



Government of Malawi



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**END OF TERM EVALUATION  
MALAWI HUMAN RIGHTS SUPPORT PROJECT**

**FINAL REPORT**



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## Acronyms

OECD/DAC	Organisation for Economic Cooperation and Development/Development Assistance Committee
UNDAF	United Nations Development Assistance Framework
MGDS	Malawi Growth and Development Strategy
UPR	Universal Periodic Review
CBOs	Community Based Organisations
NGOs	Non-governmental Organisations
CSOs	Civil Society Organisations
HDI	Human Development Index
GDP	Gross Domestic Product
DAO	Developing As One
NIM	National Implementation Modalities
MHRC	Malawi Human Rights Commission
NSAs	Non-state Actors
MoJCA	Ministry of Justice and Constitutional Affairs
NICE	National Initiative for Civic Education
MIE	Malawi Institute of Education
UNAIDS	Joint United Nations Programme on <u>HIV/AIDS</u>
LGBTI	Lesbian Gay Bisexual Transgender and Intersex
UNFPA	United Nations Population Fund

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## Executive summary

Building on the past human rights promotion and protection initiatives such as Democratic Consolidation Program (DCP); Democratic Governance Project (DGP) and Tilitonse Fund among others, the Malawi Human Rights Support project (MHRSP) aimed at strengthening national institutions to foster democratic governance and human rights in order to promote transparency, accountability, participation and access to justice for all especially women and children by 2016. Thus, project focus has been on supporting national efforts to strengthen mechanisms and institutions to promote norms and good practices and foster stronger democratic accountability in keeping with the objectives of the MGDS II. Initially, the project support was provided by UNDP until 2015 when Royal Norwegian Embassy joined. The project was intended to achieve the following outputs;

- i. A gender-responsive national human rights action plan developed in a participatory manner and implemented;
- ii. Strengthened leadership and technical capacities of the Malawi Human Rights Commission and the Ombudsman to deliver on their human rights mandates effectively;
- iii. Enhanced engagement in the state party reporting and UPR in a participatory and consultative manner;
- iv. Strengthened partnership between the Malawi Human Rights Commission and Non-State Actors on Human Rights through the establishment and institutionalization of an Interface platform mechanism;
- v. Effective and efficient management, partnership formation and monitoring and evaluation of the Project.
- vi. Increased levels of awareness, knowledge and skills among service providers about the disability and elderly rights.

Project implementation commenced in 2012 and is slated to end in December 2016. Thus this end of project evaluation was commissioned to assess and document the extent to which the project has achieved its objectives with particular focus on the project relevance, management and coordination, efficiency, effectiveness and sustainability.

The evaluation adopted a mixed methods approach with the OECD/DAC evaluation criteria forming the overall analytical framework. The evaluation participants included; the key implementing partners, development partners, human rights institutions, civil society organisations as well as direct project beneficiaries at community level who participated in Focus Group Discussions.

The evaluation established continuous commitment of the Government of Malawi in mainstreaming human rights in development planning; a factor that has opened space for the participation of development partners, civil society organisations, human rights bodies and the public to actively engage in the promotion and protection of human rights. However, despite the established human rights architecture, the country's performance on democratic governance indicators is still poor.

The design and implementation of the project has been internally and externally consistent which has ensured enhanced project relevance and facilitated the building of partnerships and synergies with other human rights interventions in the country. The evaluation established that the project was well alignment with UNDAF 2012 – 2016 and Democratic Governance SWAp which provide a strong basis for project sustainability. The baseline studies conducted prior to the design and implementation of the project were key in ensuring project relevance.

The implementation of the project has notably been efficient on the account of the effective partnerships that have been built across the implementation continuum. Through partnerships, implementing partners were able to share resources and facilities which enhanced project coverage with minimal effect on the resource deployment. For example, although the project had set to establish community outreach structures in only 7 districts, through partnership between OoO and NICE in which the former used the community structures of the later to implement its activities, 28 districts were covered.

However, the evaluation noted that there were escalated delays in fund disbursements which affected timely implementation of activities. This largely explains the partial achievement of the project output targets. The delayed disbursement of funds notwithstanding, implementing partners revealed that the available resources were not adequate and this affected the level of outputs that have been achieved. Particularly, human resource deficiencies in the main human rights bodies grossly affected the rate of case completion.

Despite some delayed activity implementation, the evaluation established that by the time of this evaluation study more than 80% of the planned activities have been implemented and the achievement of outputs was more than average. However, while the planned outputs have largely been delivered, the utilization of the provided outputs to yield the intended outcomes and impact was notably low. This is largely because of the delayed output delivery as at the time of the evaluation, some of the developed policies and action plans had not yet been implemented pending approval of the cabinet.

Through the project, UNDP has made significant contribution to human right promotion and protection agenda in Malawi which is largely filtering in through the capacity strengthening support it has provided. UNDP has been at the forefront in strengthening the institutional capacity of the human rights bodies and this has had both intrinsic and extrinsic impact on the human rights protection and promotion achievements in the country.

Specifically, the project has helped in the establishment of a well- coordinated human rights architecture, strengthened institutional capacity of human rights bodies including the Ministry of Justice and Constitutional Affairs which has in turn enabled them to effectively deliver on their mandate. Although the tangible results are still scanty, the project support has helped to establish a conducive environment in which the operational effectiveness of the human rights bodies would hinge.

On the basis of the evaluation findings, there is need for designing a successor project that will focus on cascading the gains of this project downstream. Without this success project, the gains of the current project may be lost since they are mainly featuring at upstream policy level. The successor project should scale up the best practices and well utilize the lessons learn from the ending project.

## 1.0 INTRODUCTION

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This report presents the findings of an end of project “Human Rights Support Project” that was conducted between July and August 2016. This independent evaluation was conducted by *Cliff Bernard Nuwakora of CASE International Consultants Ltd* ([cliff.nuwakora@gmail.com](mailto:cliff.nuwakora@gmail.com)). Contrived in four sections, the report highlights the project background, rationale, objectives and evaluation methodology in the introductory section. Section two presents the evaluation findings in the light OECD/DAC evaluation criteria highlighting, project design and relevance and programmatic achievements. Section presents the emerging issues, conclusions, best practices and lessons learnt which form the basis of the recommendations also presented in the same section.

### 1.1 Project Background

The Malawi Human Support Project is being implemented within the context of operationalizing the Democratic Governance sector strategy. It corresponds with UNDAF outcome 4.1 “**National institutions effectively support transparency, accountability, participatory democracy and human rights**”. The project builds on a number of past interventions in human rights promotion and protection sector with particular respect to the constitution of Malawi (1995). In accordance with the 1995 Constitution, the state is specifically identified as duty-bearer with an obligation to ensure that every person enjoys civil, political, social and economic rights. By this obligation, welfare and development of the citizens of Malawi is considered a constitutional entitlement rather than a product of charity.

In the light of the constitutional provisions, a number of human rights interventions have been designed and implemented in Malawi. These include inter alia; Democracy Consolidation Programme (DCP), Democratic Governance Project (DGP) and Tilitonse Fund among others. It is apparent that Human Rights promotion and protection in Malawi had prior to the MHRS project received considerable support intended to; 1) create critical mass at all levels of society that demands good governance and fulfilment of human rights, 2) contribute to reduction of poverty through improved democratic governance including access to quality justices, greater participation of all Malawians in democratic decision-making as well as increased democratic accountability; 3) institutional capacity strengthening and enhanced citizen participation in democratic governance.

The many human rights promotion and protection notwithstanding, challenges in institutionalizing the democratic principles such as rule of law, human rights, accountability and public engagement were prevalent. In effect, there was poor alignment between the policy and legal frameworks on one hand and international as well as national human rights instruments on the other. This undermined the implementation as well as adherence to the set human rights standards.

Whilst a number of development partners were committed to supporting the democratization process in Malawi, the support was ad hoc with weak synergies among the stakeholders at various levels. As such, there was poor coordination among institutions that seemingly had similar obligations in promoting and protecting human rights in the country which inevitably propelled duplication of efforts and resources.

It was against the above background and the findings of the baseline survey on democratic accountability in Malawi that the Human Rights Support Project (MHRSP) was conceived. The design of the project was well informed by findings of research as well as the lessons learnt from the human rights interventions undertaken by UNDP and other UN agencies. As such, the project represents a concrete response by the UN System to Malawi to embed democratic governance through respect for the principles and practices of Human Rights as entrenched in the Constitution of Malawi and in international and regional Rights instruments.

Subsequently, the project’s outcome was to ensure that “**National institutions foster democratic governance and human rights to promote transparency, accountability, participation and access to justice for all especially women and children by 2016**”. Thus, project focus has been on supporting national efforts to strengthen mechanisms and institutions to promote norms and good practices and foster stronger democratic accountability in keeping with the objectives of the MGDS II. It is an integral cross-cutting aspect in the promotion of gender equality, and strengthening of the capacity of key State and Non-State Actors (government departments, CSOs, NGOs and CBOs) in Human Rights and are enhancing their engagement with the state party reporting and Universal Periodic Review (UPR) process.

The theory of change that guided the design and implementation of the project holds that the above project outcome is achievable through the delivery of the following project outputs;

- i. A gender-responsive national human rights action plan developed in a participatory manner and implemented;
- ii. Strengthened leadership and technical capacities of the Malawi Human Rights Commission and the Ombudsman to deliver on their human rights mandates effectively;
- iii. Enhanced engagement in the state party reporting and UPR in a participatory and consultative manner;
- iv. Strengthened partnership between the Malawi Human Rights Commission and Non-State Actors on Human Rights through the establishment and institutionalization of an Interface platform mechanism;
- v. Effective and efficient management, partnership formation and monitoring and evaluation of the Project.
- vi. Increased levels of awareness, knowledge and skills among service providers about the disability and elderly rights.

The Human Rights Support project has been implemented since 2012 and is set to end in December 2016; hence the need for end term evaluation whose rationale and objectives are hereunder presented.

### **1.2 Rationale of the end term evaluation**

As given in the terms of reference and the consultant's interpretation of the same, the rationale for this evaluation is triple fold as;

- i. Determine the extent to which the outcome and outputs of the project have been achieved;
- ii. Assess UNDP's contribution to outcome;
- iii. Document the achievements, best practices and lessons learnt during the course of implementation to inform future decisions in design, implementation and management of similar projects.

### **1.3 Specific evaluation objectives**

- i. Assess whether, and to what extent, the project's outcome and outputs have been achieved;
- ii. Determine the impact, both positive and negative, as well as intended and non-intended from contribution of the project to the achievement of the outcome;
- iii. Examine and analyze factors which have positively and negatively impacted on achievement of programme outputs and outcome;
- iv. Assess the effectiveness and appropriateness of institutional arrangements and partnership strategies;
- v. Assess the work with Malawi Institute of Education as civic education alongside broader Civic education contribution of the project;
- vi. Assess the extent to which UNDP's outputs and assistance contributed to the outcome of the project;
- vii. Examine the extent to which gender equality and women empowerment and human rights targets as cross-cutting issues were integrated and achieved;
- viii. Document lessons learnt and best practices during the course of implementation to inform future decisions in project design, implementation and management of similar interventions.

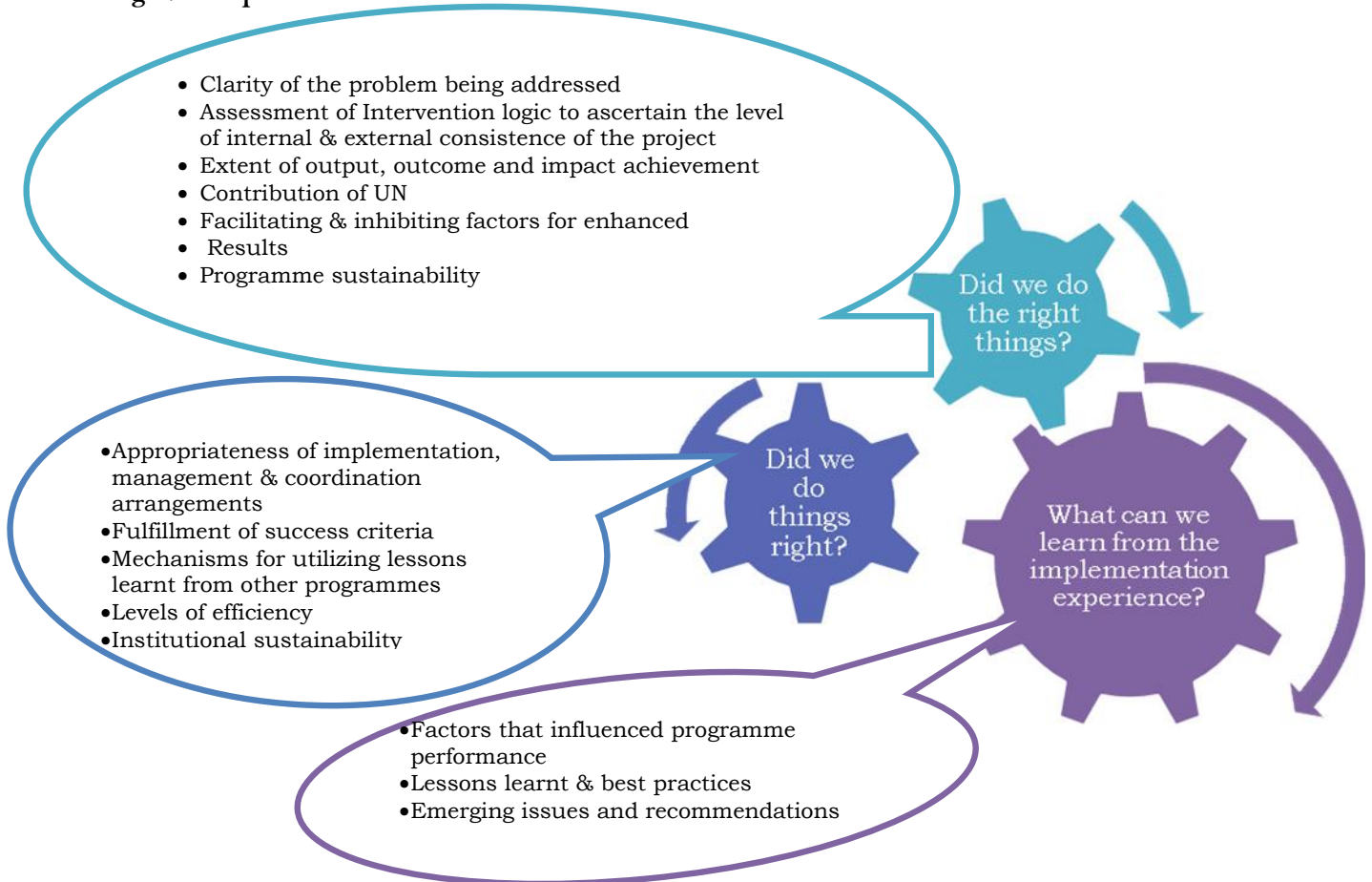


## 1.4 Evaluation methodology

### 1.4.1 Evaluation approach and design

The evaluation adopted a mixed methods design with a strong leaning on qualitative and quantitative approaches based on primary and secondary data sources. While qualitative data shall be mainly generated from primary data sources, quantitative data shall primarily be extracted from secondary sources. The overall evaluation approach is anchored on what the consultant has termed as the “triple result focus” that is built on the universal evaluation questions namely; 1) Did we do the right things, 2) Did we do things right? 3) What can we learn from the experience?. A focus on results shall form a key dimension in answering these questions as illustrated in figure 1.1 below.

**Fig 1.1: Triple Results Focus Model**



Source: Constructed by the evaluator

### 1.4.2 Data collection

#### a) Primary data

Primary data was collected from all stakeholder categories using tailor-made tools in the annexes. The key stakeholders being targeted include; UNDP staff, MHRC staff, Ministry of Justice staff, CSOs, NGOs and CBOs that have participated in the implementation of the project. The evaluator shall make every effort to cover more than 30% of the stakeholders in each category. The evaluation participants shall be purposively selected basing on their roles in the project implementation.

Key informant interviews shall be held with UNDP, MHRC, OoO and Ministry of Justice staff while the NGO, CSO and CBO staff shall fill in a self-assessment tool (Annex 4). The key informant interviews shall make use of interview guides that have been tailored to each respondent category (Annex 1 & 2). Telephone interviews will be used to obtain clarifications on unclear responses in the self-assessment tools. Where possible group discussions at organizational level shall be organized to facilitate in-depth and joint discussion of the evaluation variables.

**b) Secondary data**

Secondary data was the major source of quantitative data and key documents to be reviewed include inter alia; programme document, work plans, progress reports and other sector policies and reports particularly; NAP document, Governance SWAp survey reports, MDGS II as well as the strategic plans of the implementing partners.

The desk review process shall follow a three-step process; 1) identification of the required data, 2) identification and obtaining relevant documents, and 3) extracting summarized data for sub sequent analysis. The process shall be guided by a data extraction form that will be themed in accordance with the evaluation objectives seen in the introductory section.

**1.4.3 Analysis plan**

The analysis shall be guided by the systems analytical model with a purpose of capturing and articulating the significant relationships between the project input, process, output, outcome, impact and sustainability variables. Therefore, a thematic and content analysis procedures shall be followed with the evaluation matrix in section one as the guiding framework.

**1.4.4 Study limitation**

The evaluation design and procedure that was adopted to some extent pose some limitations on its findings. In the first place the quantitative data presented was extracted from secondary literature which the evaluator had little control in terms of validity.

Secondly, the implementation period could not allow the assessment of impact although this is a key component of the OECD/DAC evaluation criteria that provided the overall analytical framework of the evaluation. However, on the basis of the outputs and outcomes registered so far, projection of impact can be possible.

Lack of updated data constrained the assessment of level of achievement on some indicators for example the level of public awareness about human rights. While the project projection was to increase the level of awareness from 50% to 80%, the evaluation was not able to assess this because of lack of current national survey data on this indicator.

Further still the ToRs seemed to be generic and not focused since they were exactly the same as those of DCP and other projects due for evaluation. Lastly, the time framework allocated for such studies was not sufficient coupled with lack of counterpart national expert.

## **2.0 SITUATIONAL ANALYSIS**

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Malawi is among the world's poorest countries. According to the 2015 Human development Report, Malawi is ranked 17 out of 188 countries on the Human Development Index (HDI). The majority of Malawians still live in poverty and face many challenges in accessing social and economic services; coupled with high population growth and climatic change effects have all put stress on the Malawian government and population.

### **2.1 Socio-Economic status**

Malawi is a landlocked densely populated country reporting a total population of 16.4 million people in 2013. Gross national Income (GNI) per capita stood at \$320 in 2012 and \$270 in 2013. The Malawian economy remains largely agro-based. In 2012, the agricultural sector including forestry and fisheries accounted for about 28.7% of GDP; and 82.5% of foreign exchange earnings. According to the Malawi Labour Force survey (2013), skilled agricultural, forestry and fisheries workers account for the highest share of labour force standing at 49.9% (39% for males and 50.9% for females). Agriculture is characterised by a dual structure consisting of largely mechanised commercial estates that grow cash crops, and a large small holder that is mainly engaged in mixed subsistence farming and relying heavily on a single rainfall season. Maize the staple crop accounts for 80% of cultivated land in smallholder sub sector. The main agricultural export crop is tobacco, followed by tea, sugar and coffee. The manufacturing sector is small at 11.0% of GDP and declining manufacturing comprises mainly agro-processing activities including tobacco, tea and sugar. The services sector including wholesale and retail, transport and storage, accommodation and food service activities, information and communication; and financial and insurance activities represent 27.7% of real economic activities at 2009 constant prices<sup>1</sup>.

### **2.2 Democratic Governance status<sup>2</sup>**

Since the enactment of the 1994 constitution, Malawi has made significant strides in institutionalizing democratic governance and the rule of law. This has mostly been evidenced by; formulation of policies, enactment of laws and establishment of key democratic institutions such as Human Rights Commission, the Anti-Corruption Bureau, the law commission, Malawi Electoral Commission as well as the Ombudsman's office among others. The spirited commitment of the government in protecting and respecting human rights as seen in various national and international documents to which Malawi is a signatory; notwithstanding, abuse of human rights prior to the implementation of the Human Rights Support Project was undesirably high.

The constrained governance and democratic space as well as the deteriorating economic conditions as a result of forex and fuel shortages threatened the realization of the political, civil and social rights. In effect, human rights defenders came under attack for criticizing the weak governance and deteriorating human rights record. Thus, institutionalizing democratic governance principles such as rule of law, accountability, human rights and public engagements remained key challenges in the democratization process.

Although Malawi attained its multi-party system of democracy in 1993 and adopted its constitution in 1995 with an enshrined bill of rights, the promotion and protection of these rights especially economic and social rights remains a challenge. Despite conducting five general elections in 1994, 1999, 2004, 2009 and 2014, a democratic culture has not been fully embraced. Malawi democracy is still young. Political intolerance and respect for divergent views as well as lack of intraparty democracy, ethnic and religious tensions, still remain problematic.

Access to justice, social and economic services at both the national, district and community levels, is also not at its best in Malawi; especially for marginalised groups such as women, rural populations, orphans and vulnerable children, and the poorest members of the society. This is so despite an enabling policy environment and the existence of systems of democratic accountability and good governance in place. Much as there has been spirited fight against corruption as evidenced by several legislations and even institutions like the Anti-corruption Bureau (ACB); corruption is still among the key challenges rocking service delivery and development in Malawi. The 2015 corruption perception index report<sup>3</sup> indicates a 31% corruption perception score putting the country in the 112 position out of 168 countries and territories where corruption incidence data was collected.

