

**INSTITUT FOR
MENNESKE
RETTIGHEDER**



FINAL NARRATIVE REPORT

Grant period 1 February 2016 – 31 January 2017

PROJECT

**DANISH INSTITUTE FOR HUMAN RIGHTS (DIHR) AND THE ZIMBABWE
HUMAN RIGHTS COMMISSION (ZHRC)**

Cost extension grant 2016 by Royal Danish Embassy Office

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Abbreviations

CBO	Community Based Organisations
CHI	Complaints Handling and Investigation (ZHRC Unit)
DIHR	Danish Institute for Human Rights
EPR	Education, Promotion, and Research (ZHRC Unit)
GANHRI	Global Alliance of NHRIs (Former ICC)
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
GoZ	Government of Zimbabwe
HRO	Human Rights Organisation
M&I	Monitoring and Inspection (ZHRC Unit)
MoU	Memorandum of Understanding
NHRI	National Human Rights Institution
PSC	Project Steering Committee
RDEO	Royal Danish Embassy Office (Harare)
SOP	Standard Operational Procedures (case handling)
TWG	Thematic Working Groups (ZHRC)
UNDP	United Nations Development Programme
UPR	Universal Periodic Review
ZHRC	Zimbabwe Human Rights Commission

1. Executive summary

ZHRC obtained A accreditation as an independent NHRI by GANHRI in May 2016. This is a reward of the efforts and resources contributed to establishing and making ZHRC operational in the first project period. This achievement is unique as it confirms the independency of a Commission although it is a relatively young institution. The successful process can serve as example where this project, other donors and the Government of Zimbabwe gradually engaged and jointly contributed.

This project is a continuation of a prior grant 2013-2015 (incl January 2016) and especially the assistance of the mandate areas of ZHRC is a continuation of the supported in the first grant. It was supported by the Royal Danish Embassy Office in Harare and there were no other donors co-funding this grant. This grant marks the conclusion of the Danish support to ZHRC.

Most of the objectives and indicators have been met in this short project period. All overall indicators measure external achievements in contrast to the first project phase where both internal and external indicators measured achievements. This witness of ZHRC having taken considerable steps towards becoming an actor in driving reform and contributing to increased respect for human rights in Zimbabwe.

The handling of individual complaints is a major mandate area of ZHRC and the project has contributed to considerable improvements in the performance of this in 2016.

Comparing to 2015, ZHRC has in 2016 had a 100% increase of received complaints. Major efforts were made to ensure that a larger proportion of the complaints were received from provinces outside the urban areas such as Harare and Bulawayo. These were rewarded as about 50% of all cases received in 2016 were filed by individuals from non-urban areas.

In 2016, 34% of the received cases were resolved and closed. This is a lower rate of resolved cases compared to 92% in 2015. This development reflects partly that quite many cases were delayed due to slowness by the responding authority and partly due to complicated cases requiring extra time. In addition about 60% of the received cases in 2016 concern lack of payment of pensions. Only about 10% were resolved immediately and the rest of these cases remain unresolved. Yet other cases were referred to other case handling institutions.

The ZHRC continued to strengthen its work to initiate more investigations which are relevant to the human rights situation. In 2016 ZHRC initiated 8 investigations that are critical to the human rights situation. This marks a 130% increase of investigations compared to a targeted 100% increase in 2016. This witness of strengthened capacities mastered by ZHRC to not only documenting human rights violations but also follow up to ensure justice. All 8 investigations are concluded but it is yet too early to determine if the target will be reached and the 50% of the ZHRC recommendations are adopted by the responsible authorities. ZHRC continue to follow up to ensure effective adoption.

Another mandate area of ZHRC is prison inspections. While pilot inspections took place in 2015 systematic inspections took a large step forward in 2016. A total of 19 prison inspections were carried out. These included 16 initial visits and 3 follow up visits. It is assessed that, the targeted 30% of the recommendations proposed to the prison leadership and other authorities were achieved. Upon follow up ZHRC noted that a set of recommendations have been implemented especially those concerning the relationship between inmates and prison officials where inmates were now being treated with respect and dignity. However, the remaining $\frac{3}{4}$ majority of recommendations having financial implications were not achieved. ZHRC did not gain access to approached police stations. Continuous efforts were being made to engage the police on a mutual understanding on the mandate of the ZHRC to monitor and assess the conditions of police cells.

During 2016 ZHRC stepped into the role of a visible and active human rights player in Zimbabwe. This was done by drawing attention to human rights concerns documented in the case handling, investigations and inspections. Other initiatives were taken to promote knowledge and awareness of human rights in general as well as the existence and services of ZHRC.

The publishing of human rights reports was a relatively new activity starting in late 2015 and increasing in 2016. During this project three investigative reports were published and one on prisons inspection.

ZHRC prepared a UPR commentary on the state report. This was discussed and disseminated in a meeting with stakeholders. The UPR commentary was distributed to other stakeholders at the UPR session in November 2016 in Geneva. ZHRC attended this as well as a preparatory session organized by UPR.info.

Promotion activities included releases of 5 Press Statements on urgent human rights issues. They were on the partisan distribution of food aid in certain areas of the country, Public Protests and police brutality on citizen that were protesting and the alleged abduction cases that the ZHRC conducted investigations in Chiredzi. A statement was made following flooding of urban areas affecting the environmental rights of the citizens. Finally, a press statement was issued addressing the current human rights emerging issues which included the frequency of road blocks, increased demonstrations and restrictions thereof as well as electoral concerns raised by the participants.

A comprehensive outreach campaign was carried out resulting in agreed cooperation with 11 rural district and city councils and 3 meetings were conducted attended by a larger group of local human rights organisations. This constituted the major promotional initiative by ZHRC in 2016. Apart from engaging in continued cooperation with councils and entering into MoUs with 7 nationwide human rights organisations, the campaign resulted in an increased appreciation of ZHRC and the services it provides in the targeted rural areas. This was confirmed by the increase of complaint cases received from these areas.

Internal capacity building of ZHRC provided another component of the project. ZHRC has developed tools and expertise in all mandate areas enabling the staff to produce the above mentioned outputs in 2016.

The UN Paris Principles draw attention to the importance of NHRIs interacting with international human rights mechanisms. ZHRC already engaged with the NHRI global and regional networks and started during 2016 by support of this project to also engage with the UPR mechanism and the African Commission of Human and People's Rights. In November 2016 ZHRC obtained membership with voting rights of the International Ombudsman Institute.

In 2016, ZHRC relied on funding provided by the Government of Zimbabwe (GoZ) constituting 54% supplemented by external donors amounting to 46%. In 2017 the funding provided by the Government was increased by 46%. As a consequence the distribution of the 2017 ZHRC budget provided by the government amounts to 73% while external donors provide 27%. This improved balance constitutes a step forward in enhanced the independency of ZHRC.

When this project is ending and in the short-term perspective ZHRC has succeeded in attracting funding from other external donors already supporting them. Apart from activity funding UNDP will fund most of the needed extra staff who were trained and obtained expertise by this and the first project phase. At present time this support is in process of being negotiated. GiZ/EU will provide funding for the remaining few project staff supplemented by activity funding not yet covered by the budget provided by the Government.

ZHRC continues to systematically negotiate a larger budget with GoZ as well as the adoption of the revised ZHRC Act to enhance its independency. This is harmonized with the recommendations made by GANHRI when ZHRC received the A accreditation in early 2016.

2. Introduction

This narrative activity report covers the period from February 2016 to January 2017. This project is a continuation of a prior grant 2013-2015 (incl January 2016). There were no other donors co-funding this grant.

During 2016, other donors, such as UNDP, EU and GiZ provided bilateral funding directly to ZHRC or they were in the process of preparing programming for 2017 and beyond.

The project was approved on 16 March 2016 and subsequently contracts were entered into and the first instalment to ZHRC initiated. In effect this caused a shorter period of implementation of the project as ZHRC was only able to start the planned project activities in mid-April rather than 1 February 2016.

Despite these circumstances the ZHRC managed to implement the work plan as per agreement.

To facilitate a smooth transition to new funding in 2017 which was expected from GiZ and UNDP, the end date for this project was moved from 30 November 2016 to 31 January 2017. The extension only included payment of salaries to project recruited staff, commissioners' meetings, internet and other selected operational costs.

3. Development and immediate objective

Development objective

Increased capacity of the ZHRC as an independent effective National Human Rights Institution that positions itself as a driver of reform and contributes to increased respect for human rights

Achievements

ZHRC obtained "A Status" accreditation as an independent NHRI by GANHRI in May 2016. This can be considered as a harvest of the efforts and resources contributed towards establishing and making ZHRC operational in the first project period. The UN Paris Principles constitutes the key document defining criteria to be in place to become a national human rights institution (NHRI). This project and the former project phase aimed at providing assistance to ZHRC in accordance with mandate areas established in the UN Paris Principles. The "A Status" accreditation of ZHRC confirms that this goal was achieved.

This achievement is unique as it establishes the independence of a Commission which is a relatively young institution. It confirms the successful process where this project, other donors and the Government of Zimbabwe gradually engaged and jointly contributed.

In spite of this achievement, ZHRC has throughout the project period made ongoing efforts to improve its formal mandate by negotiating amendments to the ZHRC Act and an improved budget by the Government. This has already resulted in progress on the issues of the budget component provided by the Government.

At the accreditation, GANHRI touched on similar issues by making recommendations to ZHRC to consolidate its independence in all aspects, including the appointment and dismissal procedures of Commissioners, adequate funding, limitation of mandate and procedures relating to the annual report.

The majority of the targets were met in this project which was implemented over only 10 months. While four indicators were met above targets, one indicator met the target, one indicator was estimated to meet target and finally one indicator did not meet the target of the overall project objective.

All overall indicators in this project measured external achievements in contrast to the first project phase where both internal and external indicators measured achievements.

The present indicators fall within the main mandate areas of ZHRC including case handling and investigations, monitoring and inspections, and education, promotion, and research.

TARGETS

100% increase of ZHRC initiated investigations in critical human rights situations

50% recommendations from investigations adopted

Baseline

In 2015, ZHRC initiated 3 investigations that were critical to the human rights situation and 30% of the recommendations from those cases were adopted.

Achievements

In 2016 ZHRC initiated 8 investigations that are critical to the human rights situation. This number is above the targeted 6 investigations (=100% increase).

Recommendations from the investigated cases are in the process of being considered. It is not yet possible to assess the rate of adopted recommendations.

Some of the individual complaint cases pose critical human rights concerns and due to its principle nature, ZHRC Commissioners decided to carry out an investigation. Each of the investigated cases document the problems in detail and conclude by providing a set of

recommendations which serve to instruct concerned public authorities and State institutions on what specific actions they each should take to provide solutions to the raised human rights concerns.

In 2016, the increase in investigations amounted to 130% rather than the targeted 100% increase. This can be considered an impressive performance.

The 8 investigations are presented in detail below and as indicated, all investigations are still in progress and it is therefore not yet possible to assess the degree of the adoption of recommendations.

There are various reasons why some recommendations are not always adopted by the State or relevant respondents or why implementation of recommendations takes long. This is explained in the presented investigated cases below. An example is the forced eviction case which will result in a legal process in the courts.

All recommendations were considered by the different stakeholders and only after a progression of time will there be results as the process of relocations and court cases take time. In the abduction case engagements are ongoing with the relevant stakeholders in relation to the recommendations.

A general obstacle in the implementation of ZHRC recommendations is if they have financial implications. The effect can be limited due to the current financial challenges in the country.

ZHRC is aware of the importance of monitoring the adoption of recommendations and aims to continuously follow up with the concerned and responsible respondents. The food aid cases indicate that attention and continued pressure might be necessary in order to ensure that the responsible Ministry implements what was agreed upon.

The 8 investigations conducted in 2016 by ZHRC are described below.

- **Forced Eviction Case: Shiriuru Community vs Murehwa Town Council**

This is a consolidated investigation as the complainants comprise of 82 households. The households alleged violation of their right to property and freedom from arbitrary eviction through forced evictions by the Murehwa Town Council to pave way for Murehwa town expansion after it had been awarded town status. Following an investigation carried out by the ZHRC, the findings were that in as much as the expansion of Murehwa town is justifiable, the council did not fully consider the human rights implications of its actions on the residents of Shiriuru community. The process was not participatory and the terms of relocation were not clear. The villagers were not told where exactly they would be relocated and the council was backtracking on its promise that everyone would benefit from the process as it was leaving out the youths that stay in their parent's compounds. There was also an outstanding issue on what would happen to the graves and traditional rites of the villagers.

