



Terminal Evaluation of the

Support for the Strengthening of the Promotion and
Protection of Human Rights and the Rule of Law through
Enhanced Capacity of Institutions

Zimbabwe Human Rights Commission

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List of Acronyms

CPAP	Country Programme Action Plan
CSO	Civil Society Organisations
DIHR	Danish Institute of Human Rights
EU	European Union
GNU	Government of National Unity
GPA	Global Political Agreement
M&E	Monitoring and Evaluation
MDCT	Movement for Democratic Change – Tsvangirai
MOU	Memorandum of Understanding
NANHRI	Network of African National Human Rights Institutions
NGO	Non-Governmental Organisation
NHRI	National Human Rights Institution
OHCHR	Office of the High Commission for Human Rights
UNDP	United Nations Development Programme
UPR	Universal Periodic Review
ZANU PF	Zimbabwe African National Union Patriotic Front
ZHRC	Zimbabwe Human Rights Commission
ZLHR	Zimbabwe Lawyers for Human Rights
ZPP	Zimbabwe Peace Project
ZUNDAF	Zimbabwe United Nations Development Assistance Framework

Executive Summary

The Zimbabwe Human Rights Commission (ZHRC) was established as one of the constitutional bodies envisaged under the Global Political Agreement and given effect by Constitutional Amendment No. 19 of 2009. The Commission was established by section 100R of the Constitution and Commissioners were sworn in by the President on 31 March 2010. At the time the Commission was set up, there was no enabling legislation for it to be operational. Following the swearing in of the new Commissioners, engagements with government facilitated by the Project led to the drafting and adoption of the Commission's founding legislation. Since the adoption of the new Constitution in May 2013, the Commission finds expression through Section 242 of the new Constitution with the mandate, institutional and operational framework further elaborated by the Zimbabwe Human Rights Commission Act Chapter 10:30 (No 2/2012). The provisions of the Constitution (Section 243 (1) (e) expanded the mandate of the Commission to include the functions of the dissolved Office of the Public Protector.

Findings

The evaluation noted several significant achievements, the most prominent of which was the capacity building of the Commissioners, which translated to substantial institutional building of the Commission itself from the knowledge, experiences and best practices the Commissioners acquired through national, regional and international interactions and which they used to shape the new Commission and to build a strong foundation from which it could begin to implement its constitutional mandate. Other milestones included managing the recruitment of the Commission's Secretariat to support implementation of the Commission's mandate and ensuring that the Commission was kept alive during the long period before a legal framework and a functional Secretariat were put in place. The Project also put together the nuts and bolts of the ZHRC, which include procurement of office furniture and equipment, website as well as project vehicles.

The Project design was informed by the Zimbabwe United Nations Development Assistance Framework (ZUNDAF)'s national Development priority on Good Governance for Sustainable development and was therefore adequate to address the issues envisaged in its formulation, given that (a) there were initially no resources from the government to support the Commission (b) there was no Secretariat to implement activities (c) very few other donors were willing to put their money into the initiative at that time (d) the highly charged political environment prevailing at the time and the real threat that without UNDP support the Commission could have had a still birth.

Among the capacity building initiatives, the exchange of experiences and best practices through visits to other commissions and attendance of other international human rights meetings, appear to have been most successful in bringing the Commissioners up to speed on the role and mandate of human rights commissions and perhaps more important given them the confidence to provide leadership in shaping the ZHRC.

Factors that contributed to the project's success include the financial support from UNDP and the EU, without which little would have been achieved. Also crucial was the technical advisory support and secretariat services that were provided by UNDP both through the Country Office and the Office of the UN High Commission for Human Rights in South Africa as well as support from human rights NGOs in Zimbabwe. Through trainings, exchange visits and meetings, the Commissioners were sensitised on their mandate, which was not easy given their diverse backgrounds.

A number of activities crucial for the full operationalisation of the Commission were carried out. These include the Baseline Survey on Perceptions, Attitudes and Understanding of Human Rights in Zimbabwe, which was commissioned in 2013 and was finalized in 2015; institution strengthening including- building relationships and cohesion among the new Commissioners to implement the mandate of the Commission. However the absence of a full and capacitated Secretariat to oversee implementation of activities and the absence of a Strategic Plan and related internal frameworks, policies, systems and procedures significantly slowed down the work of the Commission.

The evaluation noted that the uncertainties that prevailed at the time of inception and during the life cycle of the project mainly- regarding the time frame for establishing a Secretariat to support the new Commission, conditions of service for the Commissioners that were not clarified; and the slow pace at which the legal framework for the Commission was being put in place all also impacted negatively on implementation and finalization of some of the activities.

The evaluation noted that the Project was effective in influencing national human rights policies in Zimbabwe in several ways including; (a) through advocacy and by providing technical advisory support; which ensured that the legal framework for the Commission was approved and put in place; (b) the report that were produced by the Commission on Chingwizi had a significant influence on policies as the government has since indicated its willingness to act on some of the Commission's recommendations.

Through UNDP support, the project created and sustained strategic partnerships that added value to the work of the Commission – European Commission for financial support; Office of

the High Commission for Human Rights (OHCHR) to capacity build the Commission; Ministry of Justice as the parent Ministry and as the link with the government; the Judicial Services Commission on issues of access to the justice delivery system, civil society to capacity build the Commission, to collaborate with the Commission on human rights investigations and on work on the Universal Periodic Review (UPR); the Danish Institute for Human Rights, for financial support and to capacity build the Commission; the Network of African National Human Rights Institutions (NANHRI) and the International Coordinating Committee of National Human Rights Institutions (ICC) for regional and international engagement and learning of best practices.

Overall the evaluation noted that despite the challenges highlighted, and considering that this is a new Commission with no precedent to build on or borrow from, the project had achieved its major objectives of contributing towards the creation of a strong foundation for building a solid institution that can assume a leading role in the promotion and protection of human rights in Zimbabwe in collaboration with other key stakeholders in the country and in line with internationally recognized standards.

Lessons learnt

- ***Need for clarity on roles***

The duplication of some of the United Nations Development Programme (UNDP)- supported Project activities by the Danish Institute of Human Rights (DIHR) points to the importance of a coordinated approach with the participation of institutions involved to clarify roles in supporting the Commission. This would assist in addressing potential confusion and the burden of the Commission having to deal with different project requirements and procedures. It would also enable the Commission to maximize on the comparative advantages of each of the partners. Further, harmonization of activities would address the real and potential conflict which can impact negatively on timeous implementation of activities.

- ***Engaging government institutions***

The ZHRC has been in existence since 2010 but is yet to formally meet some of the key government institutions and department who are critical to its work. One of the main reasons for the delays in engagement has been the time it has taken the Government to resource the Commission to become fully operational to open opportunities for these engagements to take place. This has resulted in inadequate information in some government departments about the work of the Commission. There was need for concerted efforts by the Commission to create formal channels of communication with various government institutions with which they will interact to ensure their buy into their activities

- ***Backing political will with financial support***

The need for the Government to back its political will in support of the Commission with the financial resources to enable the Commission to build strong internal mechanisms, recruit, build capacity and provide attractive packages to retain staff and build the confidence of the Commissioners to enable them to implement the Institution's mandate in line with recognized international standards. In addition, while technical and financial support from development partners is welcome, financial support from the fiscus builds confidence at national and international levels that the government is serious about protecting and promoting human rights and good governance.

- ***Investing in the Commission before the structures***

Given the fluid political environment prevailing in the country, investing in building capacity of the Commission at a time the Institution's operational structures and mechanisms were not yet in place was a good strategy as this assisted in raising the profile of the ZHRC and to maintain momentum of creating a solid foundation on which the Institution could build on going forward. The activities supported by this Project, including engagements with various key stakeholders in government, civil society, development partners and the public contributed towards raising the visibility of the Commission at international and national levels. At national level, these engagements contributed to differentiating the role of the Commission from that of national human rights NGOs, which the Institution was often confused with, and placing the Commission at the centre of the human rights promotion and protection discourse in partnership with other actors nationally and internationally.

- ***Revising the logframe to reflect reality on the ground***

The delays in implementing some activities were perhaps inevitable, given the circumstances prevailing at the time. But several of the activities kept reappearing in the workplans although it must have been apparent that they could not be carried out. This was largely because they were in the original logframe for the project. This points to the need to for the project to have revised the logframe to reflect the reality on the ground and remove the activities that could not be carried out.

Recommendations

- ***Need for donors to provide financial support to the Commission***

One of the critical issues facing the Commission going forward and which threatens the sustainability of the results achieved is the issue of funding. Although the government has expressed commitment to funding the Commission, the prevailing economic environment where the government is borrowing for civil servants' salaries could mean less resources going to the Commission. There is need for donors to provide resources to support the operations of the Commission, including salaries, until the economic situation improves

while at the same time advocating for the government to prioritise resources for the Commission. The support by donors could be in the form of a basket fund or on a bilateral basis where donors would pick from identified priorities in the strategic plan.

- ***Investing in capacity building of the Secretariat***

The capacity building of the Commissioners was very successful and they are now knowledgeable about their mandate. Going forward and to sustain the results of the project, there will be need to invest in building the capacity of the Secretariat through exchange visits and trainings on different aspects of their work.

- ***Need to finalise terms and conditions for Commissioners and the Secretariat***

Five years after the Commission was set up, terms and conditions for the Commissioners have still not been settled. This creates uncertainty among the Commissioners and constrains their ability to function. There is need for the Ministry of Justice to use its good offices to push for the anomalies to be ratified to ensure the effective operation of the Commission.

- ***Building capacity for donor coordination and harmonization***

The project faced problems of donor coordination with UNDP and DIHR running parallel programmes. While the problems have since been resolved, going forward there is a need to build the capacity of the Commission for donor coordination and harmonization which will be critical in the early days of the Commission to maximize the support the Commission will be getting, by ensuring that funding goes to the identified priorities.

- ***Ensuring buy in from the Government and the public***

There is a general consensus both within UNDP and the Commission that the sustainability of the Commission hinges on the level of buy in into the project by the government. There is need for the Commission to come up with a programme to raise awareness on its mandate. Engaging with the government should be at both policy level, with directors in government ministries and at the political level with ministers and parliamentarians. This would ensure that the government buy in is at the highest and most effective levels.

A more systematic programme to increase the visibility of the Commission should also target the general populace, in particular rural people so that they are aware of the services the Commission provides.

