reforms aimed at bringing the country’s laws and policies in line with regional and international instruments and obligations and the adoption of a new Constitution. The planned reforms would include the review of laws and policies relating to access to justice, with particular regard to vulnerable and marginalised groups such as the poor, women, children and persons with disabilities. UNDP support for the MoJLPA in this regard was aimed at strengthening capacities for law and policy formulation through the provision of advisory services and supporting the drafting and development of ‘best practice laws’. The PRODOC does not define what the phrase ‘best practice laws’ refers to so it has been assumed for the purpose of the evaluation, from the context and thrust of the project, that it refers to laws that are reflective of and consistent with regional and international instruments and obligations.

Interventions that were identified for support by UNDP in relation to Output Two were:

* an all stakeholders’ comprehensive assessment of the law and policy reforms to ensure legal and institutional responsiveness to justice delivery for all;
* inclusive stakeholders’ consultations and resolutions on laws and policy reforms;
* development by the LDC of law reform policy documents in accordance with stakeholder resolutions and recommendations;
* Parliamentary reforms on access to justice bills;
* development of an advocacy and communication strategy for dissemination of information from the JLOS and awareness raising on International Good Practice[[25]](#footnote-25).

The evaluator was constrained to establish what the intervention “Parliamentary reforms on access to justice bills” entailed. It can be read as suggesting reforms that relate to the institution of Parliament, which would be beyond the scope of the project objectives. Considering that the three key functions of Parliament are legislative, oversight and representative, it is unlikely that there would be any need to reform the institution of Parliament in order to enhance access to justice or for access to justice bills to be passed. It would therefore make sense to assume that the intervention concerned the enhancement of Parliament’s capacity to pass bills that support access to justice.

The last mentioned intervention appears misplaced and would be better placed under Output 1, which in any event already has activities relating to the development of a communication strategy for raising the profile of and disseminating information on the JLOS.

There were a number of notable achievements arising from activities that were implemented pursuant to the first three interventions.

UNDP supported training for over forty (40) law officers in the Attorney-General’s Office and other Government Ministries and Departments on legal drafting and incorporation of international best practices. With the adoption of a new Constitution, skilled drafters would be critical to the alignment of the country’s laws with the Constitution. Only one training was conducted, which may have been adequate for law officers from the Attorney-General’s Office who are already involved in legislative drafting but perhaps not so for the law officers from other Government Ministries and Departments who are not skilled drafters. The evaluator therefore tried to establish if the training was making a difference. Other than the fact that law officers in Ministries and Departments are required to generate draft bills that fall under their respective Ministries and Departments and submit them to the Attorney-General’s Office for quality checking, there was no evidence to suggest that the training resulted the law officers drafting improved bills. Nonetheless it is worth noting that the officers have been producing draft bills for the Attorney-General’s Office to build on, which the Office feels has been helpful. Additional training for the officers is required.

The Centre for Applied Legal Studies (CARL) partnered UNDP and the MoJLPA in this training, which was a demonstration of their appreciation of the importance of strategic partnerships, especially in terms of widening the base as regards technical, financial, material and other support as well as widening stakeholder engagement and participation.

UNDP supported the engagement of a consultant by the MoJLPA to develop a thematic position paper on the alignment of access to justice laws, which would identify access to justice related laws that needed to be aligned with the new Constitution as well as with relevant international human rights standards. The consultant was however unable to develop the position paper after failing to engage the Inter-Ministerial Task Force on Alignment for more than a year due to competing priorities. When the opportunity to engage eventually arose, there was realisation that the consultant’s terms of reference may have to be revised in light of the Task Force’s capacity needs and current priorities. This activity remains critical and it is desirable that it is undertaken at the earliest opportunity. It may necessary for the MoJLPA to re-strategise and for UNDP to revise the nature of its support to the law alignment process. For example, there may be need to facilitate the development of a framework for the alignment of outstanding laws, with set priorities and timelines, and provide further training on legislative drafting for Government law officers.

UNDP also supported two activities that were intended to enhance the capacity of the LDC.

The LDC is a statutory body established in terms of the Law Development Commission Act [Chapter 1:02] with the mandate “to contribute to the attainment of an equitable and just legal system through the revision, harmonisation, development and reform of the laws of Zimbabwe.” Its functions include:

* promoting the development and reform of the law;
* making proposals for the elimination from the law of any defects of a policy and substantive nature;
* making proposals for bringing the law in line with current national and international trends;
* promoting awareness of the law by the public, government departments and other authorities or bodies; and
* proposing new or more effective procedures for the administration of the law and the dispensing of justice.[[26]](#footnote-26)

This puts the LDC in a position to contribute meaningfully to justice delivery hence its inclusion in the JLOS. The inclusion in the project of activities that are intended to support the capacities of the LDC is therefore pertinent, especially considering the Key Result Areas and goals of the Commission that include research and law, with the goals of promoting the development and reform of the law from 75% to 90% per cent by 2018, proposing new and more effective procedures for the administration of the law or the dispensation of justice from 20% to 60% by 2018, and making at least ten proposals for bringing the law into line with current and international trends by 2018. With enhanced capacity the LDC has potential to more effectively and efficiently contribute to law reform.

Software for indexing and searching statutes and court judgments was acquired for the Commission to allow easier access to statutes and judgments by the JLOS institutions, which should contribute to more efficiency in the execution of their duties.

The consultative workshop on promoting effective justice delivery through the introduction of new forms of admissible evidence organised by the LDC to present its research findings and draft bill on the admissibility of DNA evidence to stakeholders[[27]](#footnote-27) was useful in that stakeholder support was mobilised and there was agreement to conduct wider consultations so that the matter could be taken forward. The consultations would include consideration of the use of electronic evidence and ICT in the courts. Following the holding of further stakeholder consultations, a legislative framework on these new forms of evidence and use of ICT was agreed in principle, paving the way for the possibility of a law being enacted in the next phase of the project.

Zimbabwe is lagging behind in the use of DNA and electronic evidence and the use of ICT in the courts. The project reports indicate that the LDC and stakeholders were convinced that the introduction of new forms of evidence such as DNA and electronic evidence will help to promote effective justice delivery and enhance the quality of justice.

For example, these forms of evidence can enhance the right to fair trial. It is therefore desirable for outstanding activities to be taken forward to the next project cycle.

Overall, progress made with regard to Output 2 and its contribution to access to justice was fair. What has been achieved so far could be considered as work in progress that requires consolidation, for example through implementation of outstanding activities, such as the enactment of laws on new forms of evidence and use of ICT in the courts, and conducting additional training for Government law officers on legal drafting.

* 1. **Output 3: Strengthened capacity of JLOS institutions to effectively and efficiently execute their mandates**

Interventions identified in relation to Output 3 were intended to address the limited capacities of JLOS institutions such as the Judiciary, police service, prison service, the MoJLPA, LAD and the Attorney-General’s Office[[28]](#footnote-28), which hampered optimal delivery of justice. UNDP supported the development of the capacities of these institutions through harmonised training on international good practice and the development of sector-wide strategies that would rebut a fragmented approach and instead promote synergy amongst the institutions to ensure effective delivery of their different mandates. The specific interventions were:

* capacity assessment of the JLOS;
* comprehensive baseline survey of citizen knowledge and experience in accessing justice with emphasis on women and children’s experiences;
* development and implementation of a capacity support strategy for all JLOS institutions;
* harmonised training platforms for JLOS institutions; and
* implementation of practice reforms formulated from the citizen experience survey.

Consistent with the intervention relating to harmonised training platforms for JLOS institutions and to enhance joint programming among these institutions, the following training workshops were conducted:

* training on human rights mechanisms and special procedures, which was co-supported and funded by UNDP, UN Women and the Southern African Regional Office of the UN High Commissioner for Human Rights and included members of the UPR Steering Committee and women’s rights organisations;
* training on international standards on the treatment of offenders, in which UNICEF participated[[29]](#footnote-29);
* training on the Community Service Scheme, human rights and human rights based approach to community service programming[[30]](#footnote-30). This training resulted in the establishment of District Coordinating Committees to support and supervise implementation of the Community Service Scheme and provided a platform for interaction of JLOS institutions at district level with other stakeholders, such as CSOs. It is anticipated that the training and establishment of District Coordinating Committees will improve the coordination of the Community Service Scheme at the district, provincial and national levels and entails continuous monitoring and evaluation in the next project cycle.

There was however no follow up training or other initiatives to consolidate on the training or to ensure practical application of the acquired knowledge. For example, in the case of the training on international standards on the treatment of offenders, no feedback mechanism was put in place following the train to monitor and evaluate if, and the extent to which, the trained officers were applying the knowledge that they acquired from the training. It can be assumed, therefore, that this knowledge is not being utilised and has not brought about an improvement in the manner that the officers treat offenders.

Apart from the training, other notable deliverables include the following.

A capacity assessment of JLOS institutions. However, although the process was initiated in 2012 with the adoption of terms of reference and advertising for consultants, the assessment only commenced in 2013 and was finalised in 2014. Delays were reportedly occasioned by, among other factors, information gaps as some of the stakeholders such as ZRP and the Zimbabwe Human Rights Commission took time to provide information. Because of the delay, a strategy for implementation of the consultants’ recommendations was not be developed as planned, although the JLOS Steering Committee has identified priority actions for capacity enhancement. The assessment identified capacity gaps and came up with a comprehensive action plan to address the gaps in order to strengthen the capacities of the institutions to fulfil their mandates in order to improve access to justice and justice delivery. It would have been helpful if the assessment had been done at the commencement of the project so that capacity enhancement activities in support of the JLOS would have been based on the actual and not perceived needs of the sector institutions. Be that as it may, the project was already addressing some of the capacity gaps, for example through harmonised training, coordination of sector institutions and development of strategic plans as reported above. It is recommended that the intervention be carried forward to the next cycle so that the JLOS can develop an implementation strategy as this has potential to further enhance the JLOS capacities and improve communication, coordination and collaboration among its institutions.

Consultants were recruited to conduct a comprehensive baseline survey of citizen experience in accessing justice, with focus on marginalised and vulnerable sections of the population. The survey assessed and gauged the perceptions of the citizens with regard to and access to justice in Zimbabwe. Issues that the survey sought to answer include: timely justice delivery; satisfaction of service; and challenges in accessing justice. The survey also gathered information that will assist in identifying gaps and challenges faced by the citizens in accessing justice and will serve as a useful guide in developing strategies that enhance access to justice. The active involvement of the JLOS Technical Committee in the development of the methodologies and tools for the survey reportedly helped to instil a sense of ownership of the survey and its results.

Competing priorities resulted in delays in conducting the survey. Ideally, it should have been given priority and carried out at the inception of the project so that the findings and recommendations could inform project activities. It may be that an opportunity was lost to fully implement an activity that would have given the project more impact and served as a tool to measure such impact. The recommendations of the survey should be carried forward to the next phase for implementation.

Three officials from the JLOS participated in the revision of Standard Minimum Rules on the Treatment of Prisoners at meeting of the UNODC Commission on Crime Prevention and Justice in April 2013. They sought to put their experience to use by drawing up an action plan on lessons learnt from the meeting which would inform reforms on national standards on treatment of prisoners. There however appears to have been no follow up on the action plan and the evaluator was unable to ascertain if the action plan has been informing the prison reforms currently under consideration. Ideally where plans of action or recommendations are drawn up, there is need for a follow up mechanism to ensure that implementation actually takes place and the impact measured. This will help to avoid fruitless activities that do not contribute to the achievement of the outputs of the project.

The project also targeted capacity enhancement for the CSD, one of the key JLOS institutions. The CSD was established in terms of the Criminal Procedure and Evidence Act with a mandate for the rehabilitation and re-integration of offenders[[31]](#footnote-31). Its overall functions include providing the courts with professionally compiled pre-sentence enquiries reports on probationers, identifying placement institutions with suitable work assignments for probationers, supervising compliance with community service orders and providing community service training for magistrates, prosecutors, Community Service Officers and heads of institutions[[32]](#footnote-32). The Department’s vision is to achieve effective rehabilitation of all offenders placed on community service by 2040, while its mission is to provide guidance and recommendations to the courts on offenders to be considered for community service and monitor compliance with community service orders in order to achieve total rehabilitation[[33]](#footnote-33). The Department is therefore an important actor in the administration of justice.

Notable gains from UNDP support to enhance the capacity of the CSD were the re-establishment of Provincial Coordinating Committees and the establishment of District Coordinating Committees, and promotion of cooperation between JLOS institutions and stakeholders such as CSOs. The re-establishment of the Provincial Coordinating Committees and establishment of District Coordinating Committee is critical to the effective implementation and coordination of the Community Service Scheme at provincial and district levels through, for instance, improved communication, coordination and collaboration between the CSD and its stakeholders and training for heads of institutions for placement of probationers so that there is proper supervision and improved case management. Focus during the period under review was on establishing and strengthening the committees and establishing relations with stakeholders, which was achieved judging by the high stakeholder participation at the provincial workshops. While the initial provincial monitoring visits that the Department had conducted in the provinces revealed that generally the committees were not functioning well due to challenges that included lack of proper constitution, failure to adhere to terms of reference, failure to hold regular meetings, and lack of communication of members between meetings, the Department reported that with guidance from the Zimbabwe National Steering Committee on Community Service, it has been working to address these challenges and streamlining the work of the committees and indications are that this is beginning to bear fruit, though there is still some work to be done to make them fully functional. UNDP should consider additional support to build upon and consolidate on these achievements.

More work still needs to be done in terms of operationalising strategies to implement the recommendations of consultants arising from the JLOS comprehensive capacity assessment and survey of citizens’ perceptions of access to justice in the country as well as fully operationalising the community service provincial and district coordinating committees

Rating in terms of progress made to achieve the Output and the potential to contribute to enhancement of access to justice is good. UNDP should consider continuing support to the MoJLPA to build on the above achievements in respect of the development of a strategy to fully implement the consultants’ recommendations on enhancing the capacity of JLOS institutions, implementation of the recommendations of the survey on citizens perceptions and experiences of access to justice, and consolidation of efforts by the CSD to strengthen the capacities of the Provincial Coordinating Committees and the District Coordinating Committees.

* 1. **Output 4: Enhanced legal aid and legal empowerment mechanisms for enhancing access to justice by vulnerable groups**

Some of the challenges facing the provision of legal aid in Zimbabwe today include the reality that legal aid mechanisms are thinly spread geographically and access to them is limited due to human and capital resources constraints. In the case of subordinate justice delivery systems like the customary law courts (presided over by Chiefs and Headmen), these are not well developed, popularised and supported[[34]](#footnote-34).

UNDP support was therefore tailored to make the LAD and the customary law courts operate optimally and to contribute to effective and efficient justice delivery in the communities. Specific interventions were:

* decentralisation of the LAD;
* capacity enhancement of non-state and other legal aid mechanisms;
* development of capacities in the customary law courts to respond to community justice demands;
* stakeholders to develop, train and disseminate guidelines on various innovations, practices and policies.