The recommendations were given to Murehwa Town Council that it should ensure that the entire process is done in a manner that is consistent with the law and in full consultation

with the complainants; that it should identify suitable land for relocation and ensure that it has the requisite social amenities suitable for human life; that it should only take possession of the land after a transparent process and also ensuring that the villagers have been paid full compensation; that it should take appropriate measures to ensure that the vulnerable villagers are not disadvantaged; and that it should refrain from any form of threats to the villagers. A recommendation was also given to the Ministry of Local Government, Public Works and National Housing which was that they should come up with a national policy on how to deal with cultural shrines, graves, and grave sites prior to any relocation exercise. The ZHRC also recommended that Legal Resources Foundation legally represents the Shiriuru people as part of the referral system in place. The complainants were then referred to the Legal Resources Foundation (LRF) which is one of the formal partners of ZHRC. The LRF agreed to take up the matter and as at the end of 2016 they were meeting with complainants.

The impact of the Commission in this case was to assist the Shiriuru community in finding free legal representation so that they could argue their case to protect their rights and to ensure that Murehwa Town Council did the relocation process in a fair manner that is not detrimental to the complainants.

- Chiredzi Abduction case

A complaint on the disappearance and alleged violation of the victim's right to personal liberty, human dignity, freedom of movement and residence and freedom from torture, cruel and inhumane and degrading treatment of victim X was filed in 2015 by a Member of Parliament who had been requested to do so by the victim's relatives. The violations were alleged to have been committed in May 2015 by a Captain of the Zimbabwe National Army and an Officer in the Central Intelligence Office of the Zimbabwe Republic Police (ZRP). The ZHRC began its investigations into the matter in August 2015 and had its fair challenges in investigating the case, however early in 2016 the ZHRC managed to locate the victim who was in hiding.

The ZHRC managed to interview almost all the respondents and a final report was done and given to the Complainant and Respondents. The ZHRC made the following recommendations to Zimbabwe Republic Police; that it should investigate the issue of torture as alleged by complainant, as well as the case of arson against the complainant and bring the perpetrators to book; that it should investigate the police officer's conduct (in relation to the abduction) and take disciplinary measures against him for not following standard procedures in executing his duties and for detaining the victim in a place not legally designated for detention purposes; and that it should guarantee and ensure the victim's security upon return to his home in Chiredzi. The Zimbabwe National Army was also given the following recommendations; that it should investigate and take disciplinary measures against their captain for usurping the work of the police; and illegally detaining the victim in an illegal place (his private residence) which is not designated for detention.

Due to the complexities involved in the case the ZHRC is still engaging all relevant stakeholders on the recommendations made by the Commission. The Commissioner General of Police was requested to investigate the matter and this is under way.

- Consolidated Food Aid Report (5 cases which were consolidated)

The ZHRC received several complaints which alleged violations of the right to sufficient food, political rights, rights of the elderly and the right to equality and non-discrimination. These cases were investigated separately. They alleged discrimination based on political affiliation in the distribution of food aid and agricultural inputs. The complaints were received from Buhera North Constituency (all 8 Wards which makes up the constituency), Mazowe Central Constituency (wards 7 and 8), Muzarabani North and South Constituencies (Wards 2 and 17 respectively), Zvimba South Constituency (Wards 22 and 23) and Bikita East Constituency (in particular the Dewure Resettlement Scheme covering Wards 4 to 25). Investigations carried out by ZHRC in these constituencies revealed that there was indeed discrimination and exclusion in the distribution of food aid and inputs. The ruling ZANU PF members were the major perpetrators in violations linked to distribution of food, agriculture inputs and other forms of aid. However, in some instances, for example in Buhera North Constituency, members were not aware of the food distribution criteria which had exposed them to manipulation by those responsible for food distribution. For those who were aware of the grievance procedure there had been no recourse even though they followed the proper channel. Although investigated separately the 5 cases were subsequently consolidated into one report.

The ZHRC made the following recommendations to the Ministry of Public Service, Labour and Social Welfare; that it strengthens its mechanisms for resolving complaints arising out of food aid or input distribution or any other programme that is assisting vulnerable households to ensure that there is public confidence in the system; that it should sensitise the public on vulnerability assessment criteria for the existing Food Deficit Mitigation Strategies and the Drought Management Programme so that they are fully aware of the entire process; that through the relevant department ensure that all public officials should ensure that they act in their official capacity and desist from utilizing their political affiliation and ensure impartiality in any food aid or distribution of inputs or any other programme that is meant to assist the most vulnerable in communities; that through the relevant departments should carry out investigations into cases of discrimination in distribution of food aid and disciplinary action should be taken against public officials who deviate from their core duties and undertake private politically affiliated activities on government time; and that from time to time it should ensure that policies are reviewed or flexibility is permitted to ensure that the relevant prevailing circumstances on the ground are taken into account.

The following recommendation was for the Public Service Commission, which should monitor the activities of its officials and other stakeholders it engages in food aid distribution to ensure that food aid distribution is conducted in a non-partisan manner and that they do not prioritise their political affiliation when executing their duties as public officials since such conduct amounts to maladministration. The ZHRC also made a recommendation to the Non-Governmental Organizations (NGOs) involved in the food aid distribution to ensure that it is done in a non-partisan manner. The Zimbabwe Republic Police (ZRP) was tasked with ensuring that at all times it acts in a non-partisan manner in investigating criminal violations of human rights, for instance assault perpetrated by ZANU-PF members on MDC-T Buhera North ward 7 councillor. Such matters should be investigated without fear or favour and timeously. It was also recommended that all political parties with members who are elected into public offices (e.g. Members of Parliament and Councillors) should ensure that these members accommodate everyone

(despite political affiliation) in the discharge of their official duties, a human rights based approach should be used.

The findings were publicised through a Press Conference which prompted the Ministry of Public Service, Labour and Social Services to engage the ZHRC concerning the anomalies in the food aid and input distribution. The Minister said she was going to set up a team to investigate the aid distribution process to verify the ZHRC findings and to enable her to deal with the culprits. A press conference was held, which prompted the Minister to engage with the ZHRC. The Minister had previously not responded to the ZHRC's initiatives for engagements. The press conference also led to an increase in the number of food aid complaints received by the ZHRC. The process of change and engagement is a protracted process which will take time before any tangible result can be observed.

- Epworth, Budiriro and Burombo Hostel cases on police brutality

The Commission carried out investigations on police brutality after receiving complaints on the 11th and 12th of July 2016 in Bulawayo and Harare respectively. The complaints arose following a stay away declared by activist groups on the 4th of July 2016. On the day of the stay away, in Bulawayo, an unknown number of youths blocked the Luveve- town road using boulders and tyres. When the police went to disperse the demonstrators they allegedly indiscriminately and savagely assaulted residents of Burombo and Vulindlela flats and the nearby houses. The police also ordered all residents of the flats to come out and used teargas to force them out. In an attempt to avoid inhaling the teargas some resident jumped from high rise flats and were injured. Two people died after the incident, a toddler aged 1 year 4 months and a male adult in circumstances suspected to be related to teargas inhalation.

In Harare on the same day, commuter omnibus operators barricaded the roads leading to town in Epworth and Budiriro. When the police went to disperse them they were overpowered and went away. They later came back with reinforcements and assaulted every other male person they came across including school children even those who were wearing their school uniforms. They also went into houses taking all males and rounding them up, beating them, setting police dogs on them to bite them and spraying teargas in the whole neighborhood. After being beaten, complainants were taken to the police cells and those who were seriously injured were taken to hospital where they did not receive proper assistance.

Following the investigations, the Commission found that the police violated the right to, freedom from torture or cruel, inhuman or degrading treatment or punishment, right to human dignity, right to personal security, right to life, right to education, right to privacy and children's rights of the complainants. The ZHRC made recommendations to the Commissioner General of Police to investigate the alleged violations and ensure the prosecution of police officers who violated human rights of citizens, in terms of section 243 (1) (g), and impose deterrent penalties, so as to eliminate impunity and send out a strong message to would be public officials intent on violating other peoples' rights. The

Commission held a meeting with the Commissioner General of Police who said they are now investigating the cases.

TARGETS

25% of all individual complaints received from rural districts

15% increase of all individual complaints resolved and closed (=352 of all received cases)

Baseline

In 2015, 22% of the cases received were from rural districts.

In 2015, 235 cases (inclusive of human rights and maladministration) were resolved and closed.

Achievements

In 2016 45% all cases were received from rural districts. In contrast, only 22% of all cases were received from rural districts in 2015. This marks an impressive increase amounting to double the target.

Of all 515 received cases 110 cases were referred and 146 advised cases. In 2016, 173 were resolved and closed. The closed cases did not only include cases from 2016 but also previous Ombudsman cases and cases from previous years. In 2015 the figure was 232 resolved cases out of 253 received cases.

This does not reach the targeted 15% increase in 2016 but marks a decrease in resolved and closed cases.

The two indicators under this target measure ZHRC's ability to perform a key mandate function. The handling of complaints provides an avenue for all Zimbabweans to bring forward complaints to ZHRC if they have experienced violations of their rights including wrong doing by administrative authorities. The indicators measure i) if ZHRC to a larger degree is able to reach out to the rural provinces when receiving individual complaints and ii) to assess whether ZHRC is able to process and close more cases.

In the first indicator ZHRC scored very well in 2016. The number of cases received from rural areas increased considerably as it doubled. Systematic outreach efforts were made to ensure that a larger proportion of the complaints were received from provinces outside the urban areas such as Harare and Bulawayo. These were rewarded as about 50% of all cases received in 2016 were filed by individuals from non-urban areas.

In 2016, 34% of the received cases were resolved and closed. However, in 2015 the rate of resolved and closed cases were 92%. This reflects partly that quite many of the cases

were delayed due to slowness by the responding authority and partly due to complicated cases requiring extra case handling time.

In the case of pension cases they constitute 60% of the cases that ZHRC receives and of those cases, approximately 10% will be paid their pension. The remaining cases of this type are considered unresolved until the payments are made. Many cases can therefore be considered pending. Yet other cases were referred to other case handling institutions.

The figures are elaborated in further details below in result 1 in section 5.1.

TARGET

ZHRC publishes 3 human rights reports including an UPR commentary on the State Report which create debate in the media and other fora

Achievements

The publishing of human rights reports prepared by ZHRC grew in 2016. During this project three investigative reports and one on prisons inspection were published.

ZHRC in addition prepared a UPR commentary on the State Report.

Conclusively, this target was met above the level.

Documenting the human rights situation and publishing reports are critical protection initiatives of ZHRC and essential in order to comply with the UN Paris Principles.

By producing its own independent human rights documentation and publishing reports drawing on this is a major undertaking of any NHRI. By entering these mandate areas, ZHRC is stepping into the public arena by becoming an active human rights player in Zimbabwe.

The published reports included 1) Report on the Visit to Whawha 'Young Offenders' Prison on the 16th of February 2016, 2) ZHRC consolidated food aid report, August 2016, 3) ZHRC Chiredzi abduction investigation report 2016 and 4) Police brutality report in Budiriro and Epworth, 2016.

Apart from the four human rights reports, ZHRC prepared a UPR commentary on the State Report. This was discussed in a meeting with stakeholders. The UPR commentary was distributed to other stakeholders at the UPR session in November 2016 in Geneva. ZHRC attended this as well as a preparatory session organized by UPR.info.

In addition, ZHRC prepared a summary report of the comprehensive prison inspections by the end of the project period. This is pending and awaiting adoption by the Commissioners and has therefore not yet been published.

TARGET

ZHRC releases 4 Press Statements on emerging human rights issues

Achievements

Five press statements were published and thereby this target was fully achieved.

A Press Statement on Public Protests and Police Conduct and one on partisan food aid distribution increased the visibility of the ZHRC and resulted in the increase of complaints received on human rights abuses especially on discrimination in food aid distribution.

The investigated violations provided ZHRC with authoritative documentation of the problems and through the recommendations set the directions of needed actions.

In addition, a Press Statement was made by the Chairperson of the Commission in relation to the Chiredzi abduction investigated case which is mentioned above.

A press statement was made following flooding of urban areas affecting the environmental rights of the citizens.

Finally, a stakeholder engagement meeting in August 2016 resulted in a press statement which addressed the current human rights emerging issues which included the frequency of road blocks, increased demonstrations and restrictions thereof as well as electoral concerns raised by the participants. This was covered extensively in the media.

TARGET

Prison inspections and engagement with the prison leadership result in adoption of 30% of recommendations following 3 follow up visits and preparing the total of 5 inspection reports.