1.0 Introduction and background

The Zimbabwe Human Rights Commission (ZHRC) was established as one of the constitutional bodies envisaged under the Global Political Agreement and given effect by Constitutional Amendment No. 19. The Commission was set up under section 100R of the Constitution and Commissioners were sworn in by the President on 31 March 2010. At the time the Commission was set up, there was no enabling legislation for it to be operational.¹ It is now provided for in Section 232 of the Constitution of Zimbabwe Amendment (No. 20) Act 2013 with the mandate outlined in Section 243 and the Zimbabwe Human Rights Commission Act No2/2012 (Chapter 10:30). The Constitution has expanded the mandate of the Commission to include that of the now defunct Office of the Public Protector.

1.1.1 Purpose of the Project

The purpose of the project was to provide financial and technical resources to support preparatory processes for the full operationalisation of the mandate of the ZHRC in particular to strengthen cohesion, team work among the new Commissioners and their understanding of their roles and responsibilities. As the institution was a new one for the country, the support provided crucial platforms for the Commission to lay the foundation for building mutually beneficial partnerships with various key stakeholders in government, civil society, development partners, other national human Rights Institutions, international human rights bodies and the public to promote inclusive approaches to implementing the constitutional mandate of the Commission. The project was a continuation of the already existing support by development partners, mainly the European Union (EU) and the UNDP, to support the new Commission to begin implementing its mandate.

1.1.2 Overall Project Objective

The overarching objective of the *“Support to Strengthening of the promotion and protection of Human Rights and the Rule of Law through enhanced capacity of Institutions”* Project was to provide financial and technical advisory resources to support the Commission in preparatory activities towards building skills, expertise, knowledge, lessons and international best practice to contribute towards implementing the constitutional mandate of the ZHRC.²

1.2 Scope of the Evaluation

¹ GoZ, UNDP (2011) Project Document: The Zimbabwe Human Rights Commission and the United Nations Development Programme: Support for the Strengthening of the promotion and protection of Human Rights and the rule of Law through enhanced capacity of Institutions in the Ministry of Justice and Legal Affairs

² Ibid

This was a summative evaluation which sought to assess the extent to which project initiatives had 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.

1.2.1 Limitations of the Evaluation

Several limitations were encountered in carrying out the evaluation. These include the failure by the consultant to access the minutes of the Commission's internal meetings. These would have shed light on some of the best practices that the Commissioners adopted from their study visits. Another limitation was the failure to interview the Commission's parent ministry, the Ministry of Justice (meetings with the Permanent Secretary were postponed several times and a written questionnaire submitted was not responded to), as this would have shed light on several pertinent issues, including the relations between the Ministry and the Commission as well as providing an indication of the Ministry's commitment to the Commission.

1.2.2 Overall objective

The overall objective of the evaluation was to assess whether the project had succeeded in contributing towards substantive capacity building of the ZHRC to become the leading institution in the promotion and protection of human rights in the country in line with internationally recognised standards for NHRIs. The evaluation was also to assess the contribution of the project to overall good governance and equitable sustainable development as well as highlighting key lessons learned to provide informed guidance for future support to the ZHRC.

1.2.2 Specific Evaluation Objectives

The specific objectives of the evaluation were to:

- Assess the relevance and strategic positioning of UNDP/EU support to Zimbabwe in general and specifically to supporting capacity strengthening of the ZHRC to promote and protect human rights and to contribute towards good governance and equitable human development;
- Assess the existing frameworks and strategies adopted by the UNDP/EU in providing support to the ZHRC including partnership strategies, engagements, and whether they were well conceived for achieving planned objectives;
- Assess whether the capacity of the ZHRC was enhanced to deliver on its mandate;

- Assess whether UNDP and EU's contribution added value to the capacity building efforts of this institution;
- Determine if the project achieved its stated objectives and explain why/why not;
- 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;
- Review 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;
- Highlight the lessons learned for follow-on support of UNDP/EU to the ZHRC.

1.2.3 Partnerships Analysis

- Examine the partnership among UN Agencies, EU and other donor organizations in the relevant field
- Determine whether or not there was consensus among project actors, partners and stakeholders on the partnership strategy;
- Determine whether project's partnership strategy was appropriate and effective; ZHRC's capacity with regard to management of partnerships; ZHRC's ability to bring together various partners across sectoral lines to address human rights concerns in a holistic manner;
- Analyse how partnerships were formed and how they performed;
- Examine how the partnership affected the achievement of progress towards the intended Outcome.

1.3 Methodology

The methodology for the evaluation included literature review and fieldwork. Key documents reviewed included the ZUNDAF and the CPAP; project documents; project progress reports, ZHRC annual and quarterly workplans, the Constitution of Zimbabwe, the ZHRC Act, the Financial Narrative reports as well as relevant project evaluations reports. Field work involved key informant interviews and focus group discussions. Among some of the key informants interviewed were UNDP and EU programme staff, the ZHRC Chairperson and Executive Secretary as well as several Commissioners. Focus group discussions were conducted with the officers in the Ministry of Finance; ZHRC Chief Human Rights officers responsible for different thematic areas and with civil society organisations which are partnering with the ZHRC.

2.0 Findings

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

UNDP began supporting the ZHRC in 2010, more than a year before the legal instrument establishing the Commission was enacted by Parliament. The support was later augmented by the EU from early 2012 and helped the new Commissioners to acquire expertise and knowledge. It also facilitated their exposure to international best-practices before the formal establishment of the Commission to ensure that the Commission would be ready to carry out its mandate as soon as the legal framework was in place. The support was therefore relevant.

The Project was relevant as it contributed towards realisation of goals articulated in the 2011-2015 Zimbabwe Government Medium Term Plan on governance and human rights, which among other things calls for “strengthening law enforcement, judiciary and human rights oversight bodies”.³ It was also in line with the Zimbabwe United Nations Development Assistance Framework (ZUNDAF) Outcome One on support for “good governance for sustainable development”, which among other things calls for “Strengthened mechanisms for peacebuilding and for the prevention, management and resolution of conflict; Enhanced accountability in the management of public resources and service delivery; and, Enhanced people’s participation in democratic governance structures and processes”.

The overall objective of the Project was to build the capacity of the ZHRC, which was a new institution with no precedent to borrow from, to exercise its constitutional mandate. At the time the Commission was set up, it had no internal capacities and no Secretariat staff, most of which only came on board in June 2014. Through the project, UNDP provided technical advisory expertise as well as financial support to the ZHRC to prepare the Commissioners and later the Secretariat to assume their role of promoting and protecting human rights in Zimbabwe based on internationally recognised standards.

The programme design was informed by the ZUNDAF national development priority on Good Governance for Sustainable development and was therefore adequate to address the issues envisaged in its formulation, given- (a) that there were initially no resources from the government to support the Commission (b) there was no Secretariat to implement activities (c) very few other donors were willing to put their money into the initiative at that time (d) the highly charged political environment prevailing at the time and the real threat that without the support the Commission could have had a still birth.

³ United Nations Zimbabwe & Government of Zimbabwe (2011) Zimbabwe United Nations Development Assistance Framework 2012 – 2015

At the operational level, the Commissioners doubled up as the Secretariat with support from UNDP Project staff including a Programme Specialist, transport assistant, Programme Assistant. A full time Project Coordinator seconded to the Commission by UNDP/EU also supported the project. Although this was not an ideal arrangement, it launched and kept the Commission running and enabled Commissioners to initiate critical engagements with various key stakeholders particularly in Government. The Project Board comprising of UNDP, the EU, the Chairperson of the Commission, the Deputy Chairperson, one Commissioner, senior officials from the Ministry of Justice, Legal and Parliamentary Affairs and Ministry of Finance provided project policy direction and oversight. This was an appropriate arrangement during the initial phase, which was kept throughout the Project cycle.

It was a formative stage for the Commission. How do you support the presence of the Commission in the absence of government funding? UNDP caught us with its own hands and said they will hold us until the government or other partners come in, so the support was very relevant,”

Commissioner

The project focused on supporting the basic but practical needs of the Commission, which included; financial support to run the administrative matters of the Commission; capacity building of Commissioners including skills and knowledge to run the Commission effectively, and raising the visibility of the Commission through various activities, such as talk shows on radio, training in thematic areas to implement the core mandate of the Commission such as complaints handling and resolution. Support was also provided for ongoing engagements and meetings with key actors in government ministries and departments, civil society and potential donors to promote inclusive approaches for implementing the Commission’s mandate. Support was provided for Commissioners to gain knowledge and international best practice and experiences through exchange visits to other Commissions, such as Kenya National Human Rights Commission, the South African Human Rights Commission and with other Commissions at the Network of African National Human Rights Institutions (NANHRI), the International Coordinating Committee of National Human Rights Institutions (ICC) and at regional and international human rights treaty bodies meetings. For administrative purposes, physical assets were acquired, including office furniture, computers and project vehicles. Further, the visibility of the Commission was enhanced through the development and adoption of a logo, and a website.

The Project was instrumental in supporting the recruitment of the Secretariat, most of which came on board during the last phases of the project in 2014. Ancillary activities such as thematic skills and knowledge enhancement training, commissioning of the *Baseline Survey on the Human Rights Situation in Zimbabwe* and the development of internal control mechanisms including the first strategic plan were ongoing at the time of the evaluation. With all these

processes, a strong framework to support and sustain a viable governance architecture was established.

The design of the Project was therefore appropriate. As the Executive Secretary of the Commission, Ms Jester Charewa noted: *During the inception period, you cannot run away from a particular design. This was an institution that was being established for the first time, so if you did not have exchange visits, what else could you have done? Even now, when you are designing for the future, it will be very much along the same lines to build the capacity of the staff.*

2.2 Effectiveness

By shaping the initial basic but functional structures of the Commission and building the capacity of Commissioners and the Secretariat, the project influenced national human rights policies in several ways including; (a) through advocacy and by providing technical advisory support, which ensured that the legal framework for the Commission was approved and put in place (b) by supporting capacity building including best practices and exchange of experiences with other NHRIs, the Commissioners were able to influence the content of the Act to bring it in line with international best practice; (c) the report that was produced by the Commission on Chingwizi had a significant influence on policies as the government has agreed to allocate at least five hectares of land per household against the one hectare that each family had been allocated before the report. The government has also started moving families whose homes were on high ground and who would not be affected by flood waters back to where they had been moved from, which was another recommendation of the Commission.