The Constitutionally mandated bodies such as Malawi Human Rights Commission, the Office of the Ombudsman, the Electoral Commission, Anti-Corruption Bureau to promote good governance have limited requisite capacity and outreach structures and as such they are inaccessible to provide citizens the requisite means to hold

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<sup>1</sup> Malawi National Human Development Report 2015: Inclusive Growth in Malawi

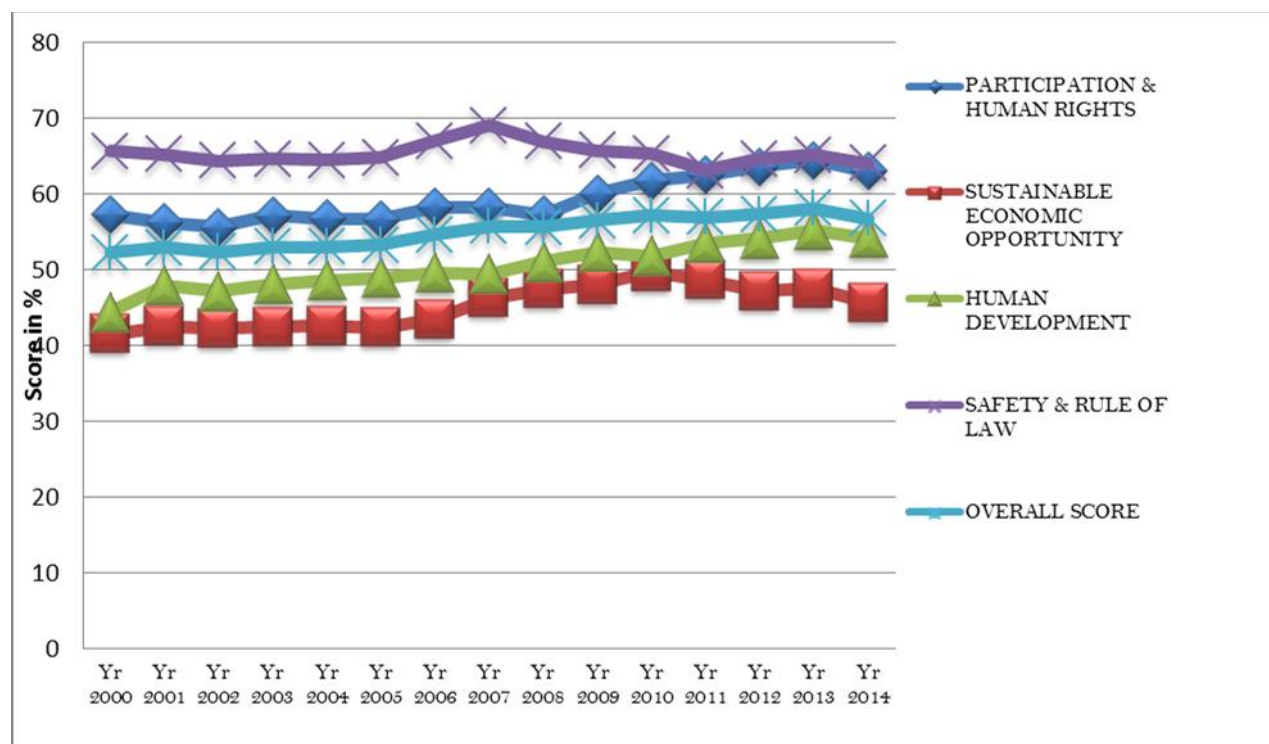
<sup>2</sup> NICE: Strategic Plan 2015 - 2019

<sup>3</sup> Transparency International (2015) Corruption Perception Index report.

government accountable for its obligations under the Constitution. Besides, there is also inadequate knowledge and understanding of the democratic tenets among the citizenry due to high levels of illiteracy (35%) and low (50%) awareness about human rights<sup>4</sup>, the majority of whom are indigent and illiterate. The limited knowledge about human rights leads to passive reaction of society that has enhanced oppressive practices perpetrated by both the government and other duty bearers such as traditional leaders thereby preserving the culture of silence which compromises on individual freedoms, rights and failure to stand against what is wrong.

Malawi's performance on several democratic governance indicators is marred with significant variations across various periods with some improvements and decline in some indicators since 2000 according to the Mo-Ibrahim Index report 2015 as summarized in figure 2.1 below.

**Fig 2.1: Malawi's performance on key democratic governance indicators (2000-2014)**



Source: Mo-Ibrahim report (2015)

### 2.3 Human Rights Status

Malawi's National Constitution and Bill of Rights, which are broadly based on the Universal Declaration of Human Rights, provide a strong basis for the promotion and protection of Human Rights in the country. However despite progress, Malawi is characterized by weak capacity of Human Rights institutions and actors, a failure to implement existing legislation, delays in reviewing and bringing legislation in line with international standards and a lack of compliance with UN Human Rights reporting obligations.

Despite the great efforts invested in the promotion and protection of human rights, their full enjoyment by the citizens is still curtailed by a number of factors which include inter alia;

- i) Low ability of citizens to demand for their rights
- ii) Inadequate reporting of human rights violations
- iii) Inadequate capacity of human rights bodies
- iv) Inaccessibility of formal courts to the poor
- v) Customary justice shortfalls
- vi) Retrogressive customary and cultural practices

While UNDP and other development partners had provided support to strengthen the existing institutions to deepen democratization, rule of law and promote and protect human rights, the support was ad hoc in nature with weak synergies among stakeholders. This not only caused duplication of resources but also confusion among the

<sup>4</sup> Malawi Demographic and Health Survey 2010

public which negatively impacted on the level of public confidence in human rights institutions. This was compounded by low institutional and technical capacities as well as poor funding and infrastructural decay in human rights institutions leading to low visible impact in the area of human rights protection.

## **3.0 PROGRAMMATIC ASSESSMENT**

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### **Overview**

This section presents an assessment of the programme achievements with particular focus on; programme design and relevance, efficiency, effectiveness and sustainability. The assessment followed the OECD/DAC evaluation criteria which provided the overall evaluation framework as seen hereunder.

### **3.1 Design and relevance**

#### **3.1.1 Intervention logic and strategic approaches of the project**

The Project is premised on the broad mandate of MHRC, i.e. promoting and protecting human rights, and investigating violations of human rights. In this respect, the scope of the project covered various functions of MHRC as outlined in the Human Rights Commission Act, vis: investigations, litigation, human rights monitoring and research, human rights advocacy, human rights awareness raising, human rights education, contributing to state party reporting, collaboration with NGOs, UN and AU mechanisms, human rights audit of bills, legislation, and administrative and judicial decisions.

The MHRSP project was designed within the context of enhancing and operationalization of the Democratic Governance Sector Wide Approach (DGSWAP) framework which also seeks to enhance the promotion and protection of human rights in Malawi. Flowing from the MHRSP Project Document, the project was implemented under the National Implementation Modality(NIM) with the Malawi Human Rights Commission being the main implementing partner on behalf of Government of Malawi through the Democratic Governance Sector Working Group while the UNDP Governance Cluster which was tasked with the management of the project on behalf of UNDP and NORAD. The NIM modality was aimed at strengthening and enhancing the national ownership and promote capacity building for the implementing and Responsible Ppartner institutions. A project board was also constituted as an apex body which is comprised of membership from key stakeholders such as Ministry of Justice, Malawi Human Rights Commission, Ombudsman, human rights consultative committee. The Technical steering committee was also constituted to take care of the technical implementation aspects of the project.

Whereas from the early years of the project it was implemented as a UNDP standalone project, it later on in 2015 switched and embraced the Delivering As One (DAO) model by developing the United Nations Joint Annual Work plan, an approach that was geared at enhancing cooperation and coordination mechanism as well as avoid duplication and promotes transparency in the use of resources while utilizing the synergies among UN agencies in supporting human rights in Malawi

The evaluation found out that the DaO mechanism was to a greater extent able to improve the coordination mechanisms of human rights activities in a more coherent and systematic framework as opposed to the pre-project period whereby human rights interventions were managed as standalone activities by the various national institutions as well as Non state actors thereby leading to the duplication of services and resource wastage. However, noted also was the challenge regarding requisite capacities to effectively manage the project by the MHRC whose capacities could not match the overwhelming demands of the project management and coordination.

#### **3.1.2 Assessment of the Design and implementation strategies and approaches**

In reviewing the Project document, the consultant found out that it does not clearly provide for the explicit strategies and approaches. However from the assessment and analysis of the entire document interventions and outputs coupled with the discussions with the management and stakeholders, the consultant was able to zero on four main strategies and approaches being used by the project: (i) building and strengthening of the existing key national institutions capacities mandated to promote and protect human rights; (ii) Promoting collaboration, synergising, cooperation and complementarity between national institutions responsible for the promotion and protection of human rights in Malawi; (iii) institutionalisation of human rights promotion and protection.

- i) **Building and strengthening of the existing key national institutions capacities mandated to promote and protect human rights:** This strategy and approach was reported to some extent having worked well especially in bringing together national institutions although from the interviews with stakeholders, they contend that there are some challenges especially with the MHRC whose capacities are not sufficient as a mandated institution partly because of structural and systemic challenges such as high staff turnover, inadequate staffing levels which stands at 61 staff members out of an established structure of 85 positions

which represents 71% staff filled positions and capacity, counterpart funding from government, as well as the effect of political dependence in terms of appointments of the commissioners who are top citizens but are well grounded technically in human rights aspects. As a result of less government support to MHRC, it has not been able also to attract requisite professional lawyers who are well versed with human rights discourse. MHRC was although mandated was also reported to be overstretching its mandate instead of working through districts, NSAs and grassroots structures was found to be directly implementing some of the project activities where it has less comparative advantage.

ii) **Promoting partnerships, collaboration, synergising, cooperation and complementarity between national institutions responsible for the promotion and protection of human rights in Malawi:** while the thrust of the project addressed more of the upstream requirements of human rights promotion and protection, this approach was reported have worked very well through the Board, Technical steering committee as well as building synergies between respective national institutions. There was however less evidence to indicate how this was cascaded to the downstream levels especially the districts in light of the fact that districts as per the decentralization policy are key focal entry points for government's service delivery. In a bid to enhance cooperation and coordination mechanism, the project sought cooperation with partners in the implementation of activities such as MHRC, MoJCA and OoO as part of the implementation team while the other civil society organisations were part of the coordinating team on state party reporting, UPR and human rights awareness interventions. MHRC is also collaborating with the Malawi Institute of Education in training primary school head teachers on Democracy and Human Rights. The process of the development of the National Human Rights Action Plan, also brought more stakeholders on board who were incorporated in the project intervention through steering and technical committees for developing the plan. The project also continues to work with organisations like National Initiative for Civic Education (NICE) and Democracy Consolidation Programme (DCP) that have regional offices, CSO networks as well as 8000 volunteers' grass-root structures for project implementation in many districts. The project continues to be co-financed by UNDP and the Royal Norwegian Embassy. Through DaO mechanism, UNDP collaborates with other UN Agencies through jointly working towards achieving UNDAF outcome 4.1 that focuses on governance and human rights issues. Furthermore, the presence of the UN Human Rights Advisor has strengthened substantive support for the project.

iii) **Institutionalisation of human rights promotion and protection.** Whereas this would have been a key strategy especially by first focusing on the upstream policy level such as the development and adoption of human rights curriculum for tertiary, secondary and primary institutions vested in the Malawi Institute of Education (MIE); the MIE instead went straight on addressing it at the downstream level. This in itself was not bad intervention for MIE to undertake some of the activities as it yielded some results at the output level but it failed to anchor it in a national strategic curriculum framework which would have later been cascaded to the downstream and local levels for sustainability purposes.

iv) **Focus on upstream levels versus downstream levels in human rights promotion and protection:** The project interventions were more focusing on the upstream policy and strategic interventions while less was carried out at the downstream level. This therefore calls for linkage and consolidation of the upstream project achievements with downstream should there be a successor program. While the deliberate extension of the project to the forum for civil society was intended to bridge the gaps between upstream and downstream project interventions, the evaluation noted a lot is still needed at the downstream levels since the upstream project achievements have not fully cascaded down stream in form of improved outcome indicators.

### 3.1.3 Identified gaps in the project design and strategy

- a) **Robust capacity building strategy:** The project document although it stipulates in its outputs that there will be capacity building and strengthening of institutions that deal with human rights promotion and protection, this was never clearly articulated within the project document in a coherent manner as a strategy.
- b) **Lack of clear multimedia communication and popularisation strategy:** the project document was also short of articulating how the project results would be popularised in a broader sense apart from highlighted activities of IPs which would not foster greater impact than if there was a well-designed multimedia strategy. More so the fact that concentrated on the upstream structure there was need to put in place this strategy in order to cascade its results downstream and to grass root communities.
- c) **Mid Term review strategy:** For any project or program intervention of this nature, there is need to reflect mid-way on how the project is performing in terms of its management, implementation and its approach,



however the consultant noted that MTR was never undertaken; which have helped in ameliorating some of the challenges at an earlier stage of its implementation.

d) **Real Time monitoring using the Results Based Management tool.**

The project was focusing more on realising activities and outputs within the results chain while paying no attention to the results hence in future there is need for adopting a real time monitoring using Results based management reporting principle.

e) **Localisation of human rights promotion and protection through comprehensive participation of NSAs and communities strategy:** whereas some NSAs and CSOs were involved and participated in the implementation of the project, there was a big concern that NSA participation didn't take part in the design of the project. Further still another challenge was that the project itself didn't focus on the organisational and institutional capacities of NSAs save for the National government institution's which results in NSAs not rising to the task of holding government accountable in the promotion and protection of human rights. Whereas the institutionalization of the coordination forum as stipulated in the project document was meant to capacitate the CSOs, gaps in the capacities of CSOs are still evident basing on the self-confessions of the CSOs that participated in this evaluation.

f) **Lack of clear exit strategy:** the project document didn't provide for any specific exit strategy which would have helped in envisioning the way forward should the Development partners stop supporting such projects yet there is still need for addressing the human rights situation in Malawi coupled with inadequate government support and institutional and organisational capacity challenges

g) **Utility of the Theory of Change<sup>5</sup>:** Although in the initial design of the project the Theory of Change was not applied, the consultant has adopted it in this evaluation since some of the ingredients of the Theory of Change preconditions and assumptions were in a way explicitly identified at the design stage such as Outcomes, Outputs and activities as well as the indicators. Further still in line with ToC the project was also able to map out the roles and responsibilities of the stakeholders. Notably also along the curve of using the theory of change was the fact that the consultant was able to identify critical aspects of human rights especially the minority rights which were hitherto not foreseen at the design stage. Such rights include issues to deal with LGBT, HIV and the law etc. It is against this backdrop therefore that at this critical stage of project evaluation; the consultant will be able to follow through the project's results chain retrospectively in assessing the extent to which the desired goals and outcomes have been realized or achieved hence rendering the theory applicable and practically logical.

### 3.1.4 Project consistence with national development priorities

The project is consistent with the new Constitution of Malawi, adopted in 1994 which provides for the fundamental democratic governance and human rights principles under Section 12 (i-vi) as well the international and regional human rights protocols and instruments.

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a) <sup>5</sup> **Making Connections: Using a theory of change to develop planning and evaluation:** By Jean Ellis, Diana Parkinson and Avan Wadia for Charities Evaluation Services; February 2011: *A theory of change is a description of a social change initiative that shows how early changes relate to more intermediate changes and then to longer-term change. It can form the basis of strategic planning and, as a blueprint for the work ahead and its likely effects, it can be used for management and decision making as a project or programme develops and progresses. Once the longer-term aim and the desired outcomes are clear, you can agree on the activities and outputs that will achieve change. As you start thinking through the activities and outputs necessary to deliver the results, you may identify other groups that you will need to work with to achieve the desired outcomes, and your model will become more detailed as these preconditions for change are added. In order to be really useful as a planning tool and evaluation model, the theory of change will also identify:*

- *the assumptions that are being made. These could be about the effectiveness of specific models of service delivery, or about the context in which you are working.*
- *the resources you will need to carry out your activities*
- *the collaboration or points of contact you will need with other agencies*
- *the timelines attached to your activities, delivery of outputs and different levels of change.*



**UNDAF 2012 – 2016 and Democratic Governance SWAp.** The project was also designed in line with the UNDAF 2012-2016 outcome 4.1 which responds to the need for improved coherence within the UN support to development efforts through a rights-based approach as well as in response to the Democratic Governance SWAp (DGSWAp) which is aimed at enhancing the governance and human rights sector-wide coordinating institutions. The project further is in tandem with the MGDS II of the GoM which places emphasis on human rights promotion and protections as a prerequisite for poverty reduction within medium term frameworks in an effort to realize the Malawi Vision 2020. In a bid to demonstrate consistency with national priorities, the GoM has made tremendous steps by establishing the structures and relevant institutions that would foster and promote human rights within the wider DGSWAp mechanism and these include Malawi Human Rights Commission (MHRC), the Office of the Ombudsman (OoO), the Anti-Corruption Bureau, the Law Commission, political parties (PPs) and non-state actors (NSAs), among others.

**Malawi Growth and Development Strategy -The MGDS II (2011 – 2016):** Malawi has embraced human rights as one of its sub themes. This is recognition of the role good governance plays in national development. **Sub – theme 5.3.2** recognizes that the observation of human rights allows all people to actively participate in development processes as well as in their fair distribution of development gains. The MGDS II expects this to be enhanced through awareness and practice of human rights responsibilities; improved respect for human rights and choices and enhanced access to economic, political and social opportunities (Sub – theme 5.3.2). The MGDS II also specifically spells out the need for promotion of awareness of human rights responsibilities are misunderstood and neglected responsibilities has contributed to reduce promotion of human rights.

The MGDS II advocates different strategies to achieve the strengthening of human rights holistically. The strengthening aims at (a) enhancing human rights awareness and education (b) promoting equitable access to economic, social and political opportunities (c) strengthening legal protection and equitable treatment for marginalized populations, women and children; (d) ensuring respect for prisoners' rights eliminating all forms of discrimination; and strengthening capacity of human rights institutions (Sub theme 5.3.2)

**Relationship to the MDGs:** MDGs were global commitments towards reducing poverty and improving sustainable livelihoods that world leaders agreed to at the Millennium Summit in Dakar, September, 2000. These commitments were to eradicate poverty and hunger, achieve universal primary education, promote gender equality and empower women, reduce child mortality, improve maternal health, combat HIV/AIDS, malaria and other diseases, ensure environmental sustainability and to develop a global partnership for development. The project contributed to the attainment of these goals by working to empower communities to promote human rights, and with state institutions to ensure that all human rights are fulfilled and protected.

### **3.1.5 Strengths, weaknesses and gaps of intervention logic**

#### **Strengths**

- One of the remarkable strength of the intervention logic is that this project was a catalyst for igniting a concerted effort by the government institutions as well as the Development partners in joint programming with regard to the promotion and protection of human rights in Malawi.
- Partnerships between government national institutions as well as on the side of Development Partners were enhanced

#### **Weaknesses**

- The major highlighted weaknesses is that the intervention logic of this project was not able to measure the outcomes of the project hence much as most of the planned activities and outputs have been realised, it still remains a challenge to assess the results.

#### **Gaps**

- The gaps in the project have already been highlighted in the section above which include lack of Mid Term Review, lack of clear strategic approaches, lack of communication strategy as well as the concentration of project intervention at the upstream policy strategic level while the downstream level was never clearly addressed hence a disconnect in terms of how the project will impact holistically on the population.

## 3.2 Implementation framework

### 3.2.1 Structure of management, institutional and coordination arrangements

The project management structure was in accordance with the ProDoc. Current discussions have proposed changes in terms of constituent members so as to align to the DAO initiative under joint planning of the United Nations. Accordingly, the project was managed by an apex Project Board which consisted of the UNDP and Norwegian Embassy on the part of Development Partners and funders as well as the key national Implementing Partners namely MHRC, OoO, MoJCA. The Board's role was to provide overall oversight of the project in terms of financial management, policy and strategic direction.

The Technical Steering Committee was another important loose body that was tasked by the Board to manage the technical aspects of the project.

The project is headed by the Project Manager nominated by the MHRC being the key manager and implementing agency. The Project Manager reports directly to the Board as well as coordinates his work with the Technical and Steering Committees and the respective heads of the implementing partners OoO, MHRC, MoJCA and Disability Department of the Ministry of Gender.

The evaluation observed that the discussion on the proposed alignment to the joint planning undermined convening of the steering committee for the project as per the initially defined project board. Whereas meetings at steering level were held in the framework of joint planning as per the DAO framework, debate on holding project specific board meeting raged on resulting in inconsistencies and gaps in holding steering committee meetings which undermined policy direction.

Implementation of project activities was envisaged to commence in the third quarter of 2012 however due to procedural and administrative challenges this didn't happen hence affected the entire period of the project implementation. The evaluation found out that this still remains a concern to the implementing Partners since they have not been able to know if the lost period would be compensated in terms of time and resources in order to implement the hitherto residual activities.

**Partner Roles:** The Malawi Human Rights Commission (MHRC) is responsible and accountable for project implementation. MHRC will report at agreed intervals to UNDP on the financial situation and programme implementation following UNDP corporate reporting requirements. In terms of programme management, MoJCA, MHRC, Parliament and CSOs will play their roles as follows:

1. **Malawi Human Rights Commission (MHRC)** The Malawi Human Rights Commission is established by section 129 of the Constitution of the Republic of Malawi, (the Constitution). The mandate of the Commission as provided by the Constitution is broad, encompassing the promotion, protection and investigation of violations of human rights. The Commission is further regulated by the Human Rights Commission Act (Cap. 3:08 of the Laws of Malawi), in terms of its competence and powers, duties and functions, responsibilities and methods of operation. Section 12 of the Human Rights Commission Act stipulates that; *"The Commission shall be competent in every respect to promote and protect human rights in Malawi in the broadest sense possible and investigate violations of human rights on its own motion or upon complaints received from any person, class of person or body."* It was also charged with the role of coordinating other agencies as well as Non state Actors in leading the process of developing the national action plan as well as coordinate and lead in the process of human rights architecture and strengthening relationship with the human rights CSOs through an interface platform mechanism. MHRC was further charged with the lead role in coordinating follow up efforts on state- party reporting including UPR recommendations as well as the coordination of the human rights awareness function
2. **Ministry of Justice and Constitutional Affaires** was tasked to lead in the reporting, implementation and follow up on recommendations by treaty bodies and the UPR. The ministry was also to co-lead the process of development of the national human rights action plan. The Human Rights Unit now upgraded to a section under Attorney General's office was also found out to be a well-placed with capable team although it still needs to be enhanced with staffing as well as upgrading it to a full department. Human Rights Unit has now been established as a Section within the Attorney General Chambers, although there is need for more capacity such as budget line and permanent staffing.

3. **Ombudsman's office** was part of the architecture where actors play their defined roles without overlaps and in a coordinated manner. The appointment of the Ombudsman under Section 122 of the Constitution shall be on terms and conditions to be determined by the Public Appointments Committee

***Duties and functions of the Ombudsman***

- (1) Subject to the Constitution, the Ombudsman shall inquire into and investigate in accordance with the provision of this Act and take such actions or steps as may be prescribed by this Act on any request or complaint in any instance or matter laid before the Ombudsman in accordance with Section 7(1) or (2), and concerning any alleged instance or matter of abuse of power or unfair treatment of any person by an official in the employ of any organ of Government, or manifest injustice or conduct by such official which would properly be regarded as oppressive or unfair in an open and democratic society
- (2) Without derogating from the provisions of Subsection (1), any request or complaint in respect of any instance or matter referred to in that subsection may include any instance or matter in respect of which it is alleged-
- (a) that any decision or recommendation taken or made by or made under the authority of any organ of Government or any act or omission of such organ is unreasonable, unjust or unfair, or is based on any practice which may be deemed as such;
- (b) that the powers, duties and functions which vest in any organ of Government are exercised or performed in a manner which is unreasonable, unjust or unfair
- (3) This section shall not apply in respect of any decision taken in or in connexion with any civil or criminal case by a court of law

4. **Malawi Institute of Education (MIE):** The MIE participated on the project through MHRC and its work centred mainly on promoting and institutionalising human rights at institutions levels. It for instance trained about 140 teachers in Malawi. Whereas the entry point of civic education through MIE, there is still need to strategically develop a civic education curriculum that will be mainstreamed in the national formal and informal education systems.
5. **NSAs/CSOs** being part of the human rights architecture were to play an important role of making the public aware on their human rights. Being led by the MHRC, they would execute the activity with the assistance of CBOs and the media.
6. **Parliament** was the key partner through which stakeholders would lobby for the establishment of a democratic governance committee that will provide space for entrenching human rights bills and policies brought into the house.
7. **Ministry of Gender and Disability Department:** The ministry of Gender together with its Department of Disability was also brought on board to mainstream gender as well as elderly and disability rights within the project.