Baseline

In 2015, ZHRC monitored and inspected 5 prisons and submitted reports to the relevant stakeholders

Achievements

Prisons inspections were carried out resulting in recommendations to prison authorities and other relevant stakeholders. A total of 19 prison visits were conducted. These were 16 initial visits and 3 follow up visits. As the target was set to carry out 5 inspections the target was met well above level.

It is assessed that 30% of the recommendations were adopted although this figure is an estimate.

Prisons and mental institution facilities were inspected. A standard procedure was that the ZHRC after the completion of the inspection, the ZHRC verbally presented observations to the management of the institution. In general, there was a constructive dialogue. Reports have been sent to each institution. In addition, ZHRC presented a consolidated report with recommendations to the central prison authorities.

At planned follow up visits of selected institutions the rate of actual adoption of ZHRC recommendations were reviewed and it was assessed that about one third of the recommendations were adopted. These relate mainly to the treatment of prisoners. However, the majority of recommendations having financial implications were not implemented.

4. Immediate objective

Enhanced and consolidated capacity of ZHRC to continuously fulfil its constitutional mandate

Indicators of achievement

Three indicators were formulated to measure the achievements contributing towards the specific objective of the project. Below each indicator, the actual achievements are listed.

INDICATOR 1 *10 month ZHRC work plan is implemented*

- ✓ The work plan was implemented and the entire funds were spent by the conclusion of the project.

INDICATOR 2 *Accreditation at GANHRI and follow up on recommendations*

- ✓ ZHRC was accredited by GANHRI in May 2016 and will receive the certification in March 2017. GANHRI provided a list of recommendations to ZHRC in order to consolidate its independence in all aspects. These relate to the appointment and dismissal procedures of Commissioners, adequate funding, limitation of mandate and procedures relating to the annual report.
- ✓ ZHRC managed to have their regulations adopted and published. The Zimbabwe Human Rights Commission (General) Regulations, 2016 were promulgated on the 29th of July 2016.
- ✓ ZHRC is negotiating an amended ZHRC Act with the Ministry of Justice, Legal and Parliamentary Affairs which will bring the Act into conformity with the new constitution and the GANHRI recommendations. The Ministry is considering the bill.

- ✓ There is continuous engagement with the Ministry of Finance to gain a larger budget for ZHRC by the Government in order to be able to operate fully as established in the UN Paris Principles. ZHRC gained independent status from the Ministry of Justice and are now able to negotiate directly with the Ministry of Finance.

INDICATOR 3 25% increase of government support to ZHRC in 2016

- ✓ There has been no increase of the government budget for ZHRC in 2016. Continuous negotiations indicate interest by the Ministry of Finance to consider programming costs of ZHRC in their support.
- ✓ This resulted in a 46% increase of the GoZ budget to ZHRC in 2017.
- ✓ ZHRC has been successful in negotiating better terms of conditions for existing government funded staff in 2016.
- ✓ Beyond this project the government will take over the rent of the ZHRC Bulawayo office as a part of the increased 2017 budget provided by GoZ. This does not include running costs, however.

5. Specific objectives, expected results and achievements

The project is composed by four components. Immediate objectives and expected results are formulated for each component. The achievements are described and considered below. Key activities contributing towards the achievements are described.

5.1 Priority One Complaints Handling and Investigations

Specific objective

To enhance mechanisms for effective and efficient handling of human rights violations and maladministration cases

Indicator

System and procedures in adopted manual and SoPs fully implemented to handle human rights and maladministration cases.

Achievements

Efforts have resulted in noted progress towards this indicator.

ZHRC continues the process of implementing the case handling manual as well as the Operational Procedures. Through a study tour to the Ombudsman in Namibia the relevant leader and staff have upgraded expertise in handling of maladministration cases.

As a result of the visit the CHI unit modified the complainants form and kick started a process of looking for a consultant to provide assistance to computerise the case management system. This is being done with the assistance of UNDP.

In addition, ZHRC applied for membership in the International Ombudsman Institute (IOI). The application was considered at its annual board meeting in November 2016, and the ZHRC was conferred with membership with voting rights by the IOI.

Indicator

Reduction in the case handling period (3 months or less) and inherited cases in compliance with the SoPs (15 cases per month of the 378 pending cases).

Achievements

There are certain challenges counteracting the fulfilment of the first part of this indicator concerning reduction of the case handling period.

Reduction of the case handling period is work in progress and the ideal situation would be that the turnaround time of cases will be 3 months or less but at present cases are closed between 3 to 6 months.

Internally, there is a need to have an electronic case management system in place to be able to track the progress of the case. Such a system would be able to track the number of case where the case handling period is completed by ZHRC and where follow up action is awaited by respondents in order to close the cases.

Best practices in Denmark and Namibian Ombudsman have shown that is it more effective if an electronic case management system is in place rather than a manual system, therefore the ZHRC is working on having an electronic case management system. This process has started 4th quarter of 2016 and will continue into 2017 with support from UNDP.

There are other contributing factors to this, which include the lack of knowledge in approached public authorities by the Commission. To counteract this, ZHRC continues to engage various public stakeholders to ensure that they appreciate the mandate of the Commission. It has been noted that at national level, ZHRC is widely known but at provincial and district level there is still a lot of work to be done. There are approximately 64 districts in the country and in 2016 with the assistance of this project, ZHRC managed to engage 8 districts, it is hoped with increased funding for financial and human resources the ZHRC will be able to cover more districts as time progresses.

Other factors prolonging the case handling period in 2016 include cases which cannot be closed due to lack of pension payments to complainants and in other instances complicated cases requiring extra time.

In the case of pension cases they constitute 60% of the cases that ZHRC received in 2016 and of those cases, approximately 10% will be paid their pension while the other 50% will have to wait for the respective pension fund to pay them subject to the improvement of the economic situation in the country.

The closing of human rights cases in 2016 is low due to the fact that it takes much time to engage the relevant respondents in terms of the question of remedies or because of the set of recommendations that the Commission are offering. There is a lot of consultations that are ongoing and it is anticipated that this will improve in the future as various respondents become more familiar with ZHR and the role they play and the growing appreciation by the respondents of the human rights and implications of violations thereof. For example, ZHRC receive complaints on environmental rights on companies that are mining in areas and not covering their pits. ZHRC engages the relevant authorities to find out what the challenges are. In such instances, the Environmental Management Agency is one of the responsible authorities, whom will investigate the matter on their own and engage the relevant companies. It takes time for them to obtain the responses and for ZHR to finally obtain a satisfactory response from the Agency which would ensure that the pits are closed. As with the administrative justice cases, ZHRC only consider the human rights cases closed when the respondent has adopted the recommendations proposed by the Commission.

Respondents at times have also cited financial constraints especially where they have to do their own internal investigations and proffer the Commission with a response.

The second part of the indicator focuses on reduction of inherited cases. ZHRC has to date dealt with 64% of the former Public Protector cases. An exercise is being done to map a way forward where there are challenges. The ZHRC has set a target to have dealt with all Public Protector cases by 30th of June 2017.

Expected result 1

Increased number of complaints on maladministration received and efficiently resolved

Indicator

Total annual increase of 30% of cases (from 76 cases received in 2015) on maladministration received.

Achievements

There has been an increase of about 80% in received cases concerning maladministration in 2016. While 76 cases were received in 2015, 134 cases were received in 2016.

The progress is well above the indicator.

Indicator

25% of individual complaints on maladministration received from rural districts.

Achievements

Comparing to 2015 ZHRC has in 2016 had a 100% increase in all received complaints. While the total of 253 cases were received in 2015, the figure was 515 in 2016 as illustrated in table 1. The table also shows that the general increase in received cases includes both category of cases, namely human rights and maladministration.

TABLE 1 Received cases as per topic

	2015	2016
Human Rights	142	245
Maladministration	76	134
General	35	136
Total	253	515

Major efforts were made to ensure that a larger proportion of the complaints were received from provinces outside the urban areas such as Harare and Bulawayo. These were rewarded as about 50% of all cases received in 2016 were filed by individuals from non-urban areas.

Table 2 below shows an increase in cases received in all provinces. While 79 cases were received from non-urban provinces (outside Harare and Bulawayo) in 2015, this increased to 234 cases in 2016.

TABLE 2 Received cases as per province

	Province	2015	2016
1	Harare	120	161
2	Bulawayo	50	117
3	Matabeleland North	2	9
4	Matabeleland South	2	6
5	Midlands	21	48
6	Masvingo	7	44

7	Manicaland	11	25
8	Mashonaland Central	2	24
9	Mashonaland East	16	41
10	Mashonaland West	18	37
11	Outside Zimbabwe	0	0
12	Email	0	3

This impressive increase of almost 300% can be attributed to the MoUs that the ZHRC has signed with key CSOs with nationwide representation. An example is the food aid cases which the Commission initially received from a CSO, a Member of Parliament and members of the community who are aware of the ZHRC. Another contributing factor is the extensive outreach activities carried out by the EPR unit in the non-urban provinces.

Unfortunately, there are not available statistics of the distribution of cases (human rights or maladministration) received from the rural provinces. This will be addressed by the anticipated Case Management System.

Indicator

50% of all cases are efficiently and timeously resolved and in accordance with adopted system & procedures

Achievements

This indicator constitutes a challenge as explained above.

In 2016, 34% of the received cases were resolved and closed. This is a much lower rate of resolved cases compared to 92% in 2015. The figures are shown in table 3.

Table 3 Close cases as per topic

Category	2015	2016
Human Rights	28	15
Maladministration	204	95
Total	232	173

The Commission held 12 meetings on Complaints Handling in which 173 cases were closed of the 515 received cases in 2016.

More maladministration cases than human rights cases have been closed. This is because human rights cases take longer to investigate and obtain responses. All efforts are made to ensure that they are dealt with speedily and this cannot be over-emphasized to the respondents.

Table 4 Cases referred, advised and closed

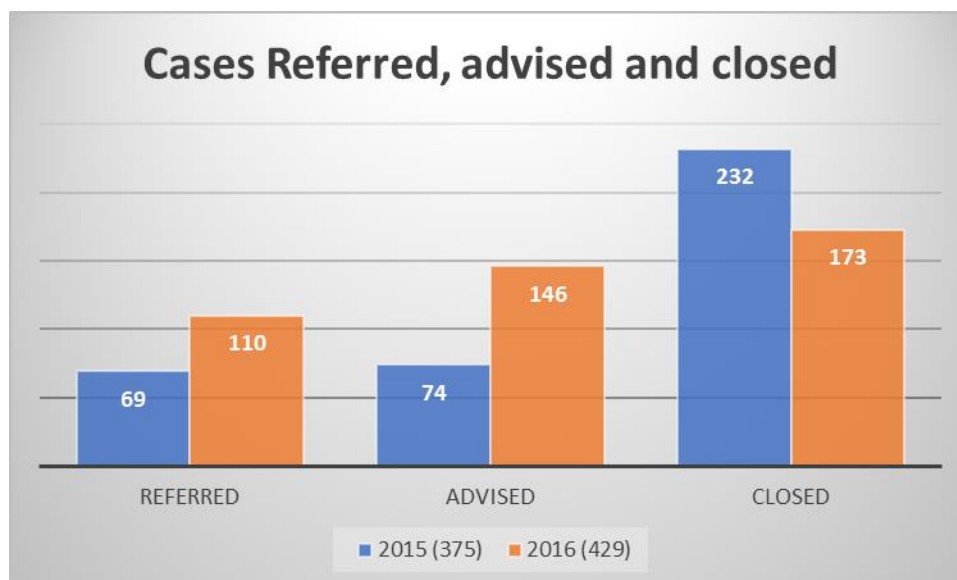


Table 4 shows how cases at the Commission are dealt with in general. A group of cases are referred to relevant organisations that are better placed to deal with the subject matter than the Commission.

The Commission also advises complainants of the law. This can be in instances when they have not followed through the internal procedures available to them.

Closed cases are the ones that the Commission has investigated and come up with a conclusion. The outcome can be that the case has been resolved or the human rights allegation or maladministration cannot be sustained.

Finally, there is a group of cases that were deferred by the Commission for further investigations, after which, they will be brought back before the Commission for consideration and eventually adoption. In 2016 this group of pending cases constituted 86 cases.

The Commission has been dealing with cases where mainly the following rights have been violated: Right to Administrative Justice, Property Rights, Economic, Social and Cultural Rights, Children's Rights, Equality and non-discrimination, Political Rights and Environmental Rights.

The general trend is that in 2016, the ZHRC received the majority of the complaints from pensioners who complained about the various pensions authorities not paying out their pension, there was an increase in the food aid and input complaints, complaints in relations to the manner in which certain government ministries and departments handled various cases in relation to administrative justice, environmental rights in relation to pits

that had been left open in communities by mining companies and the increase in demonstrations which increased cases of alleged police brutality among other cases received.