Project achievements

The biggest achievement of the project was in capacity building of the Commissioners and the spinoff this had on the institutional capacity of the Commission itself. As the box below illustrates, the Commissioners made full use of their attendance at global and regional human rights forums as well as to other commissions to identify lessons and best practices and how these would apply to their Commission (also see full report of the meeting Appendix 2). This effectively contributed to the institutional capacity building of the ZHRC. This also converged with international normative standards on NHRIs which exhort the building of solid and sound institutional capacity for a collegiate Human Rights Commission.⁴

⁴ Principles relating to the Status of National Institutions (Paris Principles) Adopted by General Assembly resolution 48/134 20 December 1993

According to UNDP, through the technical support they provided and the rapid needs assessments carried out, Project, priorities, capacity gaps were identified at the start of the project and capacity development strategies proposed and implemented: “Although there was no systematic training curriculum, in the absence of a strategic plan, the emerging needs were noted and actioned systematically and in this way capacity was built,” UNDP’s Tafadzwa Muvingi says.

Factors that contributed to the project’s success include the financial support from UNDP and the EU,

without which little would have been achieved. Also crucial was the technical advisory support and secretariat services that were provided by UNDP both through the Country Office and the Office of the UN High Commission for Human Rights in South Africa as well as support from human rights NGOs in Zimbabwe. Through trainings, exchange visits and meetings, the Commissioners were sensitised on their mandate, which was not easy given their diverse backgrounds.

Some planned activities not implemented

Despite these notable successes, the project did not implement several of the planned activities during the project period. As will be discussed later, several internal and external factors hampered the implementation of all the planned activities, but in hindsight, more could have been done with the financial and human resources that were available.

The ZHRC combined Annual Report 2010 – 2013 lists activities that were not carried out but which were included in the workplans. These include: the development of internal control frameworks; the development of a Commission website; engagement and cooperation with key stakeholders in peace building; conducting monthly investigations and monitoring missions; producing a baseline survey on the human rights situation in Zimbabwe and developing a strategic plan.

Lessons for ZHRC from the International Coordinating Meeting Geneva, 2014

- Settlement of the overdue payments of annual subscriptions at NANHRI. Our continued failure to settle this debt and update the payment of the annual subscription will tarnish our integrity and compromise our application for grading. Subscriptions have since been paid with funds from the Government).
- The UPR Process is one of the key responsibilities of NHRIs. The ZHRC needs to actively engage in the process and be able to produce a parallel report.
- The process of accreditation of NHRIs is informed by the Paris Principles. The ZHRC needs to ensure that it complies with the requirements defined in the Paris Principles. Key among these is ensuring the independence of the Commission; selection of commissioners and period of tenure; visits to prisons and places of detention; production of an Annual Report; and involvement in the UPR process. (**report from Commissioners who attended the meeting.**)

For most of the activities listed above, both the Commission and UNDP cite the absence of a Secretariat for the failure to implement them. While consultants were hired to carry out the baseline survey in 2014, it had still not been finalised by mid-May 2015. This was blamed partly on the absence of a Secretariat to supervise the consultants and on delays that were experienced in getting clearances for the consultants to go into the field. While the bureaucratic delays were perhaps unavoidable considering the sensitive nature of the assignment, with better organisation, supervision of the consultants could have been done by the Commissioners themselves, with support from the Project Coordinator seconded to the Project by UNDP and officers from the governance office at the UNDP Country Office.

With the strategic plan, UNDP says a conscious decision was made to wait for the Secretariat to be established first before it could be drafted as the Secretariat would be responsible for implementing it and therefore they had to make an input into its content. But this argument falls off if one considers that consultants were also hired to draft the strategic plan and would therefore have been able to do the work with or without the Secretariat and the document validated and adopted when the Secretariat came on board and made their input.

Waiting for the Secretariat to be in place assumes that the new staff coming in have enough appreciation of human rights and the way a human rights commission works to be able to make meaningful inputs into the strategy development process. But in interviews with the Commission, it emerged that some of the staff did not have a human rights background let alone any experience working on a human rights commission and therefore needed their capacity built before they could contribute meaningfully to the organisation's programmes. To therefore wait for them to be in place before drafting a strategic plan was perhaps not the best strategy, given the urgent need for a guiding document for the organisation and also given that the Commissioners had gained sufficient capacity to supervise the work.

As one of the human rights officers said: *"the failure to complete the strategic plan and the baseline perpetuates uncertainty in terms of programming, as programming is guided by the strategic plan. We keep having to figure out what the priorities are"*.

The development of internal policies and procedures was also put on hold until the Secretariat was in place. The policies and procedures would among others include human resources, personnel and administration, finance, transport, procurement, gender and child protection policies. The development of the policies and procedures could have been done by consultants and a review of the final documents would have been done by the Commissioners as they are the policy arm of the Commission. Policies and procedures are control mechanisms to ensure good governance, transparency and accountability within an organisation. Leaving them to be drafted by the staff or with staff input is perhaps not the best way to ensure watertight systems

and that the required checks and balances are in place.

ZHRC should share information with the Government

The sharing of information is not there. They come to us for budget support but we don't know the results of what they are doing. There is need for visibility so that they can be recognised in the field. There is little interaction with the Ministries. They should sensitise policy makers so that there is an appreciation of the work that they are doing. People are looking at it the Commission as an organisation that was formed to meet the obligations of the GNU.

There is need to share their strategic plan. We work with ZEC and they share with us their strategic plan. They should not just come to us for their budget, but they should be part of the development process, Arina Manyanya – Deputy Director, Budgets Department, Ministry of- Finance-

For its part, UNDP says that from the perspective of its technical advisory role, for any new institution, it is necessary for employees to play a role in developing internal policy documents in particular the strategy for buy in and as these are central to its implementation. UNDP also points out that the delay in producing the Strategic Plan was because of the time it took for the Commission to make a decision as to which partner to work with in developing the strategy (between UNDP and DIHR).

However to its credit, the Commission has now made up for the delay and has since finalised the baseline survey, is in the process of finalising the Strategic Plan and work of putting together the institutional policies and procedures is ongoing and should also be completed soon.

But the delay in coming up with a strategic plan in the intervening period had implications on the Commission structure which was proposed and approved before the strategy document. According to the Commission management team, there are many gaps in the approved structure: *“Whoever designed the structure was in a dilemma as an organisational structure is supposed to implement a certain strategy but in this case the strategy was not in place”*. So the management is now waiting for the strategic plan to inform them about how the different jobs will be structured, which is not cost effective.

As a member of the management team says: *For me it was like starting from scratch, there were no policies; no regulatory framework in place except the Act and the Constitution. They*

(Commissioners) were doing things ad hoc and not in a planned way in terms of the institutional framework; there were a lot of overlaps in the projects. It is difficult for a donor to say that the institutional capacity building was a success in an institution which is supposed to rest on two legs (the Commissioners and the Secretariat) when the other leg is not there”

Noria Mashumba, the UNDP Project Coordinator seconded to the Commission added that, ideally when one is building a commission it is important that both commissioners and the secretariat to have their capacity built at the same time, but in the case of Zimbabwe, the question was whether to wait for the secretariat to be in place and risk the Commission becoming defunct or work with the Commissioners who were available and then build onto what they would have started when the Secretariat came on board. The Project decided to work with the commissioners, which was perhaps the best option as a knowledge base was created within the Commission which the Secretariat was able to tap into when they came on board.

The Project placed equal emphasis on building capacity of the Commissioners as well as the institutional capacity of the Commission to the extent that Commissioners and the Project Team providing support could manage. There was need for a more structured institutional development process focusing on some of the more basic issues first before venturing into programme activities or parallel with the programmes.

But it is important to put this shortcoming into context and to understand the conditions under which the Commission came into being and was functioning. The Commission was set up as part of the governance reforms agreed to under the Global Political Agreement (GPA), which brought together the three rival political parties the Movement for Democratic Change (MDCT), ZANU PF and the splinter MDCM in a highly charged and polarised political environment. The Commission was seen in some quarters as part of a strategy by opposition parties to establish a legitimate tool with which to expose past human rights abuses by the state. This perhaps explains the lukewarm reception the Commission received in the early days and the slow pace at which it was institutionalised.

Given this background, it is understandable that the Commissioners were appointed to fulfil the requirements of the GPA but then nothing much was done to operationalise the Commission for several years. As Priscilla Mbanga, the Chief Human Rights Officer, Monitoring and Inspection, at the Commission pointed out: *“The commission was born by unprepared parents. UNDP and the EU became the midwife and also the baby-minder. Now you want the baby to start walking”*.

Set up with no enabling legal framework, no budget, no Secretariat and Commissioners with no human rights background, the Commission was perhaps not in a fit state to function optimally

because of the uncertainties that dogged its early days. Until 2013 Commissioners were not even getting any allowances while to this day, issues around their conditions of service have still not been resolved. These issues all have a bearing on the effectiveness of the Commission.

Establishing national ownership

Despite these shortcomings, the project established effective national ownership by (a) collaborating closely with the Ministry of Justice; (b) making concerted efforts to increase its visibility and explain its role in various forums and to different stakeholders; (c) engaging with national human rights organisations and building collaborative relationships with them; (d) investigating and reporting on critical human rights issues in the country – Chingwizi flood displacements, Chikurubi riots and Tsholotsho floods. As a result of these engagements, the goodwill towards the Commission remains high and it has earned respect both within the government and among civil society organisations.

The Commission is very clear about national ownership and says it emphasises that donors should come without the conditionality of directing the work of the Commission. While UNDP/EU funded the baseline study, the Commission says once the report is validated, it will belong to the Commission. The same for the Election Monitoring Report which was not influenced by partners in terms of content. It is very important for the Commission to stress the national ownership of its initiatives as this is critical for its credibility.

As the Director of the Zimbabwe Lawyers for Human Rights (ZLHR), Irene Petras says: *The Commission offers an effective bridge between the public, human rights organisations, with the government and state institutions. This is particularly important in a country where relations between these sectors remain difficult and tense.*

Promoting human rights and good governance

UNDP's engagement in capacity strengthening of the ZHRC was in line with one of its key mandates of promoting good governance in Zimbabwe, which is premised on the understanding that good governance and respect for human rights are prerequisites for sustainable human development and poverty reduction. Because Zimbabwe is a signatory to the Millennium Declaration, which recognises the importance of good governance in creating an environment that is conducive to development and to the elimination of poverty, the Government and the UN Country Team agreed to emphasise governance and human rights in the Zimbabwe United Nations Development Assistance Framework (ZUNDAF) to promote economic recovery and equitable human development.⁵

⁵United Nations Zimbabwe & Government of Zimbabwe (2011) Zimbabwe United Nations Development Assistance Framework 2012 – 2015

Over the years, UNDP has been involved in interventions to strengthen justice delivery and rule of law programmes in Zimbabwe by working with the Judicial Services Commission and by strengthening mechanisms for peace building, prevention, management and resolution of conflict. UNDP support to the Commission therefore contributed towards the effective promotion and protection of human rights by ensuring that the institution was kept alive during the transition phase.