Most of the activities that were implemented in relation to Output 4 were in support of the intervention on the decentralisation of the LAD. The LAD was established in terms of the Legal Aid Act [*Chapter 7:16*] to provide legal services to indigent members of the public[[35]](#footnote-35). The LAD also undertakes dispute resolution. While it does not charge any legal fees, depending on their means clients may be requested to contribute towards the strengthening of the Legal Aid Fund. The LAD’s vision is “to ensure that all indigent persons have access to justice regardless of their geographical location in Zimbabwe” while its mission is “to provide legal aid services to all persons who are considered to be eligible for such legal aid or assistance.” Its strategic objective is the decentralisation of legal aid services which translates into access of legal services to indigent people in Zimbabwe[[36]](#footnote-36). It therefore has potential to contribute to enhancing access to justice by the marginalised and vulnerable populations and UNDP support to ensure that it has the requisite capacity to make this contribution was well placed.

Notable deliverables of UNDP support to the LAD were:

* decentralising of the LAD. The Directorate managed to expand its provincial offices to eight out of the country’s ten provinces, up from the two offices that it had in Harare and Bulawayo at the inception of the project. The LAD also obtained twelve (12) offices around the country from the JSC for use in conducting mobile legal aid clinics. This was achieved despite the fact that the planned decentralisation strategy was not developed.
* procurement of furniture and equipment such as chairs, PABX and laptops for LAD offices in Gweru and Mutare by UNDP in support of the decentralisation of the LAD.
* remand prison visits undertaken in Bindura, Gweru, Kwekwe, Mutare, Shurugwi and Zvishavane for the purpose of raising legal awareness among and providing legal services to prisoners on remand. The LAD targeted mainly prisoners who were in remand prison merely because they had no access to legal assistance and those who have been on remand for too long, as well as juveniles. It observed from these visits that quite a number of prisoners have been on remand for lengthy periods and that they require assistance with bail applications. The LAD therefore intends to pursue these cases and assist the inmates and ensure that they have access to justice. The outcomes of the prison visits so far include the release on bail of deserving prisoners and legal representation for some of the prisoners in court, thus enhancing access to justice for remand prisoners. This has helped to decongest prisons.
* learning from international good practice. UNDP supported a study visit to South Africa in November 2012 by the LAD and stakeholder representatives from the IMC Secretariat, Legal Resources Foundation (LRF) and UNICEF[[37]](#footnote-37). An important lesson for the delegation was how South Africa decentralised legal aid and put in place different measures to ensure, increase and improve access to legal assistance. Recommendations and a plan of action drawn up by the delegation have helped to guide LAD’s decentralisation process. In view of this, it may no longer be necessary for the LAD to develop a decentralisation strategy.
* increasing visibility of the LAD in an effort to get more vulnerable people to benefit from legal aid, through exhibiting at the annual Zimbabwe International Trade Fair in Bulawayo and Harare Agricultural Show, and distribution of pamphlets and fliers on accessing legal aid[[38]](#footnote-38). The LAD reported it generally experiences an increase in the number of inquiries from the public soon after the exhibitions, though these tend to peter out with passage of time.

Also notable is that the LAD reportedly worked well with the ZPCS, another member of the JLOS, which was conducive to enhancing collaboration and coordination among the JLOS institutions. The LAD also seems to appreciate the need for stakeholder engagement, as it has both formal and informal partnerships with Government institutions and non-state stakeholders. For instance, it frequently collaborates with the National Prosecuting Authority, the LDC and the JSC, and works in partnership with a number of CSOs that offer legal aid services, such as the LRF, Zimbabwe Lawyers for Human Rights, Musasa Project, Zimbabwe Women Lawyers Association and Justice for Children Trust. It has also entered into strategic partnerships with UNICEF and the LRF to provide legal aid for children, and to develop a Legal Aid Strategy for Children[[39]](#footnote-39). However, there is no formal coordination mechanism for all the providers of legal aid services and this tends to hamper the LAD’s efforts to work together with other providers of legal aid services in an effective manner[[40]](#footnote-40).

There were no tangible activities implemented in support of the other interventions i.e. capacity enhancement of non-state and other legal aid mechanisms, development of capacities in the customary law courts to respond to community justice demands, and stakeholders to develop, train and disseminate guidelines on various innovations, practices and policies. It is not clear from the information available to the evaluator what the ‘non-state and other legal aid mechanisms’ that were targeted by the project are, nor is it clear from the PRODOC and other documents what the intervention “support stakeholders to develop, train and disseminate guidelines on various innovations, practices and policies” was about and what it was it intended to achieve. It has however been noted above that the LAD works in partnership with a number of non-state providers of legal aid services and that some of them participated in some of the project activities.

Consultations with the JSC and the Chief’s Council to develop a curriculum and to conduct training for customary law court officials on effective community justice were unfruitful due to lack of cooperation, especially by the former. No meaningful progress could be made without buy-in from these two key stakeholders thus the development of the training curriculum was deferred to allow for further consultations. There is a possibility that there could be progress in the next phase of the project considering that towards the end of the cycle under review the JSC began to show an interest in the project. UNDP and the MoJLPA would however have to explore the viability, in light of the possibility of contribution to access to justice in the communities, of pursuing training for the customary law court officials considering the irregular costs that the project is likely to incur. For example, when Chiefs attend official meetings, trainings and other activities, they are entitled to be accompanied by their aides and sometimes even their spouses. The project would be expected to bear the additional costs, which UNDP might find hard to support or justify. One option to get around this challenge would be to consider whether the MoJLPA cannot partner another stakeholder who might be willing to cover the additional costs.

Progress in respect of Output 4 and its contribution to the expected outcome of the project is rated as good. More work would however be desirable. It is recommended that UNDP should consider additional support to the MoJLPA so that the LAD continues with its decentralising and publicity efforts to ensure that those in remote areas are able to access legal services, more so in view of the fact that the Report on the Comprehensive Assessment of the Justice, Law and Order Sector (JLOS)[[41]](#footnote-41) concluded that the lack of public awareness of the existence of the LAD was a key factor impeding access to legal aid by the poor and marginalised. Customary law courts as informal traditional dispute resolution mechanisms at the community level have a wider reach, including the remote areas. These courts are an integral part of Zimbabwe’s judiciary. They can therefore play a significant role in enhancing access to justice for poor and vulnerable people. Serious consideration should be given to carrying outstanding activities in relation to the development of capacities in the customary law courts to respond to community justice demands to the next project cycle.

* 1. **Output 5: Enhanced capacity of the state to comply with international obligations including state party reporting, UPR and follow up of recommendations in a participatory and consultative manner**

Interventions under the Output were identified in response to Zimbabwe’s limited capacity to comply with human rights and state party reporting obligations and to follow up and implement treaty body concluding observations. UNDP supported the strengthening of the institutional capacity of the IMC to draft and submit on time state party and other reports on human rights. It also supported the formulation of plans of action on UPR recommendations and concluding observations of the treaty bodies.

Specific interventions targeted for support by UNDP were:

* stakeholder gap analysis with regards to submission of reports to treaty bodies;
* skills development for the MoJLPA and other relevant Ministries towards compliance with international obligations;
* skills training and capacity development of the IMC to effectively compile and submit reports;
* production of action plans for treaty body recommendations and concluding observations;
* creation of a governance database for statistics on human rights.

Most of the activities that were implemented with support from UNDP during the period under review related to the drafting of state party reports and implementation of UPR recommendations. Support for the IMC and UPR National Steering Committee produced the following reported achievements.

**IMC**

The IMC was established by Cabinet to coordinate the human rights activities of Government Ministries and Departments, to ensure that obligations arising from human rights treaties which Zimbabwe was party to were complied with, and generally to advise the Government on human rights issues[[42]](#footnote-42). Today the main responsibility of the IMC is to prepare state party reports under the general human rights treaties[[43]](#footnote-43) and to oversee and support line Ministries to produce state party reports on specialised treaties[[44]](#footnote-44).

The IMC comprises 21 members from line Government Ministries and Departments[[45]](#footnote-45). All member institutions are required to have substantive and alternative members. The Committee operates at two levels: the policy makers’ forum (i.e. Permanent Secretaries); and the operational level i.e. senior officials who conduct the substantive work of the Committee. The policy makers are supposed to meet on a quarterly basis to review the work of the IMC and to provide appropriate policy guidance while at the operational level monthly meetings must be held. This is intended to ensure that the work of the IMC is not neglected and that all IMC members remain actively involved in the work of the IMC.

The MoJLPA chairs, coordinates and provides secretarial services for the IMC[[46]](#footnote-46). However, all Ministries and Departments that make up the IMC are expected to play an active role in discharging its mandate. This entails that line Ministries and Departments must appreciate not only the importance of the mandate of the IMC but also Zimbabwe’s obligations arising from the regional and international human rights treaties to which it is party. The IMC however plays an advisory and not supervisory role over Government Ministries and Departments.

At inception of the project, the secretarial services and membership of the IMC Secretariat were expanded to cater for the UPR National Steering Committee and the JLOS coordinating mechanism. In addition to secretarial services, the mandate of the Secretariat was extended to accommodate implementation of the project and now includes information management, research and documentation as well as drawing up AWPs, workshop programmes and budgets, and producing activity, quarterly and annual narrative and financial reports. The Secretariat also manages the resource centre, which includes internet services and human rights literature and related materials. It will be responsible for managing the websites for IMC, UPR National Steering Committee and the JLOS when they become operational.

The IMC obviously plays a key role in discharging Zimbabwe’s human rights obligations, which potentially has a bearing of the enjoyment of human rights in the country. It is therefore critical that it should have capacity to fully discharge its mandate, more so in view of the reality that although the IMC has for many years received financial and technical support from UNDP and others partners of the MoJLPA, it has always struggled to be up-to-date with state party reporting obligations. For example, at the commencement of the project in 2012, Zimbabwe had only managed to submit reports for major treaties such as the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant of Economic, Social and Cultural Rights (ICESCR). About twenty years later Zimbabwe had not been able to submit any subsequent reports and had accumulated a backlog. There was also a backlog for almost all the other treaties that Zimbabwe was party to. It was therefore apt that UNDP focussed its support to the IMC in the period under review on the drafting, submission and presentation of state party reports.

Key deliverables achieved with UNDP support were:

* presentation of the CEDAW report (UNDP supported attendance of two members of the IMC) and the follow up (i.e. development of plan of action on implementation of the recommendations of the Committee on the Elimination of Discrimination against Women). In a show of strategic partnership, UNICEF supported a member of the IMC Secretariat, which helped to enhance joint programming and support;
* drafting and validation of periodic reports on the ICCPR, ICESCR, African Charter on Human and Peoples’ Rights (ACHPR), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD);
* consideration by the Permanent Secretaries of the periodic reports on the ACHPR and the ICESCR, which were submitted to Cabinet for approval;
* updating of the Human Rights Core Document;
* drafting and partial validation of initial UNCRPD report;
* capacity enhancement and skills development for the IMC through training[[47]](#footnote-47);
* re-printing of the Manual on State Party Reporting for distribution to IMC members.

Outside the project but related to Output 5, UNICEF, Save the Children and other partners supported the drafting, validation and presentation of initial report on the ACRWC and the periodic report on the UNCRC.

Also noteworthy is that fact that for the first time in many years, the IMC went beyond its traditional role of producing state part reports and sent a team in 2014 on a fact-finding mission at Tongogara Refugee Camp in Manicaland Province to assess the living conditions of refugees. A report on the observations of the team was compiled and this can be used by the IMC as, inter alia, background information for some of the state party reports[[48]](#footnote-48). The sub-committee on the UNCRPD state party report plans to conduct a fact-finding mission in order to verify the information that it has collected for the report against the reality on the ground, which can be helpful in ensuring that the report is objective and balanced and that Government is aware of the real issues of persons with disabilities. It is thus helpful for the IMC to be pro-active and go out, seek and validate information. This can also be useful to the IMC for the purpose of systematically collecting and documenting human rights information. The IMC should therefore consider how best it can utilise Government structures at the provincial and district levels to gather and validate information.

There however remained outstanding some matters pertaining to the capacity of the IMC and Government as a whole that would require further attention, such as the following.

Although good progress was made by the IMC to draft outstanding reports as indicated above, only two reports (ACRWC and UNCRC) were submitted to the relevant treaties during the period under review because the Permanent Secretaries and Cabinet were reportedly unable consider some of the draft reports. For example, the Permanent Secretaries were unable to consider the draft reports on ICERD and ICESCR while Cabinet was unable to consider draft reports on the ICCPR and ACHPR that were referred to it more than two years ago. With the developments that have taken place since these reports were referred to Cabinet, such as the general elections, adoption of the new Constitution, re-alignment of laws and establishment of new independent commissions, the reports are now out of date. It would be pointless therefore for Cabinet to consider them, let alone for the GoZ to submit them to the treaty bodies, in their current form. There is need for the IMC to review and update these reports before Cabinet can consider them. What this means is that scarce resources, including time, have gone to waste. To mitigate this, the IMC should consider revising the reports at little or no further cost to the project, for instance by using the boardroom and not hotels. To avoid such situations in future, the MoJLPA should come up with practical and workable ways of ensuring that the Permanent Secretaries and Cabinet give priority to state party reporting.

With the exception of the Project Coordinator, who is an employee of UNDP, the IMC Secretariat has only one full time officer. Previously there were three full time officers but two left and have not been replaced[[49]](#footnote-49). Government is heading back in the direction of a part-time Secretariat, despite the fact that the mandate of the Secretariat has been expanded to include servicing the UPR National Steering Committee and the JLOS coordinating mechanism and the fact that in 2009 Government resolved that there should be a full time Secretariat comprising not less than three officers and that other IMC institutions should from time to time second staff to the Secretariat in order to share the burden with the MoJLPA and to consolidate ownership of the IMC by all its institutions. The full time secretariat would not only render mere secretarial work but it would also undertake substantive work such as coordinating the work of the IMC, systematically gathering and documenting information and statistics for state party reports, and preparing draft state party reports for consideration by the relevant sub-committees of the IMC. This arrangement was intended to bring about efficiency and effectiveness in the work of the IMC, such as the timely production of good quality state party reports and follow up of the concluding observations and recommendations of the treaty bodies[[50]](#footnote-50).

The IMC is an exclusively government inter-ministerial body, thus stakeholders such as CSOs have no representation on the Committee. Despite this, the Committee has been working with CSOs and other stakeholders in the state party reporting process. While it is commendable that the IMC has been making an effort in ensuring that stakeholders are given an opportunity to make comments on draft state party reports, it has not been consistent in how this has been done. For example, it has been consulting at different stages of drafting i.e. before the report has been drafted, during drafting, after a draft report has been drafted and sometimes even after the report has been validated by the IMC[[51]](#footnote-51). Ideally stakeholders must be consulted at a stage when their input can actually be factored into the draft report. This allows for genuine stakeholder participation and involvement, ensures that the report reflects realities on the ground, not just laws, policies and programmes, and enables Government to appreciate what the real issues of the people are and where it is falling short. This can help to enhance human rights promotion and protection and people participation in national processes.

The project was not strong on the aspect of skills training and capacity development of the IMC, presumably because an assumption was made at the project design stage that considerable capacity had already been developed for the IMC in previous UNDP-supported projects[[52]](#footnote-52). It turned out that the assumption was not spot on. While UNDP and other partners of the MoJLPA may have over the years supported capacity building initiatives for the IMC, there were still challenges pertaining to the capacity of the IMC which needed to be addressed by the project. It emerged from the project reports, focus group discussion with the IMC Secretariat and questionnaires completed by some of the IMC members that there are still some capacity gaps in respect of writing state party reports and project management, especially in the case of the new members. There was consensus that at least for the foreseeable future capacity building for the IMC should be ongoing, especially in view of the membership and staff turnover.