The main respondents of the received cases are Pensions Agency, Local Authorities, Zimbabwe Republic Police, Ministry of Primary and Secondary Education, Ministry of Public Service, Labour and Social Welfare and National Social Security Authority.

Expected result 2

Effective cooperation with various partners in the referral network and identified civil society organisations and institutions

Indicator

Relations with civil society organisations and institutions result in entering of MoUs expanding the referral network

Targets 2016

6 MoU with CSOs

Achievements

Since seven instead of six MoUs were signed the target was fully met. Not only did the cooperation with seven major human rights organisations include involvement with their nationwide representations but it also involved various types of engagements in both protection and promotion with each new partner organisation.

Cooperation with civil society organisations resulted in signing MoUs with the following seven organisations: Veritas, Zimbabwe Human Rights Association (ZimRights), Zimbabwe Association of Doctors for Human Rights (ZADHR), Zimbabwe Human Rights NGO Forum, Election Resource Centre (ERC), Habakkuk Trust and Legal Resources Foundation. The signing of these MoUs has been at the national level and that ensures that these organisations work with the Commission not only in the capital but at provincial level. Secondly, the organisations engage in cooperation with the Commission in their entire broad mandate together with CHI, EPR and M&I.

After the signing of the MoUs focal persons in the partner organisations are assigned to work with the Commission. The appointed focal persons act as coordinators who work with the Commission particularly with the CHI and EPR Units.

The MoUs have been beneficial since the Commission has managed to refer and receive cases from these organisations. These new partners have also assisted in raising the

visibility of the Commission through various activities that have been initiated through the EPR Unit including roadshow campaigns.

The positive effect can be seen by the increased number of cases received from certain provinces. The above-mentioned CSOs have also engaged the Commission on critical issues that they have felt are key to the country. One such example is that they inquired from the Commission about what it intended to do about the ongoing issues of protests in the country.

Expected result 3

Enhanced capacity targeting both human rights violations and maladministration investigations

Indicators

Maladministration: Completed training in investigations and maladministration

Human rights violations: Staff completed training in legal drafting, research and public hearings

Achievements

Maladministration

Expertise was gained in maladministration investigations. This involved a learning visit to the Namibian Ombudsman. It provided the Commission with new knowledge in areas where the Commission needs to improve such as case and information management.

Following the Namibian visit ZHRC decided to apply for membership of the International Ombudsman Institute (IOI) so as to get opportunities to learn from and share ideas with other institutions handling the public protector mandate.

Human rights violations

Two trainings of the Unit were conducted. The 1st one on Investigative Techniques training was conducted in July and facilitated by ZLHR and ZRP. The Commission is now equipped on the know how to conduct an investigation and has come up with a draft tool on what is involved when planning an investigation. The tool is continuously updated as this is a trial phase before it perfects the tool. This training equipped the ZHRC secretariat to apply the basic principles of investigations and investigative techniques in their daily work.

The 2nd training was on legal drafting. It was held from the 29th of August 2016 to the 2nd of September 2016. The training helped the ZHRC to improve the expertise to fulfil its mandate. The training also resulted in improved opinion writing skills for the secretariat.

The Commission paid subscription for 7 already registered lawyers for the year 2016. This is a reduction of the planned 9 subscriptions. Other lawyers in the Unit are in process of being registered by the Law Society of Zimbabwe. Registration is compulsory in order to seek membership.

The head of the Unit and two human rights officers attended Winter School in Victoria Falls which looked at “practicing law in the digital age” and it provided the ZHRC with a platform to continue learning of the ever-changing trends of the legal profession and networking. The ZHRC was able to increase its visibility and promote its mandate as many lawyers at the fora were not aware of the mandate of the Commission. Also, the Law Society of Zimbabwe who hosted the event suggested that they could collaborate with the ZHRC at different levels which included ZHRC possibly participating in their outreaches throughout the country.

The ZHRC, represented by the CHRO of the CHI Unit attended the 59th Ordinary Session of African Commission on Human and Peoples Rights (ACHPR) held in Gambia from the 20th to the 29th of October 2016. The session was particularly focusing on the rights of women. The ZHRC had an opportunity to appreciate the different working groups that made various presentations.

From this meeting, the Commission also learnt that Zimbabwe has not submitted any report since 2006 (5 reports) in relation to the implementation of regional instruments. It is recommended that the Government expedite the process of reporting and engage all relevant stakeholders in this process. The ZHRC will be engaging the government on submitting reports to the ACHPR, the government in the UPR report committed to submitting all relevant reports that are outstanding to the different human rights bodies.

The ZHRC itself anticipates to apply for affiliate status with the African Commission in 2017 to enable to report on progress on what it is doing to promote, protect and enforce the regional instruments.

5.2 Priority Two Monitoring & Inspections

Specific objective

The Commission conducts systematic and professional monitoring and inspections to assess and ensure compliance of human rights in Zimbabwe as a result of a developed and implemented monitoring system

Indicator

Established, adopted and implemented monitoring and inspection system including framework and guidelines for unit

Achievements

An overall monitoring plan was made for the annual monitoring and inspections of institutions including prisons and detention facilities. Framework and guidelines for prisons and police centres have earlier been developed and subsequently adopted by the Commission.

The inspection guidelines are in the process of being implemented by the M&I unit when carrying out the extensive inspection programme supported by this project.

Guidelines for inspection of mental institutions were developed in this project but have not yet been adopted by the Commission. Further work was yet to be done with the assistance of the Ministry of Health and Child Care to finalise them.

Indicator

ZHRC UPR commentary on the State Report

Achievements

The UPR commentary was developed and discussed in a workshop with stakeholders who also inputted to the document.

The commentary was distributed in the UN Human Rights Council in Geneva when ZHRC attended the UPR review of Zimbabwe in November 2016.

Indicator

Targeted capacity building plan of staff completed

Achievements

The capacity building of staff was completed. This involved developing guidelines for inspection of mental institutions which was done at a workshop where experts facilitated the work. Stakeholder inputs into the draft guidelines is in process.

The draft guidelines were applied in inspections of this type of institutions.

Indicator

It is assessed that approximately 30% of recommendations were adopted as a result of 3 prison follow up visits

Achievements

Implementation of overall inspection plan was completed. However not 5 but 16 institutions were visited and inspected and 3 follow up visits were conducted. Inspections were carried out in prisons.

It is assessed that about 30% of the recommendations provided by ZHRC were adopted by the relevant institutions. The recommendations adopted were those with no financial implications. See below in result 2 for further details.

Expected result 1

ZHRC has the capacity to start engaging in the mandate area which address engagement with international and regional HR mechanisms including GANHRI

Indicator

Commissioners and staff after exposure to UPR engage and provide written contributions to the processes now and in future reviews.

Achievements

The ZHRC hosted a national stakeholder workshop in September 2016. The meeting was attended by a total of thirty-two (32) participants (18 males and 14 females) representing Government, Civil Society Organisations and Independent Commissions. The purpose of the consultative meetings was to foster dialogue on the UPR and to consolidate stakeholder input into the ZHRC UPR Commentary. It served as preparation for the formal UPR review in November in Geneva and provided inputs for consideration in recommendations presented to the Government. The commentary which the Commission drafted served as input for the workshop. The commentary provided a review of the Government's national UPR report.

The Deputy Chair attended regular meetings in the government hosted UPR steering committee.

The UPR activities were clustered around the formal review of Zimbabwe in the UN Human Rights Council in November 2016. ZHRC added a new UPR activity which it attended, a pre-session which took place in October and was organized by UPR Info in

Geneva. The budget line to attend the GANHRI accreditation meeting was reallocated to attending this pre-session of UPR.

It was the first time for the ZHRC to attend the UPR review of Zimbabwe. This provided an opportunity for ZHRC to inform on its programming and also to engage with the Government on improvement of the Human Rights situation in Zimbabwe. Permanent delegates of the Human Rights Council showed interest in the work of the Commission.

Training sessions which took place before the review also equipped the ZHRC with skills to improve on future reporting.

Indicator

Engagement with GANHRI accreditation committee and GANHRI Bureau meeting lead to dialogue about ZHRC Act and increased governmental funding

Achievements

ZHRC engaged with the GANHRI accreditation committee prior to the accreditation decision of ZHRC. ZHRC did not attend the accreditation meeting as the GANHRI procedures do not call for this. Instead the Chair of the Accreditation Committee communicated directly with the Chairperson of the ZHRC. The ZHRC on the 24th of May 2016, was informed by the GANHRI Sub-Committee on Accreditation (SCA) that it was recommending that the Commission is granted 'A' status.

The 'A' status was granted with the following recommendations:

1. Selection and appointment process of the Commissioners should be more broad and transparent.
2. Adequate funding and financial autonomy in relation to premises, remuneration, benefits of relevant staff/Commissioners, well functional communication systems and resources to carry out its mandate.
3. Limitations on mandate in terms of Section 9 (4) (a) of the ZHRC Act the Commission cannot investigate cases prior to 13 February 2009, the SCA stated that ZHRC should investigate all alleged human rights violations and not be unreasonably limited.
4. Dismissal procedure and process, section 20 of the ZHRC Act was a cause of concern for the SCA stating that it is subject to misuse, it suggests that there should be an independent and objective process.
5. That in terms of section 8 (1) of the ZHRC Act the annual report should be presented through the relevant Minister but rather the SCA suggested that the Commission should directly present the report to Parliament.

ZHRC is continuously engaging and consulting with Treasury on expanded funding and with the Ministry of Justice, Legal and Parliamentary Affairs on the adoption of an amended Act. Presently, the Ministry is considering the amended Act.

The amendments to the Act address the above concerns and recommendations by the SCA and it is in line with the UN Paris Principles.

ZHRC was able to attend the annual GANHRI meeting in March 2016 which was partially funded by the Government and the project.

The Commission attended the 59th Ordinary Session of the African Commission on Human and People's Rights from the 21st of October to the 4th of November 2016.

Expected result 2

ZHRC has an established monitoring and inspection system

Indicators

ZHRC has developed a monitoring and inspection system including framework and guidelines.

Achievements

As described above in the achievements of the specific objective of this component an overall monitoring plan was made. The guidelines for prison inspections being implemented by the M&I unit when carrying out the extensive inspection programme supported by this project.

A workshop was held in July 2016 with various stakeholders involved in the treatment of persons with mental illness. The main purpose was to obtain best practices in monitoring mental institutions as well as developing guidelines for monitoring of this type of institution.

After the training on monitoring mental health, two visits were made to Ngomahuru in Masvingo and Parirenyatwa Hospital Psychiatric Unit commonly known as Annex to appreciate the situation of mental health institutions in the country. The draft guidelines just developed were applied during these inspections. It was noted that there is a stigma against persons with mental illnesses and that they are not a priority when it comes to disbursement of funds. This compromises the fundamental rights of persons with mental illnesses.

As a follow up but not funded by this project, the ZHRC had a consultative meeting with all stakeholders for mental institutions and prison authorities together with Parliamentarians on how to best improve the fundamental rights of the respective groups.

Initial inspection visits were conducted to 16 prisons. Follow up visits were made on 3 of these which are Connemara, Whawha Juvenile and Whawha Medium prisons. Upon follow up the ZHRC noted that certain recommendations have been implemented for instance the relationship between inmates and prison officials where inmates were now being treated with respect and dignity.

The recommendations on prisons and mental health institutions spoke about several challenges linked to availability of resources as follows; the right to food – lack of balanced diet and non-adherence to the statutory provisions on the minimum dietary scale; the right to human dignity – inadequate clothing suitable for the climate and inadequate sanitary wear and the right to clean water.

At planned follow up visits of selected institutions the rate of actual adoption of ZHRC recommendations were reviewed and it was assessed that approximately one third of the recommendations were adopted. These relate mainly to the treatment of prisoners. However, the majority of recommendations having financial implications such as those listed above were not implemented.

In relation to recommendations relating to detained immigrants, a meeting is scheduled for the future so as to come up with an action plan involving all the relevant stakeholders as this had been agreed in principle. However, on issues with a financial bearing there was no improvement as the prison authorities cited budgetary constraints.

In general, the approached institutions can be visited and inspections carried out. However, access to police cells needs further engagements with the police which prompted ZHRC to write to the Commissioner General of Police seeking audience. A meeting was eventually held in February 2017 and it was agreed that the ZHRC could visit police cells after notifying them.

The ZHRC presented a consolidated report with recommendations to the prison authorities. These were based on the individual internal reports prepared after the inspection of each institution. The M&I Unit also after touring each prison gives recommendations and highlights observations noted during the visit. In general, there is a constructive dialogue with the management of the visited institutions. Reports have been sent to each institution.