Apart from being key priorities for Zimbabwe, governance and human rights are also areas in which UNDP has a comparative advantage and therefore can offer technical support directly or in collaboration with other UN agencies such as the Office of the UN High Commission for Human Rights. As Karukai Ratsauka, ZHRC Chief Human Rights Officer, Education Promotion and Research *said: When you look at capacity building, you are not looking at UNDP per se delivering, but at their ability to know what is needed and being able to get the right people to do it. They have a broader understanding of what should be done and they have the commitment that is needed.*

In assessing the effectiveness of UNDP's support it is important to assess where the Commission was at the start of the project and where they were by the time the project ended. Tafadzwa Muvingi of UNDP sums it up: *When we started there was nothing, except the eight commissioners. They did not even know each other. We started by building cohesion among them and we trained them on their mandate. Now we have a Commission within the space of the project. We have supported them to have a Secretariat, procurement of equipment; to start putting policies and procedures in place. There was nothing that was attractive at the beginning. There was just a constitutional provision and eight commissioners*

3.0 Rating Project Performance

The following section of the report rates the performance of the project by assessing the extent to which the activities that were in the project document were carried out.

Output One: Capacity of the ZHRC and Secretariat enhanced to effectively manage the process as is required of such a deliberative body, including staffing vacant positions			
Activities	Well done	Partially done	Not done
Commissioners' regular meetings	X		
Development of secretariat structure, manuals and operational tools		X	
Procurement of office equipment	X		
Procurement of office consumables and stationery	X		
Procurement of consultancy services	X		
Administration costs and utilities	X		
Procurement of two vehicles	X		
Audits and evaluation	X		
	Average rating		Well done

3.1.1 Key achievements

In General this result area was well done. Commissioners held their monthly meetings regularly, which was a useful platform to deliberate policy matters, to build cohesion through meeting and engaging regularly and to plan, implement, and review progress on activities, especially before the Secretariat was set up. UNDP paid all the administration costs as well as the utility costs. The project procured two vehicles for the Commission and regular audits of the project were carried out and the evaluation is being done. Office equipment and consumables were procured under the grant.

Output 2: Commissioners trained and oriented on key human rights concepts and substantive issues to enhance their understanding and abilities to effectively discharge their responsibilities.

Activities	Well done	Partially done	Not done
Training workshop for Commissioners on key human rights principles/concepts	X		
Support to Universal Periodic Review Consultative processes	X		
Exchange of experiences and best practices	X		
	Average rating		Well done

3.1.3 Key achievements

Overall, this result area was well achieved. Several training workshops for the Commissioners were held with two hosted in collaboration with the Office of the High Commission for Human Rights. Another workshop in Victoria Falls was also supported by the Project, through the DIHRs while another training was organised by the NGO Human Rights Forum on transitional justice mechanisms.

UNDP supported the participation of the Commission in the UPR review process. The Commission is the steering body of the UPR process, working with the Ministry of Justice where it made an input into the government report and also submitted its own report. In this capacity it has also collaborated with civil society, which produces a parallel report.

Among the capacity building initiatives, the exchange of experiences and best practices through visits to other commissions and attendance of other international human rights meetings, appear to have been most successful in bringing the Commissioners up to speed on the role and mandate of human rights commissions and perhaps more important given them the confidence to provide leadership in shaping the ZHRC.

Output 3: Informative and educative publications on ZHRC			
Activities	Well done	Parrtially done	Not done
Conducting human rights missions	X		
Designing a communication strategy			X
Conducting promotional visits in country		X	
	Average rating		Partially Done

3.1.4 Key achievements

The Commission conducted several missions during the project period. These included participation in the 53rd Ordinary Session of the African Commission on Human and People's Rights in Banjul, in April 2013; participation in the 26th session of the International Coordination Committee of National Human Rights institutions in Geneva in May 2013 and participation in the Biennial Conference of the Network of African National Human Rights Institutions in Accra in November 2013. Two commissioners participated in each of the three missions. The missions provided opportunities for the Commissioners to learn, share experiences, lessons and opportunities to enhance the promotion and protection of human rights.⁶

Internally the Commission carried out several investigative missions, which resulted in the production of reports. These included the Chingwizi report, which looked at the violation of the rights of the communities that were displaced by the Tokwe Mukosi floods and the Tsholotsho report, which also looked at the violations of rights of flood victims in that area and the Chikurubi Prison report, which tried to assess the causes of the prison riots⁷ and make recommendations. All the reports have concrete recommendations some of which are now being implemented by the government.

3.1.5 Areas that required improvement

However, despite the need for a communication strategy, the Commission did not draw up one during the project period. While promotional visits were carried out in the country, because of lack of resources these were limited, but included some visits to communities that were supported by NGOs such as the Zimbabwe Human Rights Association (Zimrights). In interviews

⁶ UNDP (2014) Interim Financial and Narrative Report ZHRC

⁷ Four prisoners died during food riot involving 2 293 prisoners at Chikurubi Maximum Prison in Harare in 13 March 2015.

with human rights officers at the Commission's Bulawayo offices it was pointed out that the Commissioners had not done any promotional visits to that part of the country and as a result the Commission was not known even in government offices in the town- This was partly due to resource constraints and late establishment of the Bulawayo Office

Output 4: Strategic partnerships forged with key stakeholders including CSOs, parliament, government ministries and departments and other commissions among others			
Activities	Well done	Partially done	Not done
Consultative workshop with civil society organisations		X	
Consultative workshop with government ministries	X		
Training workshop for parliamentarians			X
Consultative meetings with Organ on National Healing and reconciliation	X		
	Average rating		Partially done

3.1.6 Areas that needed improvement

The output was only partially achieved. Although the Commission held consultative meetings with civil society organizations, both the CSOs and the Commission agree that the consultations were inadequate. CSOs say ideally there should be constant communication and interaction between them and the Commission to keep the Commission updated on human rights issues and to quickly bring potential rights violations to their attention. CSOs can also amplify information which the Commission wants to disseminate to larger audiences.

The Commission's Executive Secretary agrees on the need for more interaction with civil society and says of the Commission's 46 staff members, only 18 are human rights officers, so there is need to work more closely with human rights NGOs, who can provide the extra capacity by investigating human rights violations which the Commission would then verify and use for its purposes.

The shortfall is now being remedied as more focused consultations are being held with CSOs, in particular human rights organizations with whom the Commission is negotiating memorandums of understanding (MOUs) outlying how they will cooperate with each other.

The training workshop for parliamentarians was also not conducted as the schedule of the parliamentarians did not allow for the meeting to be held. This is another shortcoming as there is need for the Commission to get a buy in from parliament.

Output 5: Strategic plan developed			
Activities	Well done	Partially done	Not done
Strategic Planning workshop	X		
Drafting the strategic Plan	X		
Validation and adoption workshop		X	
Average rating Done			

3.1.7 Areas that needed improvement

The development of the strategic plan was put on hold pending the establishment of the Secretariat. However, the absence of a strategic plan has negatively impacted on the work of the Commission, in areas such as fundraising, determining staffing levels as well as in programming. Many stakeholders interviewed felt that the strategic plan could have been drawn up during the preparatory phase, although there are several factors that discouraged the Commission from going ahead with the strategy, including uncertainty about when the Secretariat would come on board, the late finalisation of the baseline survey. Consultants have since been hired and it is expected that the strategic plan will be ready by July 2015.

4.0 Efficiency

With hindsight, it is easy to point out that the baseline study, the strategic plan and the policies, systems and procedures could have been put in place before the Secretariat came on board. But given the circumstances the Commission was in, it was difficult to think beyond the immediate and urgent problems of getting the legal framework in place and advocating for the Act to be passed. With no idea when the Secretariat would be in place, drafting a strategic plan would have seemed premature to the Commissioners.

Also given that the Commissioners were until 2013 not getting any allowances and there was no clarity whether they were fulltime or part time, there was little to motivate them to go the extra mile. There can be little doubt therefore that the failure to clarify the conditions of service

of the Commissioners and to establish a secretariat had a huge bearing on the efficiency of the project. Opportunities for doing more preparatory work were lost because of the uncertainty that prevailed among all the partners involved resulting in some activities being postponed.

Robert Kirenga, the Senior Human Rights Advisor with the Danish Institute of Human Rights (DIHR), which is also providing financial and technical support to the Commission under another EU grant says one of the factors that explains the delay in carrying out some of the activities such as drafting the strategic plan and the baseline was the lack of regular guidance which should have been provided by the Commission but was not *“because you had commissioners who were supposedly fulltime but were not”*. Kirenga says the activities would not have been postponed if the Secretariat was in place.

Tafadzwa Muvingi, the UNDP governance officer who was working closely with the Project feels that efficiency could have been compromised by the limited support the Commission received: *This was a new institution in Zimbabwe so you would have expected a lot of helping hands even an independent task force to support the establishment of the Commission, but the support was not there. Essentially UNDP became the Secretariat and was providing the content and analysis of some of the laws. Had we not been there, the Commission would still be on paper.*

The setting up of the Project Board improved efficiency as it provided a platform for the key partners – ZHRC, UNDP, EC and the Ministry of Justice – to meet regularly to discuss key issues. To strengthen coordination mechanisms, the ZHRC held regular monthly meetings which provided a forum for the Commissioners to deliberate on key issues pertaining to the Commission. Both operational and programmatic issues were discussed at the meetings.

The appointment of a project coordinator under the UNDP/EU in 2013 significantly improved project efficiency through better coordination. The Coordinator was the effective link between the Commission and UNDP and used her substantial experience of working in human rights commissions to guide the work of the Commission. The Project Coordinator also did some of the work which should have been done by the Secretariat, including the production of the Commission’s first annual report. Other substantive support was provided by the UNDP Country Office’s governance personnel who, in the absence of a secretariat, also doubled up in that capacity as did the Commissioners. This was a stopgap measure, which however improved the efficiency of the project.