**Project Fund Management:** with regard to funds management, the project was on approved Annual Work Plans (AWPs) whereby UNDP would make cash transfers according to the National Implementing Partner using National Implementation Modality(NIM) and following the procedures of the UN Harmonised Approach to Cash Transfers (HACT). Cash transfers for activities in AWP's can be made by UNDP using the following modalities:

- a) Direct cash transfers whereby cash is transferred directly to the implementing partner MHRC prior to the start of activities based on agreed cost estimates;
- b) Reimbursements whereby the Implementing Partner is reimbursed for expenditures agreed prior to the costs being incurred; and
- c) Direct payments to vendors or third parties for obligations incurred by the implementing partners on the basis of requests signed by the designated official of the implementing partner.

The National Project Manager was responsible for preparing and submitting monthly financial reports and requests for quarterly advance funds from UNDP. The financial reports and requests were submitted according to the Funding Authorisation and Certificate of Expenditures (FACE) standard format due on the 10th day of the subsequent month. Direct cash transfers would be requisitioned and released for programme implementation periods not exceeding three months. As per HACT procedures, UNDP would conduct HACT assurance activities including spot checks and onsite reviews on a regular basis based on the findings of HACT micro-assessments.

MHRC was responsible for the management of a project specific bank account where the advance of basket funds are deposited by UNDP on a quarterly basis. Based on the quarterly work plan prepared by MHRC, UNDP reviews the request for advance and disburse the appropriate amount. The National Project manager was accountable for the use of funds advanced to the project according to agreed work plans whereas MHRC would maintain books of accounts in accordance with UNDP's NIM accounting and reporting guidelines.

At the time the JAWP was introduced, UNDP was supporting MHRC, OoO and MoJCA through the Human Rights Support project (HRSP) (2012-2016) which had its own governance arrangements with MHRC as implementing partner and the other two as responsible partners. All the three institutions plus UNDP formulate a technical committee and the project board (HRSP Board) while only one AWP was being signed for the project.

UNDP was initially providing support to the Malawi Human Rights Commission (MHRC) through the Human Rights Support Project (HRSP 2012-2015) which was overseen by project board in place with membership comprising Ministry of Justice and Constitutional Affairs (MoJCA), Office of the Ombudsman (OoO), MHRC, and UNDP. In 2014, a UN Human Rights Joint Annual work plan (JAWP) was signed with MHRC. The JAWP affected all existing UN Agencies standalone support frameworks to the MHRC. As a result, the remaining MHRC project activities implemented by (OoO and MoJCA) signed a separate work plan. The JAWP Board meeting held on 20<sup>th</sup> May 2015 agreed that UNDP should consult with the OoO and MoJCA on oversight arrangements for their activities.

On 25 June 2015, UNDP held separate consultation meetings with the OoO and MoJCA on the oversight arrangements for OoO and MoJCA annual workplan. It was recognized that the UNDP funded Human Rights Support Project was being implemented by MHRC, OoO and MoJCA. It was further suggested that the composition of the board should have all the three partners, as stipulated in the MHRC project document. UNDP went ahead to propose that MoJCA assumes chairmanship of project board given strategic position of the ministry and role (policy holder) in the human rights sector and UPR process. In addition the OoO agreed to continue participating as a member in the project board and did not have problems with the proposal to have MoJCA and UNDP co-chairing. The MoJCA and OoO all agreed on the proposals and this led to the next step of meeting with MHRC. On 16<sup>th</sup> July 2015, the oversight arrangements were presented to MHRC in the 16<sup>th</sup> July meeting and further agreed on. The agreement in the Joint annual work plan was clear that existing working arrangements with different UN agencies will remain bilateral and therefore the same.

The JAWP targeted the MHRC while the OoO and MoJCA preferred to remain out of the JAWP and continued to implement their activities with direct funding and reporting while progress reports still came through the implementing partner – MHRC with oversight provided by the HRSP Board. As for AWPs, MHRC activities were signed under JAWP while OoO and MoJCA formulated a separate AWP. In Atlas the activities under the HRSP have always been and still continue to be implemented as one project. In 2016, UNDP requested for inclusion of Human Rights interventions (to OoO and MoJCA) under JAWP as a way of reducing number of AWPs but also streamlining similar interventions. The JAWP team as well as OoO and MoJCA raised no objections.

### **3.2.3 Role of UNDP CO**

The Project Document states that upon request by Government, UNDP may provide services in the following areas:

- ✓ Identification, assistance with and/or recruitment of long-term or short-term technical personnel in accordance with UNDP rules and regulations.
- ✓ Procurement of specific goods and services for the programme in cases where UNDP has a competitive advantage, e.g. import of specific goods or services from abroad. However, in general procurement will be done using national procurement systems and procedures where possible as long as key principles of competitiveness, accountability and transparency are followed.
- ✓ Identification and facilitation of training activities.
- ✓ Providing relevant information and technical advice obtained through UN global information systems, UN Knowledge Networks, Regional Centres and other UNDP Country Offices, e.g. rosters of consultants and providers of development services.
- ✓ In case of specific implementation support services (ISS), including recruitment, procurement and other administrative matters provided upon request, the costs of UNDP's support will be charged according to the UNDP corporate Universal Price List. UNDP will also provide project quality assurance,

management and coordination services as budgeted in RRF, cost-shared among different UNDP-supported projects.

The evaluation found out that UNDP fully accomplished its given responsibilities stated above which enhanced the achievement of the project objectives and activities. UNDP was also able to spark the collaboration with other IPs like MoJCA and OoO. Noted also was consistent support from UNDP particularly in Project Management. The consultant would hence under this re-echo the call from almost all stakeholders consulted that UNDP should continue the tremendous technical and financial support both to government and NSAs. The role of embassy was also appraised especially in contributing huge sums of financial resources for this project through UNDP.

Among the few examples highlighted are the level of support towards capacity needs e.g. vehicles, equipment and knowledge and skills capacity building; Strategic Plan Development and Service Charter, Development of the performance appraisal system, trainings for public officers, capacity building for staff members, participation in the AOMA General Assembly. UNDP also attribution to the project involved improved state party reporting – UNDP has supported trainings for Min of Justice Staff along human rights areas to an extent that the ministry's capacity has improved leading to the formal elevation of the human rights unit to Human Rights Section. Human Rights Unit has now been established as a Section within the Attorney General Chambers, although there is need for more capacity such as budget line and permanent staffing.

UNDP has also supported data collection processes as well as international travel to meetings where prepared reports are presented. Development of Draft National Human Rights Action plan – UNDP provided technical support through consultants but also paid for all the expenses in the development of the plan. Development of the Strategic plan at the office of OoO – UNDP provided technical support through consultants. Other UNCT contributions in terms of addressing minority rights like gender, LGBTI, Albinism etc are addressed in a separate section in this report.

### **3.2.4 Assessment of the implementation, management and coordination arrangements**

#### **a) Strengths**

The following are some of the identified strengths that were identified through discussion and interviews with stakeholders:-

- The management arrangements enhanced the accountability and oversight over the implementation of the project. In 2015 the project was implemented under the United Nations Joint Work plan, an arrangement under the Delivering as One (DAO) approach which enhanced cooperation and coordination as well as minimizes duplication and promotes transparency in the use of resources and utilizes synergies among UN agencies in supporting human rights in Malawi. This form of arrangement was still on going by the time of evaluation and was being enhanced in 2016 among the UN Agencies as well as at the sectoral level for more efficiency in supporting human rights and governance issues
- Existing committees that allowed participation of all the key institutions was a strength that allowed a platform for equal participation
- The IP, MHRC and responsible parties, MoJCA and OoO, have broad constitutional mandate that enhanced legitimacy of the project more so the MHRC core mandate being charged with the promotion and protection of human rights. This enhanced a significant degree of coordination authority backed by an Act of Parliament, the Human Rights Commission Act
- The anchoring of coordination mechanisms between MHRC, OoO and MoJCA at Project's Document level as well as the management arrangements with the establishment of the project board with clear reporting lines and ToRs enhanced the accountability and oversight over the implementation of the project as IPs had the opportunity to share knowledge of best practices and how to overcome challenges being faced during implementation.
- An assessment of the relationships and coordination mechanism of the project was generally rated as very good. It was also commended as being one of the first projects that brought together the national institutions charged with human rights promotion and protection on the same table. The hosting of the project within the MHRC was also beneficial in terms of enhancing the MHRC in terms of cost reduction, sharing of resources, communication sharing as well as strengthening the working relationships with key actors in the human rights arena within Malawi which was characterised with regular interface, dialogue, communication.

- The project management arrangements especially along UN joint Planning have also been able to promote smooth partnerships between the government and the UN and other Development Partners such as the Norwegian embassy.
- The evaluation noticed that at the management level the representatives of the national IPs are at the right level of seniority in the Government and UN system hence with delegated authority to make decisions on behalf of their respective departments and agencies/institutions. The constitution of the Board and Steering committee was found to be of requisite caliber to manage such as project.
- In terms of institutional and coordination structures the project was able to allow opportunities for synergy especially at the upstream policy level with the responsible human rights national institutions and agencies.

#### **b) Weaknesses**

The consultant in his wide consultations held with cross section of stakeholders was able to identify a number of weaknesses and challenges resulting from the project implementation, management and coordination which entailed the following:

- Inadequate political will from Government interaction: There is need for more opportunities for dialogue with sectorial ministries at the higher levels of Ministers to gain political good will, buy-in and ownership.
- Results Based Management: Among the major capacity gaps identified are lack of skills in applying result based management reporting principles (RBM) which is an important programming instrument at the UN level. This has led to IPs only reporting on budget absorption and activity levels a situation that has often led to the low quality of reporting and monitoring. Lack of Real Time monitoring for the government on the part of government service delivery is a constraint.
- The oversight structure (steering committee) was the weak link especially with the confusion stimulated by the coming in of the joint annual work plan which also came up with another steering committee.
- The composition of the steering committee in the initial arrangement allowed more participation of MHRC which stimulated domination of MHRC especially with no presence of Non State Actors.
- Combination of the institutions, despite clearly defined roles for each institution raised challenges at times especially to do with playing a leading role versus independence/authority over each other in the broader context of independence plus separation of powers philosophies. E.g. the challenges that went with MHRC coordinating the purse of resources that later saw Office of the Ombudsman and Min of Justice push for accessing resources directly from UNDP
- Limited clarity and understanding of the UN processes by the partners in implementing the project:
- The evaluation found out that Institutions/beneficiaries had specific mandates which at times overlap, the lengthy procedures that were required for implementing institutions to have devolved financing mechanism e.g. OoO, inherent weakness with respect to the aspect of joint work plan and reporting arrangements, limited capacities, especially with respect to human resource, material resources e.g. vehicles and equipment in the implementing agencies
- The scaling-up of the coordination structure through the DGSWAP and UN's delivering as one strategy that which saw UN agencies working through one joint work plan experienced teething problems, which included coordination and financing mechanism that led to low utilization of resources
- Lack of Mid Term Review was also noted to have contributed to some of the ongoing challenges the project and IPs are faced which should have been addressed had it been done.

- The evaluator also noted from IPs that some activities were scrapped without due consultations and seeking justifications from IPs. IPs were of the view that in future there is need for proper consultations and agreement before activities can be deleted.
- Where as UNDP had always told the IPs that TRAC funds cannot be transferable to next year but donor funds are transferable, the IPs were still not comfortable with too much bureaucracy in which sighted in financial disbursement which often affected timely implementation of some activities.
- Heavy workload on project management team as they had to combine project management responsibilities and their co-functions as employees of the office which were equally important tasks. This sometimes led to challenges in meeting some deadlines in the implementation of the project.
- Upstream and Downstream capacity and Skills gaps the design and conceptualization of the project assumed that there is a modicum of capacity on the part of IPs and therefore didn't provide for specific technical assistance requirements of the IPs apart from the general overall capacity assessment initiatives which were not adequate. The issue of inadequate capacities at especially IPs at government level also was pronounced as a major factor in program implementation where by in designing and planning stage there was a presumption that the IPs at the lower levels have got requisite capacities to deliver on the results which has not worked.
- Higher level policy enforcement: here is need to proactively engage the high level political offices like the Office of the President and Ministers to authoritatively push and enforce government institutions to be able to carry out their respective mandates in result oriented policy implementation.

**c) Gaps in project management and implementation:**

- The project did not envisage at conceptualization that it shall have to be submerged into the UN JAWP (Joint Annual Work plan Project)
- There was also glaring gaps in which the project was implemented integrating the fundamental roles of the districts local government establishments in the wake of enhancing decentralization policy.
- The Project did not properly manage the risk of inadequate funding from Government to meet operational costs in the implementing organizations on which basis project activities could be rolled out from
- The project did not envisage added roles to MHRC for example through the Gender Equality Act enacted in 2013, that vests in MHRC the functions of a Gender Equality Commission

**3.2.5 Relevance of Project design**

The MHRSP Project relevance was assessed on two grounds; degree of internal and external consistence of the project. Internally, the thrust of the analysis was the extent to which the project intervention logic has facilitated or inhibited the achievement of the desired results. According to the project design, the intervention was more at the upstream policy formulation level while the downstream work which was supposed to be resulting from the upstream outcomes was less tackled. This specifically then calls for the cascading and popularisation of the upstream results in order to promote and protect human rights up to the district and community levels especially by creating sustainable structures and systems. Such structures could include district council based as well as community based such as human rights groups or committees within the community. For institutionalisation of the human rights tertiary and secondary and primary school human rights structures in addition to development of broader curriculum in ministry of education would go a long way in grounding and consolidating the achievements of the MHRSP.

The use of government agencies as implementing partners promotes government ownership of interventions and sustainability of the outcomes while UN retains the status of being an enabler. Further still the amplification of NSAs/CSOs in the project implementation especially in creating awareness and advocacy is critical for the success of the project. However, according to the findings of the evaluation, there were glaring deficiencies in the internal capacities to which the government with the support of Development Partners need to formulate a robust Technical Assistance and capacity building program for both national institutions and upstream and downstream levels as well as up scaling full participation and involvement of NSAs/CSOs right from the start to the end. The evaluation further found out that project result tracking has mainly focused on activity and output level and as such outcome level data collection has been given little attention throughout programme design and

implementation. This hinders effective evidence-based programming hence compromising achievement of programme outcomes and impacts.

Externally, there is adequate alignment of the MHRSP with the UNDAF and DG SWAp with the national development priorities. The project further is in tandem with the Malawian Constitution, MGDS II of the GoM which places emphasis on human rights promotion and protections as a prerequisite for poverty reduction within medium term frameworks in an effort to realize the Malawi Vision 2020.

Therefore, the project is relevant as it is derived from the legal provision in both the Constitution and Laws of Malawi on human rights promotion and protection, and Malawi Growth and Development Strategy. It addresses human rights knowledge and skills gaps on the parts of both the claim holders and duty bearers. The project affects the capabilities of claim holders including women rural populations by empowering them to demand and exercise their rights and corresponding duties. It also affects the capabilities of duty bearers to be effectively responsive on the 4 four core obligations, namely, to respect, to protect, to promote and to fulfil human rights.

### **3.2.6 Assessment of the Resources Mobilisation Strategy**

A rapid scan and assessment of the various resource mobilisation strategies that have been in place or in offing on the side of both government, Development Partners and NSAs revealed the following:

**Government institutions:** On the side of government institutions, the consultant found out that the major instrument in place for resource mobilisation was the just developed costed National Human Rights Action Plan with which national institutions are yet to adopt before its flagged off as a fund raising document. Other strategies by individual institutions such as OoO, MHRC, NICE were through their costed newly developed strategic plans which feed into the NHRAP. It is therefore important to note that given the shrinking government support to these constitutional mandated human rights institutions, the NHRAP becomes a key instrument in their resource mobilisation.

Another notable strategy by the national government institutions is through the operationalization of the current *Democratic Governance SWAp strategy* which is mostly attracting resources from EU. Other resource mobilisation strategies were through bilateral arrangements, fund raising, twinning, soliciting for Technical Assistance, government's direct contribution from the consolidated fund etc,

**Development Partners and UN:** Development partners especially the UNCT and the Royal Norwegian Embassy have continued to demonstrate keen interest in funding the human rights interventions. Under the DaO with the new Joint Programming framework with the new UNDAF, the UNCT is surely certain of harmonising the joint resource mobilisation and attraction mechanism in order to fulfil their mandate within Malawi. The amplification of the UN Human Rights Technical Working Group (UN HRTWG) will also play a key role in pushing the agenda of human rights within the UN system hence be able to stimulate resource mobilisation in order to support its mandate.

**Non State Actors/CSOs:** on the part of CSOs such as those that have been involved in Civic education like NICE they have also come up with a costed strategic plan as well as in process formulating a resources mobilisation strategy to help them attract funds. Other CSOs are also looking up to Development partners support through either direct partnership or through supporting national institutions. NSAs are also using their traditional mobilisation strategies such as individual donations, earned incomes, corporate giving, government subventions, events and activities, service contracts, investments, grants, Endowment Fund explorations etc

### **3.3 Programme Efficiency**

The assessment of project efficiency was anchored on the adequacy of project inputs (equipment, human resource and finances); project expenditure and budget nexus, measures to ensure cost effectiveness of the project, accountability procedures and the suitability of the project technology as seen hereunder.

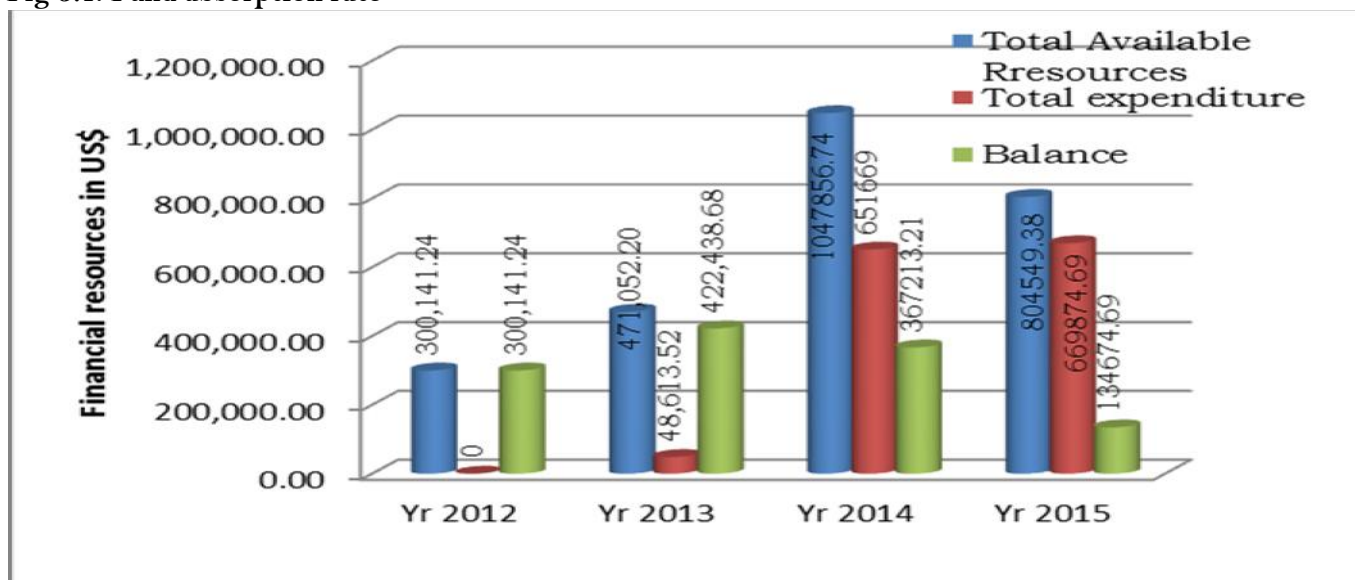
#### **3.3.1 Adequacy of programme inputs**

Evaluation participants especially the implementing partners indicated that the available resources were inadequate and this constrained the implementation and performance of the project. Inadequate means of transport was the mostly highlighted input by most respondents which reportedly constrained project implementation. Furthermore, although the project made substantial contribution in strengthening the human resource capacity of implementing partners, the evaluation noted that all the IPs still have human resource gaps. All these were blamed on the inadequate financial resources that was available for the project implementation. On the other hand IPs also contributed to this delay since there were reported delays in availing their training work plans and programs.



The inadequacy of the project inputs notwithstanding, the evaluation participants decried of the bureaucratic procedures in accessing the project resources which on several occasions caused delayed disbursement of funds and subsequently activity implementation. This was independent verified by the evaluator basing on the fact that activity implementation for 2015 commenced in June due to delays in the disbursement of funds. As such, budgeted activities could not be implemented within the stipulated timeframe which caused low absorption of funds as shown in figure 3.1 below.

**Fig 3.1: Fund absorption rate**

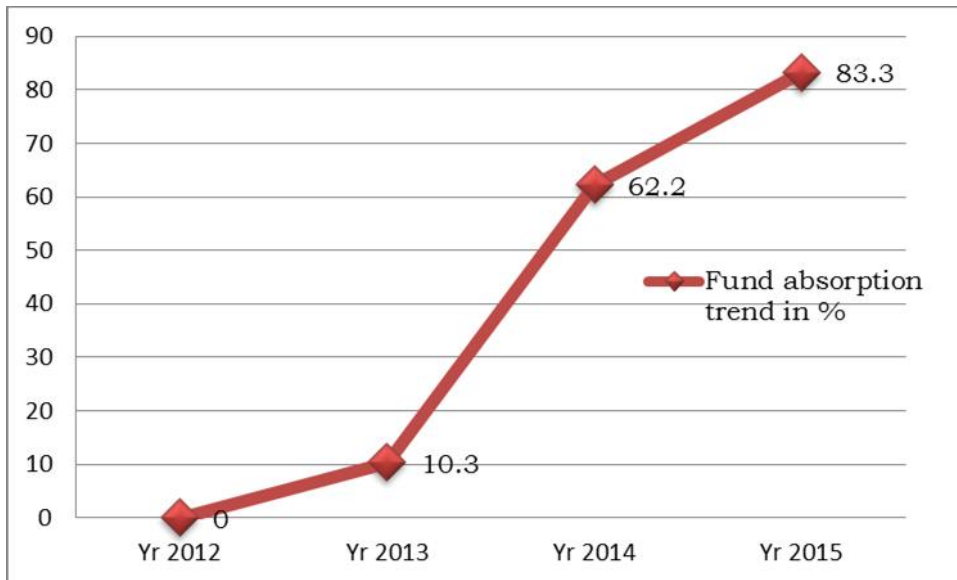


**Source: Project financial reports.**

It is apparent that in all the project years, there was a miss match between the available resources and total expenditure which several respondents attributed to delayed disbursement of funds and the low capacity among the implementing partners to absorb the funds. The output based budgeting that was used ties expenditure to specific outputs and in the event that the outputs are not produced, then there would not be any justification for the expenditure. The late release of funds constrained timely activity implementation and subsequently the outputs implying that the resources meant for such activities and outputs would not be utilized.

However, it is evident that there has been an increasing funds absorption rate in the two responsible parties, MOJ and OoO, while MHRC has slackened especially in 2016 past two years signifying some improvements in project management. The evaluation noted that in the first year of the project, efforts were put on establishing systems and procedures for effective and efficient project management and as such, not project activity was implemented. Beyond the project year one, the absorption of funds is notably commensurate with the activities as reflected in the increasing trends in funds absorption in figure 3.2 below.