Other challenges that the IMC faces and in respect of which there apparently have not been any immediate solutions include the following:

* most line Ministries and Departments still view the IMC as an MoJLPA project and responsibility, despite previous efforts by the MoJLPA working in conjunction with the Office of the President and Cabinet to raise awareness and mobilise support for the Committee within Government. Therefore they do not always offer the Committee their full support and cooperation e.g. delays in responding to requests for information required for state party reports and inconsistent participation by some key members in the work of the IMC;
* related to the above challenge is the reality that many IMC members have to do IMC work over and above their core work in their respective Ministries and Departments. They end up giving priority to their own work. This is despite the fact that heads of IMC institutions agreed way back in 2009 that IMC work would be considered an as integral part of the duties of IMC[[53]](#footnote-53);
* limited inability of the Committee to use its own resource and skills base to develop capacity for its members, especially new members, thus placing reliance on UNDP and other partners for capacity development;
* limited funding for meetings, workshops and presentation of state party reports. Each Ministry is expected to fund the attendance of its own officer/s at the presentation of the reports. It is therefore not always possible for Government to send a fully representative delegation that is capable of responding to all the issues which may be raised by the treaty bodies. This problem is likely to continue as long as the Ministry of Finance does not allocate it its own vote;
* staff turnover and lack of continuity in representation on the IMC, which erodes the IMC skills base. It is however noted that some Ministries and Departments have had consistent representation;
* there is no formal induction for new members of Secretariat nor was there any proper training for Secretariat members on project management at inception of the project, yet in essence the Secretariat is running a fully-fledged project, which requires project management skills such as budgeting, monitoring and report writing;
* IMC has not been systematically collecting and documenting human rights information on a consistent basis, thus the IMC in many cases has to start from scratch when collecting information for state party reports. This is cumbersome and delays the drafting of reports. One major reason is that the Committee has not been systematically following up on the concluding observations and recommendations of the treaty bodies, a shortcoming which the project sought to address. Continuous and systematic information and data collection and documentation could be the key strategy by the IMC to ensure that it has the capacity to produce timely and satisfactory reports. This could also be useful for monitoring implementation of human rights treaty obligations by Government and identifying gaps and priority issues.

Despite capacity challenges, the IMC and line Ministries for the specialised treaties are close to clearing the reporting backlog as shown above. This was mainly down to Government’s commitment under the UPR process to cooperate with the human rights mechanisms and to huge financial, technical and advisory support from UNDP as well as occasional support by other members of the UNCT such as UN Women and UNICEF and partners like Save the Children and CSOs.

**UPR National Steering Committee**

The UPR National Steering Committee was established by Government and stakeholders with UNDP support in 2012 and mandated to provide guidance and monitor implementation of the National Plan of Action (NPA) on the UPR recommendations accepted by Zimbabwe following its initial review in 2011-2012[[54]](#footnote-54). In practice the UPR Steering Committee oversees and monitors implementation of the NPA. The Committee is composed of stakeholders that include Government Ministries and Departments, CSOs, Independent Commissions, Labour, and UNDP, which sits in a technical advisory capacity. It holds quarterly meetings to review progress in the implementation of the NPA and facilitates all stakeholders annual meetings that review sector reports on implementation of the NPA and make appropriate recommendations for follow-on actions.

Recorded key achievements in respect to UNDP support to the GoZ with the UPR process include:

* review of Zimbabwe’s UPR report, which started in October 2011 and was concluded in March 2012 (UNDP supported the attendance of two Government officials);
* analysing and clustering the recommendations that Zimbabwe accepted, with a view to identifying priority issues and working with stakeholders to come up with an NPA for the implementation of the recommendations[[55]](#footnote-55);
* presentation of the accepted recommendations, which resulted in buy-in by the stakeholders;
* adoption of the NPA by Government and stakeholders, with definite benchmarks to measure progress and timelines for implementation, and establishment of the UPR National Steering Committee[[56]](#footnote-56);
* regular review of progress in implementation of the NPA by the Steering Committee and stakeholders through, for example, quarterly meetings of the Committee and annual review meetings of the stakeholders[[57]](#footnote-57);
* development of a two-year strategic plan on implementation of the NPA by the Steering Committee;
* drafting of UPR Mid-Term Report and submission to Human Rights Council;
* growing publicity of the mandate and work of the UPR Steering Committee as well as the UPR process and the accepted recommendations. This stemmed from the use of bill boards, banners and brochures, and dissemination of the Mid-Term Report[[58]](#footnote-58);
* development of a roadmap by the Steering Committee, in consultation with stakeholders, detailing the process, roles of stakeholders and timelines for drafting and submitting the second cycle report;
* convening of stakeholders’ consultative meetings around the country to gather information for the second cycle report[[59]](#footnote-59).

In addition to the above achievements, the Steering Committee reportedly learnt valuable lessons on the UPR process when a delegation of Committee members and stakeholder representatives went on a study visit of the Human Rights Council to observe the 23rd Session of the UPR Working Group that was held from 2 to 13 November 2015. The delegation learnt best practice from other states on how to undertake the drafting of the second cycle report, which would guide the drafting and presentation of the second cycle report.

It is notable that the MoJLPA and the Steering Committee appreciate the need for stakeholder involvement and engagement in UPR. Project reports and information obtained through focus group discussions and interviews show that throughout the project cycle, stakeholders such as CSOs, independent commissions and the labour market took an active part in the UPR national processes such as annual review meetings and consultative meetings to gather information for the mid-term report and second cycle report. Initial stakeholder consultative meetings to gather information for the second cycle report involved stakeholders from six out of the country’s ten provinces whereas when consultations for the first cycle report were held, only Harare based stakeholders were consulted[[60]](#footnote-60). There was an undertaking by the MoJLPA and the Steering Committee to extend the consultations to community based organisations when the second round of consultations before the report is finalised.

CSOs however feel that Government should do more to improve relations between them. For example, they said that although the Steering Committee had established rapport with CSOs and was working generally well with CSOs at the broader national level, this had not cascaded to the provincial and district levels, where a lot of mistrust and sometimes animosity still existed between CSOs and Government officials. They suggested that the Steering Committee is too centralised in that it does not accommodate stakeholders from outside Harare. Government conceded this and indicated that it is willing to consider the suggestion by CSOs that the Steering Committee should be more representative and to ensure that cooperation between Government and CSOs should be at all levels[[61]](#footnote-61).

In view of the above achievements, it would not be off the mark to conclude that the UPR National Steering Committee is now on solid ground, in terms of its capacity to oversee and review implementation of UPR recommendations and to facilitate activities related to the overall UPR process. This is not to suggest that there is no room for improvement. The Steering Committee faced the same problem as the IMC regarding the lack of cooperation by some Government Ministries and Departments to provide information on time. This meant that more time than was necessary was spent on following up with these Ministries and Departments. Furthermore, the Committee needs to be fully capacitated in monitoring and evaluation, so that it is more effective in monitoring and evaluating progress in implementation of UPR recommendations by GoZ. The two-year strategic plan developed by the Steering Committee is weak on monitoring and evaluation and may need to be strengthened in the regard e.g. inclusion of a proper monitoring and evaluation tool.

No activities were implemented in respect of interventions relating to stakeholder gap analysis with regard to submission of reports to treaty bodies and creation of a governance database for statistics on human rights. A human rights database would be helpful inter alia in determining whether Government is making progress regarding the fulfilment of its human rights obligations and as a source of information for human rights reporting. It has been previously recommended that the IMC should establish a human rights database and systematically collect and document human rights information[[62]](#footnote-62) and the need for the IMC Secretariat to actually do this cannot be overemphasised.

The rating for progress made to achieve Output 5 and contribution towards implementation of Zimbabwe’s international human rights obligations, with particular reference to state party reporting and the UPR, is ‘Good’. Areas for improvement include continuous capacity enhancement for the IMC, UPR National Steering Committee and the Secretariat so that they are more efficient and effective in discharging their duties e.g. through training, systematic collection and documentation of human rights information and data, monitoring and evaluation, and developing their project management skills. Government must improve on stakeholder consultation and engagement, for example by casting its net wider and ensuring that stakeholders across the country have a fair opportunity to participate in the state party reporting and UPR processes.

* 1. **Output 6: Regional and international human rights instruments ratified and domesticated**

Ratification and domestication of key human rights treaties has potential to develop and foster a strong architecture for the promotion, protection and fulfilment of human rights in the country[[63]](#footnote-63). UNDP supported the following interventions that were aimed at addressing the fundamental gaps in the national architecture for the ratification and domestication of human rights treaties:

* development of an advocacy strategy on ratification and domestication;
* conducting an analysis and prioritisation of regional and international instruments commitments and their status vis-à-vis signature, ratification and domestication;
* development of a ratification and domestication strategy;
* stakeholders consultation forums for resolutions on reforms to laws and for domestication of ratified instruments;
* development of law reform policy documents by the LDC in accordance with resolutions and recommendations of the stakeholders; and
* development, training and dissemination of information on international instruments.

The only key activity that was implemented in relation to Output 6 was in relation to the development of a ratification and domestication strategy. It was intended that the strategy would help to accelerate the ratification and domestication of human rights treaties. Although the ratification and domestication strategy was developed, it was not implemented because it was completed late in the project cycle[[64]](#footnote-64). The reasons advanced for the delay were time constraints and competing priorities such as constitution-making, the general elections and the alignment of legislation with the new Constitution. It was perhaps not advisable for the development of the strategy to take place alongside the making of the Constitution, not only because of competing interests but also because there was a possibility that the new Constitution would render the strategy superfluous. Indeed the Issues Paper which was developed by consultants in preparation for the development of the strategy had to be revised following the adoption of the new Constitution because a number of the issues had been overtaken by events.

On a positive note, when consultants developed the strategy, it was done in consultation with stakeholders that included JLOS institutions, the IMC and law-based CSOs. Indications are that this helped in building ownership of the strategy and gives rise to a strong possibility of an inclusive and consultative process when the plan of action to operationalise the strategy is eventually developed. The project also benefitted from strategic partnerships with UN Women and UNICEF, who contributed to the development of the strategy by supporting the assessment of children’s rights and women’s rights treaties.

Despite the fact that there was only one key deliverable achieved under Output 6, the GoZ made some notable progress in the ratification and domestication of human rights treaties. In the context of implementation of UPR recommendations accepted by Zimbabwe during the first cycle review, supported by UNDP, Zimbabwe ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, the Optional Protocol to the CRC on the involvement of children in armed conflict and the UNRCPD and its Optional Protocol. These treaties represent about a quarter of the treaties that Zimbabwe undertook to ratify and domesticate[[65]](#footnote-65).

With regard to domestication, Government also made notable progress in the period under review. The new Constitution, which was adopted in May 2013, carries a much expanded Declaration of Rights that includes more elaborate civil and political rights, economic, social and cultural rights, the rights of women, children, the elderly and persons with disabilities, among other rights. Notably, the Constitution provides for an absolute prohibition of discrimination against women and against torture, and provides for rights relevant to the administration of justice such as the rights of arrested and detained persons, the right to a fair hearing, and the rights of accused persons. The Constitution also asserts the independence of the Judiciary and recognises that the independence, impartiality and effectiveness of the Judiciary are central to the rule of law and democratic governance. It enunciates principles that should guide the Judiciary, which include the principles that justice must be done to all irrespective of status and that the role of the courts is paramount in safeguarding human rights and the rule of law[[66]](#footnote-66). This places the Judiciary in a critical position regarding justice delivery, access to justice and the protection of human rights. This is important because the Judiciary is a key institution of the JLOS and has a role to play in the achievement of the expected outcome of the Project.

The adoption of a new Constitution necessitated the review of the country’s laws with a view to aligning them the Constitution. This presented Government with an opportunity to fully domesticate human rights treaties. An Inter-Ministerial Taskforce on Alignment was established with the mandate to spearhead the process of alignment of legislation with the Constitution, with the MoJLPA taking the lead. Government is satisfied with progress to date, although at the same time it acknowledges that more progress could have been made but for human, material and financial resource constraints. Evidence of the progress so far includes the enactment of laws such as the National Prosecuting Authority Act, the Zimbabwe Gender Commission Act, the Electoral Amendment Act, and the Trafficking in Persons Act. The National Prosecuting Authority Act operationalised the National Prosecuting Authority, a key institution of the JLOS with the mandate to conduct criminal prosecutions in an independent and effective manner, hence it is a critical actor in justice delivery. The Zimbabwe Gender Commission Act seeks to operationalise the Gender Commission, which has the responsibility of ensuring gender equality and equity and is therefore expected to play an important role in the promotion and protection of human rights.

A number of Bills in various stages of drafting and enactment, and these include National Peace and Reconciliation Commission Bill, the General Laws Amendment Bill, which will bring about 160 laws in line with the Constitution, and the Criminal Procedure and Evidence Amendment Bill, which has a bearing on justice delivery. Stakeholder consultations are underway with regard to the domestication of treaties such as the Optional Protocols to the CRC and the UNCRPD and its Optional Protocol[[67]](#footnote-67).

Stakeholders, especially CSOs, felt that Government is not showing the full political will, commitment and prioritisation that is required to expeditiously ratify and domesticate human rights treaties and to implement the legislative frameworks. They questioned why up to now Government has not yet ratified key treaties such as CAT and the International Convention on the Protection of All Persons from Enforced Disappearance. They were particularly concerned about the absence of a timeframe on alignment of the country’s laws with the Constitution. They cited as examples provisions of laws such as the Public Order and Security Act (POSA), the Access to Information and Protection of Privacy Act (AIPPA), and the Criminal Law (Codification and Reform) Act, which they said were a hindrance to the enjoyment of the fundamental freedoms of speech, association, assembly and the media.

The issues raised by the stakeholders appear valid considering that the legal effect of the adoption of the new Constitution was to render any laws that are inconsistent with its provisions unconstitutional, thus making the process of amending or removing unconstitutional provisions or laws a mere formality. Furthermore, failure to expeditiously establish and operationalise institutions created by the Constitution could be deemed a violation of the Constitution. A proper framework for reviewing and aligning legislation with the Constitution could not only address the concerns of the stakeholders but also ensure that the Government is in full compliance with the provisions of the Constitution.

Despite the project missing a number of targets with regard to interventions which were targeted for the achievement of Output 6, progress made to achieve the Output and contribution to the enjoyment of human rights is rated ‘Fairly good’. UNDP may wish to consider further support to the MoJLPA so that an action plan can be developed to facilitate implementation of the ratification and domestication strategy.

* 1. **Output 7: Increased knowledge, understanding and application of HRBA**

Interventions in respect of Output 7 were intended to address limited knowledge and application of rights based approaches within the JLOS, due to the reality that rights holders and duty bearers often do not know their obligations, to demand human rights and to respect, protect and fulfil human rights respectively. This militated against interventions that would otherwise impact positively on the human rights culture. Planned interventions which UNDP would support were:

* training duty bearers on human rights principles in line with the World Programme for Education;
* training the claim holders of their rights to trigger the demand and supply;
* conducting dissemination and advocacy activities on rights based approaches;
* monitoring and reporting on effective implementation of rights based approaches.

The only activities that were implemented were in relation to building the capacity of duty bearers on human rights and HRBAs. Despite this, two notable deliverables were recorded, namely capacity enhancement for the JLOS Technical Committee on human rights, gender mainstreaming and HRBAs and the development of a manual on HRBAs.