The capacity building programme put in place by UNDP was both effective and efficient as the Commission was able to learn from the exchange visits to other human rights commissions in Kenya and South Africa. Under the arrangement, two Commissioners would visit a human rights commission and on their return they would produce a report which would highlight areas of learning for the Commission. These would then be discussed in the monthly meetings and the

Commission would agree what to adopt from the recommendations. This approach was cost effective as sending only two commissioners at a time saved on travel costs, while the reports produced ensured that the trips were productive.

But at another level the capacity building was not so efficient as only the capacity of the Commissioners was built and not of the Secretariat which will implement the programmes. Both UNDP and the Commission agree that there will be need to take the Secretariat staff through the same processes that the Commissioners went through to build their capacity. But this is inevitable given the circumstances surrounding the setting up of the Commission.

Although the project work was guided by annual and quarterly workplans these could not replace a strategic plan, which compromised the efficiency of the project. According to the Executive Secretary of the Commission, the Commission's mandate is very broad and there is a need for better coordination and prioritisation of the work: *Currently, we are fire fighting and we need to have a priority list that ensures that we handle the issues that are within our mandate in a more systematic manner.*

5.0 Sustainability

To a large extent the support provided by UNDP/EU was sustainable as it ensured the survival of the Commission for three years until the government was ready to provide financial assistance. In interviews with various stakeholders, it was pointed out that the Commission would have fizzled out and died had it not been for the support provided through UNDP.

The sustainability of results, in particular the capacity building and the institutional arrangements that have been put in place will to a large extent depend on the ability of the Commission to stay on its feet and to find themselves as a Commission. The Commission has now started the real work and are producing reports. Their ability to follow through the reports and make sure that recommendations are implemented will be important for the Commission's credibility and hence its sustainability.

The sustainability of the results will also hinge on the level of buy in to the Commission's work by the government. According to Commissioner Sithole, there is need for more engagement with the government, in particular the Ministry of Justice and of Finance as well as with Parliament to get their buy in: *We have not engaged the new parliament. But MPs do not want to engage without allowances so we need resources for that*, she says.

Another critical factor for the sustainability of the results is funding. There has to be continued support for the work that the commission is doing as it is relevant to the needs of the country. But funding appears to be the weakest link in the Commission's survival chain. One of the main reasons for the three years delay in setting up the Secretariat was the government's concern

over the budgetary implications. Since setting up the Secretariat, funding salaries continues to be a problem with pay days often moved to the following month. Commissioners and staff interviewed said while they appreciated that the government is facing financial problems, they also questioned whether the Commission was being prioritised.

As one Commissioner pointed out: *I don't think we are a priority. Other than the money for salaries, we also have no money for programmes. When a human rights calamity happens and we need to deploy resources, we don't have the money. As a human rights Commission we should be able to support activities that lead to dialogue and to engage on human rights violations. The failure to respond to human rights emergencies will cripple us in the long term because we are not there when things happen.*

While the Commissioners are committed to their work, they question the government's commitment to the Commission. There is a real danger that unless their issues are dealt with some of them could leave, which would compromise the capacity building results that the project achieved. As one Commissioner said: *Up to now there is a bit of ambivalence on the Human Rights Commission, you don't know whether the government wants the commission or not. Our conditions of service have not been decided on. We only started getting an allowance at the end of 2013. Vehicles that were supposed to be part of the package for the Commissioners have not been provided and salaries for the Secretariat are coming late, so you begin to wonder.*

However, the Ministry of Finance says the government is committed to supporting the Commission but lacks the resources. In an interview, senior Ministry of Finance officials conceded that the structure of the economy had changed significantly and the economy had become informalised and the tax base had shrunk. As a result state aided institutions were not getting the necessary funding. The officials disclosed that the government had been borrowing for salaries since last year and this had also affected the Commission: *It took us about four years before we fully operationalised the Commission, especially the Secretariat. We did not want to give them the green light to put the Secretariat in place before we knew we had the budget,* one of the officials said.

A major concern for the sustainability of the results has been the extent to which the Commission can accept donor funding, including for salaries. There are concerns in several quarters that this would compromise its credibility. Concerns were also raised that if donors funded salaries this would compromise the Paris Principles. However, given the resource constraints facing the government, there is an increasing recognition of the need to make Zimbabwe an exception to the rule. Precedents have been set by some countries in transition such as Palestine, where the human rights commission is entirely donor funded.

The government does not seem to have problems with donors funding the Commission as long as this is in furtherance of their strategic plan. Officials in the Ministry of Finance said there should be a balance in terms of funding, where the government should be seen to be taking the lead. But they conceded that if the donor funding came through the government in a relationship which is in the interest of addressing the priority issues of the government then it would not be a problem.

ZLHR Director, Irene Petras, supports this stance and says: *As long as the donor funds are disclosed and are placed in a fund where the Commission can earmark them as required in terms of their strategic plan and budget and provided there is proper and transparent accounting, there should not be too many challenges. This, of course, only works where the strategy development has been done in an inclusive manner such that stakeholders feel they have a substantial interest in the Commission being effective.*

Perhaps the question one may then want to ask is how inclusive has been the process of drawing up the strategic plan by the Commission? The more inclusive the process the more likely will be the buy in from key stakeholders, including the government and civil society, which in turn will enhance the Commission's sustainability.

The sustainability of results will also be enhanced if some of the teething problems of the Commission are effectively dealt with. Currently there are no job descriptions for staff in the Secretariat and this is frustrating staff who do not know what they should be doing. According to Secretariat staff interviewed there is no clarity of roles because there are no job descriptions: *We don't know where we start and where we end.*

The problem has been compounded by delays in rolling out an induction process where the officers would know what had been done before they came and where their work fits in- this was tied to the development and finalisation of an induction toolkit and job descriptions by the Commission. Commissioner Elasto Mugwadi, the Chairman of the Commission, admits that when the Secretariat came on board there was no induction process and says the Commissioners, with support from the development partners, should have inducted the new staff.

6.0 Partnerships and collaboration

UNDP entered into several partnerships to support the Commission (EC), chief of which was the agreement with the European Commission, which provided the bulk of the financial resources for the project, \$694 440, while UNDP contributed \$600 000. UNDP also partnered with the Office of the High Commission for Human Rights (OHCHR), which provided technical support for the training of the Commissioners. Other UN agencies which provided support were the UNDP

Regional Service Centre in South Africa and UNWOMEN, which both provided technical support in the form of resource persons at a training workshop for the Commissioner held in Victoria Falls. Partnerships with the UN agencies were critical given the broad understanding of human rights issues within the UN system.

UNDP collaborated with the Danish Institute for Human Rights (DIHR), which also had a grant from the EC to build the capacity of the Commission. DIHR's major focus was to capacitate the Commission on key mandate areas and to make them more visible in the Provinces. The two partners trained the Commission on complaints handling and are compiling a complaints handling manual for the Commission DIHR focusing on staff and UNDP on Commissioners. Both institutions worked on a checklist/monitoring tool for the prison monitoring and inspection visits.

Working with the DIHR was however not without its problems as initially the two organizations found themselves treading on each other's toes and supporting similar initiatives. This was particularly the case with the development of the strategic plan where Commissioners did not provide clarity and decision on which of the partners to work with to develop the document.

The Executive Secretary of the Commission, Jester Chirewa, says when she came in there was a lot of overlap in the projects. Part of the reason for this, she says, was because the Commission did not have the institutional capacity to monitor what was going on as the Commissioners were part time and did not have a secretariat to help them with documentation and institutional memory. This led to the confusion where both the UNDP and DIHR said they had the responsibility to support the development of the strategic plan.

In the end, a decision was made that UNDP would support the development of the initial strategy covering two to three years while DIHR would develop a longer term strategy. Collaboration between the two organisations has now improved significantly as they now hold regular coordinating meetings and participate in each other's planning meetings. They also keep each other informed about what the other is doing to avoid overlaps. The establishment of the Secretariat has also improved coordination as the Secretariat is aware of what the different partners are doing and can point to areas of duplication.

UNDP worked closely with the Ministry of Justice, which is the parent ministry for the Commission. Along with UNDP and the EC, the Ministry sits on the Project Board and is the link between the Commission and the government. According to the Commission's Executive Secretary, the Commission has very good relations with the Ministry of Justice and with the Judicial Service Commission.

Other critical partnerships were formed with local human rights organizations such as the Zimbabwe Lawyers for Human Rights and ZimRights, which was brought in by the OHCHR to provide technical training to the Commissioners and the Zimbabwe Human Rights NGO Forum, which engaged the Commissioners on transitional justice mechanisms. Fostering relations with civil society is in line with the Act which stipulates that the Commission should form partnerships with civil society organisations. Meetings between CSOs and the Commission are held twice a year and the platforms are used to exchange notes on the human rights situation in the country. According to the Commission, civil society organisations are aware of the Commission's resource constraints and have come to their assistance: *Out of our staff of 45, only 18 are human rights officers, so we need to work with civil society. Civil society can investigate issues and we can verify. We had a stakeholder meeting with civil society organisations that we can work with. We are now drafting MOUs defining how we will work with them,* says the Executive Secretary.

Critical partnerships were also formed with the UPR National Steering Committee which has representation of Government Ministries, Parliament, Labour/trade unions, independent Commissions, CSOs and UN Country Team. This partnership enhanced collaboration in the production of relevant reports to the UN Human Rights Council such as the midterm report submitted in 2014. This also enhanced collaboration in commemorations of International Human Rights Days where partners contributed in cash and kind.

From the above it is clear that UNDP created and supported strategic partnerships that added value to the work of the Commission – EC for financial support; OHRC to capacity build the Commission; Ministry of Justice as the parent Ministry and as the link with the government; the Judicial Services Commission on issues of access to the justice delivery system, civil society to capacity build the Commission, to collaborate with the Commission on human rights investigations and on work on the UPR; the Danish Institute for Human Rights, for financial support and to capacity build the Commission.

7.0 Donor harmonisation and coordination

While the overlaps between UNDP and the DIHR have been resolved, they brought to the fore the need for better donor coordination and harmonization by the Commission which, according to UNDP is a skill that still needs to be developed. Tafadzwa Muvingi of UNDP says: *donor coordination must be steered by the Commission which should outline clear priorities and modalities of supporting those priorities that limit duplication and makes donor coordination easy such as through the basket fund modality, which is an area where UNDP had comparative advantage based on our track record with the Constitution Making Process and Support to ZEC.*

As development partners and donors, we must also have a conversation among ourselves to ensure that our support to the Commission is targeted.