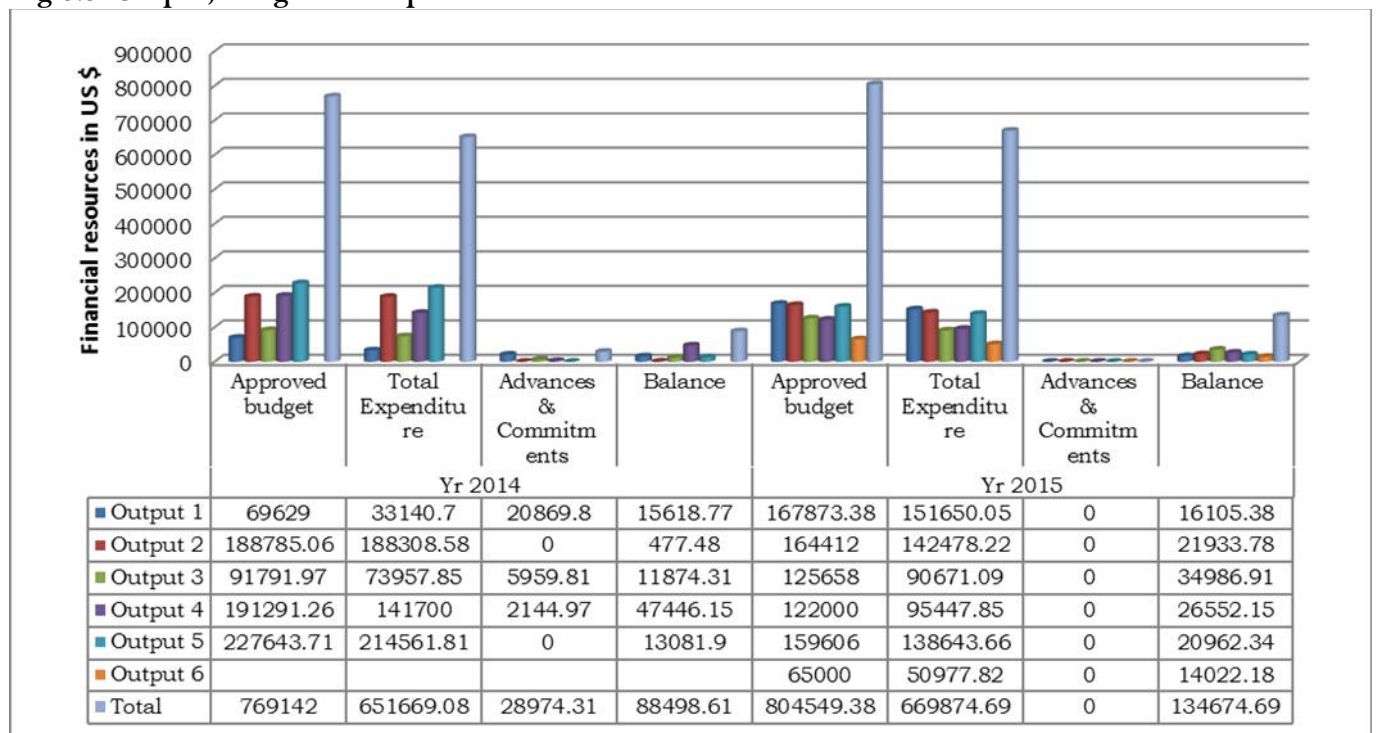
**Fig 3.2: Trends in Fund absorption rate**



Source: Computed from the financial reports

The evaluation established that the project has sufficiently aligned project outputs, activities and budgets which has been achieved through emphasis on output Based Budgeting (OBB). The project budget and expenditure has been well aligned with the budget; a factor that has minimized misallocation of funds hence enhancing financial performance of the project. A specific budget was specifically directed towards achieving each of the six outputs and even project spending has well reflected the outputs as shown in figure 3.3 below.

**Fig 3.3: Output, Budget and expenditure nexus**



### 3.3.3 Cost effectiveness of the programme

The project instituted clear financial reporting and accountability systems based on quarterly and annual basis backed periodic field visits by the project management unit headed by UNDP. This has enabled the project to mainstream cost effective measures in its implementation. The evaluation established that the establishment of partnerships that has allowed partners to share resources has not only reduced duplication but also promoted cost effectiveness in the project implementation. Implementing partners have able to prepare and submit accountabilities to the project management unit on time; a factor several respondents attributed to the well laid down accountability procedures as well as the suitable technologies acquired through the project.

The evaluation established that the project management has sufficiently ensured cost control across project implementation and as such much of the funds have been actually spent on supporting achievement of project outputs. The use of existing structures in the project implementation has enabled the project to minimize the overall administrative costs.

### **3.4 Programme Effectiveness**

The extent to which the project output targets and the factors that influenced the level of achievement formed the basis of assessing the programme effectiveness. Prior to the project design and implementation, a number of gaps were identified through a number of studies that were commissioned in the area of good governance. More particularly, the completion rate of human rights violation cases was very low (65% for MHRC and 20% for OoO) on the account of weak technical capacity of the mandated institutions. Coupled with the low case completion rate, human rights violations were notably high (15.9%)<sup>6</sup> the poor reporting notwithstanding. Lack of access to appropriate institutions, confidence in the institutions as well as knowledge were the key impediments to human rights abuse reporting.

In the light of the pre-project situation above, the project intervention logic was designed to include;

- Supporting the development and implementation of a gender responsive national human rights action plan
- Strengthening of the Malawi Human Rights Commission and Ombudsman to effectively deliver on their human rights mandate
- Enhancing Malawi's engagement on state party reporting and UPR in a participatory and consultative manner
- Strengthening partnerships between Malawi Human Rights Commission, OoO and Non-state actors on human rights.
- Ensuring effective and efficient management, partnership formation and Monitoring and Evaluation of the programme.
- 

A number of activities have been undertaken under each of the six intervention areas in order to support the realization of the envisaged outputs and outcomes as explicitly indicated in the results and resource matrix in the project document. The extent to which the targeted outputs and their resultant outcomes were achieved formed the basis of the analysis of programme achievements as presented in the next sub section.

#### **3.4.1 Key programme achievements**

As reported by several key informants, the implementation of the project experienced both opportunities and challenges which have had a profound bearing on the level of its achievements. Apparently, majority of the stakeholders that participated in the evaluated indicated that the project has largely been successful despite some failures as seen under each project intervention areas hereunder;

##### **i) Formulation of a Gender Responsive National Human Rights Action plan**

The formulation process of the National Human Rights Action Plan (NAP) was envisaged to take a highly participatory approach involving at least 20 institutions with 80% of the actions in the plan being gender sensitive. To achieve this, a gender and human rights study based on the review of the previous NAP and related actions plans from other sectors was to be undertaken in addition to wide stakeholder consultation at various levels of plan development.

The evaluation established that indeed the development of the NAP took the designed path; a factor that ensured timely delivery of the output (plan) and in the most participatory manner. The formulation process involved 42 stakeholders and this has facilitated ownership of the plan and easy implementation according to various stakeholders that participated in the evaluation. It was further established that the formulation of the NAP was well informed by the gender study and this facilitated effective gender mainstreaming in project implementation.

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<sup>6</sup> Justice Baseline Survey 2012

Although the implementation of the plan is still slow, there was a general belief among the evaluation participants that the formulation of the plan has laid a foundation for achieving gender equality in the country.

However, the evaluation could not establish substantial evidence linking this output to any outcome as societal violence against women in form of forced early marriages, widow inheritance and cleansing, sexual harassment, female genital mutilation are still widely reported in the available body of literature (USAID, 2015)<sup>7</sup>. Indeed, the 2015 gender-based violence in Malawi still indicates that gender-based violence in the country is still high (14.2%)<sup>8</sup>. The 2015 Human Development report for Malawi indicates a high gender inequality index of 0.611 with a low regional rank of 140 out of 155 whose gender inequality indices were computed in 2014<sup>9</sup>. It is therefore apparent that despite the increasing realization of gender responsive planning, gender disparities in the country are still high.

In terms of output indicator achievements, the evaluation established that all the targeted outputs have been timely achieved but the rate at which the outputs are yielding the desired outcomes is still low. This is because the realization of the outcomes necessitates both system and behavioral transformation which require ample time to be realized. Although tangible results are still scanty, there is increasing realization to mainstream gender and human rights in the development planning process of Malawi. Thus, the current interventions have ably created an environment that would support the realization of the desired outcomes in future should the policy regime and frameworks remain supportive.

## **ii) Capacity Strengthening of Human Rights Institutions**

Strengthening the human rights institutions has been placed high on the implementation agenda of MHRSP given its potentiality in promoting human rights observance and monitoring as well as inclusive growth. As observed by the Blue Law International (2014), strengthening human rights institutions helps to improve access to justice by the marginalized groups in the society.

The capacity assessment and the gap analysis that were conducted prior to the implementation of the project revealed critical gaps in the capacities of both MHRC and OoO. The overall quantitative rating of MHRC's capacity on a number of issues that were rated indicated that the commission's capacity was partially developed while in other areas such as carrying out public hearings and inquiries and accessibility to all clients there was just basic capacity. The capacity of the Ombudsman's was also had dire gaps in human resource, operational effectiveness, networking with other like-minded institutions and funding among others. In effect, the two institutions were underperforming as evidenced by their limited service coverage, huge case backlogs, high employee turnover and poor remuneration among others.

The evaluation noted that the capacity strengthening interventions under the MHRSP were well anchored to the gap analysis that was conducted prior to project implementation. In the light of the pre-project institutional capacity gaps, the project set out to support; the establishment of human rights architecture, community outreach structures, technical capacity enhancement for MHRC and OoO which were intended to ensure that the key human rights institutions effectively deliver on their mandates. Subsequently, the project targeted to increase human rights violation case completion from 65% to 84% (for MHRC) and 20% to 50% for OoO by 2016; establishment of community outreach structures in 7 districts as well as roll-out of the computerized case management system.

The evaluation established that the capacities of both MHRC and OoO's office have modestly been strengthened; a factor that has enabled them to scale up their operational effectiveness. Basing on the staff self-assessment, there is an indication of enhanced capacity compared to the gaps analysis and capacity assessment that were conducted prior to project implementation as indicated in annex 2.

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<sup>7</sup> Malawi 2015 Human Rights Report

<sup>8</sup> Mellish, M., S. Settergren, and H. Sapuwa. 2015. *Gender-based Violence in Malawi: A Literature Review to Inform the National Response*. Washington, DC: Futures Group, Health Policy Project.

<sup>9</sup> UNDP (2015) Human Development Report for Malawi.

As seen in the table above, there has indeed been capacity strengthening of the two human rights institutions which has created the potential of these institutions to effectively deliver on their obligations. Although the actual outcomes of such capacity strengthening initiatives are still scanty, they are slowly reflecting through increased case completion rate, improved state party reporting and improving public confidence in the institutions as several evaluation participants revealed.

The evaluation established that human rights violation case completion rate has not changed much for both MHRC and OoO as seen in table 3.2 below.

**Table 3.2: Human Rights cases handled across the entire project period.**

	2012			2013			2014			2015		
	Investigated	Completed	%ge	Investigated	Completed	%ge	Investigated	Completed	%ge	Investigated	Completed	%ge
OoO	0	0	0	500	20	4	259	74	28.6	1,923	676	35.2
MHRC	0	0	0	59	??		60	4		58	42	72.4
Total				559	20	3.6	319	78	23.2	257	110	42.8

**Source: Annual reports 2012-2015**

As seen in the table above, it is apparent that the percentage of cases completed by both MHRC and OoO is still below the target despite its progressive nature. In 2013 only 4% of the cases handled by OoO were determined while in 2014 and 2015 the percentages increased to 28.6 and 35.2 respectively. There is therefore an indication that the impact of the capacity strengthening support received by the OoO's office is steadily taking root in the area of case completion. Data on case completion for MHRC has not been consistently reported in the annual reports making the assessment of the achievement in case completion rate rather hard. Nevertheless, there was general consensus among the evaluation participants that the project support provided to the two human rights institutions is potentially able to propel enhanced performance of the institutions both in the medium and long term.

Development of the performance appraisal system, training of staff, public sensitization and creation of clarity on the roles and obligations of the human rights institutions have been the other key achievements registered under the project. Seven members of OoO's staff were trained in Monitoring and Evaluation in addition to several MHRC staff members that were also trained. The UNDP technical assistant attached to OoO has played a pivotal role in building the institutional capacity hence bolstering its capacity to deliver on its human rights protection and promotion mandate.

Although the project had targeted to establish community outreach structures in only 7 districts, through an arrangement between OoO and NICE for the former to use the latter's offices as outreach centres enabled the project to cover 28 districts. Though concrete evidence is scanty, officials from OoO's informed the evaluation that this has enhanced accessibility to OoO services by members of the general public. However, the evaluation noted that there is still need to formalize structures so that OoO and MHRC can benefit more in a coordinated manner. As a result of strengthened capacity, policy reviews have been conducted resulting into modifications in the Human Rights Commissions Act and Ombudsman Act. In effect, the revised Human Rights Commissions Act was passed by Parliament in the just ended sitting of Parliament.

### **iii) Malawi's engagement on state party reporting and UPR**

Gaps in state party reporting and Universal Periodic review were eminent prior to the implementation of the MHRSP. Subsequently, state party reports were not prepared and submitted on time while the UPR was not inclusive. Follow up on the implementation of recommendations on human rights promotion and protection was weak as there was no follow up mechanism. It was against this background that the MHRC with support from UNDP and other partners in the project made substantial efforts to improve performance in this area.

The project focus under this output was to enhance acceptance and implementation of UPR recommendations as well as timely production and submission of state party reports. The project therefore targeted to increase the percentage of the UPR implemented recommendations from 0 in 2011 to 70 by 2016 in addition to ensuring that

30% of the rejected recommendations are accepted. In regard to state party reporting, the project's target was to increase the number of state party reports from 3 (2011) to 6 by 2016.

To achieve both the set outputs and their targets, the project undertook the following actions;

- Strengthen the capacities of the MoJCA to lead in the reporting under different conditions, implementation and follow up on the recommendations by treaty bodies;
- Strengthen the capacities of ministry of justice to lead the implementation and follow up of the UPR recommendations;
- Strengthen capacities of MHRC, human rights CSOs and CBOs to advocate for and monitor follow up of the recommendations; and
- Strengthen national capacities to prepare for Malawi's engagement in a participatory manner in 2<sup>nd</sup> cycle of UPR in 2014.

Both secondary and primary data consistently indicate that the capacities of Ministry of Justice have been strengthened and in effect, it was able to draft responses to issues raised by the Human Rights Committee on the International Covenant on Civil and Political Rights (ICCPR). Furthermore, the support provided to the ministry through the project has enabled the ministry to timely prepare and submit state party reports. Undoubtedly, Malawi's progress on state party reporting is well on course as evidenced by its ability to comply with the 2009 African Charter guidelines of submitting combined report of the charter and protocol. Secondly the project has really done well in helping the country reduce the backlog in state party reporting, much as the country may try to report on some instruments, chances are very high that inconsistencies will creep in especially considering the resource constraints in government.

The capacity strengthening support provided to both the ministry and MHRC has scaled up the follow up on the implementation of the recommendations of both treaty bodies and UPR. With project support, the 2<sup>nd</sup> cycle of UPR was successfully presented in Geneva. During the session, 199 recommendations were made of which the government accepted 144, pending 13 and rejected 41. The UPR taskforce with the support of the project reviewed the pending recommendations; a process that led 9 out of the 13 recommendations being accepted by the government.

As reported by the Ministry of Justice officials, the ministry has capacity to lead the drafting of reports clearly as a direct result of this project. The Consultative and inclusive nature of reports compilation is a key success under this project. The Ministry chairs National Task Forces in each of the major human rights instruments and the Task Forces include constitutional bodies and civil society organizations. Apart from ICCPR, Malawi has timely responded to list of issues under the African Charter, Protocol on Rights of Women, CEDAW among others.

In addition the project has also enabled Ministry of Justice and Constitutional Affairs to participate in the defence of reports under UPR, ICCPR, African Charter on Human and Peoples' Rights, Protocol on the Rights of Women. Both MOJCA and Malawi Human Rights Commission have attended sessions of human rights institutions both at AU and UN level. It is also important to highlight the significant improvement in coordination of human rights issues amongst key players such as MOJCA, MHRC and civil society. There is sufficient evidence that the project targets under this output have been largely achieved.

However, while the above outputs are envisaged to increase respect for and observance of human rights, there is still gross abuse of human rights in Malawi which has partly kept the country's Human Development Index low at 0.445 putting Malawi in the 173 position out of 188 countries and territories.<sup>10</sup> Nevertheless, the evaluation established that through the project, commitment to promoting and protecting human rights in Malawi has been awakened with hopes of better outcomes and impact in the long term provided the current momentum is maintained and/or scaled up.

#### **iv) Partnerships between Malawi Human Rights Commission, OoO and Non-state actors on human rights.**

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<sup>10</sup>Malawi Human Development Report 2015

Poor coordination and partnership among human rights institutions and organizations characterized the pre-project situation causing fragmented response, minimal visibility and impact as well as duplication of efforts and other resources. In response, the project interventions were directed at strengthening partnerships amongst human rights organizations particularly MHRC, OoO and other non-state actors. This was envisaged to be achieved through the establishment and institutionalization of an interface mechanism with effects reflecting through increased human rights awareness. To achieve this, the following actions were undertaken;

- Conduct a stakeholder mapping to identify key stakeholders in human rights fraternity;
- Establish a forum for coordinating human rights actors;
- Review the civic education road map in Malawi and respond to the identified gaps in order to ensure systematic and orderly approach to human rights awareness;
- Support MHRC, OoO, media and civil society organizations to develop common messages and strategic approaches to human rights awareness;
- Strengthen the capacities of MHRC to coordinate CSOs/CBOs networking capacities to monitor and defend human rights.

The evaluation noted that the project has ably supported the establishment of interface mechanisms at various levels that bring together human rights actors. This is evidenced by the tree committees that were established to guide the formulation of the National Human Rights Action Plan. Although the Human Rights Forum was not realized as a major milestone and output under this project, the fact that the implementing partner and responsible parties are able to some extent work with CSOs and others through fora created by this project is a direct reflection that once a substantive Human Rights Forum is established and put in place means the coordination forum would bring better results since the loose get together alone has facilitated wide consultations during the formulation of national human rights documents particularly state party reports. As reiterated by several evaluation participants, if the Human Rights forum is established it will have great potential of ensuring effective implementation and monitoring of the NAP if well utilized.

In order to ensure that a forum achieves its intended mandate the MHRC as well as other agencies like OoO etc should strive to stick to their mandates especially at the upstream level while working with NSAs and CSOs at the upstream level a practice that taps into the comparative advantage of CSOs over national institutions like MHRC, OoO etc.

MHRC at its level cannot work with each and every civil society. It being a Policy Holder it should have been working with Civil Society Umbrella Bodies. This would in turn convey implementation issues to their Constituencies. Most of the Umbrella Bodies such as the Human Rights Consultative Committee (HRCC), Malawi Health Equity Network (MEHEN) in Malawi instead of coordinating their Constituencies they are also busy implementing Programs at the downstream levels. Unless this confusion from the NSA side is sorted out the formation of NSA Platform is a challenge.

Furthermore, concerted efforts have been realized during organization of national human rights events as well as delivery of human rights trainings. MHRC has well partnered with the Malawi Institute of Education to offer human rights trainings to spectrum of beneficiaries particularly primary school head teachers. On the other hand, the OoO has also well partnered with NICE to use the latter's center's as community outreach centers. This has notably enhanced public access to human rights reporting centres as well as human rights information disseminated through the centres currently spread out in 28 districts.

However, the MHRC is yet to fully and assertively strengthen its coordination role, with stronger efforts to reinforce partnerships, particularly with non-state actors. For example there seems to be more attraction in doing community related activities like actual community awareness activities than coordinating and setting standards for players or non-state actors doing community awareness.

While there is still scanty current national data on the level of human rights awareness which would have formed the basis of assessing the level of outcome achievement, the evaluation noted that the established coordination framework among the human rights actors is potentially able to facilitate enhanced access to information and services by the general public.

## **v) Programme management, partnership formation and Monitoring and Evaluation**

Project implementation and management has strongly been anchored on partnerships which has in turn facilitated monitoring and evaluation. Project implementation has been well shared among the MHRC, OoO and MoJCA. These institutions have formed the implementation team while the other CSOs have formed coordination teams. The evaluation noted that the project has established strong partnerships with other institutions such as Malawi Institute of Education and National Institute for Civic Education (NICE) as well as other programmes such as DCP and UNDAF.

Through the established partnerships, activity implementation has been undertaken in cost effective manner by utilizing the already existing structures established by other institutions and programmes. In effect, all planned project activities have been successfully implemented only that the scope of some activities such as public sensitization on human rights is still narrow.

### **vi) Promotion and protection of Disability and Elderly Rights**

The incorporation of the disability and elderly rights component in the project followed increased realization of the fact that persons with disability and the elderly constitute the bigger part of the vulnerable groups. With an extra funding of 65000 US \$ from the Norwegian Embassy, project design was amended to include the disability component. This component envisaged to achieve two outputs namely; 1) increase in disability awareness, knowledge and skills among service providers from 20% (2014/15) to 30% by the end of the project; 2) increased number of policy documents mainstreaming disability issues from 2 (2014/15) to 30 by the end of the project.

Results indicated that a number of achievements in respect to the above outputs have been realised and these include;

Development and validation of the Disability Communication Strategy which is intended to ensure effective coordination of dissemination efforts of disability information and documentation in the country,

Activities to increase public awareness about disability rights have been undertaken and they include; production, printing and distribution of over 7000 IEC materials such as Disability friendly terminology guidelines, albinism in Malawi booklet, banners, Disability Act (braille and easy to read format) and billboards. The funds for disability also enabled the department of Disability to conduct awareness in response to the escalation of killings of people with albinism.

Through the project, capacity development initiatives for the department of disability and Malawi Human Rights Commission have also been undertaken. A study tour to Kenya was successfully organised with an intention of enhancing the capacity of the participants in disability programming and management. In effect, the need for enhanced mainstreaming of disability in development planning has been amplified with calls to establish a disability trust fund and registration of people with disabilities through an integrated Disability Management Information System coupled with single registry for purposes of control and monitoring.

The project has also supported the formulation of the National Disability Mainstreaming Strategy which is hoped to guide the effective integration of disability issues in development planning at different levels of socio-economic organisation.

The evaluation further noted that through the project support, the review of Handicapped Persons Act in adherence with international standards was finalized. The reviewed Act is expected to provide enforcement mechanism of a rights-based approach to service delivery in line with the Constitution of Malawi, Disability Act, 2012 and United Nations Convention on the Rights of People with Disabilities (2006).

By and large, although the outcomes are still scanty, the evaluation noted that the outputs that have been achieved in the area of disability rights as seen here above have awakened national and organisational commitments to integrating disability in development planning. Given the short implementation period for this component and the results achieved hitherto, it is apparent that the envisaged outcomes will be attained but with more support and targeted interventions.



## **vii Minority Rights : Gender mainstreaming, LGBTI, Youth, Albinism and HIV/AIDS**

The evaluation established that there have been significant efforts for mainstreaming of gender in the project design and implementation intended to ensure that the concerns of both men and women in policies and programs are given adequate attention. This is further envisaged to facilitate equitable participate in the policy analysis, planning and development processes as well as distribution of benefits of development to both women, men children and other vulnerable categories of the population.