The training on HRBAs which was conducted in 2013 and 2015 for the JLOS included some members of the IMC and UPR Steering Committee. The training reportedly emphasised the need for duty bearers to pay particular attention to vulnerable and marginalised sections of the population, which is part of the focus of the project. The training included building the capacity of the participants to train fellow officers. This would help to cascade knowledge, and enhance application, of human rights principles and standards and HRBAs within JLOS institutions. Although participants felt that the training had been useful in raising the level of their knowledge of human rights and HRBAs, they said that they would need more training before they could be expected to apply HRBAs in the workplace, let alone to train fellow officers[[68]](#footnote-68). This was mainly because:

For many participants it was their first time to receive human rights and HRBA training so they needed more time and training to understand these concepts;

* the duration of the workshops (three days) meant that participants were sensitised rather than trained
* the second workshop came two years after the initial workshop when some of the knowledge had been lost; and
* almost half of the participants in the second workshop had not attended the first workshop while some of the participants who had attended the first workshop did not attend the second workshop, despite the fact that the second workshop had been intended for those who had received initial training[[69]](#footnote-69).

It is important to note that even if the participants felt that they needed more training, they were confident that it was possible to apply HRBAs in their work and to ensure that they were always guided by human rights principles and standards. They however would need the support of their supervisors, which might entail sensitisation of the supervisors[[70]](#footnote-70).

The resource person recommended that for future trainings that are intended to build a pool of trainers to train fellow officers, the MoJLPA should be stricter and ensure that only participants who have received initial training receive further training. He also recommended that since not every officer who received initial training would either be suitable or have interest in training others, the MoJLPA should identify only those with potential and a positive attitude. A pre-workshop evaluation of participants could be a useful tool in this regard[[71]](#footnote-71). The MoJLPA should give serious consideration to this recommendation. Ideally, it should focus on those officers who have been identified as having potential to train and form a core team of trainers.

An HRBA manual was developed by a consultant, with input from the officers who had participated in the training to ensure ownership of the manual by the stakeholders. The manual will be used to enhance the knowledge of trained officers in human rights principles and standards and to guide them in the application of HRBAs in their work. It will also be used to train fellow officers so that all officers involved in the work of the IMC, UPR Steering Committee and the various JLOS institutions are familiar with, and are able to apply, human rights principles and standards and HRBA in their work. If applied to good use, the manual will be able to serve as a useful tool for continued guidance and reference for applying HRBAs by officers in the JLOS institutions. The consultant who helped to develop the manual recommended that the MoJLPA, with technical assistance from UNDP, should put in place a mechanism to ensure that the manual is put to good use and to monitor if there is increased observance of human rights and application of HRBAs in the JLOS[[72]](#footnote-72). This recommendation should be pursued.

Since the project, inter alia, aims to strengthen the JLOS capacities and improve access to justice for the vulnerable and marginalised populations, it is imperative that capacity is enhanced for the JLOS and other relevant sectors. Training for the participants was crucial since not only was it intended to increase their knowledge of human rights, gender and HRBAs but also to build their capacity to train fellow officers so that as many of them as possible have capacity. This is particularly important because, firstly, the JLOS, IMC and UPR Steering Committee play a very important role in the implementation of human rights and in discharging Zimbabwe’s human rights obligations. As duty bearers, it is critical that they should not only have knowledge of human rights but that they should also be able to apply human rights principles and standards in their work. Secondly, HRBA emphasises the need for duty bearers to pay particular attention to vulnerable and marginalised populations, hence the need especially for JLOS institutions to have capacity to apply HRBAs so that there is improved access to justice for the vulnerable and marginalised groups and respect for the rights of rights holders that they come into contact with such as suspects, accused persons, convicted persons, victims of crime and witnesses.

There is need to ensure that the knowledge of JLOS officers is not enhanced without application. The officers must apply the knowledge and skills acquired from the training. This entails, among other things, ensuring that all JLOS institutions are kept abreast of developments in the project so that they remain supportive and create an environment that is conducive to application of HRBAs. This can help to improve access to justice and the enjoyment of human rights.

As far as Output 7 is concerned what has been done and achieved so far has to be considered as work in progress, which requires consolidation. This is because no activities were implemented in support of a number of interventions are noted above, yet they were critical to the achievement of the Output, particularly the following:

* training the rights holders so that they have capacity to claim their rights. In HRBAs it is important to develop the capacities of both the rights holders and the duty bearers, to “trigger the demand and supply”. In the period under review the project focused on developing the capacities of the duty bearers. It must be noted however that UNDP has been supporting other projects that include interventions aimed at building the capacity of the rights holders to assert their rights, such as the projects run by the Zimbabwe Human Rights Commission and CSOs;
* dissemination and advocacy activities on rights based approaches;
* monitoring and reporting of effective implementation of HRBAs. This is very important especially for the purpose of measuring the impact of the project i.e. the extent to which HRBAs are being applied in the work place especially by JLOS institutions and whether this is contributing to enhanced access to justice by the vulnerable and marginalised groups.

In view of the above, the rating insofar as achievement of Output 7 and contribution to the overall objectives of the project is ‘Fair’. It is recommended that UNDP and the MoJLPA should carry the outstanding interventions forward to the next cycle and build on the knowledge of human rights, gender and HRBAs that has so far been acquired by members of the JLOS Technical Committee, IMC and UPR Steering Committee.

* 1. **Human rights and gender equality**

**Human rights**

The evaluation considered the question whether, and if so to what extent, the project contributed to the enjoyment of human rights generally and specifically whether access to justice has been enhanced during the period under review.

In the absence of a tool that could be used to objectively assess if the enjoyment of human rights was enhanced and if this can be attributed to the project, in whole or in part, one has to consider the normative, institutional, policy or other appropriate measures undertaken by Government during this period, with support from UNDP, which were intended to or would have a positive bearing on the enjoyment of human rights by the citizens.

A number of positive developments were noted above, such as the following:

* ratification, domestication and review of legislation with a view to domesticate treaties such as a the Protocol on the Suppression of the Trafficking in Persons, especially Women and Children and the UNCRPD and its Optional Protocol;
* adoption of a new Constitution with an expansive Declaration of Rights, which to a large extent domesticates treaties already ratified by Zimbabwe, such as the ICCPR, ICESCR, CEDAW and UNCRC;
* establishing or strengthening independent institutions that play a role in the promotion and protection of human rights, such as the Zimbabwe Human Rights Commission, the Gender Commission and the National Peace and Reconciliation Commission;
* initiating the process of reviewing all the country’s laws with a view to aligning them with the provisions of the new Constitution, which will hopefully result in further domestication of human rights instruments;
* strengthening the capacities of the JLOS institutions and coordination of the work of the institutions with a view to enhancing justice delivery and access to justice for all, particularly marginalised and vulnerable groups such as the poor, women, children and persons with disabilities;
* taking measures to improve prison conditions e.g. rehabilitation of cells and improving the diet;
* taking steps to comply with human rights reporting obligations and implementation of UPR recommendations.

There is need to build on these efforts and for Government to demonstrate greater political will and commitment as in the long term access to justice and the enjoyment of human rights are likely to be enhanced. UNDP should consider continuing its support to the MoJPA, at least in the foreseeable future, in order to consolidate on the gains made by Government so far.

**Gender equality**

Another question that the evaluation considered was the extent to which gender equality was achieved.

It was noted above that not much attention was paid to gender in the design of the project. There is little evidence of a deliberate effort to mainstream gender during implementation of the project. Fortunately, however, in monitoring of the project there were noticeable efforts to keep track of the gender composition of participants at project-related meetings and training workshops. For example, the annual reports in many areas provide data that is disaggregated by gender.

The picture that emerges from the project reports, focus groups discussions and interviews is that with regard to IMC, UPR Steering Committee and JLOS related activities, invariably women were the majority participants. These positive changes in gender equality, whereby women were well represented in events and situations in which hitherto they had been extremely underrepresented, are not however directly attributable to the project and UNDP support. Rather, this is a reflection of the current gender representation in the MoJLPA, JLOS institutions and other Government Ministries and Departments. In many cases female officers are in the majority, hence it did not require the deliberate efforts of the MoJLPA and the Secretariat to ensure that women were well represented.

This situation was reversed in respect of project activities that involved institutions and stakeholders where men still dominated both numerically and in terms of holding senior positions. For example, in the case of the activities of the Community Service Department, while women dominate in the Department, men were invariably in the majority in the meetings and workshops that the Department organised around the country. This is a reminder that unless deliberate efforts are made to promote gender equality and to ensure that women are well represented at all levels and in capacity building and other initiatives, there is always the danger of perpetuating, intended or otherwise, inequalities between men and women.

* 1. **Annual work plans**

The AWPs generally were consistent with the planned interventions as per the PRODOC and the expected outputs. Once the Project Board had adopted an AWP, the Project Coordinator and the IMC Secretariat would come up with an implementation calendar and quarterly work plans, with timelines for the planned activities for guiding project staff and measuring progress. There are however areas that may require further consideration, such as the following:

* numbering of the outputs in some AWPs did not tally with the numbering in the PRODOC e.g. in the 2012 AWP, Output 2 is different to Output 2 in the PRODOC. Apart from mixing up the output numbering, output activities were also sometimes mixed up e.g. Output 1 and Output 3 are related and planned activities and reporting often overlapped, which was confusing. Even the wording of the Outputs was sometimes different to the PRODOC wording e.g. the wording of Outputs 2 and 3 in the 2012 AWP were different to the PRODOC wording. This lack of consistency made it difficult to track progress in respect of the planned interventions and activities for each of the expect outputs;
* some AWPs indicated targets for each expected Output, others either did not or did not do it consistently e.g. the 2012 AWP does not indicate targets whereas 2013 AWP does, although not for every Output;
* sometimes activities carried forward to the following year were not reflected in that year’s AWP e.g. in 2012 development of domestication and ratification strategy was carried forward to 2013 but the 2013 AWP does not reflect the activity, although implementation actually took place and is reflected in the annual report for that year;
* although activities were implemented in quarters, for which there were quarterly work plans and reports, the first ‘quarter’ was hardly a quarter. This is because the previous year’s annual report and the current year’s annual work plan were not approved until about mid-February and thereafter there were more formalities, such as meeting of the Project Board and approval by the Ministry of Finance for activities to commence. Implementation of activities therefore often commenced in March, the last month of the quarter. This often led to congestion of activities and at times failure to implement planned activities.
	1. **Project reports**

The annual reports were generally well presented. One could easily follow progress regarding implementation of the project from year to year. The reports went beyond narration of progress and attempted to show how the activities which had been implemented were contributing to the achievement of the expected outputs and how this in turn was contributing to the expected outcome of the project. This applies also to the reports of the facilitators, resource persons and consultants. They were based on a template which sought to bring out their assessment of the relevance of the activity which they had undertaken in relation to the expected outputs and outcome of the project. This was very useful for purposes of ongoing monitoring and evaluation of the project as well as end of project evaluation.

The same cannot however be said of most of the activity reports that were reviewed in the evaluation. They were largely narrative with very little analysis of how the activities in question were relevant to or contributed to the achievement of the project outputs and outcome. This perhaps was because there was no set format or template and it was left to individual officers responsible for writing the reports or workshop rapporteurs to come up with their own format. It would appear that some reports for some of the activities e.g. the HRBA Training of Trainers Workshop for the JLOS that was held in Beitbridge in October 2015, were not finalised and circulated.

A few shortcomings were noted regarding the annual reports, such as the following:

* the reports were not always clear on some of the unachieved planned activities and one had to go back and forth between the AWP and annual report for the year concerned to verify if all planned activities were implemented;
* sometimes information relating to one Output was reported under a different Output e.g. in the 2013 annual report some information on state party reporting was reported under Output 1 (strengthened coordination framework of the JLOS) instead of Output Output 5 (enhanced capacity of the state to comply with international obligations including state party reporting, UPR and follow up of recommendations in a participatory and consultative manner). This was confusing and made it difficult to track progress in respect of each Output;
* in some cases the reports did not consistently address all the planned activities for the year e.g. the 2012 AWP lists planned activities under Output 1 as including needs assessment, training workshops and development of JLOS M&E tools. However, the annual report is silent on these activities i.e. whether they implemented or not;
* where planned activities are not implemented, the annual reports did not always provide the reasons why e.g. the 2013 report merely mentioned that the comprehensive baseline survey of citizen experience in accessing justice with emphasis on marginalised groups such as children, youth, persons with disabilities and women had been rescheduled to 2014 without explaining why the activity had not been carried out as planned. It was not helpful for purposes of ongoing monitoring and evaluation, especially as regards identifying and addressing challenges to project implementation;
* the annual reports did not always give the gender breakdown of persons who participated in project activities such as meetings and training, which made gender tracking problematic.
	1. **Strategic partnerships and relations with stakeholders**

In the PRODOC UNDP recognised the need to identify and support strong and sustainable partnerships for mutual cooperation in order to capitalise on the comparative advantages of each partner to ensure the success of the project, especially as regards resource mobilisation and utilisation and provision of technical and other advisory support.

UNDP adopted this approach in implementing the project. This was evident in the following collaborations, among others:

* while UNDP was the key partner of the MoJLPA in providing technical and advisory services to the JLOS and IMC, other members of the UNCT such as UNICEF and UN Women time to time also been provided technical and advisory support. For example, the harmonised training for the JLOS on human rights mechanisms and special procedures that was conducted in 2012 was co-supported and funded by UNDP, UN Women and the Southern African Regional Office of the UN High Commissioner for Human Rights while UNICEF participated in the training of JLOS institutions on international standards relating to the treatment of offenders in 2013;
* in the final year of the project cycle, UNDP and the Royal Norwegian Embassy collaborated in relation to the work of the UPR Steering Committee;
* the project also benefitted from strategic partnerships with UN Women and UNICEF, who contributed to the development of the ratification and domestication strategy by supporting the assessment of laws relating to children’s and women’s rights treaties.

On its part, the Government of Zimbabwe also benefitted from strategic partnerships in the area of human rights and justice delivery. For instance, it worked generally well with other UN agencies, other than UNDP, such as UN Women and UNICEF in relation to the drafting and presentation of state parry reports on CEDAW, ACRWC and the UNCRC and establishment of frameworks to implement treaty body recommendations (e.g. in the case of CEDAW recommendations).

There were notable improvements in the relationship between Government and CSOs, at least at the national level, with the project contributing significantly to the developments in this relationship.

Prior to 2011, it could be said that the relationship between Government and CSOs was largely been problematic, characterised mainly by mutual suspicion and mistrust. It would appear that while Government felt that it had in the past created opportunities for the two sides to work together, CSOs suspected that Government did not always act in good faith as far as their relationship was concerned. This seemed to be the case particularly with regard to the relationship between Government and NGOs working in the areas of civil and political rights and governance. The former often accused the latter of supporting the regime change agenda and producing hostile shadow reports while the latter often accused the former of shrinking their operating space and reneging on its human rights obligations. The relationship was therefore at most times strained[[73]](#footnote-73).

The relationship with other sectors of civil society, such as health rights, women’s rights, children’s rights and disability rights sectors, were generally better and there was cooperation between Government and NGOs in those sectors. For example, the Ministry of Health and Child Care did a mapping of NGOs in the health and child rights sectors, identified their areas of interest and ensured that they worked with the Ministry structures. The Ministries of Primary and Secondary Education and Women Affairs, Gender and Community Development used the same approach and generally worked well with NGOs in their respective sectors[[74]](#footnote-74).