According to the Commission, before the Secretariat was set up, different donors were coming in to support different areas and this often led to duplication and inefficiency. The challenge then was tracking what had been agreed. For instance, the confusion over who should support the strategic planning process was because of the confusion that arose as the Commission had an earlier agreement under the UNDP/EU project to support the process but later went ahead and entered into another agreement with the DIHR for the same thing. According to the Executive Secretary, the confusion was because of the lack of institutional memory among the Commissioners to track where they were and each donor was pushing their own agenda.

The Commission has now rationalised the processes and has come up with a list of its priorities: *We are now giving the donors our priorities and we are looking for funding for areas where there is no support. The current donors agreed on our priorities and proposed that we elaborate on them further in a proposal that we can put before a donor's conference.* UNDP has been trying to interest the Commission in the concept of basket funding and is willing to coordinate the basket. The advantage of a basket fund is that it reduces duplication and enhances coordination.

8.0 Monitoring and evaluation

Although the Commission is still to come up with an M&E framework, the Project put in place some M&E tools that have been effective. These include the logical framework that was produced at project inception, the quarterly project meetings with partners, which are used both to review progress and to plan for the next quarter. The Project also produced quarterly and annual progress reports, which were presented and adopted by the Project Board, Back to Office Reports, Field visit reports all of which tracked progress. The Project workplans were designed with clear targets, baselines and indicators to track and monitor progress. Mid project a separate M&E framework was introduced as a peremptory tool for progress monitoring.

But going forward and as part of the strategic planning process, there will be need to put in place a proper monitoring and evaluation framework using the baseline survey to set the indicators. DIHR has committed to providing support for M&E, which will go a long way in putting in place proper systems for monitoring the work of the Commission.

9.0 Lessons learnt

- ***Need for clarity on roles***

The duplication of some of the United Nations Development Programme (UNDP)- supported Project activities by the Danish Institute of Human Rights (DIHR) points to the importance of

a coordinated approach with the participation of institutions involved to clarify roles in supporting the Commission. This would assist in addressing potential confusion and the burden of the Commission having to deal with different project requirements and procedures. It would also enable the Commission to maximize on the comparative advantages of each of the partners. Further, harmonization of activities would address the real and potential conflict which can impact negatively on timeous implementation of activities.

- ***Engaging government institutions***

The ZHRC has been in existence since 2010 but is yet to formally meet some of the key government institutions and department who are critical to its work. One of the main reasons for the delays in engagement has been the time it has taken the Government to resource the Commission to become fully operational to open opportunities for these engagements to take place. This has resulted in inadequate information in some government departments about the work of the Commission. There was need for concerted efforts by the Commission to create formal channels of communication with various government institutions with which they will interact to ensure their buy into their activities

- ***Backing political will with financial support***

The need for the Government to back its political will in support of the Commission with the financial resources to enable the Commission to build strong internal mechanisms, recruit, build capacity and provide attractive packages to retain staff and build the confidence of the Commissioners to enable them to implement the Institution's mandate in line with recognized international standards. In addition, while technical and financial support from development partners is welcome, financial support from the fiscus builds confidence at national and international levels that the government is serious about protecting and promoting human rights and good governance.

- ***Investing in the Commission before the structures***

Given the fluid political environment prevailing in the country, investing in building capacity of the Commission at a time the Institution's operational structures and mechanisms were not yet in place was a good strategy as this assisted in raising the profile of the ZHRC and to maintain momentum of creating a solid foundation on which the Institution could build on going forward. The activities supported by this Project, including engagements with various key stakeholders in government, civil society, development partners and the public contributed towards raising the visibility of the Commission at international and national levels. At national level, these engagements contributed to differentiating the role

of the Commission from that of national human rights NGOs, which the Institution was often confused with, and placing the Commission at the centre of the human rights promotion and protection discourse in partnership with other actors nationally and internationally.

- ***Revising the logframe to reflect reality on the ground***

The delays in implementing some activities were perhaps inevitable, given the circumstances prevailing at the time. But several of the activities kept reappearing in the workplans although it must have been apparent that they could not be carried out. This was largely because they were in the original logframe for the project. This points to the need to for the project to have revised the logframe to reflect the reality on the ground and remove the activities that could not be carried out.

10.0 Conclusion and recommendations

Previous sections of the report have highlighted some of the major achievements of the project, the most prominent of which was the capacity building of the Commissioners, which translated to substantial institutional building of the Commission itself through the knowledge the Commissioners acquired and used to shape the Commission. Other achievements were in recruiting the Secretariat and ensuring that the Commission was kept alive during the long period before a legal framework was put in place. The Project also put together the nuts and bolts of the project, which include procurement of office space, office furniture and equipment as well as project vehicles.

However the several strategic activities were not completed among them the baseline study, which although commissioned in 2013 is still to be finalized, the strategic plan and the policies, systems and procedures. The evaluation noted that while in hindsight it was easy to blame the Commission and UNDP for not ensuring that these activities were carried out during the life of the project, the uncertainties which prevailed at the time about if and when the Secretariat was going to be established, conditions of service for the Commissioners that were not clarified and the slow pace at which the legal framework for the Commission was being put in place all served to put a damper on plans to implement some of the activities.

Overall the evaluation noted that despite these shortcomings, the project achieved its major objectives of building and strengthening the capacity of the Commission and also of ensuring that it was kept alive until the Secretariat came on board. The following section of the report makes recommendations going forward.

10.1 Recommendations

- ***Need for donors to provide financial support to the Commission***

One of the critical issues facing the Commission going forward and which threatens the sustainability of the results achieved is the issue of funding. Although the government has expressed commitment to funding the Commission, the prevailing economic environment where the government is borrowing for civil servants' salaries could mean less resources going to the Commission. There is need for donors to provide resources to support the operations of the Commission, including salaries, until the economic situation improves while at the same time advocating for the government to prioritise resources for the Commission. The support by donors could be in the form of a basket fund or on a bilateral basis where donors would pick from identified priorities in the strategic plan.

- ***Investing in capacity building of the Secretariat***

The capacity building of the Commissioners was very successful and they are now knowledgeable about their mandate. Going forward and to sustain the results of the project, there will be need to invest in building the capacity of the Secretariat through exchange visits and trainings on different aspects of their work.

- ***Need to finalise terms and conditions for Commissioners and the Secretariat***

Five years after the Commission was set up, terms and conditions for the Commissioners have still not been settled. This creates uncertainty among the Commissioners and constraints their ability to function. There is need for the Ministry of Justice to use its good offices to push for the anomalies to be ratified to ensure the effective operation of the Commission.

- ***Building capacity for donor coordination and harmonization***

The project faced problems of donor coordination with UNDP and DIHR running parallel programmes. While the problems have since been resolved, going forward there is a need to build the capacity of the Commission for donor coordination and harmonization which will be critical in the early days of the Commission to maximize the support the Commission will be getting, by ensuring that funding goes to the identified priorities.

- ***Ensuring buy in from the Government and the public***

There is a general consensus both within UNDP and the Commission that the sustainability of the Commission hinges on the level of buy in into the project by the government. There is need for the Commission to come up with a programme to raise awareness on its mandate. Engaging with the government should be at both policy level, with directors in government ministries and at the political level with ministers and parliamentarians. This would ensure that the government buy in is at the highest and most effective levels.

A more systematic programme to increase the visibility of the Commission should also target the general populace, in particular rural people so that they are aware of the services the Commission provides.

Appendix One: List of People interviewed

Abram Mupwi	Director Finance, ZHRC
Arina Manyanya	Deputy Director, Budgets Department
Blessings Gorejena	Zimbabwe Human Rights NGO Forum
Brighton Shayanewako	Deputy director, International Cooperation, Ministry of Finance
Caroline Valette-Landrey	Governance Attache, EU Delegation to the Republic of Zimbabwe
Clifford Mugoto	Human Rights Officer, Education Promotion and Research, Bulawayo
Commissioner Elasto Mugwadi	Chairman, ZHRC
Design Chimwaradze	Zimrights
Dr Ellen Sithole	Deputy Chairperson, ZHRC
Enia Rugare	Principal Economist, International Cooperation, Min of Finance
Fiona Iliff	Zimbabwe Lawyers for Human Rights
Hosiah Gadzai	Deputy Executive Secretary Administration, ZHRC
Irene Petras	Director, Zimbabwe Lawyers for Human Rights
Jester Helena Charewa	Executive Secretary, Zimbabwe Human Rights Commission
Karukai Ratsauka	Chief Human Rights Officer Education Promotion and Research
Mads Gottlieb	Senior Advisor, Danish Institute for Human Rights
Masimba Mudzungairi	Acting Deputy Accountant General, Ministry of Finance
Michel Manyovi	Executive Assistant, ZHRC, Bulawayo
Noria Mashumba	ZHRC Project Coordinator

Priscilla Mbanga	Chief Human Rights Officer, Monitoring and Inspection
Prof Carroll Temba Kombe	Commissioner, ZHRC
Robert Kirenga Rights	Senior Human Rights Advisor, Danish Institute of Human Rights
Royce Midzi	Human Rights Officer, Complaints Handling and Investigations, Bulawayo
Tafadzwa Muvingi	UNDP Justice and Human Rights Programme Specialist
Tapiwa Dzukutu	Economist, International Cooperation, Ministry of Finance
Temba Mahleka	Transparency International
Vengesai Eric Mukutiri	Deputy Executive Secretary Programmes, ZHRC
Vincent Makoni	Director Human Resources, ZHRC

Appendix Two: Report on the International Coordination Committee 27 (ICC27)



REPORT ON THE INTERNATIONAL COORDINATING COMMITTEE 27 (ICC27) CONFERENCE, HELD IN GENEVA, SWITZERLAND, FROM 12 – 14 MARCH, 2014 AT THE UN PLAZA.

1.0 INTRODUCTION

The ICC27 was attended by Commissioners Carroll Themba Khombe and Sheila Matindike. Both Commissioners were attending this event for the first time and found it both enriching and informative. The overarching theme of the ICC27 was **THE ROLE OF PREVENTION IN THE PROMOTION AND PROTECTION OF HUMAN RIGHTS**. The meeting recognized the UN Human Rights Council Resolution 24/16 of 8 October 2013 which welcomed the role of national human rights institutions in contributing to the prevention of human rights violations, and encouraged states to strengthen the mandate and capacity of National Human Rights Institutions (NHRIs) in this regard. The resolution also invited NHRIs to consider addressing the issue of the role of **prevention** in the framework of relevant international and regional forums.