5.3 Priority 3 Human Rights Promotion

Specific objective

Increased knowledge of ZHRC and increased countrywide usage of the services it offers

Indicator

10 councils and 8 human rights organisations engaged in both rural and urban areas to cooperate i.e. to assist publicise ZHRC and its work, referral of cases and facilitating platforms for ZHRC to engage in local area.

Achievements

This objective has been achieved almost fully as the engagements with external human rights stakeholders expanded during the project period and meeting the set targets.

The Education, Promotion and Research (EPR) Unit implemented activities concerning cooperation with councils and civil society organisations.

7 MoUs have been entered into with human rights organisations (see component 1, expected result 2) and focal points are appointed in the approached Councils.

For cooperation with councils see result 1 below. 11 Councils were engaged to work with ZHRC in publicising the work of the Commission.

Indicator

3 TWGs engaging various stakeholders to publicise the ZHRC in specific human rights themes

Achievements

Thematic working groups have been supported in 3 thematic areas and planning and implementation of activities have been successful. See the 3rd indicator in result 1 below for further details.

Expected result 1

Commission cooperate with selected stakeholders namely councils and human rights organisations and through TWGs to enhance human rights protection and enforcement

Indicator

Formalised arrangements for cooperation with 8 organisations and 10 councils in selected districts in the northern and southern regions e.g. MOUs or focal points with selected HR, like-minded organisations and councils.

Achievements

The engagements with both councils and human rights organisations in the selected districts were met above targets. 8 council meetings were held representing several local councils and through 3 meetings a large number of human rights organisations were met.

Formalised cooperation was established with 7 nationwide human rights organisations or networks rather than 8.

Cooperation was established with 11 Councils through appointed focal points.

The indicator is close to being met.

District councils

The response from the approached councils was positive and indicate interest in cooperation and willingness to promote the work of ZHRC. Councils view that as state institutions they will not need to enter into MoUs with ZHRC. Instead they prefer to have District Administrators acting as focal points for the cooperation with ZHRC. This approach was therefore adopted.

A total of eleven (11) local authorities were engaged, which included 7 Rural District Councils (RDCs), 3 City Councils (CC) and 1 Town Council (TC). These comprised of seven (7) Rural District Councils which were Hwedza, Uzumba Maramba Pfungwe, Mt Darwin, Sanyati, Makonde, Lupane and Matobo; one (1) Town Council which was Plumtree and three (3) City Councils being Chinhoyi, Gweru and Kwekwe.

The first engagement meeting with local authorities was held with Hwedza Rural District Council on 27th July 2016. Twenty-Seven (27) Councillors for the different wards from Hwedza Rural District Council and representatives from the District Administrator's Office attended the meeting. The Councillors indicated they were ready in the future to organise ward based outreaches for the Commission to raise awareness on human rights. However, this has not taken place as it was not planned in the project.

The meeting did not only succeed in enhancing visibility of the Commission's work and mandate among Hwedza Rural District Councillors but managed to facilitate interactive dialogue on how the Commission could beyond this initiative collaborate with the Council to educate communities on human rights. The Councillors were left with IEC materials to distribute.

Human rights organisations

The ZHRC had 3 engagements with human rights organisations. These were held in Gweru, Chinhoyi and Hwange. The first engagement meeting with human rights organisations (HROs) and duty bearers was held in Gweru on the 1st of July, 2016. The engagement meeting managed to attract 66 participants which included HROs such as Caritas, VASSAO, ZCTU, ZimRights, CCJP, Government departments and ministries as well as officials from the Provincial Minister, Provincial Administrator's office and the Assistant District Administrator for Gweru.

The meeting objectives of raising awareness and visibility of the ZHRC to promote uptake or use of services offered by the ZHRC and furthermore to foster the creation of collaborative partnerships / mutually beneficial platforms between the ZHRC, government structures and institutions and human rights organisations were met. The participants felt that ZHRC should participate in local exhibitions as well as open satellite offices in the Midlands region.

After both engagements, the ZHRC has come up with a plan on how to further implement some of the recommendations that had been brought forward by the engagement. One such recommendation was that ZHRC should have a newsletter and the Commission has begun to implement this. Other recommendations which related to financial and human resources would be considered when the ZHRC negotiates for the 2017 programming.

The ZHRC after the engagement meetings culminated in follow up activities being initiated by the engaged stakeholders. Four follow up outreaches were done in Brunapeg and Empandeni (Plumtree, Matabeleland South), Mataga Business Centre and Inyala Business Centre (Midlands) organised by engaged stakeholders. The ZHRC also had 6 outreaches in the Matobo District supported by Habakkuk Trust. This shows the beginning of active participation of duty bearers and rights holders in human rights promotion, protection and enforcement as well as in democratic processes.

Indicator

5 complaints received from each targeted region where complaints have not yet been submitted to ZHRC

Achievements

This indicator was reached. In all approached regions ZHRC received more than 5 complaints. See table 2, expected result 1, section 5.1 for further details.

The above described promotion engagements have increased the visibility of the Commission and contributed in raising the number of cases being received in the approached provinces for instance Midlands and Mashonaland West. It should however be noted that the full impact may not be seen in the immediate to short term, since engagements need to be continued, for example the engagements with Councils. Councillors highlighted that it was not enough to just engage the council but it was also key to engage the communities at ward level. They highlighted that at this level there are many human rights violations but inaccessibility of the Commission is a challenge.

The Commission through the MoUs have also resolved to engage the organisation with wider network through their offices country wide. One such organisation is Legal Resources Foundation. The ZHRC can receive complainants through their 26 nationwide offices.

The MoUs signed by the ZHRC have been mentioned above. This has resulted in ZHRC conducting joint promotional activities with these organisations e.g. roadshows, IEC materials distribution and a breakfast engagement meeting with the Health Sector.

Indicator

TWGs implement activities jointly with external stakeholders and resources.

Achievements

This indicator was fully met.

The three active and supported TWGs almost exclusively engage in promotion activities in the topics they are mandated to draw attention to. This include holding conferences, develop books, booklets etc, attending conferences, TV programmes etc to draw attention to their mandated topics and publishing statements.

It was not yet possible to measure what the effect has been of this work aiming at raising public awareness. As examples the attendance and follow up on the environmental conference and parliamentary portfolio committee on gender are in progress and have not yet resulted in any tangible impact as such impact cannot be realised in the short term but rather medium to long term. This is mainly because part of this deals with policy issues which take time to influence. The TWGs will in 2017 be supported by both GiZ and UNDP to further develop on the work that has already been done by this project.

Environmental TWG-

The TWG defined the priorities for a six months' work plan.

The TWG held a conference on the realisation of the right to potable water in Zimbabwe. Critical issues arising from this conference will be followed up on with relevant organisations.

A book of proceedings on environmental issues was developed from this event. The book has been presented at certain foras including in an engagement dialogue hosted by the Netherlands Embassy.

The TWG has collaborated with the Zimbabwe Environmental Lawyers Association providing mobile human rights clinics where several cases on human rights were received in Midlands and are being investigated.

Gender Equality and Women's Rights TWG –

A work plan was developed and several meetings were held with members.

The TWG developed an informative brochure about the Commission with a focus on gender and women's rights.

The TWG engaged in the commemorated 16 Days of Activism Against Gender based Violence.

The TWG attended hearings on the Parliamentary Portfolio Committee on Gender.

Attendance in the commemoration of the International Women's Day by the invitation of its partners.

Special Interests TWG –

A work plan was developed and meetings held.

The TWG carried out a mission visit to the San community in Tsholotsho to appreciate the life of the San community and their challenges thereof. As a follow up to the visit to Tsholotsho and in order to enhance knowledge of TWG members on rights of indigenous people, in September 2016, the TWG was represented by a human rights officer participating in the Advanced Human Rights Course on Rights of Indigenous People which was held at University of Pretoria in South Africa in October 2016.

The TWG participated in a television programme (Mai Chisamba Show) on rights of older persons in commemoration of International Day for Older Persons which is commemorated internationally, every year on 1 October. The TWG highlighted to viewers that older persons are human beings with human rights which should be protected, promoted and enforced since they are enshrined in Sections 21 and 82 of the Constitution of Zimbabwe.

The TWG also published a press statement on International Day for Persons with Disabilities (PWDs) which was commemorated internationally on 3 December. The purpose of the press release was to enlighten the nation about the rights of PWDs, Sustainable Development Goals in relations to PWDs, challenges faced by PWDs and made recommendations.

The TWGs has identified key issues within the specific groups as well as strategies enabling mapping out and engagement with relevant stakeholders. For the Special Interest TWG the visit to the San community helped identify the key issues that this minority group faces and how such issues can be addressed.

Indicator

Monitoring and inspection reports reflect conditions in 5 regions responding to HR concerns raised by collaborating organisations

Baseline

In 2015 few cases and 1 investigation from targeted regions

Achievements

This indicator was close to be met. Four reports were prepared and published during 2016 which put focus on critical human rights issues in certain provinces. This included three investigative and one prison inspection report:

The Whawha 'Young Offenders' Prison in the Midlands province
The consolidated food aid report
Police Brutality Report in Budiriro and Epworth
Chiredzi abduction Investigative report

In addition to the reports, ZHRC received an increased amount of complaints from the non-urban provinces during 2016.

Expected result 2

ZHRC has increased capacity in its promotional mandate area with a priority on targeted outreach activities and responding to emerging human rights issues

Indicator

ZHRC has developed promotional plan for 2016 guided by ZHRC strategic plan.

Achievements

The EPR Unit developed a Promotional plan including planning of activities.

The earlier developed EPR framework was adopted by the Commission during the first quarter of the year. The EPR framework describes in overall terms, the work areas of the unit and the vision. The EPR framework and the ZHRC Strategic Plan set the direction of the promotional plan and activities in 2016.

Guidelines were compiled and developed in 2016 to act as concrete checklists guiding the staff in carrying out specific promotion and education tasks such as how to prepare a statement, how to conduct a workshop and internal communication procedures.

This indicator was therefore fully met.

Indicator

Internal system established to clarify procedures and decisions in rapid response situations

Achievements

The workshop for developing Rapid Response Guidelines was conducted. These guidelines are scheduled for adoption at the February 2017 Commissioners meeting. The follow up internal training to effectively implement the rapid response function was held in November 2016. The purpose of the workshop was to discuss how the ZHRC should respond should there be an emergency human rights violation.

The guidelines were developed after the realisation that in its efforts to monitor and assess the human rights situation in Zimbabwe, the ZHRC has been slow in responding to emergency human rights situations. If the ZHRC is to assume a lead and credible role in the promotion, protection and enforcement of human rights with an impact on the human

rights situation, there is need for it to respond timely in anticipating as well as identifying such situations. It also needs to quickly gather accurate information, compile reports and communicate its views, findings, and recommendations to the public and targeted stakeholders on ways of addressing and redressing such situations and to follow through the recommendations to ensure implementation.

The indicator was reached.

Indicator

2 promotion events held by ZHRC

Achievements

This indicator was met above target.

Belated commemorations for Day of the African Child (DAC) was held in partnership with SOS Children's Villages. It was supposed to be held on 16 June but was postponed and held on August 1st 2016 at SOS Children's Villages in Waterfalls, Harare with children from SOS Bindura and SOS outreach programme in the high-density suburbs also participating. Other Children were drawn from 4 other Childcare Centres, Chiedza, Jairos Jiri, Chinyaradzo and Hupenyu Hutsva. A total of about 450 children participated in the commemorations, at which the Guest of Honour was the Child Minister of Provincial Affairs for Harare Metropolitan Province. The commemorations succeeded in raising awareness among children on mandate and work of the Commission, the significance of Day of the African Child and children's rights through various interactive sessions which included question and answer sessions, IEC materials distribution, and performance arts.

Prior to the commemorations, the Commission exhibited at the Official Opening of the Children's Parliament by His excellence, the President of Zimbabwe at the City Sports Centre. A Press Statement on the Day of the African Child Commemorations was also published in NewsDay on the 16th of June 2016. The statement was also uploaded onto the ZHRC Website

The Head Office and Northern Region Offices situated at 144 Samora Machel Avenue, were officially opened by the Vice President of Zimbabwe and Minister of Justice, Legal and Parliamentary Affairs, Honourable Emmerson Mnangagwa. The Ceremony was held on the 27th of May 2016. Dignitaries who attended the Ceremony included the Minister of State for Provincial Affairs for Harare Metropolitan Province, the Speaker of Parliament, the Prosecutor General, the Commissioner General of Prisons and Correctional Services, UN and EU representatives, representatives of embassies including the Royal Danish Embassy, other Development Partners, Civil Society Organisations and the Media. The event received coverage in the daily newspapers and on ZTV news.