In a bid to help improve the relationship between Government and civil society, UNDP commissioned a consultant to evaluate the Government’s relationship with civil society with a view to coming up with appropriate strategies for improvement of that relationship.

The project therefore emphasised stakeholder consultation and involvement in the discharge of Government’s human rights obligations, especially in areas such as ratification and domestication of human rights treaties, state party reporting, UPR and justice delivery. Both Government and civil society seemed to appreciate the need for such collaboration and this was reflected by the following, among other areas:

* right from the time Government first became involved in the UPR, in 2011, it has consistently engaged stakeholders with regard to, for example, the drafting of the national report, identification of actions and strategies to implement the recommendations, and implementation of the recommendations;
* monitoring of implementation of the National Plan of Action on the implementation of UPR recommendations. Upon the adoption of the National Plan of Action by Government and stakeholders, the UPR Steering Committee was established for the key purpose of monitoring implementation of the National Plan of Action. Stakeholders such as CSOs and the independent commissions were an integral part of the Steering Committee;
* CSOs were consulted when state party reports were drafted by the IMC, though there is need to improve on this process as proposed in this report;
* law based CSOs were represented in the JLOS Steering Committee and played an active part in the activities of the Committee, including coordination and capacity enhancement initiatives;
* CSOs such as Save the Children, Legal Resources Foundation, ICRC and the Centre for Applied Legal Studies conducted training for and provided technical and other support to Government Ministries and Departments.
	1. **Material support**

The situation of material resources of the MoJLPA for project-related activities improved considerably during the period under review. Support from UNDP included the provision of equipment such as a project vehicle, computers and printers, internet services and their maintenance. An office was set aside in the Ministry to house the resource centre, which was available for use by members of the Secretariat.

Internet services proved to be a useful resource for IMC work. For example, it was useful for purposes of research, dissemination of information among IMC members, and communication with other Government Ministries and Departments and external stakeholders such as CSOs. This helped to improve the operational efficiency and effectiveness of the IMC, although there may be need to keep monitoring the situation, especially with regard to material resources such as computers and printers.

The project vehicle, which was handed over to the MoJLPA by UNDP at the commencement of the project, was also very useful in terms of project related activities, including transportation to workshop venues, information dissemination and searches, as well as procurement related activities. This contributed considerably to the operational efficiency of the Secretariat.

* 1. **Project monitoring and evaluation**

The PRODOC made provision for continuous monitoring and evaluation of the project. This took place by way of project reports and review of progress by the IMC Secretariat and the Project Board.

There was also provision in the PRODOC for the development of an M&E tool to monitor and evaluate implementation of the JLOS strategic plan. As noted above, it is not clear whether the tool was developed and there is no indication that ongoing monitoring and evaluation did consciously take place. This was exacerbated by the fact the Steering Committee met infrequently and did not therefore consistently review progress and offer policy direction to the Technical Committee.

It was also observed during the evaluation that there are no tools, other than activity reports and the reports of facilitators, resource persons and experts, to evaluate the contribution of activities to the achievement of the interventions, expected outputs and outcome of the project. For example, it was difficult to gauge the extent to which participants’ knowledge had increased after being trained at a workshop because no pre-training assessment took place and post-workshop evaluation was not consistently carried out. It was therefore difficult to evaluate if the training added any value to the project.

Related to this was the absence of a follow up mechanism to get feedback from trained personnel on whether they were applying enhanced knowledge and/or skills in their work, or whether the quality of their work had improved as a result of the training.

* 1. **Project sustainability**

The key question that arises with regard to the sustainability of the project is whether it can survive beyond UNDP support. The answer to this question lies in how UNDP has been ensuring that there is ownership of the project by the MoJLPA and stakeholders. It also depends on whether the outputs delivered so far under the project can be sustained by national capacities.

UNDP right from the project design stage sought to ensure that there was buy-in by the Implementing Partner and the Responsible Parties so that they would assume ownership of the project and make it part of their day-to-day activities. Before its finalisation, the PRODOC was shared with the Implementing Partner and Responsible Parties, who had an opportunity to input into the document and to discuss its contents with UNDP, such that when it was eventually finalised it not only reflected the thrust of UNDP regarding its support for service delivery vis-à-vis justice delivery and access to justice but it more importantly also reflected what the Implementing Partner and the Responsible Parties considered to be their capacity needs and identified interventions that would address those needs. By and large, this was a project that the MoJLPA felt was its own, with UNDP merely facilitating its implementation by providing financial, technical and advisory support while building capacity for the Ministry and that of the Responsible Parties to take the project forward on their own in the future.

What could present challenges regarding the sustainability of the project in future were the occasional lapses in sense of ownership by the Responsible Parties, especially those who do not fall within the MoJLPA portfolio, such as ZRP and the Ministry of Home Affairs. There was an unfortunate tendency by some of the Responsible Parties to consider the project as the sole responsibility of the MoJLPA and that they would only come in as and when required to render assistance. This attitude was a potential threat to the viability of the project. The project must not only be owned by the MoJLPA but by the Government of Zimbabwe as a whole so that all the Responsible Parties appreciate that they are an integral part of the project.

This entails that apart from consulting all the Responsible Parties at the project design stage, they must also be regularly updated on progress in the implementation of the project at the policy level. Although there were some notable improvements in the final year of the cycle under review, the arrangement whereby progress review was conducted in the quarterly meetings of the Project Board was not very effective because in many cases the policy makers did not personally attend the meetings but sent representatives, usually their representatives in the IMC, UPR National Steering Committee or JLOS Technical Committee. The policy makers thus with time lost track of what was happening in the project, thereby also losing ownership of the project. One way of addressing the apparent lack of interest or commitment on the part of the policy makers, which has been used in the past with some positive results, is to channel invitations to meetings and other project-related activities through the Office of the President and Cabinet. This not only helps in terms of raising the profile of the project within Government but it also contributes to buy-in from other Government Ministries and Departments. In the focus group discussion with the UPR Steering Committee, it was suggested that the Civil Service Commission may also be in a position to help in raising the profile of the project within Government by ensuring that Permanent Secretaries attend policy level meetings. This would however have to be initiated by the MoJLPA.

The issue of ownership of the project must be addressed together with other pertinent issues that have a bearing on the sustainability of the project, such as the following:

* maximising and reorganising the capacities of the IMC and IMC Secretariat in order to make them more efficient and effective particularly as regards human rights reporting;
* Government to provide a budgetary allocation to cover expenses relating to the writing and presentation of reports and to cater for the activities of the IMC, UPR Steering Committee and JLOS coordination mechanism, so that when UNDP eventually stops funding the project it will not collapse due to lack of funding.

On UNDP’s part, it is not clear from the PRODOC and other reviewed documents if there is an exit strategy and what that strategy is. Perhaps this is indication of UNDP’s intention to continue supporting the project for some time to come. Even if this may be the case, in the interview with UNDP officials the need for a well-designed and well-planned exit strategy was appreciated.

1. **Challenges**

There were a number of challenges that militated against the efficient and effective implementation of the project, and contributed to failure to fully implement all the planned activities and to fully achieve the project’s expected outputs. They include the following.

1. The 2012 annual report acknowledges that the migration from the previous ZUNDAF cycle (2008 – 2011) to the cycle under review generally affected the smooth flow of planned activities. For example, finalisation of the ZUNDAF document for the 2012-2015 cycle was only completed in July 2012. This meant that not all activities that were planned for that year could be implemented, so priority had to be given to activities which were considered as urgent and critical, such as the UPR process and state party reporting. The rest of the activities were carried forward to the following year and this had a spillover effect throughout the project cycle.
2. The expansion of the project to other players in the JLOS brought with it operational challenges, particularly limited appreciation of procedures relating to implementation of activities to achieve project goals and progress reporting. While this could have been overcomed through training and other forms of capacity enhancement in the area of programming, there was no provision for it in the PRODOC and AWPs. Although the project provided for the establishment of a secretariat for the JLOS, none was established. Rather, the IMC Secretariat was given the responsibility, thus increasing its burden. It is acknowledged that the Secretariat was expanded. However, there was no induction or training for the new members who had to learn on the job. Furthermore, the Responsible Parties did not get any training or other capacity enhancement in project management. The training had been earmarked for the JLOS Technical Committee but it did not take place. In the 2013 annual report it was acknowledged that, “Responsible parties have limited appreciation of identifying programming activities”, which was attributed to the lack of capacity building in programming.
3. As a result of the operational challenges that faced the IMC Secretariat, there was a failure to timely execute all planned activities as per the AWPs. Because planning did not always take into account the other duties of the members of the Secretariat, there was often a congestion of activities in some of the quarters (running concurrently or back to back), thus overwhelming the Secretariat.
4. The immediate above was exacerbated by the late start in implementing activities in the first quarter of the year. Also, it was difficult at times to come up with dates to hold activities that were convenient for all key sector members hence some activities had to be held back to back or moved forward. This resulted in congestion and poor attendance in some instances.
5. Delays in finalising, approving and signing AWPs. This meant that implementation of project activities could not commence early in the year, leading to limited time to implement activities and congestion. At times this was worsened by delays in obtaining authorisation for the release of project funding from the Ministry of Finance and Economic Development, notably in 2015.
6. Limited commitment of some of the policy makers (i.e. Heads of Ministries and institutions) in supporting IMC and JLOS activities. For example, the JLOS policy makers met infrequently and many opted to send junior representatives while Permanent Secretaries failed to meet to consider a number of state party reports.
7. Limited participation of some sector members, for example in the activities of the IMC and JLOS Technical Committee, because project-related work was not considered as an integral part of their work. This also affected ownership of the project.
8. Gathering information for state party and UPR reports is difficult as some Government Ministries and Departments are not cooperative. This often results in delays in finalising reports.
9. Frequent staff changes and turnover in sector institutions, which affects continuity and institutional memory, thereby weakening capacity e.g. the IMC.
10. Competing priorities. Sector members invariably prioritise their core duties at the expense of project related activities.
11. Harare or boardroom based meetings and workshops, e.g. for purposes of drafting state party reports, generally did not attract many participants. Attendance tended to be higher if workshops were held at hotels outside Harare. This could be attributed to the fact that some officers tend to prioritise their core duties and apparently only attend to project related responsibilities if they are taken away from Harare. This comes at a cost and the question that arises is whether Government can sustain this without financial support from UNDP or other partners.
12. **Recommendations**

**General**

1. Government must prioritise the work of the IMC, UPR Steering Committee and the JLOS coordination mechanism. The MoJLPA must work closely with the Office of the President and Cabinet and the Civil Service Commission to ensure that there is full commitment at the level of the policy makers;
2. Government must start preparing to take over responsibility for funding of the IMC, UPR Steering Committee and JLOS coordinating mechanism. Ideally, there must be separate vote allocated to fund them;
3. The Project Board should ensure that activities that are implemented or plans of action that are drawn up or recommendations that are adopted are followed up so that these actually contribute to the realisation of the expected outputs and to achievement of the intended outcome of the project. This entails a follow up mechanism and more effective on-going monitoring and evaluation of the project. Impact of the project must be regularly assessed. This will help to avoid fruitless activities that do not contribute to the achievement of the objectives of the project;
4. Where training has been conducted for identified target groups, there must be a mechanism to follow up on the application of the acquired knowledge and skills e.g. periodic reports by the participants, follow-up meetings and/or focus group discussions. This will help to avoid training people who never get to use the knowledge and skills acquired and to assess if the knowledge and skills acquired are making a difference;
5. For trainings, both pre-workshop and post-workshop evaluation of participants must be conducted. The MoJLPA and the Responsible Parties should avoid mixing participants with different levels of understanding of the subject matter of the training. Pre-workshop evaluation can help in segregating participants. Also, it is pointless and a waste of resources for officers to attend the same training over and over again, as has been the case with some of the IMC members. Instead, focus must be on expanding the pool of expertise within line institutions;
6. Cooperation between Government and NGOs should be at all levels, including at the provincial and district levels. This entails extending the cooperation platforms that currently exist at the national level to the lower levels.

**Ownership of the project**

1. The Responsible Parties are an integral part of the project and should not therefore consider the project as the sole responsibility of the MoJLPA. They must play their role in the project;
2. In addition to involving all the Responsible Parties at the project design stage, the MoJLPA as the Implementing Partner must ensure that the former are also regularly updated on progress in the implementation of the project at the policy level;
3. The MoJLPA must involve the Office of the President and Cabinet and the Civil Service Commission when convening policy makers’ meetings to maximise attendance at the highest possible level. This will also help to raise the profile of the project within Government and ensure ownership by the relevant Ministries and Departments.

**IMC**

1. There must be regular updates for IMC Heads of Ministries and Departments on the work of the IMC and involvement of the Civil Service Commission and Office of the President and Cabinet in this regard so that the work of the IMC is supported at the highest possible level;
2. As agreed by the line Ministries and Departments in 2009, IMC work should be considered as an integral part of the duties of members of the Committee so that they are allowed adequate time to attend to the work of the Committee;
3. Information on implementation of human rights obligations must be systematically collected and documented. The IMC can take advantage of capacity building interventions under the project relating to follow up of treaty body concluding observations and recommendations i.e. developing plans of action and updating them from time to time the way the UPR National Steering Committee does with regard to UPR recommendations. Capacity building for the IMC and the Secretariat should include gathering, managing and documenting human rights information;
4. While it is up to the IMC to determine as it sees fit and convenient how and at what stage of the drafting of state party reports it will consult stakeholders, for the consultations to be meaningful, it must at least ensure that they are consulted as early as possible and endeavour to broaden the consultations so that as many stakeholders as possible are consulted, including the vulnerable and marginalised groups.

**IMC Secretariat**

1. There must be at least three full time members of the Secretariat. This can be done on a rotational basis, for instance annually or bi-annually, as long as this is not disruptive and continuity is ensured;
2. The Secretariat must be allowed adequate time to undertake substantive work such as coordinating the work of the IMC, UPR Steering Committee and JLOS coordination mechanism, developing work plans and preparing project reports, and systematically gathering and documenting information and statistics for UPR and state party reports by engaging non-professional staff to undertake the mundane secretarial and logistical chores;
3. Proper terms of reference, job descriptions and key result areas for the Secretariat must be developed;
4. Secretariat should generate draft UPR and state party reports and facilitate consultations with stakeholders. The UPR Steering Committee and IMC, as the case may be, can then take the process forward in terms quality checking, improvements and finalisation;
5. In addition to master files, each member of the Secretariat should have his/her own file (hard and/or soft) containing key project documents such as the PRODOC, AWPs, quarterly work plans, implementation calendars, activity reports, quarterly reports, and annual reports;
6. Current members of the Secretariat, especially the new ones, must receive training on the functions of the IMC and on project management. There must be appropriate arrangements put in place for the induction of new members soon after their appointment.

**JLOS**

1. The Steering Committee should reconsider the viability of the proposed structure of the JLOS coordination mechanism, particularly the proposed Leadership Committee (comprising the Chief Justice and line Ministers) and the Working Groups (six have been proposed). While their perceived roles and relevance are not in question, the following questions need to be answered: Will the Chief Justice and Ministers find the time to be personally involved in the coordination of the JLOS, more so considering that Permanent Secretaries and other heads of JLOS institutions rarely met during the period under review? In view of limited human and financial resources, is it workable to have Working Groups in the foreseeable future and is it not more realistic for the Technical Committee to assume for the time being the proposed role of the Working Groups and to constitute ad hoc Working Groups on a needs basis?
2. The technical capacity of the JLOS Technical Committee must be enhanced in the area of programming and project management e.g. development of work plans, report writing, and project monitoring and evaluation;
3. The M&E tool must be finalised and applied.