2.0 DELIBERATIONS

The deliberations were divided into the following thematic areas:

- Second cycle of UPR and NHRIs
- Belgrade Principles on the relationship between NHRIs and Parliaments
- Women's Rights and National Action Plans on Human Rights
- ICC General meeting

In addition, there were three side events, attended by the Commissioners. These were:

1. Meeting of the Network of African National Human Rights Institutions (NANRIs)
2. Economic, Social and Cultural Rights in the context of limited economic resources, organized by the European Network of NHRIs.
3. How to monitor implementation of the United Nations Convention on the Rights of the Physically Disabled (UNCRPD) and ensure effective reporting to the UN

Committee, organized by NHRI, Northern Ireland and European Network of NHRIs.

2.1 NANRI meeting

The main issues discussed comprised:

- Adoption and confirmation of minutes of previous General Assembly meeting held in Accra, Ghana on 27th November 2013
- Presentation of the following three NANHRI publications:
 1. The role of NHRIs in conflict management, resolution and peace building: A baseline survey of the East African Situation
 2. The role of Southern African NHRIs in torture prevention
 3. Guidelines for investigating, monitoring and reporting torture
- Brainstorm on the strategies of enhancing the implementation of the three year joint NANHRI/APT Project on Torture Prevention entitled “A Continent United Against Torture”
- Brainstorm on the modalities of establishing an NHRIs Forum in the margins of the African Commission’s sessions.
- Election of the Representative of the NANHRI at the ICC Sub Committee on Accreditation.
- Discussion on the African position about the need to amend the ICC constitution as suggested by India.

2.2 ICC General Meeting

This meeting was chaired by Advocate Mabedle Lourence Mushwana, the current Chairperson of the ICC. The main business of the meeting comprised the following:

- The ratification of appointment of the Bureau members. Consensus was reached that the continent of Africa will be represented by Ghana, South Africa, Egypt and Cameroon.
- Discussion of ICC activities with a progress report presented by the chair jointly with the ICC Secretariat in Geneva.
- Presentation of the ICC Financial Report from the Finance Committee comprising Germany, Austria and Mexico. The report was presented by the chairperson of the NHRI from Mexico.
- Fixing the annual subscription fee which remained at US\$5000.00.
- Ratification of ICC programme of activities for 2014, ie the Strategic Plan and the Implementation Plan.
- Presentation of the ICC Statute Amendments.

- Presentation of the Accreditation Sub-committee report. The report was presented by the Chairperson (Accreditation Sub-committee) Dr Ali Al-Marri.
- Presentation of certificates to accredited NHRIs. Ten 'A' status NHRIs were awarded certificates during the conference and they comprised France, Georgia, Guatemala, Croatia, Haiti, Rwanda, Togo, Uganda and Venezuela.

2.3 The Accreditation Process

The accreditation process is clearly defined in the ICC Website. Members were encouraged to visit the website. The accreditation process is done in four steps that begin with the respective NHRIs lodging an application four months prior review, with the submission of the following documents:

1. Legislation
2. Statement of compliance
3. Annual Report
4. Further Documentation that could include an organogram and staffing levels.

NGO submissions may be received to confirm if NHRIs are active on the ground. The NGO report once reviewed is sent to the NHRI concerned to respond as part of the accreditation process. The ICC levels of accreditation are A, B and C. Currently, there are 70 NHRIs on 'A' status, 25 on 'B' status and 10 on 'C' status. Only 'A' status NHRIs have voting rights. However, a five-year periodic review of 'A' status is conducted by the sub-committee which meets in March and October/November of each year. Last year, twenty-four NHRIs were reviewed. The Office of the High Commissioner for Human Rights provides the Secretariat for ICC as well as for the Accreditation Committee. NHRIs are partners at continental level and this partnership provides the following:

- Country engagement
- Monitoring and advice on compliance with Paris Principles
- Strengthening partnerships with other UN bodies in relation to technical assistance, among other issues.

The UNDP presentation illustrated that human rights and development are intertwined. It further indicated that poverty and conflict flourish where human rights are not respected, therefore, NHRIs are the necessary bridge to address the situation. Hence the ethos of the MDGs is a *movement from economic development to human development*.

2.4 Basis Of ICC Accreditation/ Reviews

Paris Principles

The Paris Principles are the foundation of the accreditation process. The accreditation reviews are based on both actual performance and legislation. The following benchmarks are used for assessing NHRIs:

- Broad mandate to protect and promote human rights.
- Constitutional/Legislative text.
- Independence from the national government.
- Pluralistic structure
- Adequate and secure funding.

2.5 Government Role in Relation to NHRIs

- Selection and appointment.
- Ensuring pluralism
- Ensuring a broad mandate.

Role of NHRIS

- Interaction with International and Regional Human Rights Systems regardless of status.
- Meeting International bodies visiting the country, including fact finding missions.
- Sharing reports.
- Learning from experience of other NHRIs.
- Going on international exchanges since many human rights issues have resonance at national, regional and international levels.
- Attendance of key UN meetings.
- Training of staff.
- Co-operation with treaty bodies, eg on Enforced Disappearances.
- Participation in CEDAW Committee work. If the country is up for review, a NHRIs may be invited to Geneva for contribution to the process.

Role Of UPR Reviews

- Follow up on recommendations.
- Monitor and assess progress.

2.6 Learning from other NHRIs

Malaysia

The NHRI was formed in 1999. It lodged its application for accreditation in 2002 and were granted 'A' status. In 2008, they were down-graded for; 1. non-transparency in the selection process, 2. gender representation, 3. a short term (for commissioners) of only two years and, 4. for non-engagement with the ICC.

Malaysia has taken the following remedial actions:

- The enabling Act was amended twice in four months.
- The term of office was reviewed to three years.
- Gender representation was expanded.

However a broader mandate is still required.

Norway

The NHRI was down-graded to 'B' status. They were down-graded for; 1. non-pluralistic composition as it was comprised of academics only and 2. operating from the University, 3. had earmarked funding (i.e. their own), and 4. It had a research focus which was inadequate.

However, they were independent and had links with Parliament.

Palestine

The NHRI has a selection committee comprising academics, human rights organizations from civil society and the judiciary.

Kosovo

The NHRI was refused accreditation because the state is not recognized by the UN.

2.7 Women's Rights and Action Plans On Human Rights

THE presentations brought out the following important issues:

- That action plans need to ensure gender equality and promotion of women's rights.
- They are a roadmap to the promotion and protection of human rights.
- They provide the opportunity to identify excluded, marginalized groups especially women and girls.
- The process of developing the plan creates awareness, promotes dialogue and ownership if there is broader consultation including the highest political offices.

- It also creates awareness on negative cultural practices like Female Genital Mutilation(FGM) and Violence Against Women(VAW).
- The plans need to be based on baseline surveys .
- Prioritization of issues must be done to avoid setting too many goals. Generally, addressing women's rights issues, leads to spill over effects on the enjoyment of rights by all groups.
- Setting of time-frames, budgeting by duty bearers as well as involving the Ministry of Finance in planning is crucial in the allocation of budgets.
- The preparation of action plans must be a tripartite process between Government, NGOs and NHRIs.
- There must be a link between NHRIs Action Plan with the national development plan.
- The plan also assists in monitoring civil society involvement.
- Dissemination of the plan to all especially those working in women's rights issues is important.

2.8 ICC Working Groups

A strategic plan of the ICC Working Group on business was presented and will be implemented for a two-year period from November 2013 to October 2015.

2.9 European Union (EU) Funding

An announcement was made by a representative of the Danish Human Rights Institute(DHRI) on the proposal by the EU to channel funds to the ICC to the tune of \$5million through the DHRI.

2.10 Proposal for Change of Name

The Chairperson put a proposal for a name change of ICC as there was increasing confusion between the International Criminal Court , International Cricket Committee and the International Coordinating Committee of NHRIs.

It was agreed that a sub-committee will be established to facilitate the process of consultation of members and report back to the ICC Bureau.

3.0 SIGNING A BOOK OF CONDOLENCES

The delegates were requested to sign a book of condolences in honour of a former ICC Chairperson and Chairperson of the Canadian HRI, Dr. Jennifer Leaf, who had passed

away. Moment of silence in remembrance for her life was observed. She was described as a champion of women's rights.

4.0 CONFERENCE ANNOUNCEMENT

The Chairperson announced the upcoming triennial conference to be held in Mexico in 2015, whose details will be availed in due course.

5.0 IMPORTANT ISSUES FOR THE ZHRC

- 1.** Settlement of the overdue payments of annual subscriptions at NANHRI. Our continued failure to settle this debt and update the payment of the annual subscription will tarnish our integrity and compromise our application for grading.
- 2.** The UPR Process is one of the key responsibilities of NHRIs. The ZHRC needs to actively engage in the process and be able to produce a parallel report.
- 3.** The process of accreditation of NHRIs is informed by the Paris Principles. The ZHRC needs to ensure that it complies with the requirements defined in the Paris Principles. Key among these is ensuring the independence of the Commission; selection of commissioners and period of tenure; visits to prisons and places of detention; production of an Annual Report; and involvement in the UPR process.
- 4.** We met with Dr. Shireen Said, who is a Policy Advisor on Human Rights in the Bureau for Development Policy in the UNDP Office in Washington. We (Dr Sithole and myself) had previously met her during the NANHRI General Assembly in Ghana. She was interested in facilitating UNDP support for the ZHRC. We invited her to source funding to support the exposure of our newly recruited secretariat to best practices. She committed herself to mobilizing the necessary support from UNDP.

Appendix Three: Evaluation Terms of Reference

TERMINAL PROJECT EVALUATION

PROJECT TITLE: SUPPORT FOR THE STRENGTHENING OF THE PROMOTION AND PROTECTION OF HUMAN RIGHTS AND RULE OF LAW THROUGH ENHANCED CAPACITY OF INSTITUTIONS

PROJECT AWARD : 00067544

PROJECT ID : 00083257

1. BACKGROUND AND CONTEXT

In 2010⁸, UNDP with support from the European Union (EU) implemented a project on Support for the Strengthening of the Promotion and Protection of Human Rights and Rule of Law through enhanced Capacity of Institutions” to build the capacity of the Zimbabwe Human Rights Commission (ZHRC) to implement its constitutional mandate. The ZHRC is established by Chapter 12, Section 242 of the Constitution. This establishment is supported by the Zimbabwe Human Rights Commission Act Chapter 10.30 which further outlines the operational powers and scope of the ZHRC’s mandate.