Indicator

Promotional materials disseminated in all ZHRC outreach activities

Achievements

This indicator concerns the development and distribution of IEC organisational materials in 3 languages aimed at promoting the mandate of the Commission and the services it offers. Another brochure was produced and this presented the simplified declaration of rights in 3 languages. The materials were distributed through councils, local organisations, investigations, commemoration events etc.

Quotations showed that it is not cost effective to print small quantities of IEC materials. The following materials were printed:

The Generic Brochure on Mandate and Work of the Commission was printed in 10,000 Copies (English Version), 10,000 Copies (Shona Version) and 5,000 Copies (Ndebele Version).

Declaration of Rights was printed in 5,000 Copies (English Version).

In June, the IEC materials were developed and the translation took place in July. Printing was completed in August. Conclusively, this indicator was fully reached.

Indicator

Press statement issued and published within a week of occurrence of emerging issue

Achievements

Five press statements were issued on 1) the Chiredzi abduction case, 2) partisan distribution of food aid, 3) the Chinhoyi stakeholder meeting that raised human rights issues concerning the increased demonstrations and police conduct thereof, frequency of road blocks and 4) on Public Protests and Police Conduct.

Based on the investigations made on politicisation of food aid and human rights abuses allegedly perpetrated by the police during peaceful civic protests the mentioned ZHRC statements were made to alert the public on these issues.

A press statement was made following flooding of urban areas affecting the environmental rights of the citizens. It is expected that the Rapid Response procedures will help establish quicker internal procedures for how the Commission will identify emerging topics in the future and how the internal procedures should be to effectively address and examine the issues and issue statements.

This indicator was reached above the expected level.

5.4 Priority Four Sustainability of ZHRC

Specific objective

Indicator

ZHRC core budget 25% increase by government in 2016

Achievements

There was no increase in government budget for ZHRC in the project period.

However, the Commission engaged the Government on post-December 2016 financial budget which resulted in the ZHRC budget allocation from government being increased by 46% in 2017. See expected result 1 below for further details.

Indicator

ZHRC has recruited the necessary qualified staff in 2016 financed by governmental budget and supplemented by external donors

Achievements

Project financed staff has been recruited with slight delays due to late approval of the project.

Indicator

ZHRC developed a joint programming framework 2017-20 which is implemented in 2017 and supported 50% by external donors

Achievements

This indicator was partially met concerning funding in 2017. However, as the GoZ funding increases in 2017, the external funding constitutes only 27% in 2017. Kindly see table 2 below.

Efforts by ZHRC have led to initial development of a joint programming framework during this project. Several meetings with the donor group took place and a log frame for the framework was drafted and agreed upon. A full programme framework document was not developed.

However, donors continue to engage bilaterally with ZHRC also beyond 2017. The EU is planning to award 1,5 million EURO to ZHRC through assistance of GiZ in the period 2017-19. The German government has committed itself to match this grant although the amount is not yet known. UNDP is planning to continue assistance to ZHRC and is starting a new programme in 2017. The volume and content of the support is in process of being negotiated.

Furthermore, the UNDP funded project will be taking over the funding of 8 human rights officers and 1 driver from this project and offer one year contracts to this staff. ZHRC anticipates that the remaining critical positions of ICT Officer, Public Relations Officer, project administrator and one driver will be funded by GIZ. Negotiations with GIZ are ongoing and the project is anticipated to start on 1 March 2017.

In the short to medium term it is anticipated that the ZHRC will receive gradual and increased human resources. Continuous engagements with government have shown that they eventually yield some positive results. On such example is the payment of rentals of the Bulawayo office by the GoZ. This also could be a result of the engagements that the RDEO has been doing with the GoZ.

It is anticipated that the ZHRC will continue to head and co-ordinate the various donor stakeholders so that they continue to have one steering committee including agreed reporting formats and deadlines etc.

Expected result 1

Adequate funding of ZHRC

Indicator

Government provides a 25% increase in budget for salaries, terms for commissioners, core mandate activities from 2017 and an improved budget revision of the allocated ZHRC budget for 2016

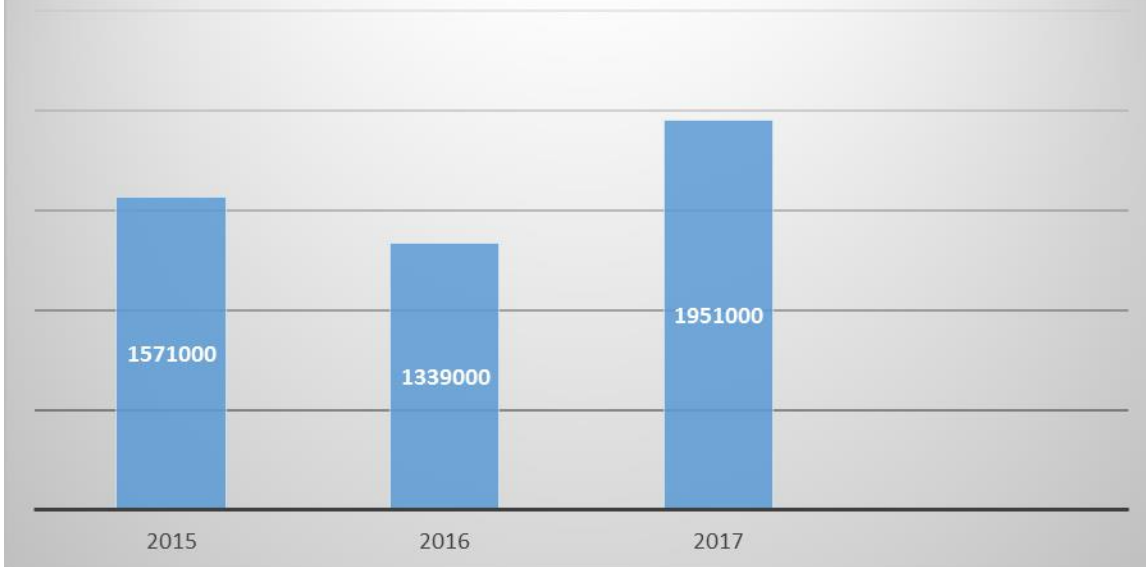
Achievements

The GoZ budget revision in 2016 did not lead to an increased budget.

The part of the indicator on increased 2017 funding was reached since the GoZ budget was increased by 46% in 2017. This is illustrated in table 1.

TABLE 1 Government funding of ZHRC 2015-17

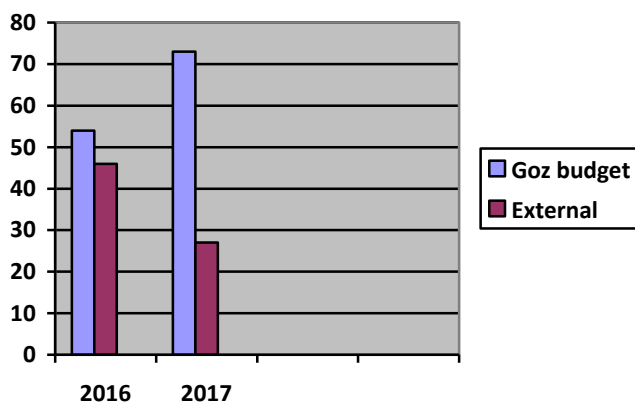
Governmental budget for ZHRC



The increased funding by GoZ has effected further progress in 2017 as an improved balance was reached between the government and external funding. In 2016 the government provided 54% of the budget to ZHRC while external donors provided 46% of the funds.

In 2017, the ZHRC budget was increased to USD\$1,951,000 and at present, this means that government provides for 73% of the budget and external donors provide 27%. This is illustrated in table 2. This impressive achievement paves the way for enhanced financial independence of ZHRC.

Table 2 **Distribution of funding of ZHRC 2016-17**



There have been ongoing engagements with treasury. In July 2016, they requested the ZHRC to submit a proposal of the programming funding that the Commission would need, which was submitted. These were positive steps and engagements leading to the successful raise of the 2017 budget. Included in this is the rentals for the Southern Region office beyond this project from 2017.

ZHRC has made effort to improve the terms of conditions for existing government funded staff. The negotiations resulted in better terms of conditions in 2016. Beyond this the overall government supported budget was not increased in 2016.

Indicators

External donor support 2016 including:

The Southern Regional office
1 IT server procured
Service agreement in place with ISP
Contribution towards consumables and utilities
3 Commission meetings supported

Achievements

This project provided support to parts of the ZHRC operations not included in the government budget in 2016. This included certain operational costs such as rental for the Southern regional office, internet subscription, selected consumables, and commissioners meetings.

In addition, the project also provided support to investment in a new IT server including software and transfer of data.

Indicator

2 audits completed

Achievements

The project supported two external audits.

One audit was a minor exercise which covered carried over costs which were committed by ZHRC in 2015. Since the costs were carried out in 2016 this extra audit was conducted. This audit was delayed by several months.

Another audit was carried out when this project ended on 31 January 2017. This included the entire grant period from 1 February 2016 to 31 January 2017. This audit was completed in time.

An amount of 20.598 USD which ZHRC was required to repay to DIHR was not included in the audit report. Another amount of 14.805 USD covering non budgeted costs by ZHRC was also not included. This was raised with ZHRC and the PWC conducting the audit. Both amounts have been request by DIHR and RDEO to be included in the final audit report.

Indicator

Joint programme document developed

Achievements

A log frame was developed for a ZHRC programme framework 2017-20. However, this was not further developed into a programme framework document.

Expected result 2

Adequate human resources available to ZHRC

Indicators

Reviewed remuneration package for the fixed term employment contracts for project staff
Project staff recruited for new positions
Low project staff turnover (below 5%)
Support to key staff functions

Achievements

During this project the 4 new human rights officers commenced work on the 1st of June 2016, while the new ICT Officer commenced work on the 1st of March 2016.

The continuation of the existing 4 human rights officers and 2 drivers was extended from February to November 2016 and subsequently to January 2017 for the HROs and 1 driver.

The entire group of project staff – existing and newly recruited – were in this project period taken over and contracted directly by ZHRC but all positions are still financed by the project. This decision worked well as ZHRC is the employer and is in the position to supervise the project staff including manage and allocate work.

The project staff remained stable and there were not changes during 2016. As the government covered staff especially to the 3 programme units is inadequate the additional project staff is needed and welcomed extra resources. The high level of activities caused by this project could not have been carried out to the needed extend without the additional project staff. Kindly see achievements under the specific objective above for the continued employment of the project staff.

Expected result 3

Enhanced capacity of finance and human resources personnel

Indicator

Targeted advising and training in donor/international requirements and standards

Achievements

ZHRC has since 2015 received a growing amount of the project grant directly and the management of the funds and the reporting obligations have put a larger responsibility on ZHRC.

During this project period the intensity of monitoring of progress has grown partly because of the larger grant amount and partly because of the short project period. The progress has been steady and resulted in full implementation.

The DIHR project economist paid a visit to ZHRC and provided inputs to the financial management. The RDEO financial advisor also paid a spot visit to ZHRC during this visit. A debriefing was held to summarised finding and recommendations. This was followed up by a plan for implementation of recommendations.

ZHRC and DIHR have during the project period had daily communications and frequent skype meetings to monitor and adjust the progress in activities, budgets, and consumption and to coordinate the reporting and ensure compliance with donor conditions.

ZHRC has on its own initiative developed an anti-corruption policy. This was adopted by the Commission. What remains outstanding is the internal training.

Indicator

ZHRC reporting accepted by donor and audit firm

Achievements

New templates and formats for the PSC and final narrative reporting were presented by RDEO for this and the previous project. This required a lengthy drafting period to understand and meet the demands.

The final narrative report and the two audits of this project are considered by the donor.

6. Roles and functions of DIHR

In this project the cooperation between ZHRC and DIHR aimed mainly at addressing the mandate areas of ZHRC, namely to promote and protect human rights.

'Promotion' includes those functions which seek to create a society where human rights are more broadly understood and respected. They can include education, training, advising, public outreach and advocacy.

'Protection' functions may be understood as those that address and seek to prevent actual human rights violations. Such functions include monitoring, inquiring, investigating, and reporting on human rights violations, policy, and legal analysis, and may include individual complaint handling.

In this project, technical inputs by DIHR was provided in selected protection and promotion activities. This included the development of Rapid Response Guidelines and the drafting of guidelines for staff in the EPR unit to apply when carrying out promotion and education activities. These were provided by advisor, Lis Dhundale.