**State party reporting**

1. To avoid losing the gains that were made in the period under review to clear the reporting backlog, immediate measures must be taken to finalise all outstanding reports and for the Permanent Secretaries and Cabinet to clear them. In the case of the ICCCPR and ACHPR reports, these must be withdrawn from Cabinet and updated. The MoJLPA should seek the assistance of the Office of the President and Cabinet and the Civil Service Commission to ensure compliance.

**Gender**

1. The next project cycle must emphasise gender mainstreaming and gender tracking.

**Annual Work Plans**

1. AWPs must consistently follow the wording and numbering of expected outputs as per the PRODOC;
2. All AWPs must consistently indicate targets for each expected output;
3. Activities which are carried forward to the following year must be reflected in that year’s AWP;
4. Project activities must be implemented from the beginning of February to no later than the second week of December, to allow for finalisation and approval of annual reports and AWPs. Submission of annual reports and draft AWPs must be done by the end of December and considered and approved in the month of January. Since compilation of annual reports is done on an on-going basis, i.e. progress reports are compiled on an activity and quarterly basis and these feed into the annual reports, the reports can be finalised in the month of December. Similarly, AWPs can be prepared in December, so that January is spent reviewing and approving the previous year’s annual report and AWP for that year.

**Project reports**

1. The IMC Secretariat should ensure that reports for all project activities are produced in an organised and timely manner;
2. Activity reports must show how the activities are contributing to the achievement of the expected outputs and outcome of the project. The Project Board could come up with a template for the reports;
3. It must be clear from the annual reports which planned activities for the year were carried out and what was achieved, which ones were not and the reasons why, and which ones will be carried forward to the following year;
4. For easy of monitoring progress, care must be taken when writing the quarterly and annual reports to ensure that information is not mixed between the different outputs;
5. For effective gender tracking, activity, quarterly and annual reports must consistently give the gender breakdown of persons who participate in project activities.

**Annexures**

**Annexure 1**

**Lessons learnt**

**Project design**

* It would have been useful for ToC to have been factored in at the project design stage and built into the project rather than retroactively do this at end of project evaluation stage. As a result, ToC was not consistently applied in project implementation and continuous monitoring and evaluation of the project. It is however acknowledged that in the quarterly and annual reports there was an attempt to show how the project was bringing about the desired change and linking progress to the project e.g. improved coordination, communication and cooperation among JLOS institutions which resultantly contributed to improved quality of service and remand prisoners accessing justice through the intervention of the LAD with the cooperation of the ZPCS.
* Validation of capacities and perceived needs of target groups at the project design stage, or at least at the inception stage, would have been valuable in terms of identifying or pitching some of the activities e.g. type and duration of training required.
* At the project design stage, UNDP and implementing partners must take cognisance of all valid lessons learnt and recommendations from previous project reports and evaluations. While this may have been done to some extent in the case of the project under review, it appears that certain issues and recommendations previously raised which might have a bearing on implementation of the project were overlooked. For example, concerns have been previously raised about the capacity of the IMC Secretariat and the need for capacity building in the area of programming and project management. This capacity is lacking and impacted on project implementation e.g. missed targets in terms of the implementation of activities, some activity reports not being done, some members of the Secretariat not being familiar with the PRODOC, etc.
* There is need for a well-defined and planned exit strategy on the part of UNDP that ensures that Government is well prepared to continue running the project after the former’s exit, including the financial and technical aspects of the project.

**Ownership of the project**

* There is need for regular communication between the MoJLPA and the Responsible Parties at the policy level to ensure that the latter are kept abreast of projects activities and developments in order for them to maintain interest and ownership in the project.
* The involvement of Government at the level of Cabinet, and perhaps also the Civil Service Commission, can help in building ownership and sustainability of the project.

**Capacity enhancement**

* All members of the IMC Secretariat and all the Responsible Parties’ representatives (including the technical and steering committees) need to be familiar with the PRODOC and how it ties in with the project activities.
* There is need to train all members of the IMC Secretariat and Responsible Parties’ representatives on UNDP rules and requirements on project implementation. There must be induction for new members of the Secretariat.

**Work plans and project activities**

* There is need to develop work plans that set timelines for activities so that there are set dates in advance for each planned activity.
* As soon as AWPs are approved by the Project Board, they must be shared with all the Responsible Parties to enable them to plan ahead. There is also need to plan early and give advance notification of events to the targeted participants so that they have enough time to plan and commit themselves or to arrange for alternative representation.
* The Responsible Parties and other stakeholders find it difficult to allow their officers to be away from the office for long periods and/or on a frequent basis. Therefore, there is need to avoid planning workshops or other project activities to run concurrently or back to back unless the Secretariat is clearly in a position to do this and the targeted participants are not drawn from the same pool. This entails improved coordination and careful planning.
* There is need for regular communication with stakeholders as this enhances attendance and participation in project activities.
* Attendance at Harare based meetings or workshops tends to be lower than the out of Harare ones. This is attributable to two possible reasons: (1) in Harare participants will be close to their offices, hence divided attention, and they normally give priority to their own work; (2) there is an incentive to attend out of Harare activities as participants are paid an out of pocket allowance. Out of Harare activities are expensive and it is likely that Government will not be able to sustain them when it takes over funding of the project. The Project Board therefore needs to consider this issue with a view to finding ways of ensuring active participation at Harare based activities.

**Human rights reporting**

* There are bottlenecks at the level of the Permanent Secretaries and Cabinet, where there are inordinate delays in considering and approving state party reports referred by the IMC. There is need to sensitise Heads of Ministries and Departments on their role with regards to endorsing state party reports and for the MoJLPA to engage the Office of the President and Cabinet so that there is appreciation of the need to give priority to the reports.
* Stakeholders should be given enough opportunity to contribute meaningfully when state party reports are drafted. Consultations must be broadened to cover as many stakeholders as possible from around the country.

**Annexure 2**

**ToC Logframe**

**Annexure 3**

**Terms of Reference of the Evaluation**

1. **Background and Context**

The Ministry of Justice Legal and Parliamentary Affairs, with the support of the United Nations Development Programme (UNDP) designed a four year support programme (2012 to 2015), on “Enhancing Justice Delivery and Human Rights for All” with the aim to strengthen the Justice, Law and Order Sector (JLOS) capacities and improve access to justice for the vulnerable and marginalized populations. In addition to enhancing access to justice, support under the human rights component includes supporting the Government (through the Inter-Ministerial Committee on Human Rights and Humanitarian law), to comply with its reporting obligations under the various instruments to which it is party and to support to the Government (through the UPR Steering Committee), to implement the recommendations arising out of the Universal Periodic Review process as per the National Plan of Action. The following are the expected outputs of the project:

* Strengthened coordination framework of the Justice Law and Order Sector.
* Policies and law reforms formulated in line with existing reforms, international conventions and obligations.
* Strengthened capacities of JLOS institutions to effectively and efficiently execute their mandates.
* Enhanced legal aid and legal empowerment mechanisms.
* Enhanced capacities of the state to comply with international human rights obligations including state party reporting, Universal Periodic Review (UPR), and follow up recommendations in a participatory and consultative manner.
* Regional and international human rights instruments ratified and domesticated.
* Increased knowledge, understanding and application of human rights based approaches.

The programme design is informed by the Zimbabwe United Nations Development Assistance Framework (ZUNDAF) national Development priority on Good Governance for Sustainable development. It aimed to contribute to equal access to justice for all in particular the vulnerable and marginalised. It further contributed to the realisation of human rights as envisaged in the international treaties as well as the attainment of peaceful communities through mediation and negotiation of disputes. The programmes is being implemented through a National Implementation Modality by the Ministry of Justice as the Implementing Partner.

As a component of this support and contribution to ongoing monitoring and evaluation of the project, the Ministry of Justice and UNDP agreed to conduct an end of project evaluation. Further, the evaluation will be an important accountability function, providing the UNDP, MOJLPA and partners with an impartial assessment of the results of this support enhancing access to justice and promotion and protection of human rights and contribution to the overarching national objective of strengthening good governance, poverty reduction and equitable and sustainable human development.

2. **Evaluation Purpose**

This project evaluation will be conducted in fulfilment of UNDP regulations and rules guiding project evaluations. The UNDP Office in Zimbabwe is commissioning this evaluation of its support to the Ministry of Justice. The purpose of this evaluation is to ascertain the outcomes and impact of the project measured against its original purpose, objectives whilst in the process capturing the evaluative evidence of the relevance, effectiveness, efficiency and sustainability of this project, which will set the stage for new initiatives. It is anticipated that the evaluation will outline lessons learned and recommendations which will be useful in contributing to the growing body of knowledge and future projects in support of human rights and access to justice. The evaluation serves as an important accountability function, providing national stakeholders and partners in Zimbabwe with an impartial assessment of the results including gender equality results of this project.

3. **Evaluation scope and objectives**

This end of project evaluation will be conducted from October 2015 through to November 2015, highlighting the key lessons learned to provide informed guidance to future support to the MoJLPA.

Consistent with UNDP development efforts, UNDP evaluations are guided by the principles of gender equality, the rights-based approach and human development as appropriate. This evaluation assesses the extent to which project initiatives have addressed the issues of social and gender inclusion, equality and empowerment; contributed to strengthening the application of these principles; and incorporated the UNDP commitment to rights based approaches and gender mainstreaming in the project design.

The objectives of this end of project evaluation are to;

1. The relevance and strategic positioning of UNDP support to Zimbabwe on Access to Justice Service Delivery.
2. The frameworks and strategies that UNDP devised for its support on Access to Justice and capacity building of MoJ and whether they are well conceived for achieving planned objectives.
3. The progress made so far capacity building the state, the MoJLPA and relevant partners in complying with as well as in discharging their voluntary human rights obligations through this programme and advisory services under both the national and international human rights law.
4. The progress to date under each output and what can be derived in terms of lessons learned for future UNDP support towards capacity building and service delivery of Justice in Zimbabwe.
5. Review how the interventions succeeded to strengthen application of a rights-based approach, gender mainstreaming and participation of other socially vulnerable groups such as children and the disabled Etc.
6. Assess the overall contribution of the project to the state of sustainable good governance, rule of law and human rights observance in the country.

Specifically, the evaluation will:

* Assess the relevance and strategic positioning of UNDP support to Zimbabwe in general and specifically to supporting capacity strengthening of the MOJLPA to enhance access to justice and promote and protect human rights and to contribution towards good governance and equitable human development;
* Assess the existing frameworks and strategies adopted by the UNDP in providing support to the MOJLPA including partnership strategies, engagements, and whether they were well conceived for achieving planned objectives;
* Whether the capacity of the MOJLPA and responsible partners was enhanced to deliver on its mandate;
* Whether UNDP’s contribution added value to the capacity building efforts of this institution;
* Determine if the project has achieved its stated objectives and explain why/why not;
* Provide recommendations on how to build on the achievements of the project and ensure that it is sustained by the relevant stakeholders;
* Assess Strategic partnership forged with key stakeholders including CSO, Parliament, government ministries and departments, other commissions, among others and their sustainability;
* Appraise the sustainability of the programme, including the institutionalisation of interventions;
* Assess the programme’s efforts to mainstream gender and ensure the application of UNDP’s rights-based approach;
* Assess relevance and utilisation of M&E processes;
* The lessons learned for follow-on support of UNDP to the MOJLPA.

**Target Audience**

UNDP and UNCT, the project beneficiaries and stakeholders (in the Justice Law and Order Sector Mechanism, National UPR Steering Committee, the Inter-ministerial Committee on Human Rights and Humanitarian Law), other external human rights and justice stakeholders, donors and other relevant users of the report.

**4. Evaluation questions**

The summative evaluation seeks to answer, but is not limited, to the following questions, focused around the evaluation criteria of relevance, effectiveness, efficiency and sustainability:

### **Relevance:** - the extent to which the activities designed and implemented were suited to priorities and realities

* To what extent is UNDP’s engagement in Access to Justice a reflection of strategic considerations, including UNDP’s role in the particular development context in Zimbabwe and its comparative advantage vis-a-vis other partners?
* Was the design of the project adequate to properly address the issues envisaged in the formulation of the programme?
* Are the activities and outputs of the programme consistent with the intended outcomes and effects
* Do the outputs and outcome address the specific development challenges of the Country and the intended beneficiaries? Were there any unintended consequences (positive or negative) that have implications to the human development goals of the country?
* Has UNDP been influential in country debates on Access to Justice issues and initiatives and has it influenced country policies/strategies on Access to Justice?
* To what extent have UN reforms influenced UNDP RSCA support to Countries in this sector?
* To what extent has MOLJPA’s selected method of delivery been appropriate to supporting the current project and the overall development context?
* Are the activities and outputs of the programme consistent with the overall goal and the attainment of its objectives?
* To what extent has UNDP capacity building support to the MOJLPA contributed to influencing national policies focusing on human rights protection, gender equality and equitable sustainable development?

**Effectiveness:** - the extent to which the programme has achieved its intended outputs and objectives

* Were the stated outputs achieved? Did they contribute to the stated outcomes? What are the key development and advisory contributions that UNDP has made/is making towards the outcomes, if any?
* If not fully achieved, was there any progress? If so, what level of progress towards outputs has been made as measured by the output indicators presented in the results framework. What evidence is there that UNDP support has contributed towards an improvement in the country’s capacity, including institutional strengthening?
* To what extent has the project supported domestication of key regional frameworks, experiences and international best practices through national development plans and strategies?
* Has UNDP utilized innovative techniques and best practices in its Access to Justice programming initiatives?
* Is UNDP perceived by stakeholders as a strong advocate for improving Access to Justice in the Country?
* Taking into account the technical capacity and institutional arrangements of the UNDP Zimbabwe, is UNDP well suited to providing Access to Justice Support in the country?
* What contributing factors and impediments enhance or impede UNDP performance in this area?

**Efficiency**

* Has MOJLPA’s project implementation strategy and approaches, conceptual framework and execution been efficient and cost effective? Are they sufficiently sensitive to the political and development constraints of the country?
* Has there been an economical use of financial and human resources? Have resources (funds, human resources, time, expertise, etc.) been allocated strategically to achieve outcomes?
* Have resources been used efficiently? Have activities supporting the strategy been cost-effective? In general, do the results achieved justify the costs? Could the same results be attained with fewer resources?
* Have project funds and activities been delivered in a timely manner?
* How has the steering or advisory committee contributed to the success of the project?
* Does project governance facilitate good results and efficient delivery? Is there a clear understanding of the roles and responsibilities by all parties involved?
* Are the monitoring and evaluation systems that MOJLPA has in place helping to ensure effective and efficient project management and accountability of results? Does the monitoring and evaluation system include measurement for some gender equality results
* Were alternative approaches considered in designing the Project?

**Sustainability**

* What is the likelihood that UNDP Access to Justice Interventions are sustainable?
* Will the outputs delivered so far through the Enhancing Justice and Human Rights programme be sustained by national capacities? If not why?
* Has the project generated the buy- in and credibility needed for sustained impact.
* Do the UNDP interventions have well designed and well planned exit strategies?
* How should the Access to Justice Portfolio be enhanced in future to support institutions, and partners in improving service delivery over the long term?
* What changes if any should be made in the current partnership (s) in order to promote long term sustainability?