The enactment of Gender equality Act with the strong support of MHRC and UN agencies has been a key milestone in mainstreaming gender in government planning, programming and development process. Although it is yet to be felt as a change instrument within the society given the prevailing harmful cultural and traditional practices, a conducive policy environment for achieving outcomes has been created. The Ministry of Gender having a new Gender Policy incorporating in the CEDAW recommendations is a right step in a right direction in as far as gender mainstreaming and report is concerned.

Through combined efforts of human rights activist, gender based violence has strongly been criminalized which has awakened the authorities to strengthen the implementation of gender related legislations. Perpetuators of harmful traditional practices such as spiritual cleansing have been prosecuted setting a precedence of stamping out of such practices in the Malawian society.

Through the UN Human Technical working group, synergies were also seen to be built between the different players. A case in point is joint proposal development by UN Women on elimination of girl child marriage and education which saw UN Women partnering with UNICEF in order to tap into its UN comparative advantage in dealing with child education. The partnerships of the UN were also realised in direct interventions in cases of emergencies such as those dealing with harmful traditional cultural practices notably joint programs and proposal was developed by members of the UN Human Rights Working Group comprised of UNICEF, UNDP, UNFPA, UNAIDS, UN Women; to address issues issues of minority rights such as raising incidences of attacks on albinism, LGBTI etc as one human rights window proposal which mobilised around US\$300,000 for both proposals. Another classic success of UN partnership was the ability to realise each UN members comparative advantage in terms of technical skills, resources and M&E abilities when in 2015 UNICEF mobilised UN Women and UNFPA in developing a proposal that realised US\$450,000 to address issues of marriage, divorce and family relations Act, Trafficking in Persons Act. With DaO model being operationalized it has indeed increased UN partnerships as well as the partnerships with government through such strategic interventions like DG SWAPs .

The evaluation noted that with the raising cases on the rights violation of LGBTI, Albinos and other minority groups, there has been an active response in order to contain them in society. For LGBTI it was noted that MHRC has also started taking position by issuing press statements although more is yet to be seen in their concrete actions. The UN through the UNAIDs has also supported 2 pending court cases on LGBTI while on the issue of HIV there has been a concerted effort too both from the government and Development Partners. With the HIV/AIDS policy in place as well as institutions such Malawi AIDS Commission coupled with the proactive support from Development partners, has played positive role in stamping out the HIV/AIDS pandemic.

The training of the primary head teachers and formation of human rights clubs in school has helped to cascade the human rights promotion and protection agenda to the community levels. Community initiatives and interventions in human rights protection are slowly but steadily taking root. During an FGD with Chikowi, Satema and Mwanje Primary school human rights clubs members, it was established that the school club intervened in a family which had many children who were not attending school. One of the girls had got pregnant while the parents had also arranged marriage for another young girl with another family. The school club members organised themselves by talking to and sensitizing the children in that respective family and later on to the parents about children's rights and the effect of denying them right to education. This so far has yielded positive results as the young girl was stopped from being married off. By the time of this evaluation, the club was still following up on the issue of making sure that the rest of the children in the same family could be enrolled in school.

The project has made significant strides in empowering both the right bearers and holders; an initiative that has witnessed the training of 1093 primary school head teachers who are acting as change agents in their respective communities. The approach of training a few to train other is notably yielding effects through trickle down

mechanism. While the achievement is well targeted, the number of head teachers trained so far is just a small number of the 44000 head teachers in the country. Therefore, much still needs to be done in order to scale up the effect of such trainings.

### **3.4.2 Contribution of UNDP to the outcome of the programme**

In the light of the above outputs and outcome achievements, UNDP has notably played a pivotal role largely in supporting the development of strategic documents, capacity development in human rights institutions as well as supporting the Ministry of Justice to attend international events on human rights. More specifically, UNDP was at the forefront in supporting the envisioning exercise which helped to clear the confusion over the obligations and mandates of the main human rights institutions in Malawi. This has facilitated the development of healthy partnerships on which the successful implementation of the project has hinged.

UNDP particularly provided both financial and technical support to OoO's office towards the development of the strategic plan and service charter as well as establishing performance appraisal system. Furthermore, the current MHRC strategic plan was also formulated with a strong financial and technical support from UNDP.

Furthermore, UNDP has made an invaluable contribution in capacity strengthening of the human rights organisations through trainings and the technical assistants that have been attached to the key human rights institutions. UNDP has made significant contribution both financially and technically in various stages of capacity development. This has greatly supported both output and outcome level achievements.

UNDP has also play a key role in coordinating other UN agencies to support various aspects of the project in line with their mandate. UNDP has been on the forefront in the implementation of the project providing day to day technical support in addition to monitoring performance. This has not only ensured streamlined project implementation but has also been a key resource mobilization tools especially among the other UN agencies as they have all been working towards achieving the UNDAF outcome 4.1.

By and large, UNDP's contribution is evident in the entire design and implementation of the project. UNDP was particularly at the forefront of project design, and implementation through the provision of technical and financial assistance as well as coordinating other UN agencies that have also supported the project. It is noteworthy that UNDP has supported the achievement of the project outputs and is still making commendable contribution in cascading the project benefits downstream.

### **3.4.3 Potential success areas**

Despite the decimal outcome level successes, the project has registered substantial successes at output levels which MHRC and OoO staff that participated in this evaluation rated at 70% and 75% respectively basing on the level of activity implementation. The evaluation noted that while there is still little evidence for the achievement of outcome levels indicators, the achieved outputs are potentially able to yield the desired outcomes should the implementation commitments remains high and focused. The registered successes at this phase have largely been at policy and strategic levels evidenced by the various strategic documents that have been formulated. As such, key potential project success;

- Mainstreaming of human rights in national and sub national policies and work plans with the developed NAP working as a guiding document.
- Better coordination of human rights response in the country using the established coordination structures
- Reduced effort and resource duplication as a result of enhanced knowledge about and interaction among key human rights stakeholders
- High case completion rates as a result of strengthened capacity of the key human rights institutions and organizations.
- Inclusive and participatory human rights programming as a results of the established coordination and stakeholder interaction framework
- Improved state party reporting due to strengthened capacity of Ministry of Justice and Constitutional Affairs

#### **3.4.4 Project Contribution to achieving the outcomes**

The ultimate outcome of the MHRS project was empower national institutions to foster democratic governance and human rights to promote transparency, accountability, participation and access to justice for all especially women and children by 2016. Increased proportion of the public holding duty bearers accountable was the key indicator for the achievement of the set outcome as it was envisaged to foster inclusive participation, strengthening accountable and responsive governing institutions.

The evaluation noted that much as the tangible results are still scanty, the participatory UPR process has the potential of contributing to the achievement of the project outcome above. Through the UPR process, there was reported consultations among the key stakeholders in Human Rights fraternity; a factor that reflects that the country is on course to achieving inclusive participation, accountable and responsive governing institutions. For example, the community structures that are being established are best placed to promote these democratic governance virtues if they could be sustained.

The evaluation also noted that the reporting capacity of the government human rights institutions such as MHRC and the OoO has through the project been strengthened. Therefore, through a number reports that are periodically produced and shared, the activities of these institutions continue to be known to the public and other stakeholders hence improving transparency and accountability.

In accordance with the Mo-Ibrahim Index report of 2015, Malawi has made some improvements in participation and human rights since 2011 and is ranked the 15<sup>th</sup> in terms of participation and human rights observance on the African continent. However, the overall performance of the country on governance is still generally low (56.7) putting Malawi in the 17<sup>th</sup> position out of the 54 African countries that were assessed.

While it is apparent that the project support to the national human rights institutions has been vital in enabling them to foster democratic governance, much is still needed as the country still has a low corruption perception index (31 out of 100). This perceived level of corruption inhibits the full achievement of the project outcome by stifling accountability, transparency as well as access to service delivery in general.

Much as data on the proportion of the public holding duty bearers accountable was scanty, through the project public sensitization about their human rights has been one the key outputs that have been achieved. With the increased human rights awareness among the public, it is hoped that this will have a profound increment of the proportion the public that hold duty bearers accountable.

#### **3.4.5 Accelerating and inhibiting factors for enhanced programme performance**

The internal and external environment within which the project has been implemented has facilitated and inhibited the enhanced performance of the project. Among the key facilitators that strongly came out of the stakeholders that participated in this evaluation include;

##### **a) Facilitating factors**

##### **i) Coordination and partnerships**

Interviews with stakeholders revealed that the coordination mechanisms and partnerships both among the development partners as well as among the implementing partners was key in ensuring the level of project success. It was revealed that effective stakeholder involvement was mainstreamed right from the project conception stage; a factor that facilitated stakeholder buy-in for the project. Furthermore, the partnerships that were developed among the implementing and/or coordinating partners ensured efficient use of resources which enabled the project to supersede some of the set targets. A case in point is the partnership between OoO and NICE that allowed the former to use the later's community structures as outreach structures hence enabling wider coverage (28 districts) compared to 7 districts that had originally been targeted.

##### **ii) Appropriateness of the intervention logic**

The evaluation noted that the design of the MHRSP was well informed by a number of studies that were done prior to implementation. These included the gender study, gap analysis, justice baseline study among others which informed the design of the intervention logic as well as identification of the most appropriate partners. It is noted that all the project interventions were well linked on the basis of the theory of change and this facilitated implementation and achievement of results.

### **iii) Supportive policy environment**

Since time in memorial, Malawi subscribes to democratic governance principles as enshrined in the 1994 constitution. As such, the country had already built some democratic institutions and structures through which the project was implemented. The various government documents and policies have been used as a benchmark in the formulation of human rights strategic plan and other documents.

### **iv) Spirited programme management, monitoring and evaluation**

The project management has ably put up a streamlined project management system that has provided strategic direction of the project. Right from the conception stage, the project management has been shared between the three oversight committees. These have ensured effective activity implementation, timely progress reviews and instituting corrective measures.

### **b) Inhibiting factors**

The major inhibiting factor was the delayed release of funds that led to late implementation of activities. Both in the first and the 5<sup>th</sup> year of the project, there were delayed disbursement of the funds and as such activities were not implemented on time. According to the 2015 progress report, it is indicated that funds for that year were received in May and implementation started in June.

Inadequate funding of the national human rights institutions possesses serious sustainability threats of the project benefits and activities. In principle, while the government of Malawi demonstrates committee to human rights, the budgetary allocations to human rights institutions is still low hence making these institutions donor funded thereby jeopardizing the sustainability aspect.

Malawi society still cherishes certain cultural beliefs, norms and customs that violate human rights. These include gender-based violence, widow inheritance and cleansing. Since these mostly happen in the private sphere, their monitoring and subsequently designing redress measures remains a big challenge.

Low human resource capacity in the key human rights institutions has constrained the performance of the project particularly in case investigations and handling. This mainly explains the big case logs despite the project interventions. Although the project has made significant contributions in institutional capacity strengthening, poor motivation and remuneration of the staff in the two main human rights institutions has triggered high employee turnover.

Undermined oversight structures that met irregularly. For example since the inception of a joint work plan end of 2014 it was difficult for the steering committee to meet as the debate raged on about the existence of parallel steering committees (for joint work plan and for Human Rights Support project) both providing oversight on the same activities but also on whether the Office of the Ombudsman and Min of justice were part of the joint plan whose basis was an MOU between UN agencies and MHRC - just to give an example the whole 2015 the Steering Committee did not meet – not that there were no efforts but every time there was an initiative to do partners would get back to the controversial debate. High turn-over in the partner institutions which usually undermine capacity initiatives.

Rigidity and especially mistrust between government institutions and non-state actors. Flowing from the government repressive policy against human rights activities in the past that witnessed the arrest and persecution of human rights activities, the relationship between government institutions especially the security organs and the human rights based CSOs is not yet good enough to support effective partnerships between the government and non-state actors. Although it was mentioned during several interviews with both state non-state respondents that the relationship is healing, grains of mistrust still exist between these parties.

### **3.4.5 Programme sustainability**

There has growing concern over the sustainability of programme and projects supported by development partners over the years. As such programme/project sustainability has often been an integral part of the entire project design right from the conception phase throughout implementation. Effective stakeholder involvement in the entire project cycle is often intended to ensure sustainability as it promotes ownership, capacity building and stakeholders' willingness to contribute resources for the continuity of the project activities. Against this backdrop, the assessment of project sustainability was anchored on the extent of stakeholder participation, contribution, ownership and capacity building as seen hereunder.

### **i) Benefit sustainability**

Key benefits accruing from the project as seen in the achievement analysis in the previous sub sections has largely been the formulation of policy documents, capacity building as well as instituting management systems which shall all remain even after the project has stopped. The evaluation noted that the capacity strengthening gains are potentially important to ensure the sustainability of the systems and structures that have been created during the project.

There has indeed been effective stakeholder ownership of the project as the project activities were well aligned with the mandates of the existing institutions. As such, the project activities have been effectively integrated in the institution's strategic plans which signifies that the resultant benefits will continue beyond the project period.

### **ii) Institutional sustainability**

The integration of the project in the existing institutional framework was key in promoting the institutional sustainability. All the institutions that have been at the helm of project implementation such as MHRC, OoO and Ministry of Justice have expanded mandate that goes beyond the project period implying that with or without the project these institutions will stay. With the capacity strengthening that these institutions have received through the project, their operational effectiveness is more likely to go pass the project period.

The use of existing structures such Malawi Institute of Education and NICE whose existence was less dependent of the project is another factor that signifies institutional sustainability. The project ably played a catalyst role leaning on structures whose existence go beyond the project period.

### **iii) Opportunities and threats to programme sustainability**

Although the project did not have an explicitly exit strategy that would have clearly spelt out sustainability issues, the existing institutional and policy environment within which the project was implemented present both opportunities and threats to project sustainability as explained hereunder;

The alignment of the project with several other programmes and mandates of the existing institutions has facilitated the integration of some of the project activities in the strategic plans and subsequently work plans of other institutions and programmes. This signifies that project activities will continue even after the closure of the project.

The favourable policy framework that demonstrates government commitment to promoting and protecting human rights indicates that the implementation of some of the project activities will continue although under different arrangements.

The country presence and commitment of the UN system in supporting democratic governance presence Malawi great opportunities to continuously access technical assistance and guidance in mainstreaming human rights in her development planning.

The great attention accorded to human rights in the international development agenda as explicitly reflected in the post 2015 agenda and sustainable development goals offers great opportunities for further entrenching human right promotion and protection in development planning both at national and sub national as well as international levels.

Despite the enormous opportunities for the sustainability of the project, the gross under funding of the human rights institutions in the country to an extent threatens the fullness of the envisaged sustainability. As noted earlier, MHRC and OoO the two institutions with human rights promotion and protection mandates are underfunded and this hampers effective implementation of planned activities.

The Malawian society still cherishes traditional beliefs and practices that contravenes the human rights practices and norms. These continue to precipitate violation of human rights in the country.

### **3.4.6 Rating of programmatic performance in the light of OECD/DAC evaluation criteria.**

Flowing from the programmatic assessment above, the evaluation established that the project has performed well on a number of evaluation criteria. In the evaluator's independent assessment based on the available evidence and perceptions of the evaluation participants, the project scored ranked at 4 and above as regards effectiveness, relevance and sustainability. Project impact got a low rank (2) since time is still too short for the evaluation to capture concrete results on the impact. However, basing on the results chain analysis, the evaluation noted that the theory of change underpinning the project was largely sound and that the various results achieved at output

and outcome levels have the potential of supporting the achievement of positive impacts should the political and socio-economic context of Malawi remains conducive. It is in the area of efficiency where the project scored a low rank (2.5) largely on the account of delayed disbursement of funds and inadequacy of operational inputs such as means of transport as further presented in annex 1.

## 4.0 CONCLUSIONS, LESSONS LEARNT AND RECOMMENDATIONS

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### 4.1 Conclusions

A number of methodologies were employed in undertaking this evaluation to ensure that the learning objectives set out in the ToR for this evaluation could be achieved. Through joint application of our conceptual framework and the evaluation criteria while paying attention to the project's theory of change, lessons learned and recommendations for moving forward with the work have been identified. These are designed as participatory processes to ensure broad-based understanding of human rights perspectives.

While the thrust of this human rights project has been focusing on strengthening national policy and institutional framework at the upstream level, the positive spin offs, both at national, district and community level cannot be ignored though more still needs to be done especially at the downstream level as well as popularization of the National Human rights Action Plan together with other key outputs and instruments that resulted from the implementation of project. These include inter alia; Human rights act, mainstreaming strategy for the disability, disability communication strategy, OoO and MHRC strategies among others.

The use of human rights concepts and methods in project design and implementation was given satisfactory attention. This has ensured adherence to human rights principles of participation, inclusion, non--discrimination and accountability in particular impacted not only on what the project has done to date, but also how it was done.

The creation of processes which brought government and civil society to work together in prioritizing opportunities for human rights promotion and protection cannot be underscored especially with special focus on women and girls, and LGBT populations. This has been a major strength of this project with enormous ripple effects. By and large the project has opened spaces and opportunities to influence a range of policies, budgets, practices and attitudes in addressing the human rights challenges in Malawi. The project has also for the first time brought together national actors in human rights fraternity to work together as well as tested the partnerships with Development partners in strategically aligning their support towards the promotion and protection of human rights in Malawi.

The evaluation noted that the design of the project was consistent with both the national priorities as reflected in the MGDS, UNDAF and other human rights policies and regulations. As such, the project has largely been relevant to the development needs of both the country and the national human rights institution. It is on this ground that the project has scored 4 on the scale of 1-5 as seen in annex 1.

As seen in the programmatic assessment, the project output targets have largely been achieved although their level of popularization and utilization is still low. It was noted that most of the developed policies developed with the support of the project are still awaiting cabinet approval. On the basis of the level of project performance as far as achievement of set output is concerned, a rank of 4.5% is justifiably assigned to this evaluation criteria as seen in annex 1.

However, the project performance in terms of efficiency was not good on the account of delayed disbursement of funds which affected timely implementation of the planned activities. This largely explains the low absorption rates of funds throughout the project implementation. Coupled with complaints from implementing partners about the inadequacy of some of the inputs such as human resources and equipment (transport), a rank of 2.5 has been assigned to this evaluation criteria.

Project performance in respect to sustainability was impressive with a rank of 4.5 signifying a greater likelihood of both operational and institutional sustainability. The effective involvement of all key stakeholders throughout the project life cycle has potentially been able to propel adequate stakeholder ownership of the project as well as enhanced capacity strengthening which are the key tenets of project sustainability. However, the sustainability of the project benefits still faces a number of threats that include inter alia; inadequate funding of national human rights institutions and the traditional practices that contravenes the human rights principles and practices.

## 4.2 Lessons learnt

- The alignment of the project with sector-wide approach to democratic governance is a tremendous strategy that will see human rights aspects mainstreamed across the entire democratic governance sector holistically.
- The teething issues persisting in human rights may call for the establishment of a broader alliance with the Law Commission, the Committee responsible for Human Rights issues in Parliament and MoJCA to address the issue of MHRC independence and to move the minority rights agenda. Supplementing supply side support with demand side support through CSOs in human rights is also a valid approach to enforce established human rights, identify gaps and strengthen human rights advocacy, and should be maintained.
- **Enhancing DaO principles.** DaO model for the UNCT is an important approach that enhances collaboration and coordination mechanism with government agencies as well as building synergies between UN family agencies. Malawi being a self-starter should galvanise the best practice exhibited under this project in joint planning and programming. The same approach should also be adopted by the government sectors in terms of joint planning, programming and implementation. UN has also picked a lesson that in order to DaO, there is need to harmonize and simplify programming and operations processes such as M&E, results based Management as a self-starter country
- Joint planning and programming is an important lesson that not only enhances harmonisation of programs but also minimises duplication and wastage of resources.
- Capacity building initiatives for both government institutions and NSAs is not only an urgent requisite to sustain project results but it also leads to efficient resources absorption and the resultant social economic transformation of Malawian population.
- Broader civic education framework with human rights well integrated should not only be disjointed but approached from the institutional and curriculum perspectives in order to ensure sustainability

## 4.4 Best practices

- The project has contributed by pushing a national agenda through national institutions as well as NSAs to bring to the fore front minority rights issues such as those of LGBT, Albinos, HIV/AIDS. *The project developed further the strategic focus on women, and to this add a children and other vulnerable groups including LGBTI*
- The programme activities are tailor-made to address the violation of human rights. The vulnerable population in Malawi includes women, children and people with disabilities. The project therefore continued to focus on human rights protection for women and children. A gender mainstreaming study has been included in the project with a view to mainstream activities in the National Human Rights Action Plan.

## 4.3 Recommendations

### 4.3.1 Successor Program:

With regard to the tremendous achievements so far registered by the project mainly at the upstream level with now a National Human Rights Action Plan in place as well as the requisite national human rights architecture, there is no doubt that a successor program is highly recommended in order to consolidate, popularize and cascade the achievements downstream up to the grass root community levels in a bid to promote and protect human rights holistically. This was also generally re-echoed by majority of stakeholders consulted at various levels both from the government, civil society as well as Development Partners justifying the concerted effort to address human rights plight in Malawi. The following should be taken into considerations as crucial actions:-

- With the National Human Rights Action Plan in place, the successor program could focus mainly on pertinent regulatory and policy related human rights aspects.



- Emerging issues and lessons learnt under this project such as minority rights, issues of innovative capacity building of institutions and organizations, as well as supporting the downstream levels to ensure that the demand side of human rights by the population should be enhanced through active and robust participation of NSAs
- *Minority Rights*: For any future program to be appreciated, it should take into account the issues of minority rights such as LGBT, HIV and the Law, Disability, Albinism, right to food etc from the design stage. This would provide at an early stage specific unique interventions that are not necessarily the same with the conventional human rights promotion and protection approaches. These emerging human rights issues should also be premised on deeper research, investigations and public inquiries as a way of getting the root causes of specific human rights violations for proper litigation and awareness purposes.
- The design of the successor program should continue to be aligned to the Democratic Governance Sector Strategy, National Action Plan for Human Rights and MHRC Strategic Plan and ensure logical alignment of activities across these major documents.
- It should also take into account the gaps identified in the current project that form core project planning and management cycle such as the need for Mid Term Review; exit strategy, clear definition of strategic approaches as well as program delivery instruments like Results based management among others.
- *Mainstreaming of Sustainable Development Goals (SDGs)*: The successor program should also mainstream and align the SDGs final outcomes in its national strategic interventions. This is because the SDGs is the currently global development framework to which development programme globally and nationally should be aligned. The consultant feels that SDGs have not been specifically pronounced in this project.
- The alignment of the project with sector-wide approach to democratic governance is a tremendous strategy that will see human rights aspects mainstreamed across the entire democratic governance sector holistically.
- For the UNCT to further realize and fulfil the DaO SOPs there is need to harmonize programming and operations systems and procedures such as harmonized procurement which will reduce parallel processes and the subsequent transaction costs thereby enhancing the coordination and planning, and the resultant realization of the value for money and return on Investments.

#### **4.3.2 Enhanced Monitoring and Evaluation with Results based Management and real time monitoring**

The need to adopt Real Time Monitoring and Results Based Monitoring is critical and should be prioritized in the successor project. This will enhance harmonization of GoM DG SWAp and UN DaO. This however calls for the following actions.