In those activities, the focus of the facilitation by DIHR was on how ZHRC as a NHRI should take on the roles. Especially the Rapid Response Guidelines are crucial if ZHRC is to act quickly to alert and raise critical human rights issues when they appear. This has been a challenge due to the internal procedures of prior to public statements always requiring that the Commissioners meet and reach consensus on the topic. More effective and time effective procedures were presented and discussed. A model was adopted into the draft guidelines. The guidelines are supposed to be tabled and adopted at the February 2017 Commissioners meeting.

The set of guidelines aiming at improved internal performance in activities falling within promotion and education activities were developed by assistance of DIHR. The drafts were further developed at a workshop attended by the EPR unit. The set of guidelines included step by step directions in tasks such as i) how to plan a workshop, ii) how to draft a press statement, iii) how to make a stakeholder assessment, iv) how to prepare an advocacy strategy, v) how to report to a donor and vi) how to conduct a radio interview. The adoption and application of these guidelines will strengthen the expertise of the staff by enabling them to improve their performance when preparing and carrying out especially promotional activities.

The main contribution by DIHR was provided by the Senior Human Rights Advisor, Robert Kirenga, who was posted in ZHRC. During this project his main inputs were directed towards the following to main areas:

TA to strategic and policy decisions

- Attended the monthly commissioner meetings and provided requested advice on general decisions, policies, administrative issues etc in ZHRC;

- Advised the commissioners and ZHRC management on how to approach the government to ensure adequate budget allocation for the complete operations of ZHRC;
- Attended the monthly commissioner meeting on complaints handling and investigations, and provided advice as requested;
- Provided advice to the ZHRC commissioners on how to meet the requirements of GANHRI in order to obtain A accreditation and advising on how to follow up on the recommendations provided by GANHRI;
- Provided advising on how to engage with the government in relation to UPR and treaty body reporting.

Capacity building of ZHRC

- Provided technical support to the thematic working groups of the Commission on i) which roles, functions and approaches they could apply in advancing the identified human rights in Zimbabwe;
- Participated and provided technical assistance in organized capacity building activities targeting the secretariat and external stakeholders. This included providing first draft or commenting and providing quality control on the EPR guidelines and the M&I guidelines on inspection of mental institutions;
- Participated in all ZHRC internal training activities on capacity building and providing facilitation and expert inputs;
- Advised on procedures and methods to carry out investigations of cases and the developing of investigative reports;
- Providing advice on how to prepare press statements.

In addition, Lis Dhundale, advisor, provided advise to ZHRC in matters related to future funding, joint donor programming, donor reporting, auditing, and financial reporting. The advising of financial monitoring and reporting was headed by Adiba Kholmurodova, DIHR project economist. She also carried out an inspection visit to ZHRC.

Ongoing management and monitoring of progress by DIHR in this short and compressed project effected a corresponding tight planning and adjusting of plans. This was provided jointly by Mette Appel, Adiba Kholmurodova and Lis Dhundale.

7. Sustainability

Technical

The enhancing of staff competencies in ZHRC has been raised steadily. This has had visible effect in all mandate areas including case handling, prison/detention/mental health inspections, international engagements and promotion activities including outreach engagements, public statements, and growing stakeholder engagements such as entering of MoUs and appointment of focal points in other institutions or organisations catering for cooperation with ZHRC, which has become member of networks, committees etc.

It is critical that the positive development of staff expertise continues. This will exclusively rely on the external funding until the government budget embrace this type of costs. It is primarily in the areas of monitoring and inspections as well as in promotion and education that this is required as expertise in these mandate areas are not yet very consolidated.

A continued challenge has been that most staff at ZHRC funded by the Government are placed on a very low salary scale. This is causing a challenge when recruiting and maintaining especially programme staff. The risk is that the trained and qualified staff leave ZHRC due to these critical conditions.

ZHRC is fully aware of this and has continuously addressed this when negotiating with the Ministry of Finance.

Meanwhile ZHRC management is making efforts to maintain the permanent staff by providing opportunities such as attendance in conferences, training etc.

Institutional

An institutional challenge concerns the internal decision making procedures which traditionally are thorough but possesses challenges when urgent issues need attention. This might be solved through the adoption of the Rapid Response Guidelines and will hopefully have a general positive effect.

Financial

Presently ZHRC rely both on the funding provided by the Government of Zimbabwe as well as external donors. The prospect of continued funding by both sources appear stable and there are no indicators of withdrawal or minimizing the present level of funding.

ZHRC is confident that the Government funding is likely to increase although not in the immediate timeframe. Their negotiations during 2016 have been positive and ZHRC has built a positive relationship to the Ministry of Finance. The Ministry has made requests on programming budget and has recently agreed to taking over the rental of the Bulawayo office. These improvements can be explained by the recent independent status ZHRC has gained from the Ministry of Justice when it comes to negotiating directly with the Ministry of Finance.

In the short-term perspective ZHRC has succeeded in attracting funding for 2017 and beyond from external donors already supporting them. The UNDP funded project will be taking over the funding of most the project staff recruited and funded by this project and ZHRC has negotiated with GiZ that their coming project will cover the remaining project staff. This ensures the needed extra staff who is trained and has obtained expertise by this and the former project phase will stay with ZHRC.

This situation offers in addition the needed addition time for ZHRC to ensure a raised budget provided by the Government.

8. Lessons learned

A positive lesson learned is the A accreditation which ZHRC obtained by GANHRI. As mentioned above this can be seen as the result of the joint efforts and resources contributed to establishing and making ZHRC operational. This achievement is unique as it not only confirms the independency of ZHRC gained in a relatively short time. The result witness of a successful process where this project, other donors and the Government of Zimbabwe gradually engaged and jointly contributed.

Whether this is the result of excellent interest in cooperation by the circle of donors or by ZHRC remain unknown. However, the lead donor, Danida, was inclusive and effective in their coordination and provided time demanding efforts to ensure participation by all relevant donors.

Another contributing factor might be excellent negotiating and lobbying skills of the ZHRC Commissioners. The first budget provided by the Government was in 2015 when the donor engagements had become visible. The timing of the negotiations was perfect and well spotted.

The ZHRC, has learnt that it is important to motivate certain needs that one may require in a project according to their current context and it is important for all relevant stakeholders to continuously communicate and understand each other. The project has learnt to be inclusive so that there are no duplication of roles.

Annex 1 Result reporting

Danish Institute for Human Rights / Zimbabwe Human Rights Commission reporting framework – PHASE 2

	Indicator	Achieved by 31 January 2017
<p>Development Objective:</p> <p><i>Increased capacity of the ZHRC as an independent effective National Human Rights Institution that positions itself as a driver of reform and contributes to increased respect for human rights</i></p>	<p>Gained capacity and expertise with the effect that ZHRC is strengthened to fulfil its mandate</p> <p><u>Baseline</u></p> <p>In 2015, ZHRC initiated 3 investigations that were critical to the human rights situation and 30% of the recommendations from those cases were adopted.</p> <p>In 2015, 22% of the cases received were from rural districts.</p> <p>In 2015, 235 cases (inclusive of human rights and maladministration) were resolved and closed.</p>	<p>ZHRC obtained A accreditation as an independent NHRI by GANHRI</p> <p><i>The rate of indicators met in this project</i></p> <p>4 indicators were fulfilled above targets</p> <p>1 indicator estimated to meet targets</p> <p>1 indicator not yet able to determine</p> <p>1 indicator did not meet target</p>

	<p>In 2015, ZHRC monitored and inspected 5 Prisons and places of detention and submitted reports to the relevant stakeholders</p> <p><u>Targets 2016</u></p> <p>100% increase of ZHRC initiated investigations in critical human rights situations</p> <p>50% recommendations from investigations adopted</p> <p>25% of individual complaints received from rural districts</p> <p>15% increase in individual complaints resolved and closed</p> <p>ZHRC publishes 3 human rights reports including an UPR commentary on the state report which create debate in the media and other fora</p> <p>ZHRC releases 4 Press Statements on emerging human rights issues</p> <p>Prison inspections and engagement with the prison leadership result in adoption of 30% of recommendations following 4 follow up visits and preparing the total of 5 inspection reports</p>	<p>-</p> <p>-</p> <p>130% increase in investigation. In 2016 8 cases were investigated opposed to targeted 6 (=100%).</p> <p>Not yet able to determine if 50% of complaints received from rural districts</p> <p>30% decrease of cases resolved and closed.</p> <p>4 human rights reports were published and the UPR commentary on the state report was published and debated in a stakeholder workshop. It was, however, not debated in the media.</p> <p>5 press statements were released</p> <p>Estimated 30% of recommendations adopted as a result of 3 follow up visits. A summary report was made based on the total of 19 inspection visits.</p>
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<p>Immediate objective:</p> <p><i>Enhancing and consolidating the capacity of ZHRC to continuously fulfil its constitutional mandate</i></p>	<p>Indicator</p> <p>The four main areas of priority in this project drawn from the ZHRC strategic plan in all mandate areas are translated into a realistic 10-month work plan which is implemented</p> <p>Accreditation at ICC</p> <p>Enhanced financial independence of ZHRC by an 25% increase of government support to ZHRC in 2016</p>	<p>The majority of goals, targets and activities planned in this project were achieved.</p> <p>ZHRC was accredited by the ICC in May 2016</p> <p>There was not an increase of the 2016 budget provided by the government</p>
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Priority One Complaints Handling and Investigations

	Intervention logic	Objectively verifiable indicators of achievement	Achieved by 31 January 2017
<p>Specific objective</p>	<p>To enhance mechanisms for effective and efficient handling of human rights violations and maladministration cases</p>	<p>System and procedures in adopted manual and SoPs fully implemented to handle human rights and maladministration cases.</p> <p>Reduction in the case handling period (3 months or less) and inherited cases in compliance with the SoPs (15 cases per month of the</p>	<p>Systems and procedures adopted.</p> <p>Reduction in case handling period not yet achieved.</p>

		378 pending cases).	
Expected results	1. Increased number of complaints on maladministration received and efficiently resolved	Total annual increase of 30% of cases (from 76 cases received in 2015) on maladministration received. 25% of individual complaints on maladministration received from rural districts. 50% of all cases are efficiently and timeously resolved and in accordance with adopted system & procedures	Achieved: Achieved. Not yet achieved.
	2. Effective cooperation with various partners in the referral network and identified civil society organisations and institutions	Relations with civil society organisation and institutions result in entering of MoUs expanding the referral network <u>Targets 2016:</u> 6 MoU with CSOs	7 MOUs were signed with CSOs.
	3. Enhanced capacity targeting both human rights violations and maladministration investigations	Maladministration: Completed training in investigations and maladministration. Human rights violations: Staff completed training in legal drafting, research and	Training was conducted in July 2016. Training was done in September 2016.

		public hearings	
Activities	1(a). Investigations of human rights and maladministration cases	Achieved	
	(b) 10 monthly Commission meetings for Complaints Handling	There were 12 monthly Commission meetings on Complaints Handling.	
	2(a). 4 engagement meetings with civil society organisations and institutions in Harare	Achieved.	
	(b) Establish focal persons for 6 organisations entered MoU with ZHRC	Achieved	
	3(a). Learning visit to Namibian Ombudsman	Achieved.	
	(b). Conduct 2 trainings one on legal drafting and another on investigations	Achieved	
	(c) Subscriptions to Law Society of Zimbabwe for 9 lawyers	Subscriptions were paid for 7 lawyers. The other lawyers are in the process of being registered with the High Court of Zimbabwe.	
	(d). Attend Summer School for continuous professional	Attended Winter School.	

	development for lawyers		
Priority Two Monitoring & Inspections			
	Intervention logic	Objectively verifiable indicators of achievement	Achieved by 31 January 2017
Specific objective	1.The Commission conducts systematic and professional monitoring and inspections to assess and ensure compliance of human rights in Zimbabwe as a result of a developed and implemented monitoring system and indicators	<p>Established, adopted, and implemented monitoring and inspection system including framework and guidelines for unit.</p> <p>ZHRC UPR commentary on the state report</p> <p>Targeted capacity building plan of staff completed</p> <p>30% of recommendations adopted as a result of 3 prison follow up visits.</p>	<p>Monitoring and inspection framework for prisons and police detention facilities.</p> <p>Draft monitoring and inspection framework for mental Health institutions.</p> <p>Achieved.</p> <p>Achieved.</p> <p>Estimated to be achieved on recommendations concerning treatment of prisoners constituting about 1/3 of all recommendations.</p>
Expected Results	1. ZHRC has the capacity to start engaging in the mandate area which address engagement with international and regional HR mechanisms including GANHRI	Commissioners and staff after exposure to UPR engage and provide written contributions to the processes now and in	Achieved. Wrote a commentary to the Government concerning the government report. Commissioners engaged the relevant government departments to discuss the commentary.