**Partnership strategy**

* Has the partnership strategy in the Justice sector been appropriate and effective
* Are there current or potential complementarities or overlaps with existing partners’ programmes?
* How have partnerships affected the progress towards achieving the outputs
* Has UNDP worked effectively with partners to deliver on the Access to Justice Initiatives?
* How effective has UNDP been in partnering with civil society (where applicable) and the private sector to promote Access to Justice in the country

The evaluation should also include an assessment of the extent to which programme design, implementation and monitoring have taken the following cross cutting issues into consideration:

**Human rights**

* To what extent have poor, indigenous and physically challenged, women and other disadvantaged and marginalized groups benefitted from UNDP Zimbabwe work in supporting Access to Justice?

**Gender Equality**

* To what extent has gender been addressed in the design, implementation and monitoring of Access to Justice Interventions? Is gender marker data assigned this project representative of reality
* To what extent has UNDP Zimbabwe Access to Justice support promoted positive changes in gender equality? Were there any unintended effects? Information collected should be checked against data from the Results-oriented Annual Reports (ROAR) during the period under review.

Based on the above analysis, the evaluator is expected to provide overarching conclusions on the project results in this area of support, as well as recommendations on how the UNDP Zimbabwe Country Office could adjust its programming, partnership arrangements, resource mobilization strategies, and capacities in future to ensure that the intervention fully achieves planned outputs. The evaluation is additionally expected to offer lessons for UNDP support in country and elsewhere based on this analysis

5. **Methodology**

The evaluation will be carried out by an independent national Evaluator, and will engage a broad range of key stakeholders and beneficiaries, including government officials, donors, civil society organizations including some women’s organizations were programmes or advisory support were take a “theory of change’’ (TOC) approach to determining causal links between the interventions that UNDP Zimbabwe has supported, and observed progress in Access to Justice at the country level. The Evaluator will develop in consultation with the programme team, a logic model of how provided and UNDP staff, etc.

This evaluation is expected to UNDP Zimbabwe Access to Justice interventions are expected to lead to improved national and local service delivery. The model will be validated by the Project Team Leader.

The evidence gathering will closely track the RRF for the project. Evidence obtained and used to assess the results of UNDP support should be triangulated from a variety of sources, including verifiable data on indicator achievement, existing reports, and technical papers, stakeholder interviews, focus groups, surveys and site visits.

The evaluation exercise will be wide-ranging, consultative, and participatory ensuring representation of both women and men, entailing a combination of comprehensive desk reviews, analysis and interviews. While interviews are a key instrument, all analysis must be based on observed facts, evidence and data. This precludes relying exclusively upon anecdotes, hearsay and unverified opinions. Findings should be specific, concise and supported by quantitative and/or qualitative information that is reliable, valid and generalizable.

During the project evaluation, the Evaluator is expected to apply the following approaches for data collection and analysis, but not limited to:

**Desk reviews:** The Evaluator will collect and review all relevant documentation, including the following: i) country programme documents; ii) project documents and activity reports; iii) past evaluation/ self-assessment reports; iv) deliverables from the project activities, e.g. published reports and training materials; v) client surveys on support services provided to country offices if any; vi) country office reports; vii) UNDP’s corporate strategies and reports; and viii) government, media, academic publications. See Annex 4 for the comprehensive list of documents.

**Interviews and focus group discussions:** The Evaluator will conduct face-to-face and/or telephone interviews with relevant stakeholders, including: i) UNDP staff (managers and programme/project officers) ii) MoJLA staff, responsible partners such as LAD, LDC, Community Service iii) beneficiary groups and donors in the country. Focus groups may be organized as appropriate.

**Field visits:** The evaluation team will visit select sites to observe first-hand progress and achievements made to date and to collect best practices/lessons learned.

6. **Evaluation products (deliverables)**

The following reports and deliverables are required from the evaluation:

1. Inception Report
2. Draft Project Evaluation Report
3. Presentation of Draft Project Evaluation Report at the validation workshop/meeting with key stakeholders, (partners and beneficiaries)
4. Final Project Evaluation and Lessons Learned Reports

The Evaluator upon signing the contract will also sign a ‘Code of Conduct for Evaluators in the UN System’, which may be made available as an attachment to the evaluation report. One week after contract signing, the evaluation consultant will produce an Inception Report. The Inception Report should include an evaluation matrix presenting the evaluation questions, data sources, data collection, analysis tools and methods to be used. The Inception Report should detail the specific timing for evaluation activities and deliverables, and propose specific site visits and stakeholders to be interviewed. Protocols for different stakeholders should be developed. The Evaluator will also propose a rating scale in order that Performance rating will be carried out for the four evaluation criteria: relevance, effectiveness, efficiency and sustainability. The Inception Report will be discussed and agreed with the MOJLPA and UNDP Country Office before the Evaluator proceed with site visits.

The draft Evaluation Report will be shared with stakeholders, and presented in a validation workshop or meeting that the MoJLPA and UNDP country office will organise. Key partners and stakeholders i.e. the Norwegian Embassy and ZHRC, will participate in this meeting among others. Feedback received from these sessions should be taken into account when preparing the final report. The Evaluator will produce an ‘audit trail’ indicating whether and how each comment received was addressed in revisions to the final report.

A lessons learned report will also be produced and discussed during the validation workshop. Feedback received should be taken into consideration when preparing the lessons learned report. The lessons learned report should cover the different facets of the Access to Justice programme implemented by the UNDP Zimbabwe. This reports should be annexed in the main evaluation report.

The suggested table of contents of the evaluation report is as follows:

Title

Table of contents

Acronyms and abbreviations

Executive Summary

Introduction Background and context

Evaluation scope and objectives

Evaluation approach and methods

Data analysis

Findings and conclusions

Lessons learned

Recommendations

Annexes

7**. Evaluation team composition and required competencies**

…

8. **Evaluation ethics**

This evaluation will be conducted in accordance with the principles outlined in the UNEG ‘Ethical Guidelines for Evaluation’[64](http://web.undp.org/evaluation/handbook/Annex3.html#64). The Consultants must safeguard the rights and confidentiality of information providers, interviewees and stakeholders through measures to ensure compliance with legal and other relevant codes governing collection of data and reporting on it data. The Consultants must also ensure security of collected information before and after the evaluation and protocols to ensure anonymity and confidentiality of sources of information where that is expected. The information knowledge and data gathered in the evaluation process must also be solely used for the evaluation and not for other uses with the express authorisation of UNDP and partners.

9. **Implementation Arrangements**

The UNDP Zimbabwe Country Office will select the Evaluator through an open process in consultation with the MoJLPA. UNDP be responsible for the management of the Consultant and will in this regard designate focal persons for the evaluation and any additional staff to assist in facilitating the process (e.g., providing relevant documentation, arranging visits/interviews with key informants, etc.) The UNDP will take responsibility for the approval of the final evaluation report in liaison with the MOJLPA.

The designated MOLJPA focal point will assist the Consultant in arranging introductory meetings with the relevant parties in UNDP, the ZHRC, the GoZ and civil society. The Consultant will take responsibility for setting up meetings and conducting the evaluation, subject to advanced approval of the methodology submitted in the inception report. The UNDP Country Office will develop a Management Response to the evaluation within six weeks of report finalization.

While UNDP and MOLJPA will provide some logistical support during the evaluation, for instance assisting in setting interviews with MOJLPA and senior government officials, it will be the responsibility of the Consultant to logistically and financially arrange their travel to and from relevant project sites and to arrange most interviews. Planned travels and associated costs will be included in the Inception Report.

The Task Manager of the Project will convene an Advisory Panel comprising of technical experts from MoJLPA and UNDP to enhance the quality of the evaluation. This Panel will review the inception report and the draft evaluation report to provide detail comments related to the quality of methodology, evidence collected, analysis and reporting. The Panel will also advise on the conformity of evaluation processes to the UNEG standards. The Evaluator is required to address all comments of the Panel completely and comprehensively. The Evaluator will provide a detail rationale to the Advisory Panel for any comment that remain unaddressed.

**10. Time-frame for the evaluation process**

The evaluation is expected to take 30 working days for the Consultant, over a period of four weeks starting after the contract is signed. A tentative date for the Stakeholder Workshop will be set in the inception meeting and the final draft Evaluation Report is due after 30 working days from the commencement of the assignment. The following table provides an indicative breakout for activities and delivery:

Proposed Evaluation Mission Schedule (30 working days between October and December, 2015)

|  |  |  |
| --- | --- | --- |
| **Activity** | **Responsible party** | **Timeframe/Deadline** |
| Desk review, Evaluation design and work plan (Inception report) | Evaluation team | 5 days |
| Field visits, interviews with partners, and key stakeholders | Evaluation team | 11 days |
| Drafting of the evaluation reports | Evaluation team | 8 days |
| Debriefing with UNDP  | Evaluation team | Half day |
| Debriefing with partners | Partners and the Evaluation team | Half day |
| Finalization and submission of the evaluation reports (incorporating comments received on first drafts) | Evaluation team | 5 days |
| Total No. of Working Days |  | 30 |

11. **Cost**

…

12. **Annexes**

Annex 1 - Intervention Results Framework and Theory of Change

Annex 2 – List of Key stakeholders and partners

Annex 3 - Documents to be consulted

The following documents will be shared with the consultant as evaluation background documents to facilitate his or her work of evaluators.

* ZUNDAF
* CPAP
* Project Document
* Constitution of Zimbabwe
* Work plans
* Progress Reports
* Project Annual Reports
* Project Monitoring Reports
* Partnership Agreements
* Training reports
* Project board meeting minutes
* ROAR
* Financial Narratives
* UNDP Governance Outcome Reports for ZUNDAF 2012-2015
* PME Handbook
* CPD
* ZUNDAF evaluation and thematic reports

In addition, a list of key stakeholders and other individuals who should be consulted, together with an indication of their affiliation and relevance for the evaluation and their contact information.

**Annex 4 - EVALUATION MATRIX**

|  |
| --- |
| EVALUATION MATRIX |
| Relevantevaluationcriteria | KeyQuestions | SpecificSub-Questions | DataSources | Data collectionMethods/Tools | Indicators/SuccessStandard | Methods for Data Analysis |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |

**Annexure 4**

**List of Documents Reviewed**

* Annual Work Plan 2012
* Annual Work Plan 2013
* Annual Work Plan 2015
* Annual Progress Report 2012
* Annual Progress Report 2013
* Annual Progress Report 2014
* Annual Progress Report 2015 (draft)
* Justice, Law and Order Sector Policy Document on Structure, 2014
* Justice, Law and Order Sector Strategic Plan (2014 – 2018), 2014
* National Plan of Action on the Implementation of Universal Periodic Review Recommendations
* Project Document “Enhancing Justice Delivery and Human Rights for All – Zimbabwe”
* Report from Expert on the Writing of the Manual on Human Rights Based Approaches for the Justice, Law and Order Sector, July 2014
* Report from Resource Person on Workshop on Human Rights Based Approaches for the Justice, Law and Order Sector, November 2013
* Report from Resource Person on Training of Trainers Workshop on Human Rights Based Approaches for the Justice, Law and Order Sector, October 2015
* Report on the Comprehensive Assessment of the Justice, Law and Order Sector (JLOS), 2014
* Report on the Evaluation of the Inter-Ministerial Committee on Human Rights and International Humanitarian Law, September 2010
* Report on the Sensitisation Workshop for Heads of Ministries and Departments on the Human Rights Obligations of the State, December 2009

Report on the Workshop on Human Rights Based Approaches for the Justice, Law and Order Sector, October 2013

* Strategy on Ratification, Domestication and Implementation of Human Rights Agreements in Zimbabwe, November 2013
* Universal Periodic Review Consultative Meetings Report, September 2015
* Universal Periodic Review Steering Committee Terms of Reference
* Government of Zimbabwe and UNDP, Zimbabwe United Nations Development Assistance Framework 2012-2015, April 2011

**Annexure 5**

**List of Interviewees**

1. Mrs. Virginia Mabhiza Permanent Secretary (MoJLPA)
2. Ms Locardia Majonga Director, MoJLPA (CSD)
3. Ms Elizabeth P. Tswana Secretariat
4. Mrs. Tafadzwa Muvingi UNDP
5. Mrs. Goretti Mudzongo UNDP

**Annexure 6**

**Focus Group Discussions Attendance Lists**

IMC Secretariat

1. Chatsama, Yvonne MoJLPA (JLOS)
2. Chikwene, Rangarirayi M MoJLPA (IMC/JLOS)
3. Dzike, Kudakwashe MoJLPA (IMC/JLOS)
4. Kabara, Llyod MoJLPA (UPR)
5. Mpofu, Phumzile MoJLPA (IMC/JLOS)
6. Musara, Abigail Ministry of Health and Child Care (all committees)
7. Shava, Blessing MoJLPA (IMC/UPR)

JLOS Steering Committee

1. Bopoto Karen Ministry of Women Affairs, Gender and Community

Development

1. Chikati Sandra Attorney-General’s Office (Legal Advice)
2. Chimombe Mike Attorney-General’s Office (Civil Division)
3. Chiware Fungai MoJLPA (LAD)
4. Musimwa Rebecca Law Society of Zimbabwe
5. Zvoushe Rasmore MoJLPA (LDC)

UPR Steering Committee

1. Bindu C. T. Ministry of Home Affairs
2. Chimbaru F. Attorney-General’s Office (Civil Division)
3. Chinowawa B. Zimbabwe Lawyers for Human Rights
4. Chivasa E. President’s Department
5. Godzi T. F. MoJLPA (Constitutional and Parliamentary Affairs)
6. Kabara L. Secretariat
7. Kaviya K. JSC
8. Majata M. C. Ministry of Public Service, Labour and Social Welfare
9. Mandishona L. National Association of Non-Governmental

Organisations (NANGO)

1. Mashaire P. Civil Service Commission
2. Mawire I. MoJLPA (Policy and Legal Research)
3. Mudzongo G. UNDP (Project Coordinator)
4. Mufukare A. Ministry of Primary and Secondary Education
5. Musiiwa A. Ministry of Health and Child Care
6. Muvingi T. UNDP
7. Nhengo E. Ministry of Women Affairs, Gender and Community Development
8. Nzombe T. ZRP
9. Shava B. Secretariat
10. Shonhai K. Zimbabwe NGO Forum
11. Shumba J. Secretariat
12. Sibiya P. Ministry of Public Service, Labour and Social Welfare
13. Sithole E. Zimbabwe Human Rights Commission
14. Tswana E. P. Secretariat

**Annexure 7**

**List of Respondents to Questionnaires**

IMC

1. Chikati Sandra C. I. Attorney-General’s Office (Legal Advice)
2. Magaya Kingstone MoJLPA (Constitutional and Parliamentary Affairs)
3. Mutendi Sibusisiwe M Ministry of Foreign Affairs
4. Ziswa Lovemore S. Zimbabwe Statistical Agency

JLOS Technical Committee

1. Bopoto Karen Ministry of Women Affairs, Gender and Community Development
2. Chibaya Rujeko MoJLPA (CSD)
3. Chipa Elvis MoJLPA (CSD)
4. Chiware Fungai MoJLPA (LAD)
5. Magaya Kingstone MoJLPA (Constitutional and Parliamentary Affairs)
6. Makaya Freedom LDC
7. Maraire Tariro MoJLPA (CSD)
8. Mugabe Michael National Prosecuting Authority
9. Musimwa Rebecca Law Society of Zimbabwe