- Enhance the monitoring and evaluation systems and processes for the GoM – DG SWAp programs by focusing on the Outcomes right from the planning stages to end of program implementation with clearly defined indicators up to the outcome/impact level. This is because the current planning, monitoring and evaluation has largely focused on outputs and activities.
- Developing Key Performance Indicators (KPIs) at the design stage which should be monitored through real time monitoring throughout the project cycle which helps in timely decision support mechanisms
- The UN and Government of Malawi should build the capacity of government institutions in the adoption and application of the core UN programming instruments such as the Results Based Management (RBM), Harmonized Cash Transfer (HACT) and Rights Based Approach to Programming (RBAP) as important programming tools in order to ensure Real time monitoring.
- It is recommended UN supports government and NSAs IPs in Results Based Management and Monitoring skills and training in order to move away from focusing on activity level monitoring to a more Result Oriented monitoring approach. The different means of verification (MOVs) used in monitoring and evaluation at different levels should also ensure effective M&E, Real Time Monitoring and Reporting and subsequent improvement in service delivery as opposed to the currently applied static monitoring and reporting.

- *Introduction of Performance Based Management:* As a major public sector management tool for both the government and Development Partners in order to realize results and set targets with clear key performance indicators, there is a need to reinforce and enhance accountability, management, governance and coordination systems by introduction of PBM systems. This will help in stamping out laxity and focus on realization of set targets, the program officials both on the donor side as well as IPs to sign Performance Based Contracts tied and measured against program targets.

#### **4.3.3 Innovative Capacity Building initiatives**

Continued support to institutional and organizational capacity development remains a key intervention for achieving enhanced results and should be given utmost attention in the successor projects and programmes. A robust capacity building program building on the existing and ongoing capacity building initiatives by government and donors should be developed and further supported through more innovative ways and introductions of motivating aspects such as

- *Promotion of Volunteerism*<sup>11</sup> is key in addressing the capacity gaps at the various levels both upstream and downstream. Therefore, the successor program should be more innovative enough for instance it can explore and tap into UNDP/UNVs tested model of utilizing IUNVs and NUNVs. Already NICE as one of the partners of the project has used this model and its working hence there is need to amplify it at both national, district and grass root levels.
- *Establishment of a Human Rights Forum:* flowing from the fact that national institutions lack requisite capacity due to structural and systemic challenges, there is need to establish a human rights forum which will broaden the outreach and operational capacities of especially MHRC and OoO.
- Enhance national institutions and organizations in terms of human resources skills, human resource staffing levels, increased resources and logistical facilitation for the government institutions at national and district levels as well as the NSAs. Specifically national institutions such as OoO, MHRC should be support to in terms of strengthening their leadership capacities as well as executing their constitutional and statutory mandates independently without State interference.
- Enhanced engagement of both supply and demand side of rights: Flowing from the current project design, the focus was to strengthen the institutional and organizational capacities in addition to build a formidable force of civil society for the promotion and protection of human rights. The consultant encourages this dual approach to continue more so by amplifying and giving more space and full participation of civil society organizations especially in areas of advocacy and promotion of human rights awareness an area where they command comparative advantage over national institutions like MHRC, OoO etc. The successor program should therefore put more emphasis and equal focus on prevention (awareness raising, empowerment of communities to demand rights) and response mechanisms. The current Project focused more on response activities.
- With the upgrading of the Human Rights Unit and its movement to the Office of the Attorney General, it should be followed up with staffing and funding in order to enhance and increase focus on State Party Reporting Processes and programming as a process not an event, including accountability enforcement mechanisms in between reporting cycles. Treaty monitoring and implementation of recommendations need to be strengthened and improved by the UN and our partners as well as disseminate the treaty to the public through various IEC methodology
- UNDP should continue its dialogue with the MHRC to actively engage in minority rights for instance HIV and the law, LGBT, Albinism, food rights. Technical support in this area should be offered by OHCHR, If MHRC considers this could improve its capacity and impact.
- Development of a robust multimedia communication strategy: the promotion and protection of human rights through advocacy, awareness requires a multi-pronged multimedia communication strategy with simplified modules for the ordinary citizens to resonate with.

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<sup>11</sup> UNV Paper on Volunteerism and Capacity Development paper, 2004: describes Volunteerism in its wider sense to refer to contributions which demand some form of personal commitment freely given and moral imperative, the dedication of time and other forms of sacrifice. UNV has various forms of volunteerism which include; mutual aid and self-help, philanthropy and service, advocacy and campaigning: UNV report of administration 2004/2005

#### **4.3.4 Review and development of a National Civic Education Framework**

Supporting the development, institutionalization and operationalization of National Civic Education framework and architecture remains a critical and priority area for advancing human rights promotion and protection agenda. The consultant also noted that there are more disjointed civic education initiatives at various government and NSA levels sometimes with duplication which also causes confusion and poor coordination. It is upon this basis therefore that the evaluation recommends support to the robust development of a national civic education framework including policy and attendant regulations as well as its implementation and management arrangements. This will ensure effective and efficient coordination as well as balance in addressing all aspects of political, civil, social, cultural and economic rights in a more coordinated mechanism. It will further address the dichotomies of the need for both formal and informal sector. This recommendation also has got a direct link with Democratic Consolidation Project (DCP).

Annex 1: Rating of project performance in the light of OECD/DAC evaluation criteria

	Rating (1 low, 5 high)					Rationale
	1	2	3	4	5	
<b>Impact</b>		2				<i>The evaluation didn't measure the impact per se but the project strategies and outputs/outcomes as well as the role of organizations like MIE and NICE were seen to be pointing to realization of positive impact with time.</i>
<b>Sustainability</b>				4		<i>As such programme/project sustainability has often been an integral part of the entire project design right from the conception phase throughout implementation. Effective stakeholder involvement in the entire project cycle was intended to ensure sustainability as it promotes ownership, capacity building and stakeholders' willingness to contribute resources for the continuity of the project activities. The development of the National Human rights action plan as well as revising the human rights architecture are all right steps in ensuring a holistic and systematic sustainability of the project benefits and some of the project activities. Investigations (complaints handling) under Office of Ombudsman and MHRC as they formulate part of the key duties but also strategies deployed by MHRC and OoO in fulfilling their mandates</i>
<b>Relevance/Appro-priateness</b>				4.5		<p><i>Externally, there is adequate alignment of the MHRSP with the UNDAF and DG SWAp with the national development priorities. The project further is in tandem with the Malawian Constitution, MGDS II of the GoM which places emphasis on human rights promotion and protections as a prerequisite for poverty reduction within medium term frameworks in an effort to realize the Malawi Vision 2020. The project was consistent with Malawian legal and policy framework as well as the UNDAF outcomes 4.1 and 2.5. With national priorities. Details in the report Chapter dealing with consistence with national priorities. The activities of the project were flowing coherently although they were not designed with gender disaggregated targets</i></p> <p><i>Therefore, the project is relevant as it is derived from the legal provision in the both the Constitution and Laws of Malawi on human rights promotion and protection, and Malawi Growth and Development Strategy. It addresses human rights knowledge and skills gaps on the parts of both the claim holders and duty bearers. The project affects the capabilities of claim holders including women rural populations by empowering them to demand and exercise their rights and corresponding duties. It also affects the capabilities of duty bearers to be effectively responsive on the four core obligations, namely, to respect, to protect, to promote and to fulfil human rights</i></p> <p><i>The MHRSP covers wide scope especially at the upstream policy level. Geographically the project was covering the whole country although its effects are yet to be felt since most of the interventions were targeting upstream strategic national institutions with less downstream focus. There is an expressed need for rolling-out the project to other areas and increasing the number of beneficiaries especially to popularize and consolidate the results achieved so far especially the operationalization and rolling out the new National Human Rights Action Plan</i></p>
<b>Effectiveness</b>				4.5		<i>This criteria measures the extent to which the project achieved its objectives as set out in the results framework.. With regard to outputs</i>

	Rating (1 low, 5 high)				Rationale
					<p>on human rights support activities, the project achieved: 95% of the target for number of activities. Generally, Project has met objective to develop a human rights architecture as well as enhance the national institutions capacities by:</p> <ul style="list-style-type: none"> <li>• Finalization of process of the development of a gender-responsive National Action Plan for Human Rights and submission of Policy document to MoJCA</li> <li>• Capacity developed (Training, equipment and vehicles)</li> <li>• Education strategy and MHRC and OoO Strategic Plan</li> <li>• Development of mainstreaming disability strategy as well as communication strategy</li> <li>• Envisioning exercise</li> <li>• Resolving human rights cases through investigations and litigation</li> <li>• State part reporting and participation in UN fora and African Commission fora. Malawi has cleared most of the back log.</li> <li>• Submissions on Bills on compliance with human rights</li> <li>• Amendment of the Human Rights Commission Act/Defence for Commission's "A" status</li> <li>• Comprehensive mapping of players in the Human Rights Sector with a view to developing and implementing a human rights architecture framework for enhanced collaboration with non-state actors</li> <li>• Enhanced visibility and relevance of MHRC, OoO,</li> <li>• Enhanced profiling of MHRC's role in commemoration of human-rights related international and national events, in particular the Human Rights Day</li> <li>• Enhanced collaboration and coordination between OoO, MoJCA and MHRC</li> </ul>
Efficiency		2.5			<p>Evaluation participants especially the implementing partners indicated that the available resources were inadequate and this constrained the implementation and performance of the project. Inadequate means of transport was the mostly highlighted input by most respondents. Furthermore, although the project made substantial contribution in strengthening the human resource capacity of implementing partners, the evaluation noted that all the IPs still have human resource gaps. All these were blamed on the inadequate financial resources that was available for the project implementation.</p> <p>The inadequacy of the project inputs notwithstanding, the evaluation participants decried of the bureaucratic procedures in accessing the project resources which on several occasions caused delayed disbursement of funds and subsequently activity implementation.</p>

## Annex 2: Summary of output achievements

Output	Indicators	Achievements/status	Comment
Output 1: A gender-responsive national human rights action plan developed in a participatory manner and implemented	At least 20 institutions involved in the formulation of NAP	NAP has been formulated in a participatory manner involving 42 institutions.	The plan was successfully formulated and validated by stakeholders and now awaits government approval and full implementation.
	At least 80% of actions in NAP gender sensitive	Indeed the plan has well mainstreamed gender although the percentage of gender sensitive actions is not explicitly indicated in the reports.	The coming on board of UN Women strongly supported and guided effective mainstreaming of gender not only in the formulation of NAP but also implementation of entire project.
Output 2: Strengthened leadership and technical capacities of the Malawi Human Rights Commission and the Ombudsman to deliver on their human rights mandates effectively	At least 84% and 50% human rights violation cases completed by MHRC and OoO	Case completion rate is still below the target for both MHRC and OoO	Limited institutional capacity and escalating human rights violation cases are largely responsible for the decimal achievement of the target indicators. The evaluation noted high employee turnover in the two human rights institutions which has worsened the manpower shortages amidst increasing cases
	Community outreach structures instituted in at least 7 districts	Community structures have been instituted in 28 districts. This has largely been achieved through partnering with NICE which enabled the project to use its already existing structures.	The partnership built especially with NICE has enabled the project to supersede the output targets. This has also be key in minimizing the implementation costs of the project through utilization of already existing structures. This has positive bearing on benefit and institutional sustainability.
Output 3: Enhanced engagement in the state party reporting and UPR in a participatory and consultative manner	At least 70% of accepted recommendations implemented and 30% of rejected recommendations accepted	Implementation of 144 accepted recommendations is on course though slow. 9 out of 13 rejected recommendations been accepted after thorough review by the taskforce. Over 90% of the 2010 UPR recommendations have been implemented and 40% of the 2015 recommendations have so far been implemented.	There is impressive government commitment to implementing the UPR recommendations although limited capacity still slows down the implementation pace.

	At least 6 state party reports compiled	<p>4 state party reports have been compiled. These are; African Charter on Human and Peoples Rights and Protocol on the Rights of Women, International Covenant on Civil and Political Rights, Convention Against Torture &amp; Convention On Elimination of Racial Discrimination (CERD)</p> <p>Drafting of CAT, CERD, ICESCR, ICRPD reports for next reporting on the African Charter due next year is already underway</p>	The project has indeed supported the compilation of state party reports and Malawi is the first country to fully comply with the 2009 guidelines of submitting combined reports on the Charter and the Protocol. Through the project, taskforces for compiling state party reports have been formed. These together with the data that has been collected during the project continue to strengthen Malawi's state party reporting capacity.
Output 4: Strengthened partnership between the Malawi Human Rights Commission and Non-State Actors on Human Rights through the establishment and institutionalization of an Interface platform mechanism	Level of human rights awareness improved from 50% to 70%	Throughout the entire project 1093 head teachers have been trained on human rights in all the educational divisions. In addition, 28 sensitization meetings have been held in which over 5780 members of the public were reached with messages on human rights.	Despite the lack of national level data on the level of human rights awareness, the public has been reached with messages about human rights which is envisaged to have had a positive impact on the levels of awareness.
Output 5: Effective and efficient management, partnership formation and monitoring and evaluation of the Project	85% of the activities successfully implemented.	MHRC indicated that 80% of the activities were implemented while activity implementation by OoO was rated at 75%.	Besides the delayed release of funds, activity implementation was largely successful which majority of evaluation participants attributed to the partnerships and synergies the project was able to build across the various stakeholders.
Output 6: Promotion of disability and elderly rights	Awareness, knowledge and skills among service providers increased from 20 to 30.	<p>Disability communication strategy developed, validated and awaiting printing,</p> <p>Over 7000 IEC materials (including Disability friendly terminology guidelines, albinism in Malawi booklet, banners, Disability Act (braille and easy to read format) and billboards, were printed and distributed.</p> <p>Department of Disability and the Malawi Human Rights Commission, a</p>	The late incorporation of disability and elderly issues in the project notwithstanding, the evaluation noted that the implemented activities so far are well aligned with the output to be achieved.

		study tour to Kenya was conducted.	
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**Annex 3: Achievements of Capacity strengthening interventions of the project**

		Pre-project status	Current status	Rationale for the score
1	Institutional Arrangements (suitable legal framework; enabling laws; internal structures)	3.70	4	During the project implementation phase a series of activities have been undertaken on strengthening the enabling Statute for MHRC through amendment of the Human Rights Commission Act. The Ministry of Justice and Constitutional Affairs was consistently engaged in a long term process, and relevant Committees of Parliament were also engaged. The HRC Act has been partially amended. Orientation of incoming Commissioners has been institutionalized. Internal structures have been reinforced e.g. complaints handling committee, training of staff, deployment of a technical/Project Management Personnel by UNDP and Envisioning Exercise and Strategic Planning Exercise
2	Leadership (capacity to develop, communicate & give direction on mission, vision; develop & implement workplans, budgets; foster independence of institution; motivating environment)	3.07	4	See Explanation in 1 above, Further, under the Project there was Training of different cadres of Management in Thematic Human Rights Issues, as well as Training/Induction of Commissioners and Senior Staff on various topics including corporate governance and human rights thematic areas
3	Knowledge (staff understand, appreciate & implement their mandates effectively; capacity to formulate policies & strategies; knowledge development opportunities for staff)	3.00	3	Staff development is an on-going process. High turnover has also affected staff development as some officers that have received training have exited from the Commission.
4	Accountability (capacity to collect feedback, staff performance appraisals)	3.50	4	Staff Open Performance Appraisals are conducted regularly as per the Terms and Conditions of Staff of Malawi Human Rights Commission
5	Functional Capacity/Engaging stakeholders	3.66	4	Increased engagement with stakeholders for example through the long term process of development of the National Human Rights Action Plan, mapping exercise for the Human Rights Forum, Thematic Committees, State Party Reports working session, engagement with critical national stakeholders such as Judiciary, Police and Traditional Leaders and Media, and process of developing the Gender Equality Act Implementation and Monitoring Plan
6	Functional capacity/Monitoring and reporting on HR	3.27	4	Increased human rights monitoring activities, e.g. of response to floods, police shooting, Child Care Institutions, including orphanages, schools, hospitals, ADMARC (public maize selling depots), situation of returnees from Xenophobia attacks in South Africa, and elections, among others.
7	Functional capacity/Monitoring places of detention	3.73	4	Regular monitoring of places prone to human rights abuses including



				prisons. Carrying out country wide prison monitoring. However this activity primarily supported by EU
8	Functional capacity/ prepare and submit annual reports	4.27		Annual Reports for all the years of the project prepared and submitted to Parliament as per requirement under the Human Rights Commission Act as well as to a broad base of stakeholders such as Development partners, Government Ministries and Agencies, Judiciary, Civil Society Organisations, Media, etc
9	Functional capacity/formulate and rules to investigate and resolve complaints	3.82	4	Complaints Handling Manual Revised. Human Rights Cases investigated, and some resolved, including on strategic issues
10	Functional capacity/skilled staff to handle complaints	3.17	4	Staff underwent a series of training on human rights core subjects and on investigative skills (lead implementer on investigative skills training, Office of the Ombudsman)
11	Functional capacity/ to secure effective remedies for victims	3.33	4	A significant number of complaints handled and resolved in the course of the Project phase
12	Functional capacity/Carry out public hearings or inquiries on violations	2.91	3.5	Public Inquiries being increasingly carried out including on Status of Sexual and Reproductive Health Rights, Child Maintenance, The Rights of Persons with Disabilities, and Access to Justice by Victims of Gender-based Violence, though the last one funded by EU
13	Functional capacity/ Carry out ADR	3.67	3.5	A number of cases resolved through ADR, i.e. mediation, conciliation, Advice as provided for in the Human Rights Commission Act
14	Functional capacity/Accessibility to all clients	2.75	3	Significant limitations with respect to accessibility still exist as MHRC only operating in Lilongwe and Blantyre. However MOUs with institutions working at District level as well as coordination with NGOs and CBOs put in place as mechanisms for expanding the reach of MHRC
15	Functional capacity/ Produce IEC materials to create awareness	4:00	4	Significant amount of IEC materials produced, including strategic IEC materials e.g. repackaging of recommendations from the UN on State Party Reporting Processes, including through translation into local languages or simplification, and production of various other materials especially through strategic approach to commemoration of International Human Rights Day
16	Functional capacity/Train stakeholders	3.64	4	Several training for stakeholders including magistrates, police, NGOs, media, District Council Executive Committees, Teachers carried out
17	Functional capacity/Carry out public awareness campaigns	3.58	4	A Series of Public Awareness campaigns carried out on a number of human rights thematic areas
18	Functional capacity/Establish documentation centres	3.67	3.5	MHRC Library upgraded to a Resource Center. National Initiative for Civil Education used as major outlet for MHRC IEC materials and other publications. However no documentation centers physically established
19	Functional Capacity/Advising the executive and parliament	3.46	4	A series of Human Rights Status Report and other accountability reports compiled and used in engaging the Executive. Meetings held with Parliament, though not a regular basis.

## **Documents reviewed**

Afro-barometer report for Malawi 2015

Annual reports and Strategic plans of MHRC and OoO

Baseline Survey report on Democratic Accountability in Malawi – 2011

Capacity Gaps Assessment report for Malawi Human Rights Commission

Corruption perception Index report 2015

Country Programme Document for Malawi, 2012 – 2016

Democratic Governance Sector Strategy

Democratic Governance Sector Strategy for Malawi, 2013-17

Democratic Governance Sector Support Program

Final UNDAF Evaluation and MTR review reports 2012-2016

Governance and Corruption Survey report 2013

Malawi Human Rights Commission Strategic plan 2011-15

Malawi Human Rights Report, 2014

Malawi Justice Baseline Survey Report, 2010

Malawi National Human Development Report 2015

MHRS Project Document 2012-16

Mo-Ibrahim Index report for Malawi, 2015

Project Annual reports both financial and technical; 2012-2015

Report on Gender-based Violence in Malawi; A review of literature to inform national response, 2015

UNDAF 2012-2016

UNDAF Action Plan

UNDAF Annual Progress Report 2013, 2014

UNDAF Evaluation Final, May 2015

UNDAF Revised RRF, 2013

UNDP Evaluation Policy

UNDP Outcome-Level Evaluation: A Companion Guide

UNEG Evaluation Norms

UNEG Evaluation Standards

**List of People consulted**

**MALAWI HUMAN RIGHT SUPPORT PROJECT END OF TERM EVALUATION**

**EVALUATION MISSION PROGRAMME**

<b>Date and Time</b>	<b>Person(s) to meet</b>	<b>Location</b>
<b>Wednesday, 20 July, 2016</b>		
15.00-16:00	Agnes Chimbiri, David Kayuni, Clemence Alfazema and Peter kulemeka	UNDP
<b>Thursday, 21 July, 2016</b>		
9:00 – 10:00	Ms. Carol Flore - DRR (P), Agnes, David, Clemence, Peter	UNDP
14.00 – 15:30	Ms. Grace Malera Executive Secretary, Malawi Human Right Commission (MHRC) Mrs. Grace T. Malera, Executive Secretary Mrs. Noris Mangulama-Chirwa, Director, Child Rights Mrs. Sarai Chisala-Tempelhoff, Director Gender and Women’s Rights Mr. Wycliffe Masoo, Director, Disability and Elderly Rights, Mr. Peter Chisi, Director, Civil and Political Rights, Mr. Harry Migochi, Director, Economic, Social and Cultural Rights, and Mr. Winston Mwafulirwa, Director, Corporate Services	Old Town
<b>Friday, 21 July, 2016</b>		
09:00 – 10.00	Mr Felix Sapala, Director of Disability, Ministry of Gender, Children, Disability and Social Welfare	Gemini House, City Centre
10.30 – 11.30	Chief State Advocate, Ministry of Justice and Constitutional Affairs	Ministry of Justice, Capital Hotel
13:30 – 14:30	Mr Felix Sapala, Director of Disability, Ministry of Gender, Children, Disability and Social Welfare	Gemini House, City Centre
14.45 – 15.45	Mr. Ellos Lodzeni, Executive Secretary, Office of the Ombudsman	
<b>Monday, 25 July, 2016</b>		
09.00 – 09:45	Gift Trapence, Director, Center for the Development of People (CEDEP) Email: <a href="mailto:gtrapence@yahoo.co.uk">gtrapence@yahoo.co.uk</a> . <b>Confirmed.</b>	Lilongwe
14:00 – 16:00	Reference Group Meeting	UNDP
16:00 – 16.45	Neal Gilmore, UN Human Rights Advisor. <b>Confirmed</b>	UNDP
<b>Tuesday, 26 July, 2016</b>		
10:00 – 10:30	Stanley Zidana, Security briefing, UN DSS	Lingadzi House, City Centre
14:00 – 14.45	Ms. Emma Kaliya, Acting Director, Human Rights Resource Centre, Email: <a href="mailto:emmakaliya@yahoo.co.uk">emmakaliya@yahoo.co.uk</a> . <b>Confirmed.</b>	Lilongwe
<b>Wednesday, 27 July, 2016</b>		
9.00 -10:00	OPC, with DCP evaluation mission	Capital Hill, with DCP mission
10:30 – 11:30	Mr. Ollen Mwalubunju, Executive Director, National Initiative for Civic Education (NICE) with DCP evaluation mission. Email:	NICE office, Taurus House