This support to the ZHRC was extended from 2011-2014, with the objective of building the capacity of the ZHRC as a new institution for Zimbabwe with no precedent to borrow from in exercising its constitutional mandate. The Internal capacities for the ZHRC were inadequate at the time of its inception with Commissioners having been sworn into office by the President on 31 March 2010 yet its Secretariat was not appointed until 2014.

Between March 2010- and December 2014, the UNDP has through this project provided financial and technical and advisory support to the ZHRC to prepare the Commissioners and Secretariat to assume a central role in the promotion and protection of human rights in Zimbabwe in accordance with recognised international standards and best practices.

The programme design is informed by the Zimbabwe United nations Development Assistance

⁸ UNDP support to the ZHRC commenced in 2010. The EU came on board with contribution for the same project in 2011 and application of their funds commenced in January 2012. This evaluation is the first in this project cycle.

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 Zimbabwe Human Rights Commission as the implementing partners.

As a component of this support and contribution to ongoing monitoring and evaluation of the project, the GoZ, UNDP, EU and partners agreed to conduct a terminal evaluation of the project. The purpose of the evaluation is to provide opportunity to assess the effectiveness, efficiency and sustainability of current programming, the lessons and challenges. These will be utilised as basis for informing and follow-on support to the ZHRC. Further, the evaluation will be an important accountability function, providing the UNDP, EU, the GoZ, the ZHRC, and partners with an impartial assessment of the results of this support in enhancing 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 Zimbabwe Human Rights Commission to capture 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 future projects in support of human rights and access to justice. The evaluation serves an important accountability function, providing national stakeholders and partners in Zimbabwe with an impartial assessment of the results of this project.

3. EVALUATION SCOPE AND OBJECTIVES

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.

This is a summative evaluation. This project evaluation will be conducted from March 2015 through to April 2015. The overall objective is to assess whether the project has succeeded in contributing towards substantive capacity building of the ZHRC to become the leading institution in the promotion and protection of human rights. It will also assess its contribution to overall good governance, gender equity while at the same time, highlighting the key lessons learned to provide informed guidance to future support to the ZHRC.

Specifically, the terminal evaluation will:

- Assess the relevance and strategic positioning of UNDP/EU support to Zimbabwe in general and specifically to supporting capacity strengthening of the ZHRC to 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/EU in providing support to the ZHRC including partnership strategies, engagements, and whether they were well conceived for achieving planned objectives;
- Whether the capacity of the Zimbabwe Human Rights Commission was enhanced to deliver on its mandate;
- Whether UNDP and EU'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;
- Review 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/EU to the ZHRC.

Partnerships Analysis

- Examine the partnership among UN Agencies, EU and other donor organizations in the relevant field: What partnerships have been formed? What has the role of UNDP been? What has the level of stakeholders' participation been?
- Determine whether or not there is consensus among project actors, partners and stakeholders on the partnership strategy;
- Determine whether project's partnership strategy has been appropriate and effective; ZHRC's capacity with regard to management of partnerships; ZHRC's ability to bring together various partners across sectoral lines to address human rights concerns in a holistic manner;
- Analyse how partnerships have been formed and how they performed;
- Examine how the partnership affected the achievement of progress towards the intended Outcome.

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

- Was the design of the project adequate to properly address the issues envisaged in the formulation of the programme?
- To what extent has ZHRC'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?
- Are the activities and outputs of the programme consistent with the intended outcomes and effects?
- To what extent has UNDP/EU's capacity building support to the ZHRC 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

- Has the project made sufficient progress towards its planned objectives/has the project achieved its planned objectives within its specified time period?
- Have the quantity and quality of the outputs produced so far been satisfactory? Do the benefits accrue equally to men and women?
- Are the project partners using the outputs? Have the outputs been transformed by project

partners into outcomes?

- How do the outputs and outcomes contribute to the UNDP's mainstreamed strategies?
 - How do they contribute to gender equality?
 - How do they contribute to the strengthening of the social partners and social dialogue?
 - How do they contribute to strengthening the influence human rights standards?
 - How do they contribute towards the effective promotion and protection of human right, overall good governance, equitable, and sustainable development in Zimbabwe?
- How have stakeholders been involved in project implementation? How effective has the project been in establishing national ownership? Is project management and implementation participatory and is this participation contributing towards achievement of the project objectives? Has the project been appropriately responsive to the needs of the national constituents and changing partner priorities?
- Has the project been appropriately responsive to political, legal, economic, institutional, etc., changes in the country?
- Has the project approach produced demonstrated successes?
- In which areas does the project have the greatest achievements? Why this and what is have been the supporting factors? How can the project build on or expand these achievements?
- In which areas does the project have the least achievements? What have been the constraining factors and why? How can they be overcome?
- What, if any, alternative strategies would have been more effective in achieving the project's objectives?
- Has the project made strategic use of coordination and collaboration with other national institutions and with other donors in the country/region to increase its effectiveness and impact?
- To what extent is UNDP's engagement in capacity strengthening of the ZHRC to promote and protect human rights, and overall good governance support 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?

Has UNDP worked effectively with the EU and other UN Agencies and other international and national delivery partners to contribute towards capacity enhancement of the ZHRC to promote and protect human rights and good governance?

Taking into account the technical capacity and institutional arrangements of the UNDP country office, is UNDP well suited to providing capacity building support to the ZHRC and to contribute towards the effective promotion and protection of human right, overall good governance, equitable, and sustainable development in Zimbabwe?

Efficiency

Has ZHRC's project implementation strategy and execution been efficient and cost effective?

- 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 ZHRC has in place helping to ensure effective and efficient project management?

Sustainability

- Will the outputs delivered so far through the ZHRC 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?
- What could be done to strengthen exit strategies and sustainability
- What changes if any should be made in the current partnership (s) in order to promote long term sustainability?

Partnership strategy

- Has ZHRC's partnership strategy in the justice and human rights sectors been appropriate and effective
- ZHRC's capacity with regard to management of partnerships; ZHRC's ability to bring together various partners across sectoral lines to address human rights concerns in a holistic manner;
- Are there current or potential overlaps with existing partners' programmes'?
- How have partnerships affected the progress towards achieving the outputs

Based on the above analysis, the evaluators are 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 to ensure that the intervention fully achieves planned

outputs.

5. METHODOLOGY

The terminal 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, etc. in order to utilize existing information, examine local sources of knowledge and to enhance awareness about and mainstreaming results-based management. The evaluation exercise will be wide-ranging, consultative, and participatory, entailing a combination of comprehensive desk reviews, analysis and interviews. While interviews are a key instrument, all analysis must be based on observed facts to ensure that the evaluation is sound and objective. An overall guidance on evaluation methodology can be found in the UNDP Handbook on Monitoring and Evaluating for Results and the UNDP Guidelines for Outcome Evaluators. The evaluators are expected to come up with a suitable methodology for this evaluation based on the guidance given in the above mentioned document.

During the project evaluation, the evaluators are expected to apply the following approaches for data collection and analysis:

- Desk review of relevant documents (list and documents provided see attached)
- Discussions with UNDP Zimbabwe senior management, ZHRC, JLOS etc
- Site visits
- Consultation meetings and interviews:
 - Interviews with relevant project staff
 - Interviews with ZHRC Commissioners and staff, and UNDP Project Management team;
 - Interviews with partner institutions, funding partners and other stakeholders such as civil society.
- Survey questionnaires where appropriate.

6. EVALUATION PRODUCTS (DELIVERABLES)

The following reports and deliverables are required for the evaluation:

1. Inception report
2. Draft Project Terminal Evaluation Report
3. Presentation of Draft Project Terminal Evaluation Report at the validation workshop/meeting with key stakeholders, (partners and beneficiaries)
4. Final Project Terminal 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 inception report will be discussed and agreed with the ZHRC 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 ZHRC and UNDP country office will organise. Key partners and stakeholders ie the EU and MOJLPA, 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.

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

The terminal evaluation will be undertaken by one local evaluator, hired as consultant.

Required Qualifications

1. Minimum Master's degree in Law, International Human Rights, International Relations, , political science, public administration, regional development/planning, or other social science;
2. Minimum 10-15 years of professional experience in public sector development, including in the areas of democratic governance, international human rights law or international

relations, regional development, gender equality and social services.

3. At least 5 years of experience in conducting evaluations of national human rights institutions or government and international aid organisations;
4. Direct experience with civil service capacity building is an added advantage;
5. Strong working knowledge of the UN and its mandate in Zimbabwe, and more specifically the work of UNDP in support of Human Rights Institutions;
5. Sound knowledge of results-based management systems, and monitoring and evaluation methodologies; including experience in applying SMART (S Specific; M Measurable; A Achievable; R Relevant; T Time-bound) indicators;
6. Excellent reporting and communication skills

8. EVALUATION ETHICS

This terminal evaluation will be conducted in accordance with the principles outlined in the UNEG 'Ethical Guidelines for Evaluation'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 in consultation with the ZHRC. UNDP and ZHRC will jointly 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 ZHRC and EU.

The designated ZHRC focal point will assist the consultant in arranging introductory meetings with the relevant parties in UNDP, the ZHRC, EU, 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 ZHRC will provide some logistical support during the evaluation, for instance

assisting in setting interviews with ZHRC Commissioners and staff 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.

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 from February to April, 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

Interested consultants should provide their requested fee rates when they submit their

expressions of interest,

in USD. Fee payments will be made upon acceptance and approval by the UNDP and ZHRC of planned deliverables, based on the following payment schedule:

Inception report	10%
Draft Evaluation Report	70%
Final Evaluation Report	20%

12. TOR ANNEXES

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

7. ZUNDAF
8. CPAP
9. Project Document
10. Constitution of Zimbabwe
11. Zimbabwe Human Rights Commission Act
12. Work plans
13. Progress Reports
14. ZHRC Annual Reports
15. ZHRC Monitoring Reports
16. Partnership Agreements
17. Donor Reports
18. ROAR
19. Financial Narratives
20. UNDP Governance Outcome Reports for ZUNDAF 2012-2015
21. PME Handbook
22. CPD
23. 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.

Please list some of the major stakeholders

1.2 EVALUATION MATRIX

EVALUATION MATRIX

Relevant evaluation criteria	Key Questions	Specific Sub- Questions	Data Sources	Data collection Methods/Tools	Indicators/ Success Standard	Methods for Data Analysis
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