**Annexure 8**

**Evaluation Matrix**

1. It outlined his understanding of the terms of the terms of reference and task at hand, the proposed methodology to be used to undertake the evaluation, and the key questions that the evaluation would seek to answer. [↑](#footnote-ref-1)
2. See Annexure 1. [↑](#footnote-ref-2)
3. Also listed in the PRODOC is the former Ministry of Constitutional and Parliamentary Affairs, which is now a department of the MoJLPA. The Department, as well as two other departments of the Ministry, the Department of Policy and Legal Research and the Community Service Department, were involved in the project. [↑](#footnote-ref-3)
4. See Annexure 2, ToC Logframe. [↑](#footnote-ref-4)
5. This was tied to the overarching national objective of strengthening good governance, poverty reduction and equitable and sustainable human development in the country. [↑](#footnote-ref-5)
6. Refer to the PRODOC. [↑](#footnote-ref-6)
7. ZimAsset (October 2013 - December 2018) is an economic blueprint that was crafted by the GoZ with the aim of reviving the economy and achieving sustainable economic development and social equity through four strategic clusters, namely: Food Security and Nutrition; Social Services and Poverty Eradication; Infrastructure and Utilities; and Value Addition. [↑](#footnote-ref-7)
8. See Annexure 2, Terms of Reference of the Evaluation. [↑](#footnote-ref-8)
9. See Annexure 4 List of Documents Reviewed. [↑](#footnote-ref-9)
10. See Annexure 5 List of Interviewees. [↑](#footnote-ref-10)
11. See Annexure 6 Focus Group Discussions Attendance Lists. [↑](#footnote-ref-11)
12. See Annexure 7 List of Respondents to Questionnaires. [↑](#footnote-ref-12)
13. See Inception Report for detailed evaluation approach and methodology. [↑](#footnote-ref-13)
14. See Annexure 8, Evaluation Matrix. [↑](#footnote-ref-14)
15. The PRODOC notes limited capacities in the Judiciary, police service, prison service, the MoJLPA, Legal Aid Directorate and the Attorney-General’s Office (At the time the National Prosecuting Authority was part of the Attorney-General’s Office). [↑](#footnote-ref-15)
16. It is noted that it had been planned initially that the UPR Steering Committee and the JLOS coordination mechanism would have their own secretariats. [↑](#footnote-ref-16)
17. It is noted that in the case of the JLOS it had been planned to develop a monitoring and evaluation tool and to apply it but this apparently did not come to fruition. [↑](#footnote-ref-17)
18. See Report on the Comprehensive Assessment of the Justice, Law and Order Sector (JLOS), 2014. [↑](#footnote-ref-18)
19. All its three divisions are represented i.e. Civil Division, Division of Legal Advice and Division of Legal Drafting. [↑](#footnote-ref-19)
20. Project Document, Enhancing Justice Delivery and Human Rights for All – Zimbabwe, 2012-2015 (PRODOC), p.13. [↑](#footnote-ref-20)
21. A five tier structure has been proposed for coordination of the JLOS, namely Leadership Committee (composed of the Chief Justice and line Ministers, to provide sectoral leadership and guidance); Steering Committee (composed of line Permanent Secretaries and other heads of sector institutions, to provide policy direction to the Technical Committee, mobilise resources and make policy recommendations and updates to Leadership Committee); Technical Committee (composed of technocrats and experts from line sector institutions, to implement sector activities, develop strategic plans, coordination of the sector and monitoring and evaluation of the project); Working Groups (comprised of relevant technocrats and to provide in-depth research and analysis of thematic issues); and Secretariat (to support the JLOS coordination mechanism, develop periodic work plans, prepare progress reports, facilitate implementation of work plan activities in the sector institutions and facilitate communication, coordination and cooperation within and between sector institutions). See JLOS Policy Document on Structure, 2014. [↑](#footnote-ref-21)
22. There were plans to develop materials for awareness raising (such as print and electronic media adverts, fliers and other IEC material), to publish press articles and conduct radio programmes on anti-corruption in justice delivery. Implementation did not take place because the proposed Anti-Corruption Committee which was supposed to spearhead the implementation of anti-corruption activities was non-functional. It was resolved therefore to hold implementation in abeyance until a thorough consultative process has been undertaken and the lead agency identified. [↑](#footnote-ref-22)
23. The annual report for 2015 in particular indicates that there was growing evidence of this improved coordination and participation in each other’s work among JLOS institutions. [↑](#footnote-ref-23)
24. On average the training workshops were of two to three days’ duration. There were either no follow up trainings or follow up trainings were held long after the initial training. For example, in the case of training on HRBA, the initial training was done in 2013 and the follow up training in 2015. [↑](#footnote-ref-24)
25. Refer to the PRODOC. [↑](#footnote-ref-25)
26. Section 5 of the Law Development Commission Act. See also the report on the Comprehensive Capacity Assessment of Justice, Law and Order Sector (JLOS). The Statute Law Compilation and Revision Act [Chapter 1:03] imposes an additional responsibility on the LDC i.e. to compile the statutes in revised form and to ensure that each statute is continuously revised in such manner that an up-to-date text of each statute is available as a single document (section 10). The LDC also maintains a database of Supreme Court, High Court, Labour Court and Administrative Court judgments. [↑](#footnote-ref-26)
27. Stakeholders included the JSC, the MoJLA, Attorney-General’s Office, National Prosecuting Authority, ZRP, CSOs and scientists. [↑](#footnote-ref-27)
28. At the time the National Prosecuting Authority was part of the Attorney-General’s Office. [↑](#footnote-ref-28)
29. Participants were drawn from ZPCS, ZRP, the Community Service Department, the MoJLPA, LAD, and the Department of Social Services. 75 participants attended the workshop, of whom 29% were female. [↑](#footnote-ref-29)
30. Participants were drawn from magistrates, prosecutors, heads of institutions (where probationers serve community service) and civic leaders in the country’s provinces A total of 290 participants attended the trainings, 115 of whom were male and 175 female. [↑](#footnote-ref-30)
31. It is also guided by the Community Service Regulations and the Community Service Guidelines. [↑](#footnote-ref-31)
32. Report on the Comprehensive Assessment of the Justice, Law and Order Sector (JLOS), 2014. [↑](#footnote-ref-32)
33. Ibid. [↑](#footnote-ref-33)
34. The PRODOC refers. [↑](#footnote-ref-34)
35. These services include advice, drafting and representation in criminal, civil and other related matters. [↑](#footnote-ref-35)
36. See report on the Comprehensive Assessment of the Justice. Law and Order Sectors (JLOS), 2014. [↑](#footnote-ref-36)
37. It was hoped that the involvement of other stakeholder representatives would enhance joint programming between LAD and the stakeholders. [↑](#footnote-ref-37)
38. Fliers providing guidelines on accessing legal aid were printed in English, Ndebele and Shona and distributed at LAD offices around the country in order to raise awareness in the communities on how to access legal aid. [↑](#footnote-ref-38)
39. See Report on the Comprehensive Assessment of the Justice, Law and Order Sector (JLOS), op cit. [↑](#footnote-ref-39)
40. Ibid. [↑](#footnote-ref-40)
41. Op cit. [↑](#footnote-ref-41)
42. Its mandate also extended to issues pertaining to and arising from obligations under International Labour Organisation (ILO) Conventions and international humanitarian law treaties. [↑](#footnote-ref-42)
43. Such as the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples’ Rights (ACHPR). [↑](#footnote-ref-43)
44. Such as CEDAW, UNCRC, ACRWC and the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). [↑](#footnote-ref-44)
45. Represented Ministries and Departments include the MoJLPA, Ministry of Primary and Secondary Education, Ministry of Health and Child Care, Ministry of Defence, Ministry of Women Affairs, Gender and Community Development, Ministry of Public Service, Labour and Social Services, Ministry of Home Affairs, Zimbabwe Republic Police, Attorney-General’s Office, President’s Department, Ministry of Foreign Affairs, Zimbabwe National Statistics Agency (ZIMSTAT), and Ministry of Local Government, Public Works and National Housing. While it was agreed by the policy makers in 2009 that the Ministry of Finance should also be represented on the IMC, this decision is yet to be fully implemented. [↑](#footnote-ref-45)
46. In practice the Secretary for Justice, Legal and Parliamentary Affairs chairs the meetings of the IMC policy makers while the Director of Policy and Legal Research in the Ministry chairs IMC meetings at the operational level and is responsible for the coordination and organisation of the Committee as well as supervising the secretariat. Other Ministries sometimes second their staff to the Secretariat. For instance, there is currently an officer who was seconded to the Secretariat by the Ministry of Health and Child Care. In the past there has been also an officer seconded from the Ministry of Women Affairs, Gender and Community Development. [↑](#footnote-ref-46)
47. A three-day workshop on state party reporting was held in 2014 for the IMC to enhance members’ knowledge and skills. In addition to the conceptual understanding of human rights and state party reporting, the training addressed practical issues pertaining to reporting such as the reporting guidelines and obstacles to reporting. Recommendations adopted by participants include sensitising the relevant Parliamentary Portfolio Committee and heads of ministries, self-capacitation on state party reporting; widely engaging stakeholders when drafting reports, learning from international best practice through study tours to other countries, and participating in the presentation of reports as part of capacity enhancement [↑](#footnote-ref-47)
48. It noted, inter alia, perennial issues at the camp such as inadequate resources and infrastructure. [↑](#footnote-ref-48)
49. One was seconded by the MoJLPA, another by the Ministry of Health and Child Care and the other by the Ministry of Women Affairs, Gender and Community Development. All members of the Secretariat, with the exception of one, are law officers in the MoJLPA’s Division of Policy and Legal Research (the Secretariat has ten members). The one officer who is not from the Division of Policy and Legal Research, who also happens to be the full time member, was seconded by the Ministry of Health and Child Care. Fortunately, the MoJLPA now considers secretariat work as part and parcel of the day-to-day duties of those of its officers who serve on the Secretariat. [↑](#footnote-ref-49)
50. Report on the Sensitisation Workshop for Heads of Ministries and Departments on the Human Rights Obligations of the State, 2009 [↑](#footnote-ref-50)
51. After a report has been adopted by the IMC, it is referred to the Permanent Secretaries for consideration and then to Cabinet for approval. [↑](#footnote-ref-51)
52. There was only one skills training and capacity development workshop for the IMC. [↑](#footnote-ref-52)
53. Report on the Sensitisation Workshop for Heads of Ministries and Departments on the Human Rights Obligations of the State, 2009. [↑](#footnote-ref-53)
54. In terms of the UPR National Steering Committee Terms of Reference, its mandate also includes providing overall guidance and direction to the stakeholders, providing guidance on possible countermeasures or management actions to address specific risks arising in the context of UPR monitoring activities, advising on the selection of strategy, design and methods to carry out project activities, monitoring any risks in the implementation aspects of the NPA, conducting regular meetings to review the NPA and provide direction and recommendations to ensure that the agreed deliverables are produced satisfactorily according to plans, reviewing sector reports on UPR implementation and make appropriate recommendations for follow-on actions, and assessing and making recommendations on implementation changes through appropriate revisions. [↑](#footnote-ref-54)
55. Zimbabwe accepted 130 recommendations. [↑](#footnote-ref-55)
56. The NPA is clear on the distribution of tasks among Government Ministries and Departments and identifies the lead Ministry or Department for each action as well as the role of stakeholders in the implementation of the recommendations. [↑](#footnote-ref-56)
57. The UPR National Steering Committee is if the view that quarterly meetings are important in that the Committee is able to plan and review its work and ensure that stakeholders remain committed to the implementation of the NPA, while the annual review meetings bring together the UPR stakeholders to review progress made towards implementing the NPA by Government and the stakeholders [↑](#footnote-ref-57)
58. Some of the publicity materials were disseminated to various stakeholders and to the public at the International Human Rights Day commemorations and the Zimbabwe International Trade Fair. The Steering Committee has also been engaging the media and inviting them to their events to provide coverage as part of information dissemination [↑](#footnote-ref-58)
59. Three consultative meetings were held in 2015 in Kadoma (for Harare based stakeholders, Bulawayo (for Bulawayo based stakeholders) and Mutare (for Manicaland, Masvingo and Midlands based stakeholders). [↑](#footnote-ref-59)
60. Attendance records show that in the majority of cases stakeholder representatives outnumber Government representatives at consultative meetings. [↑](#footnote-ref-60)
61. Universal Periodic Review Consultative Meetings Report, 2015. [↑](#footnote-ref-61)
62. See for instance Report on the Evaluation of the Inter-Ministerial Committee on Human Rights and International Humanitarian Law, 2009. [↑](#footnote-ref-62)
63. This is acknowledged in the PRODOC. [↑](#footnote-ref-63)
64. A plan of action to operationalise the strategy was not put in place as originally planned. [↑](#footnote-ref-64)
65. All in all Zimbabwe undertook to ratify the following treaties: Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Protocol; Convention on the Reduction of Statelessness; International Convention on the Rights of Migrant Workers and Members of Their Families; International Convention for the Protection of All Persons from Enforced Disappearance; Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children; UNCRPD and its Optional Protocol; Optional Protocol to the CRC on the involvement of children in armed conflict; Optional Protocols to the ICCPR; Optional Protocol to the ICESCR; and Optional Protocol to CEDAW. [↑](#footnote-ref-65)
66. Sections 164 and 165 of the Constitution. [↑](#footnote-ref-66)
67. In terms of numbers, Government has reported that out of a total of 396 Acts of Parliament, only 116 remain to be reviewed, of which 49 require extensive changes. [↑](#footnote-ref-67)
68. It was the resource person’s observation that while participants generally appeared to grasp the concepts of human rights and HRBAs, it was not possible on the basis of the training alone to gauge the extent to which they had acquired skills on the practical application of and whether they would actually be able to apply HRBAs in their work. He recommended further training for the participants to consolidate on the initial training and identification of means to monitor and follow up if participants were applying HRBA in their work and any challenges they may be facing. This could include periodic reports by the participants and focus group discussions. [↑](#footnote-ref-68)
69. The resource person’s view is that some of the participants had the basic knowledge and skills to conduct training although initially they may need guidance until they are able to stand firmly on their own feet. These could be identified by the resource person, Project Coordinator and IMC Secretariat. See Report from Resource Person on Training of Trainers Workshop on Human Rights Based Approaches for the Justice, Law and Order Sector, October 2015. The participants themselves indicated that they would require further training before they can commence training (focus group discussions and questionnaires). [↑](#footnote-ref-69)
70. Report on Workshop on Human Rights Based Approaches for the Justice, Law and Order Sector, November 2013. [↑](#footnote-ref-70)
71. Report from Resource Person on Training of Trainers Workshop on Human Rights Based Approaches, op cit. [↑](#footnote-ref-71)
72. Report from Expert on the Writing of the Manual on Human Rights Based Approaches for the Justice, Law and Order Sector, July 2014. [↑](#footnote-ref-72)
73. See Report in the Evaluation of the Inter-Ministerial Committee on Human Rights and International Humanitarian Law (IMC), September 2010. [↑](#footnote-ref-73)
74. Ibid. [↑](#footnote-ref-74)