	<a href="mailto:ollenmw@gmail.com">ollenmw@gmail.com</a> Out of the country. To be confirmed (TBC)	
14.00 – 14.45	Commissioner, Malawi Prison Service	
15:00 – 15.45	Mr. Yona Kamphale, Acting Chief Director, Economic Planning and Development, Ministry of Finance and Economic Planning and Development. Email: <a href="mailto:ykamphale@yahoo.com">ykamphale@yahoo.com</a> . TBC	Capital Hill, Lilongwe 3
<b>Thursday, 28 July, 2016</b>		
09:00 – 10:00	Clerk of Parliament	Parliament Building
10.30 – 11.15	Ms. Amakobe Sande, UN Aids Representation	Evelyn Court
Break		
14.00 – 15.15	Mr. Timothy Mtambo, Centre for Human Rights Rehabilitation, with DCP evaluation mission. Email: <a href="mailto:mtambotimo@gmail.com">mtambotimo@gmail.com</a> . TBC	UNDP, with DCP evaluation mission
	Mr. Robert Mkwezalamba, Human Right Consultative Committee TBC	UNDP
15.30– 16.45	Mr. Benedicto Kondowe, Civil Society Education Coalition. <a href="mailto:bkondowe@gmail.com">bkondowe@gmail.com</a> or <a href="mailto:bskondowe@gmail.com">bskondowe@gmail.com</a> . <b>Confirmed</b>	UNDP, with DCP evaluation mission
	Mr. Reinford Mwangonde, Citizens for Justice. Tel. 0999678031. Email: <a href="mailto:reinm@cfjmalawi.org">reinm@cfjmalawi.org</a> – <b>Confirmed</b>	UNDP
<b>Friday, 29 July, 2016</b>		
09.00 – 09.45	Dr. George Kainja, Malawi Police Service. Email: <a href="mailto:george.kainja@yahoo.com">george.kainja@yahoo.com</a> . And Supt. Benson Mtajiri – Planning Officer <b>Confirmed</b>	Police HQ
10.00 – 10.45	Ministry of Health	Capital Hill
11.00 – 11.45	Ministry of Education	Capital Hill
Break		
14:00 – 15:30	Director, Women’s Legal Resources Centre, with DCP evaluation mission	UNDP, with DCP mission
	Vic Maulindi, National Coordinator, NGO Gender Network. Email: <a href="mailto:vic.maulidi@gmail.com">vic.maulidi@gmail.com</a> <b>Confirmed</b>	UNDP
	Mzati Mbeko, Women and Law in Southern Africa. <a href="mailto:mzati.mbeko@yahoo.com">mzati.mbeko@yahoo.com</a> TBC	UNDP
<b>Monday, 1 August, 2016</b>		
09.00 – 10:00	Mr. Bjarne Garden, Head of Cooperation, Royal Norwegian Embassy (together with the DCP evaluation mission) and Michel Nyirenda – Sr Program Officer	With DCP evaluation mission Arwa House, Lilongwe
10.15 – 11:00	UNICEF Ms. Janet Liabunya – Social Policy section <a href="mailto:jliabunya@unicef.org">jliabunya@unicef.org</a>	UNICEF House, Lilongwe
14:00 – 14.45	UN Women – Ms. Clara Anyangwe – Representative and Ms. Habiba R. Osman EAWG specialist	Evelyn Court
15:00 – 15:45	UNFPA – Ms. Dorothy Nyasulu – Asst Representative	Evelyn Court
<b>Tuesday, 2 August, 2016</b>		
07:00	Travel to Zomba	
11:00 – 12:00	Malawi Institute of Education	Domasi, Zomba

	Dr William Susuwele – Executive Director Ms. Chinguwo Evelyn – Director – school and Teacher Development Ms. Lemani Evelyn – Chief Curriculum Specialist	
Break		
13:30 – 17:00	<b>Visit beneficiaries of project in Zomba - Headteachers</b> Ms. Ireen Matimah Kanjerwa and Ms. Chrissie Maulana and Bright Mpehepo – Chikowi P/S Mr. Taiti Iblahim – Satema P/S Mr. Harold Phambala and Daliya Mpholou – Mwanje P/s <b>School Human Rights Committees (Clubs)</b> Samuel Wyson, Vilet Kajulukwa – Chikowi P/s Rodrick Assani and Madaritso Miluka – Satema P/S Ruth Mkula and Daudi Chiwaula – Mwanje P/S	Zomba
	Prof. Garton Kamchedzera – Faculty of Law University of Malawi <a href="mailto:Garton.kamche@gmail.com">Garton.kamche@gmail.com</a> Tel. +256992580959	
<b>Wednesday, 3 August, 2016</b>		
07:00	Travel to Lilongwe	
14:00 – 15:00	Mr. Dalitso Kubalasa, National Coordinator, Malawi Economic Justice Network. Email: <a href="mailto:dkubalasa@mejn.mw">dkubalasa@mejn.mw</a> ; <a href="mailto:dkubalasa@gmail.com">dkubalasa@gmail.com</a> <b>Confirmed</b>	
	Mr. Msewa Edwin - NICE	



## INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

### CONSULTANT SERVICES FOR THE END OF TERM EVALUATION OF THE MALAWI HUMAN RIGHTS SUPPORT PROJECT

<b>Type of contract:</b>	<b>Individual contract</b>
<b>Post level:</b>	<b>Consultant</b>
<b>Languages required:</b>	<b>English</b>
<b>Duration of contract:</b>	<b>35 days</b>
<b>Duty station:</b>	<b>Lilongwe, with travel to selected districts for about 5 days.</b>
<b>Country:</b>	<b>Malawi (Lilongwe)</b>

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## 1. CONTEXT

### 1.1 Background

The Malawi Human Support Project is being implemented within the context of operationalising the Democratic Governance sector strategy. It is supporting national efforts to strengthen mechanisms and institutions to promote norms and good practices and foster stronger democratic accountability in keeping with the objectives of the MGDS II. It represents a concrete response by the UN System to Malawi to embed democratic governance through respect for the principles and practices of Human Rights as entrenched in the Constitution of Malawi and in international and regional Rights instruments. It is an integral cross-cutting aspect in the promotion of gender equality, and strengthening of the capacity of key State and Non-State Actors (government departments, CSOs, NGOs and CBOs) in Human Rights and in enhancing their engagement with the state party reporting and Universal Periodic Review (UPR) process.

### 1.2 Project Outcome

“National institutions foster democratic governance and human rights to promote transparency, accountability, participation and access to justice for all especially women and children by 2016.

### 1.3 Expected Project Outputs:

- i. A gender-responsive national human rights action plan developed in a participatory manner and implemented;
- ii. Strengthened leadership and technical capacities of the Malawi Human Rights Commission and the Ombudsman to deliver on their human rights mandates effectively;

- iii. Enhanced engagement in the state party reporting and UPR in a participatory and consultative manner;
- iv. Strengthened partnership between the Malawi Human Rights Commission and Non-State Actors on Human Rights through the establishment and institutionalization of an Interface platform mechanism; and
- v. Effective and efficient management, partnership formation and monitoring and evaluation of the Project.

## **2. EVALUATION PURPOSE**

The purposes of the end of term evaluation are to:

- (a) Determine the extent to which the outcome and outputs of the project have been achieved;
- (b) Assess UNDP's contribution to outcome;
- (c) Document the achievements, best practices and lessons learnt during the course of implementation to inform future decisions in design, implementation and management of similar projects.
- (d) Inform the evaluation of the UNDP Country Programme (2012-2016).

The independent evaluation is to be conducted before the end of July, 2016.

The main users of the evaluation results include:

- The Programme Steering Committee;
- Ministry of Justice and Constitutional Affairs;
- Malawi Human Rights Commission;
- The Office of the Ombudsman
- The Royal Norwegian Embassy;
- Delegation of European Union to Malawi;
- The United Nations Country Team.

## **3. THE SCOPE AND OBJECTIVES OF THE EVALUATION**

### **3.1 General**

1. Time period: January 2012- June, 2016
2. Geographical coverage: National
3. Thematic coverage: Governance, human rights, RBA and gender. Annex 4 provides a list of further documents to be consulted by the evaluators.

### **3.2 Evaluation criteria**

The evaluation will use standard evaluation criteria to assess its performance, viz: relevance, effectiveness, efficiency, impact and sustainability.

### **3.3 Objectives**

- Assess whether, and to what extent, the project's outcome and outputs have been achieved;
- Determine the impact, both positive and negative, as well as intended and non-intended from contribution of the project to the achievement of the outcome;

- Examine and analyse factors which have positively and negatively impacted on achievement of programme outputs and outcome;
- Assess the effectiveness and appropriateness of institutional arrangements and partnership strategies;
- Assess the work with Malawi Institute of Education as civic education alongside broader Civic education contribution of the project;
- Assess the extent to which UNDP's outputs and assistance contributed to the outcome of the project;
- Examine the extent to which gender equality and women empowerment and human rights targets as cross-cutting issues were integrated and achieved;
- Document lessons learnt and best practices during the course of implementation to inform future decisions in project design, implementation and management of similar interventions.

#### **4. EVALUATION QUESTIONS**

In order to meet the objectives and purpose of the evaluation, the evaluators will among other tasks answer the following questions:

##### **4.1 *Design and Relevance:***

1. Whether the problem the project addressed is clearly identified and the approach soundly conceived;
2. Whether the target beneficiaries of the project are clearly identified;
3. Whether the outcome and outputs of the project were stated explicitly and precisely in verifiable terms with SMART indicators;
4. Whether the relationship between outcome, outputs, activities and inputs of the project are logically articulated;
5. Whether the project is relevant to the development priorities of the country;
6. Did the design of the project take into account scale and scaling up into consideration;
7. Given the capacity building objectives of the project, how effective were the project's capacity building interventions?

##### **4.2 *Implementation:***

1. Whether the management arrangements of the project were appropriate;
2. How effective was the delivery of inputs specified in the project document, including selection of sub-grantees , institutional arrangements, identification of beneficiaries, scheduling of activities and actual implementation;
3. The fulfillment of the success criteria as outlined in the project document;
4. The responsiveness of the project management to significant changes in the environment in which the project functions (both facilitating or impeding project implementation);
5. Determine whether or not Lessons learnt from other relevant programmes/projects were incorporated into the project.
6. The monitoring and backstopping of the project as expected by the Government and UNDP;
7. The Project's collaboration with industry, associations, private sector and civil society, if relevant.
8. The role of UNDP CO and its impact (positive and negative) on project delivery.

##### **4.3 *Efficiency:***



1. Whether the project resources (financial, physical and manpower) were adequate in terms of both quantity and quality;
2. Whether the project resources are used effectively to produce planned results (Are the disbursements and project expenditures in line with expected budgetary plans)?
3. Whether the project is cost-effective compared to similar interventions;
4. Whether the technologies selected (any innovations adopted, if any) were suitable;
5. Whether there is evidence to support accountability of the project (to be used by UNDP in fulfilling its accountability obligations to its development partners); and
6. The delivery of Government counterpart inputs in terms of personnel, premises and equipment.

#### 4.4 Effectiveness:

1. What are the major achievements of the project vis-à-vis its objectives, performance indicators and targets? Please explain in detail in terms of impact, sustainability of results and contribution to capacity development.
2. Have there been any unplanned effects/results?
3. Whether there is evidence of UNDP contribution to the outcome of the project.
4. What major factors affected project delivery and offer what appropriate interventions might have strengthened or addressed them.

#### 4.5 Sustainability

Assess whether or not the project's achievements are sustainable?

- Is there an exit strategy for any of the elements of the programme?
- What should be done to strengthen sustainability of project outcomes?
- Assess whether or not the UNDP resource mobilization strategy for the project was appropriate and effective.

### 5. EVALUATION METHODS

The evaluation team should provide details in respect of:

- a) **Review of project documentation.** Review of key project documents such as approved project document, recent studies, reviews, project monitoring documents, disbursement reports, progress reports and other information available with implementing partners.
- b) **Construct a theory, identify detailed evaluation questions, methods (mixed methods) and instruments,** stakeholder mapping, etc.
- c) **Data collection:** (i) visits to selected stakeholders to carry out in depth interviews, inspection, and analysis of project activities; (ii) phone interviews and performance data surveys of institutions not visited in person; (iii) interviews with implementing partners. For each of these interviews, the consultants should first develop and present their ideas for the content and format of the interview forms that will be applied to capture the information required, as well as the method to be used in administering them and tabulating the results.
- d) **Analysis:** Data triangulation and analysis triangulation to validate evidence and arrive at findings.

The evaluators will be expected to develop and present detailed statement of evaluations methods/approaches in an inception report to show how each objective, evaluation question and criterion will be answered.

### 6. IMPLEMENTATION ARRANGEMENTS

- a) The Responsible Institutions and Citizen Engagement (RICE) Portfolio Manager will provide the overall oversight to the project evaluation and ensure timely delivery and satisfactory final product.
- b) A reference group will be established to assist in key aspects of the evaluation process including reviewing evaluation Terms of Reference, providing documents, providing detailed comments on the inception and draft evaluation reports and dissemination of evaluation findings, lessons learnt and recommendations.

- c) The Programme Analyst responsible for the Malawi Human Rights Support Project (MHRSP) will support the Evaluation Team on a daily basis with respect to providing background information and progress reports and other documentation, setting up stakeholder meetings and interviews, arrange field visits and coordinating with the IP, grantees, beneficiaries and DPs. The Programme Analyst will be supported by the UNDP M&E Specialist to ensure that the evaluation meets the expected UNDP standards.
- d) The Evaluation Team leader will have the overall responsibility for the conduct of the evaluation exercise as well as quality and timely submission of reports (inception, draft, final etc).
- e) The Evaluation Team will be expected to be fully self-sufficient in terms of office equipment and supplies, communication, accommodation and transport. Furthermore, the evaluators will be expected to familiarize themselves with the United Nations Evaluation Group's standards and norms for conducting project evaluations.
- f) The Evaluation Team Leader will provide the RICE Portfolio Manager with regular updates and feedback.

## 7. DELIVERABLES

- **Inception report** – within 5 days of the start of the assignment. The report will include a detailed approach and methodology, schedule, draft data collection protocols and an evaluation matrix. Annex 5 gives a template of the evaluation matrix. The work plan should also include an outline of the evaluation report as set out in Annex 2 of the TORs. The evaluator will also propose a rating scale in order that Performance rating will be carried out for the four evaluation criteria: relevance, effectiveness, efficiency and sustainability.
- **Key emerging issues paper** – a presentation of preliminary findings to key stakeholders orally and in writing will be made after the data collection and analysis exercise, i.e. within 4 weeks after presentation of the inception report. The purpose of this session is to provide opportunity for initial validation and elaboration of the evaluator's observations and analysis.
- **Draft evaluation report** – The Evaluator will present a Draft Report within 5 weeks after presentation of the inception report.
- **Lessons learnt report**
- **Final Evaluation Report.** The evaluators will present a Final Evaluation Report 5 days after receiving feedback and comments on the draft report from key stake holders.

## 8. EVALUATION REQUIREMENTS

### 8.1 Qualifications

- Minimum of a Master's degree in political science, public administration, Human Rights, Law or other related social sciences;
- Minimum of 7 years of professional experience in the area of governance, human rights and gender;
- Experience in conducting evaluations for UN agency, government or international aid agency projects on governance, gender and human rights will be an added advantage;
- Excellent communication skills.
- Availability: 1 June to 20 July, 2016.

### 8.2 Evaluator's competencies:

- Organizational Development and Management
- Strategic thinking
- Strong analytical, reporting and communication skills

- Team work skills and experience in leading teams
- Result oriented

## 9. TIME AND DURATION:

The evaluator will be hired for a maximum total of 35 man/days.

Contract Start Date: 1 June, 2016. Contract End Date: 20 July, 2016.

## 10. EVALUATION ETHICS

Responsibility of the CO to ensure credibility and independence of evaluation; responsibility of evaluator is to provide impartial, evidence-based, report adhering to international evaluation norms and standards, Code of Conduct etc.

## 11. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS.

Interested individual consultants must submit the following documents/information to demonstrate their qualifications by 9<sup>th</sup> May, 2016, before 5 pm to the following email address: [procurement.mw@undp.org](mailto:procurement.mw@undp.org).

1. Technical Proposal specifying the two outputs of the Outcome to be assessed

(i) Explaining why they are the most suitable for the work

(ii) Provide a brief methodology on how they will approach and conduct the work

2. Financial Proposal

3. Personal CV (P11 Form) including past experience in similar projects and at least 3 references

**Proposals must include all three documents. Proposals not meeting this requirement will be rejected.**

## 12. FINANCIAL PROPOSAL

- **Contracts based on daily fee**

The financial proposal will specify the daily fee, travel expenses and per diems quoted in separate line items, and payments are made to the Individual Contractor based on the number of days worked upon satisfactory completion of the required deliverable.

### **Travel:**

All envisaged travel costs must be included in the financial proposal. This includes all travel to join duty station in Lilongwe /repatriation travel.

## 13. EVALUATION OF PROPOSALS

Individual consultants will be evaluated based on the following methodologies:

### 1. Cumulative analysis

*When using this weighted scoring method, the award of the contract should be made to the individual consultant whose offer has been evaluated and determined as:*

*a) responsive/compliant/acceptable, and*

*b) Having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation.*

\* *Technical Criteria weight; [70]*

\* *Financial Criteria weight; [30]*

<b>Criteria</b>	<b>Weight</b>	<b>Max. Point</b>
<b><u>Technical</u></b>	<b>70</b>	<b>70</b>
<b>Criteria A:</b> Educational background: Minimum of a Master's degree in political science, public administration, Human Rights, Law or other related social sciences		5
<b>Criteria B:</b> Minimum of 7 years of professional experience in the area of governance, human rights and gender		15
<b>Criteria C:</b> Experience in conducting evaluations for UN agency, government or international aid agency projects on governance, gender and human rights		30
<b>Criteria D:</b> Brief methodology on how they will approach and conduct the work in not more than 2 pages.		20
<b><u>Financial</u></b>	<b>30</b>	<b>30</b>
<b><u>COMBINED TOTAL SCORE (MAXIMUM)</u></b>		<b>100</b>

*Only candidates obtaining a minimum of 70 points in the Technical Evaluation would be considered for the Financial Evaluation*

The financial score for the financial proposal will be calculated in the following manner:

$S_f = 100 \times F_m/F$ , in which  $S_f$  is the financial score,  $F_m$  is the lowest price and  $F$  the price of the proposal under consideration.

(Total Financial Maximum points = 100 points)

### **Total Score**

The technical score attained at by each proposal will be used in determining the Total score as follows:

The weights given to the technical and financial proposals are:  $T= 0.7$ ,  $F=0.3$

The Total score will be calculated by formula:  $TS = S_t \times 0.7 + S_f \times 0.3$

TS - Is the total score of the proposal under consideration?

$S_t$  - is technical score of the proposal under consideration.

$S_f$  - is financial score of the proposal under consideration.

# End of term Evaluation

## Terms of Reference

### 1. CONTEXT

#### 1.1 Background

The Malawi Human Support Project is being implemented within the context of operationalising the Democratic Governance sector strategy. It is supporting national efforts to strengthen mechanisms and institutions to promote norms and good practices and foster stronger democratic accountability in keeping with the objectives of the MGDS II. It represents a concrete response by the UN System to Malawi to embed democratic governance through respect for the principles and practices of Human Rights as entrenched in the Constitution of Malawi and in international and regional Rights instruments. It is an integral cross-cutting aspect in the promotion of gender equality, and strengthening of the capacity of key State and Non-State Actors (government departments, CSOs, NGOs and CBOs) in Human Rights and are enhancing their engagement with the state party reporting and Universal Periodic Review (UPR) process.

#### 1.2 Project Outcome

“National institutions foster democratic governance and human rights to promote transparency, accountability, participation and access to justice for all especially women and children by 2016.

#### 1.3 Expected Project Outputs:

- vi. A gender-responsive national human rights action plan developed in a participatory manner and implemented;
- vii. Strengthened leadership and technical capacities of the Malawi Human Rights Commission and the Ombudsman to deliver on their human rights mandates effectively;
- viii. Enhanced engagement in the state party reporting and UPR in a participatory and consultative manner;
- ix. Strengthened partnership between the Malawi Human Rights Commission and Non-State Actors on Human Rights through the establishment and institutionalization of an Interface platform mechanism; and
- x. Effective and efficient management, partnership formation and monitoring and evaluation of the Project.

## **2 EVALUATION PURPOSE**

The purposes of the end of term evaluation are to:

- (e) Determine the extent to which the outcome and outputs of the project have been achieved;
- (f) Assess UNDP's contribution to outcome;
- (g) Document the achievements, best practices and lessons learnt during the course of implementation to inform future decisions in design, implementation and management of similar projects.

The independent evaluation is to be conducted before the end of July, 2016.

The main users of the evaluation results include:

- The Programme Steering Committee;
- Ministry of Justice and Constitutional Affairs;
- Malawi Human Rights Commission;
- The Office of the Ombudsman
- The Royal Norwegian Embassy;
- Delegation of European Union to Malawi;
- UNDP.

## **3 OBJECTIVES OF THE EVALUATION**

- Assess whether, and to what extent, the project's outcome and outputs have been achieved;
- Determine the impact, both positive and negative, as well as intended and non-intended from contribution of the project to the achievement of the outcome;
- Examine and analyse factors which have positively and negatively impacted on achievement of programme outputs and outcome;
- Assess the effectiveness and appropriateness of institutional arrangements and partnership strategies;
- Assess the work with Malawi Institute of Education as civic education alongside broader Civic education contribution of the project;
- Assess the extent to which UNDP's outputs and assistance contributed to the outcome of the project;
- Examine the extent to which gender equality and women empowerment and human rights targets as cross-cutting issues were integrated and achieved;

- Document lessons learnt and best practices during the course of implementation to inform future decisions in project design, implementation and management of similar interventions.

## **4 SCOPE OF THE EVALUATION**

### **4.1 General**

4. Time period: January 2012- June, 2016
5. Geographical coverage: national.
6. Thematic coverage: Governance, human rights, RBA and gender. Annex 4 provides a list of further documents to be consulted by the evaluators.

#### **4.1 Evaluation criteria**

The evaluation will use standard evaluation criteria to assess its performance, viz: relevance, effectiveness, efficiency, impact and sustainability.

### **4.3 Evaluation questions:**

In order to meet the objectives and purpose of the evaluation, the evaluators will among other tasks answer the following questions:

#### *4.3.1 Design and Relevance:*

8. Whether the problem the project addressed is clearly identified and the approach soundly conceived;
9. Whether the target beneficiaries of the project are clearly identified;
10. Whether the outcome and outputs of the project were stated explicitly and precisely in verifiable terms with SMART indicators;
11. Whether the relationship between outcome, outputs, activities and inputs of the project are logically articulated;
12. Whether the project is relevant to the development priorities of the country;
13. Did the design of the project take scale and scaling up into consideration;
14. Given the capacity building objectives of the project, how effective were the project's capacity building interventions?

#### **4.3.2 Implementation:**

11. Whether the management arrangements of the project were appropriate;

12. How effective was the delivery of inputs specified in the project document, including selection of sub-grantees , institutional arrangements, identification of beneficiaries, scheduling of activities and actual implementation;
13. The fulfillment of the success criteria as outlined in the project document;
14. The responsiveness of the project management to significant changes in the environment in which the project functions (both facilitating or impeding project implementation);
15. Determine whether or not Lessons learnt from other relevant programmes/projects were incorporated into the project.
16. The monitoring and backstopping of the project as expected by the Government and UNDP;
17. The Project's collaboration with industry, associations, private sector and civil society, if relevant.
18. The role of UNDP CO and its impact (positive and negative) on project delivery.