		<p>future reviews.</p> <p>Engagement with GANHRI accreditation committee and GANHRI Bureau meeting lead to dialogue about ZHRC Act and increased governmental funding</p>	Achieved.
	2. ZHRC has an established monitoring and inspection system	ZHRC has developed a monitoring and inspection system including framework and guidelines.	Developed but not yet adopted by the Commission.
Activities	<p>1(a). Participate in UPR review in Geneva</p> <p>(b) Attend UPR steering committee meetings in Zimbabwe</p> <p>(c) ZHRC hosts UPR Stakeholder Workshop</p> <p>(d) ZHRC prepares written commentary to Governments' UPR report</p> <p>(e) Participate in GANHRI annual meeting</p> <p>(f). Participate in GANHRI accreditation review meeting</p>	<p>Achieved in October / November 2016.</p> <p>Achieved. The ZHRC was being represented in these meetings by the deputy chairperson of the Commission.</p> <p>Conducted in September 2016.</p> <p>Achieved</p> <p>Achieved. It was partially funded by Government.</p> <p>The ZHRC participated telephonically. ZHRC was advised by the committee not to physically attend the meeting</p>	

	<p>(g) Follow up on GANHRI accreditation recommendations</p> <p>(h) Lobby for review and alignment of the ZHRC Act</p>	<p>Working progress.</p> <p>The commission submitted their proposed draft of amendments to the Act. The Ministry of Justice responded and the ZHRC submitted its comments.</p>
	<p>2(a) Develop annual prison inspection plan incl follow up visits</p> <p>(b) Workshop to develop inspection and reporting guidelines and testing for monitoring places of detention (mental institutions)</p> <p>(c) <u>Systematic monitoring and inspection visits to places of detention</u> to Kariba, Chinhoyi and Karoi Prisons and Police Cells</p> <p>(d) <u>Systematic monitoring and inspection visits to places of detention to mental institutions</u> - Annex in Harare, Chikurubi in Harare, Ngomahuru in Masvingo.</p>	<p>Achieved.</p> <p>This was done in June 2016.</p> <p>The prisons were monitored and inspected as planned but the police cells were not inspected because of lack of cooperation by the police central authorities.</p> <p>Achieved.</p>

	<p>(e). <u>Systematic monitoring and inspection visits to places of detention</u> to Mutimurefu-Masvingo, Beitbridge Police Cell and Prison, Shurugwi Female Prison, Mutare Central Prison and Police Cell, Harare Central Prison</p> <p>(f) <u>Systematic follow up monitoring and inspection visits to places of detention through 4 follow up visits</u> to Bindura, Chikurubi Maximum, Midlands Whahwa, Beitbridge Prison</p> <p>(g) 14 Prison inspection reports and 4 follow up reports</p>	<p>Achieved.</p> <p>3 follow up visits were done on Connemara, Whawha juvenile and Whawha medium prisons.</p> <p>16 Prison inspection reports were produced and 3 prison follow up reports.</p>	
Priority 3 Human Rights Promotion			
	Intervention logic	Objectively verifiable indicators of achievement	Achieved by 31 January 2017
Specific objective	Increased knowledge of ZHRC and increased countrywide usage of the services it offers	10 councils and 8 human rights organisations engaged in both rural and urban areas to cooperate i.e. to assist publicise ZHRC and its work, referral of	Held 8 meetings with where 11 local authorities and 3 meetings with a large number of attending human rights organisations. 7 MoUs were entered with HROs.

		<p>cases and facilitating platforms for ZHRC to engage in local area.</p> <p>3 TWGs engaging various stakeholders to publicise the ZHRC in specific human rights themes</p>	<p>TWG on environment, TWG on Gender, TWG on Special Interest engaged their partners/members.</p>
Expected Results	<p>1. Commission cooperate with selected stakeholders namely councils and human rights organisations and through TWGs to enhance human rights protection and enforcement.</p>	<p>Formalised arrangements for cooperation with 8 organisations and 11 councils in selected districts in the northern and southern regions e.g. MOUs or focal points with selected HR, like-minded organisations and councils</p> <p>5 complaints received from each targeted region where complaints have not yet been submitted to ZHRC</p> <p>TWGs implement activities jointly with external stakeholders and resources</p> <p>Monitoring and inspection reports reflects conditions in 5 regions responding to HR</p>	<p>11 Councils were engaged</p> <p>The councils indicated that they could not sign MOUs but appointed their District Administrators as focal points.</p> <p>Achieved.</p> <p>All 3 supported TWGs made plans and engaged in promotional activities.</p> <p>Achieved. 4 reports covered urgent issues in more than 5 regions.</p>

		<p>concerns raised by collaborating organisations</p> <p>Baseline: In 2015 few cases and 1 investigations from targeted regions</p>	
	<p>2. ZHRC has increased capacity in its promotional mandate area with a priority on targeted outreach activities and responding to emerging human rights issues</p>	<p>ZHRC has developed promotional plan for 2016 guided by ZHRC strategic plan</p> <p>Press statement issued and published within a week of occurrence of emerging issue</p> <p>Internal system established to clarify procedures and decisions in rapid response situations</p> <p>2 promotion events held by ZHRC</p> <p>Promotional materials disseminated in all ZHRC outreach activities</p>	<p>Achieved</p> <p>Achieved</p> <p>Done in December 2016.</p> <p>Achieved.</p> <p>Achieved.</p>
Activities	<p>1(a). Hold 5 engagement meetings each with 10 councils in Mashonaland Central, Mashonaland West, Mashonaland East, Matabeleland North/South and Midlands</p>	<p>Achieved.</p> <p>One engagement meeting with human rights organisations was conducted in each</p>	

	<p>(b). Hold 5 engagement meetings each with 25 human rights organisations in Mashonaland Central, Mashonaland West, Mashonaland East, Matabeleland North/South and Midlands</p> <p>(c) 8 MoUs entered with human rights and like-minded organisations and focal points appointed in 10 councils i.e. to assist publicise ZHRC and its work, referral of cases and facilitating platforms for ZHRC to engage in local areas.</p> <p>(d). Setting priorities and developing work plans for pilot TWGs</p> <p>(e) Implementation of pilot activities</p> <p>(f) Conducting quarterly TWG meetings</p>	<p>province in Mashonaland West, Matabeleland and Midlands. However, on the 3 meetings several local human rights organisations attended</p> <p>Focal points were appointed for all 11 councils. 7 MoUs were entered with HROs.</p> <p>TWGs on Gender, Environment and Special Interests developed work plan.</p> <p>Achieved</p> <p>Achieved for TWG on Special interests.</p>
	<p>2(a) Develop overall plan for promotion activities in EPR unit guided by ZHRC strategy</p> <p>(b) Development of guidelines on</p>	<p>Achieved. The Education, Promotion and Research Manual was developed.</p> <p>Achieved.</p>

	<p>rapid response function for ZHRC</p> <p>(c) Subsequently conduct one internal training to effectively implement rapid response function</p> <p>(d) 2-day workshop to finalize manual containing EPR framework and guidelines</p> <p>(e) Development and distribution of 3500 copies of IEC organisational materials in 3 languages aimed at promote the mandate of the Commission and services it offers and 3 500 copies of simplified declaration of rights in 3 languages through councils, local organisations, investigations etc</p> <p>(f). Issuing of 4 statements on emerging HR issues through print electronic and social media as well as on Commission website</p> <p>(g). Celebrating Day of the African Child, 16 June 2016</p> <p>(h) Opening ceremony of</p>	<p>Was done in November 2016.</p> <p>Done in November 2016.</p> <p>10 000 copies of IEC organisational material.</p> <p>5000 copies of simplified declaration of rights.</p> <p>5 statements were made.</p> <p>Celebrations were done on 1 August 2016.</p> <p>The ceremony was done on 27 May 2016.</p>
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	refurbished ZHRC Offices		
Priority Four Sustainability of ZHRC			
	Intervention logic	Objectively verifiable indicators of achievement	Achieved by 31 January 2017
Specific objective	ZHRC has enhanced financial and organisational capacity to carry out its mandate	<p>ZHRC core budget 25% increase by government in 2016</p> <p>ZHRC joint programming implemented in 2016 and supported 50% by external donors</p> <p>ZHRC has recruited necessary qualified staff in 2016 financed by governmental budget and supplemented by external donors</p>	<p>There was a decrease in the budget from 556 000 in 2015 to 406 000 in 2016 which was a decrease of 26.97%.</p> <p>Overall 54% government support. 46% funding by external donors</p> <p>There was no staff recruitment financed by government.</p>
Expected Results	1.Adequate funding of ZHRC	Government provides a 25% increase in budget for salaries, terms for commissioners, core mandate activities from 2017 and an improved budget revision of the allocated ZHRC budget for 2016.	<p>46% increase of government budget in 2017</p> <p>No improved budget revision in 2016</p>

	<p>External donor support 2016 including: The Southern Regional office.</p> <p>1 IT server procured Service agreement in place with ISP</p> <p>Contribution towards consumables and utilities</p> <p>3 Commission meetings supported</p> <p>2 audits completed</p> <p>Joint programme document developed</p>	<p>Achieved.</p> <p>Achieved.</p> <p>Achieved.</p> <p>Achieved.</p> <p>Achieved.</p> <p>Achieved</p> <p>Not achieved.</p>
2. Adequate human resources available to ZHRC	<p>Reviewed remuneration package for the fixed term employment contracts for project staff</p> <p>Project staff recruited for new positions</p> <p>Low project staff turnover (below 5%) Support to key staff functions</p>	<p>Achieved.</p> <p>Achieved.</p> <p>Achieved.</p>
3. Enhanced capacity of finance and human resources personnel	Targeted advising and training in	Achieved.

		donor/international requirements and standards ZHRC reporting accepted by donor and audit firm	Achieved.
Activities	<p>1 (a). Negotiations with treasury about increased and adequate government funding of ZHRC.</p> <p>External donor funding for 2016 provide temporary funding gaps including:</p> <p>(b) Leasing of office space for the Southern Region</p> <p>(c) Procurement of IT server</p> <p>(d) Procurement of internet services</p> <p>(e) Procurement of consumables</p> <p>(f) Payment of utilities</p> <p>(g) Commission meetings</p> <p>(h) Carry out 2 programme audits including identification of external audit firm.</p> <p>(i) By assistance of RDEO advisor develop joint programme</p>	<p>The ZHRC seriously and systematically engaged the Ministry of finance.</p> <p>Achieved.</p> <p>Achieved.</p> <p>Achieved.</p> <p>Achieved.</p> <p>Achieved.</p> <p>Achieved.</p> <p>Achieved.</p> <p>Achieved.</p> <p>Not achieved.</p>	

	document for donors to contribute to from 2015.	
	<p>2(a). Recruitment of additional 4 Human Rights Officers, 1 Public Relations Officer and 1 ICT Officer</p> <p>(b) Continued employment of current 4 HROs</p> <p>(c) Continued employment of current 2 drivers</p>	<p>Achieved.</p> <p>Achieved.</p> <p>One driver in continued employment. The other driver's contract ended in November 2016.</p>
	<p>3. (a). Continuous Professional Development (ACCA and IPMZ)</p> <p>(b) Advising in donor standards and requirements</p>	<p>Achieved.</p> <p>Achieved.</p>

Annex 2 List of outputs during project period

Outputs to ZHRC internal structures and tools/methods for staff

ZHRC guidelines for inspection of mental institutions

ZHRC rapid response guidelines

EPR guidelines for promotion and education tasks

Reporting on internal trainings in ZHRC

2 C&I training reports

Internal training in Rapid Response Guidelines

Reporting on ZHRC attendance in external activities

Report from attending GANHRI annual meeting, March 2016

Report on attending pre-review of UPR, Geneva

Report on attending UPR review, Geneva, November 2016

Travel report to session in African Commission on HPR

Travel report to Namibia Ombudsman Office

External outputs made by ZHR

TWG on Gender produced a brochure

TWG on Environmental issues, book

3 TWG minutes, stakeholder reports etc

8 investigations reports (not all reports available for public)

One compiled inspection report based on 16 prison inspection reports

EPR outreach reports to 10 council meetings and 3 meetings with human rights organisations

IEC materials: i) info about ZHRC and ii) simplified version of human rights (3 languages)

4 ZHRC press statements

Reporting from ZHRC hosting UPR Stakeholder Workshop

ZHRC written commentary to Governments' UPR report