#### 4.3.3 Efficiency:

1. Whether the project resources (financial, physical and manpower) were adequate in terms of both quantity and quality;
2. Whether the project resources are used effectively to produce planned results (Are the disbursements and project expenditures in line with expected budgetary plans)?
3. Whether the project is cost-effective compared to similar interventions;
4. Whether the technologies selected (any innovations adopted, if any) were suitable;
19. Whether there is evidence to support accountability of the project (to be used by UNDP in fulfilling its accountability obligations to its development partners); and
20. The delivery of Government counterpart inputs in terms of personnel, premises and equipment.

#### 4.3.4 Effectiveness:

9. What are the major achievements of the project vis-à-vis its objectives, performance indicators and targets? Please explain in detail in terms of impact, sustainability of results and contribution to capacity development.
10. Have there been any unplanned effects/results?
11. Whether there is evidence of UNDP contribution to the outcome of the project.
12. What major factors affected project delivery and offer what appropriate interventions might have strengthened or addressed them.

#### 4.3.5 Sustainability

- Assess whether or not the project's achievements are sustainable?
- Is there an exit strategy for any of the elements of the programme?
- What should be done to strengthen sustainability of project outcomes?
- Assess whether or not the UNDP resource mobilization strategy for the project was appropriate and effective.

## 7. EVALUATION METHODS

The evaluation team should provide details in respect of:

- e) **Review of project documentation.** Review of key project documents such as approved project document, recent studies, reviews, project monitoring documents, disbursement reports, progress reports and other information available with implementing partners.



- f) **Construct a theory, identify detailed evaluation questions, methods (mixed methods) and instruments**, stakeholder mapping, etc.
- g) **Data collection:** (i) visits to selected stakeholders to carry out in depth interviews, inspection, and analysis of project activities; (ii) phone interviews and performance data surveys of institutions not visited in person; (iii) interviews with implementing partners. For each of these interviews, the consultants should first develop and present their ideas for the content and format of the interview forms that will be applied to capture the information required, as well as the method to be used in administering them and tabulating the results.
- h) **Analysis:** Data triangulation and analysis triangulation to validate evidence and arrive at findings.

The evaluators will be expected to develop and present detailed statement of evaluations methods/approaches in an inception report to show how each objective, evaluation question and criterion will be answered.

## 8. IMPLEMENTATION ARRANGEMENTS

- g) The Responsible Institutions and Citizen Engagement (RICE) Portfolio Manager will provide the overall oversight to the project evaluation and ensure timely delivery and satisfactory final product.
- h) A reference group will be established to assist in key aspects of the evaluation process including reviewing evaluation Terms of Reference, providing documents, providing detailed comments on the inception and draft evaluation reports and dissemination of evaluation findings, lessons learnt and recommendations.
- i) The Programme Analyst responsible for the Malawi Human Rights Support Project (MHRSP) will support the Evaluation Team on a daily basis with respect to providing background information and progress reports and other documentation, setting up stakeholder meetings and interviews, arrange field visits and coordinating with the IP, grantees, beneficiaries and DPs. The Programme Analyst will be supported by the UNDP M&E Specialist to ensure that the evaluation meets the expected UNDP standards.
- j) The Evaluation Team leader will have the overall responsibility for the conduct of the evaluation exercise as well as quality and timely submission of reports (inception, draft, final etc).
- k) The Evaluation Team will be expected to be fully self-sufficient in terms of office equipment and supplies, communication, accommodation and transport. Furthermore, the evaluators will be expected to familiarise themselves with the United Nations Evaluation Group's standards and norms for conducting project evaluations.
- l) The Evaluation Team Leader will provide the RICE Portfolio Manager with regular updates and feedback.

## 9. DELIVERABLES

- **Inception report** – within 5 days of the start of the assignment. The report will include a detailed approach and methodology, schedule, draft data collection protocols and an evaluation matrix. Annex 5 gives a template of the evaluation matrix. The work plan should also include an outline of the evaluation report as set out in Annex 2 of these TORs. The evaluator will also **propose a rating scale in order that Performance rating** will be carried out for the four evaluation criteria: relevance, effectiveness, efficiency and sustainability.
- **Key emerging issues paper** – a presentation of preliminary findings to key stakeholders orally and in writing will be made after the data collection and analysis exercise, i.e. within 4 weeks after presentation of the inception report. The purpose of this session is to provide opportunity for initial validation and elaboration of the evaluator's observations and analysis.

- **Draft evaluation report** – The Evaluator will present a Draft Report within 5 weeks after presentation of the inception report.
- **Lessons Learned report**
- **Final Evaluation Report.** The evaluators will present a Final Evaluation Report 5 days after receiving feedback and comments on the draft report from key stake holders.

**10. EVALUATION REQUIREMENTS**

**7.2 Qualifications**

- Minimum of a Master’s degree in political science, public administration, Human Rights, Law or other related social sciences;
- Minimum of 7 years of professional experience in the area of governance, human rights and gender;
- Experience in conducting evaluations for UN agency, government or international aid agency projects on governance, gender and human rights will be an added advantage;
- Excellent communication skills.
- Availability between: 1 June and 20 July, 2016.

**Evaluator’s competencies:**

- Organizational Development and Management
- Strategic thinking
- Team work skills and experience in leading teams
- Result oriented

**11. TIME AND DURATION:**

The evaluation team will be hired for a combined total of 35 man/days.

Contract Start Date: 1 June, 2016. Contract End Date: 31 July, 2016.

**12. TIME TABLE**

**Weeks**

Activity	Weeks					
	1	2	3	4	5	6
Contract and Entry meeting	x					
Inception report, draft revised	x					
Data collection and analysis		x	x			
Drafting and submission of Evaluation Report				x		
Receipt of comments from stakeholders and reference group					x	

members						
Revision and submission of Final Report						x

### 13. EVALUATION ETHICS

Responsibility of the CO to ensure credibility and independence of evaluation; responsibility of the evaluator is to provide impartial, evidence-based, report adhering to international evaluation standards and norms, Code of Conduct, etc.



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# END OF TERM EVALUATION MALAWI HUMAN RIGHTS SUPPORT PROJECT



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## Annex 4: INTERVIEW GUIDE FOR UNDP STAFF

### Theme 1: Background information about the respondent

Name of the staff responding \_\_\_\_\_

In the Capacity of \_\_\_\_\_

Department/sector \_\_\_\_\_

Specific role on the project \_\_\_\_\_

### Theme 2: Design & Relevance

What instigated the conception of this project?

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What processes did you go through during the design stage of the project?

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How were the project beneficiaries at various levels identified and selected?

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To what extent do you believe that the selection criteria used ensured the selection of the most appropriate beneficiaries? Give supporting reasons

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If this project was to be redesigned, what new components/activities/outputs/outcomes would you propose and why?

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What specific national priorities is the project addressing?

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What strategies were undertaken at the design stage to ensure enhanced project consistence with national and sub national priorities?

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What specific challenges bedeviled the above strategies and what effect did they have on the project design and implementation?

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**Theme 3: Project Implementation & Management**

How many institutions are involved in the implementation of this project?

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In your own assessment, what have you noted to be the key strengths, weaknesses and gaps in the institutional arrangements put forward to oversee the implementation of this project?

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What is the current project implementation scope?

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What informed the implementation parameters?

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Have there been any changes in the project implementation scope (Scaling up)?

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What management arrangements were put in place for this project?

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What key strengths and weaknesses have you noted in the above management arrangements of the project?

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How can the strengths be scaled up and weaknesses addressed in future projects of similar nature?

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How would you rate the performance (success criteria) of the project in percentage? Give reasons for the score given.

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How was the monitoring framework of the project structured?

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What were the key strengths/weaknesses and gaps in the monitoring framework of the project?

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**Theme 4: Project efficiency**

Do you believe that programme resources are used effectively to achieve the planned results? Give reasons for your answer.

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What strategies have you put in place to ensure cost effectiveness of the implemented activities?

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**Theme 5: Effectiveness**

In your own observation, what do you consider to be the key achievements (Output & Outcome levels) of the programme under each of the targeted outputs

- a) Supporting the development and implementation of a gender responsive national human rights action plan

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- b) Strengthening of the Malawi Human Rights Commission and Ombudsman to effectively deliver on their human rights mandate

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- c) Enhancing Malawi's engagement on state party reporting and UPR in a participatory and consultative manner

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- d) Strengthening partnerships between Malawi Human Rights Commission, OoO and Non-state actors on human rights.

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- e) Ensuring effective and efficient management, partnership formation and Monitoring and Evaluation of the programme.

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What could have influenced the level of programmatic achievements?

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Which of the above achievements would you exclusively attribute to the work of UNDP? Give supporting evidence.

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What changes in the welfare status of the population that have been caused by the project?

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To what extent have you been able to achieve your set output & outcome targets?

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What factors could have enabled or hindered you to effectively the above targets?

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**Theme 6: Sustainability**

To what extent are the programme achievements be sustained? Giver reasons for your answer.

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Do the institutions UNDP has supported under this programme have any sustainability plan? Brief elaborate if yes.

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What more support would be required to make the activities supported by the project more sustainable?

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Which of the programme activities and structures are more likely to continue beyond the programme span? Give reasons

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Which programme activities and structures are unlikely to continue beyond the life span of the programme and why?

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In your opinion, how can a project of this nature be made more sustainable?

.....

**Thank you for your time!**





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# END OF TERM EVALUATION MALAWI HUMAN RIGHTS SUPPORT PROJECT



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## Annex 5: INTERVIEW GUIDE FOR MoJ STAFF

### Theme 1: Background information about the respondent

Name of the staff responding \_\_\_\_\_

In the Capacity of \_\_\_\_\_

Department/sector \_\_\_\_\_

Specific role on the project \_\_\_\_\_

### Theme 2: Design & Relevance

What instigated the conception of this project?

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What key processes were undertaken during the design stage of the project?

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To what extent were these processes participatory in nature? Highlight the level of involvement of key stakeholders.

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How were the project beneficiaries at various levels identified and selected?

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To what extent do you believe that the selection criteria used ensured the selection of the most appropriate beneficiaries? Give supporting reasons

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If this project was to be redesigned, what new components/activities/outputs/outcomes would you propose and why?

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What specific national priorities is the project addressing?

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What strategies were undertaken at the design stage to ensure enhanced project consistence with national and sub national priorities?

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What specific challenges bedeviled the above strategies and what effect did they have on the project design and implementation?

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**Theme 3: Project Implementation & Management**

How many institutions are involved in the implementation of this project?

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In your own assessment, what have you noted to be the key strengths, weaknesses and gaps in the institutional arrangements put forward to oversee the implementation of this project?

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What is the current project implementation scope?

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What informed the implementation parameters?

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Have there been any changes in the project implementation scope (Scaling up)?

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What management arrangements were put in place for this project?

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What key strengths and weaknesses have you noted in the above management arrangements of the project?

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How can the strengths be scaled up and weaknesses addressed in future projects of similar nature?

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How would you rate the performance (success criteria) of the project in percentage? Give reasons for the score given.

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How was the monitoring framework of the project structured?

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What were the key strengths/weaknesses and gaps in the monitoring framework of the project?

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**Theme 4: Project efficiency**

Do you believe that programme resources are used effectively to achieve the planned results? Give reasons for your answer.

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What strategies have you put in place to ensure cost effectiveness of the implemented activities?

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**Theme 5: Effectiveness**

Briefly indicate the level of achievement registered under each of the expected outputs that were designated to your office. Indicated whether or not the outputs were achieved in time and if not, why? Also indicate the outcomes that have so far been realized from the outputs (obtain relevant copies of the documents)

Output targets	Achievement			Outcome
	Baseline	Target	Achieved	
Output 3: Malawi’s engagement on the state party reporting and UPR is improved in a participatory and consultative manner				
No of UPR recommendations implemented	0	70% of accepted recommendations implemented		
		30% of rejected recommendations accepted.		
No of state party reports compiled	3	6		

*Probe for: whether the activities were implemented in time, Outputs delivered and possible outcomes. For the activities not implemented on time, explore why.*

To what extent have you been able to achieve your set output & outcome targets?

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What factors could have enabled or hindered you to effectively the above targets?

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In general, how would rank the level of programme achievements?

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What could have influenced the level of programmatic achievements?

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Which of the above achievements would you exclusively attribute to the support provided by UNDP? Give supporting evidence.

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What changes in the welfare status of the population that have been caused by the project?

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What monitoring and follow up mechanisms were established to ensure implementation of UPR recommendations?

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What specific support did you provide to the commission to enable it effectively participate in regional and international fora?

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**Theme 6: Sustainability**

To what extent are the programme achievements be sustained? Giver reasons for your answer.

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Do you have a sustainability plan to ensure the continuity of the activities and benefits of this programme? Brief elaborate if yes.

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.....

What more support would you require to make the activities supported by the project more sustainable?

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Which of the programme activities and structures are more likely to continue beyond the programme span? Give reasons

.....

Which programme activities and structures are unlikely to continue beyond the life span of the programme and why?

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.....

In your opinion, how can a project of this nature be made more sustainable?

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.....

**Thank you for your time!**



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# END OF TERM EVALUATION MALAWI HUMAN RIGHTS SUPPORT PROJECT



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## Annex 6: INTERVIEW GUIDE FOR MHRC STAFF

### Theme 1: Background information about the respondent

Name of the staff responding \_\_\_\_\_

In the Capacity of \_\_\_\_\_

Department/sector \_\_\_\_\_

Specific role on the project \_\_\_\_\_

### Theme 2: Design & Relevance

What instigated the conception of this project?

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What key processes were undertaken during the design stage of the project?

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To what extent were these processes participatory in nature? Highlight the level of involvement of key stakeholders.

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How were the project beneficiaries at various levels identified and selected?

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To what extent do you believe that the selection criteria used ensured the selection of the most appropriate beneficiaries? Give supporting reasons

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If this project was to be redesigned, what new components/activities/outputs/outcomes would you propose and why?

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What specific national priorities is the project addressing?

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What strategies were undertaken at the design stage to ensure enhanced project consistence with national and sub national priorities?

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What specific challenges bedeviled the above strategies and what effect did they have on the project design and implementation?

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**Theme 3: Project Implementation & Management**

How many institutions are involved in the implementation of this project?

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In your own assessment, what have you noted to be the key strengths, weaknesses and gaps in the institutional arrangements put forward to oversee the implementation of this project?

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What is the current project implementation scope?

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What informed the implementation parameters?

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Have there been any changes in the project implementation scope (Scaling up)?

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What management arrangements were put in place for this project?

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What key strengths and weaknesses have you noted in the above management arrangements of the project?

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How can the strengths be scaled up and weaknesses addressed in future projects of similar nature?

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How would you rate the performance (success criteria) of the project in percentage? Give reasons for the score given.

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How was the monitoring framework of the project structured?

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What were the key strengths/weaknesses and gaps in the monitoring framework of the project?

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**Theme 4: Project efficiency**

Do you believe that programme resources are used effectively to achieve the planned results? Give reasons for your answer.

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What strategies have you put in place to ensure cost effectiveness of the implemented activities?

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## Theme 5: Effectiveness

Briefly indicate the level of achievement registered under each of the expected outputs that were designated to your office. Indicated whether or not the outputs were achieved in time and if not, why? Also indicate the outcomes that have so far been realized from the outputs (obtain relevant copies of the documents)

Output targets	Achievement			Outcome
	Baseline	Target	Achieved	
Output 1: A gender responsive national Human Rights Action Plan developed				
Draft concept		Yr 1		
Approved NAP		Yr 2		
Advocacy on implementation		Yr 3		
HRs mainstreaming guidelines		Yr 3		
NAP implementation		Yr 4		
No of institutions involved in the formulation of NAP		20		
Gender sensitive actions in the NAP		80%		
Output 2: Strengthened leadership and technical capacity of the MHRC & the Ombudsman to deliver on their human rights mandates effectively?				
% of human rights violation cases increased from	65% for MHRC	84% for MHRC		
	20% for OoO	50% for OoO		
No of districts with community outreach structures	0	7		
Output 4: Strengthened partnership b/n MHRC, OoO and Non-state actors on Human Rights through the establishment & institutionalization of an interface mechanism.				
Improved level of human rights awareness	50% in 2011	70%		
Output 5: Effective and efficient management, partnership formation and M&E of the programme				
% of activities successfully implemented	0	85%		
Activity 1: Oversight & inputs from the project Board		Yr 1		
Activity 2: Skills transfer on HRBAP & RBA		Yr 2		
Activity 3: Human Rights-		Yr 3		

based & Results-based M&E				
Activity 4: Developed technical, logistical & material capacity of stakeholders		Yr 4		

***Probe for: whether the activities were implemented in time, Outputs delivered and possible outcomes. For the activities not implemented on time, explore why.***

In your own observation, what do you consider to be the key achievements of the programme?

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What could have influenced the level of programmatic achievements?

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Which of the above achievements would you exclusively attribute to the support provided by UNDP? Give supporting evidence.

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What changes in the welfare status of the population that have been caused by the project?

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To what extent have you been able to achieve your set output & outcome targets?

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What factors could have enabled or hindered you to effectively the above targets?

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**Theme 6: Sustainability**

To what extent are the programme achievements be sustained? Giver reasons for your answer.

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Do you have a sustainability plan to ensure the continuity of the activities and benefits of this programme? Briefly elaborate if yes.

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What more support would you require to make the activities supported by the project more sustainable?

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Which of the programme activities and structures are more likely to continue beyond the programme span? Give reasons

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Which programme activities and structures are unlikely to continue beyond the life span of the programme and why?

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In your opinion, how can a project of this nature be made more sustainable?

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# END OF TERM EVALUATION MALAWI HUMAN RIGHTS SUPPORT PROJECT

## Annex 7: INTERVIEW GUIDE FOR DPs

Name of the DP \_\_\_\_\_

In the Capacity of \_\_\_\_\_

Department/sector \_\_\_\_\_

Specific role on the project \_\_\_\_\_

### Theme 2: Design & Relevance

- i. What specific input (technical) did you/your organization make during the design of the project?
- ii. In which ways did the input provided by your organization and that of other development partners ensure programme relevance?
- iii. What inconsistencies are there between the programme components and your organisation's priorities?
- iv. How can enhanced programme relevance be achieved in programmes of similar nature?

### Theme 3: Project Implementation & Management

- i. Which specific implementation and management strategies of the programme have you found satisfactory/unsatisfactory?
- ii. What key modifications in the implementation and management of the programme would you consider critical in future?
- iii. What management/coordination structure(s) have been put in place to effective involvement of the DPs in all stages of programme implementation and management?
- iv. What has been the contribution of the above structures in ensuring effective management and implementation of the programme?

### Theme 4: Project efficiency

- i. What specific measures have been put in place to ensure efficient use of resources?
- ii. In your own assessment, to what extent have the set financial management principles, procedures and practices been adhered to during programme implementation and management?
- iii. To what extent are you satisfied with the level of programme cost effectiveness?

- iv. What key challenges and gaps have you noted in the financial management framework of the programme?
- v. How can such challenges and gaps be addressed in future?

**Theme 5: Effectiveness**

- i. To what extent do you believe that the objectives of the programme have been achieved?
- ii. What key benefits have been generated by the programme for; Malawi nationals, Implementing partners & Development partners?

**Theme 6: Sustainability**

- i. What is your comment on the strengths, weaknesses and challenges of the programme sustainability strategies?
- ii. What more proposals would you put forward for the enhanced sustainability of this programme?

**Thank you for your time!**



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# END OF TERM EVALUATION MALAWI HUMAN RIGHTS SUPPORT PROJECT



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## Annex 8: SELF-ASSESSMENT TOOL FOR CSOs, CBOs, NGOs

**Dear Respondent!**

Greetings to you on behalf of the evaluation team. The Malawi Human Rights Support project is slated to end in 2016 and thus the need for this evaluation. The rationale for the evaluation is to ascertain the level of project success while drawing lessons from the entire implementation cycle to inform the future programming of similar projects.

As one of the beneficiaries of the project we request that you provide your feedback on evaluation issues in this tool. Your participation in this evaluation exercise is very important but voluntary. You are therefore requested to fill this tool and email it back to the evaluator. For more clarification, you can contact the evaluator.

Thank you for your cooperation.

### Theme 1: Background information about the organisation

State Actor	<input type="checkbox"/>	Non-State Actor	<input type="checkbox"/>
Type: NGO	<input type="checkbox"/>	CBO	<input type="checkbox"/>
		Gov't Department	<input type="checkbox"/>
Other(s) Specify _____			
Organisation Mandate: _____			
Organisation's operation scope eg Countrywide, a few districts or subcounties etc _____			
Capacity of the person filling the tool _____			

### Theme 2: Design & Relevance

In your own opinion, do you think that the problem being addressed by the project is well defined? Give reasons for your answer.

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According to you what has been the effect of the level of problem clarity on the design and implementation of this project?

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How was your organization/department/ministry selected to participate in the implementation of this project?

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Were there any weaknesses/gaps in the selection process/procedure for the organizations that have participated in the implementation of this project? If yes, mention them.

.....

What categories of people have benefited from this project? Do you think that the target beneficiaries were clearly defined?

.....

To what extent do you believe that this programme is relevant to the development priorities of the country?

.....

What strategies were undertaken to ensure consistence between the project and the development priorities of the country?

.....

Did your organization/Department receive capacity development support under this project? If yes, what did it entail?

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What were the objectives of the capacity building component of the project?

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In your opinion, to what extent were the objectives of capacity building component of the project achieved? Give supporting evidence.

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### **Theme 3: Project Implementation**

What management arrangements were put in place for this project?

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What key strengths and weaknesses have you noted in the above management arrangements of the project?

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How can the strengths be scaled up and weaknesses addressed in future projects of similar nature?

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How would rate the performance of the project in percentage? Give reasons for the score given.

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How was the monitoring framework of the project structured?

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What were the key strengths/weaknesses and gaps in the monitoring framework of the project?

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**Theme 4: Project efficiency**

Do you believe that programme resources are used effectively to achieve the planned results? Give reasons for your answer.

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At your organizational level, what strategies have you put in place to ensure cost effectiveness of the implemented activities?

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**Theme 5: Effectiveness**

In your own observation, what do you consider to be the key achievements of the programme?

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What could have influenced the level of programmatic achievements?

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Which of the above achievements would you exclusively attribute to the work of UNDP? Give supporting evidence.

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What changes in the welfare status of the population that have been caused by the project?

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As an organization, to what extent have you been able to achieve your set outcome target?

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What factors could have enabled or hindered you to effectively executed your designated functions under this project?

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**Theme 6: Sustainability**

To what extent are the programme achievements be sustained? Giver reasons for your answer.

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For the activities your organization has implemented using the support provided under this project, is there any sustainability plan? Brief elaborate if yes.

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What more support would you require to make the activities supported by the project more sustainable?

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Which of the programme activities and structures are more likely to continue beyond the programme span? Give reasons

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Which programme activities and structures are unlikely to continue beyond the life span of the programme and why?

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In your opinion, how can a project of this nature be made more sustainable?

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**Thank you for your time!**