

United Nations Development Programme



**Country/: Zimbabwe
Engagement Facility**

Project Title: Access to Justice Project (A2J)

Expected UNSDCF/CP Outcome(s): By 2026, all people in Zimbabwe, especially the most vulnerable and marginalized, benefit from more accountable institutions and systems for rule of law, human rights and access to justice

Expected CPD Output(s): Capacities, functions and financing of rule of law, human rights and peace institutions and systems strengthened to expand access to justice, human rights services and combat discrimination

NDS1 Priorities 2022-2025: Governance; Public Service Delivery; Justice Delivery; Human Rights & Freedoms; Social cohesion; Transparency and Accountability

Related Strategic Plan 2022 – 2025 Outcome: Accelerate structural transformations for sustainable development

Related Sustainable Development Goal: SDG 16 - Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels

Engagement Facility Start/End Dates: 1 February 2022 to July 2022

Responsible Parties:

- MOJLPA
- JSC
- MOPSLSW
- MOHACH
- MOWACSME
- LCDZ
- NPA
- LAD
- ZRP

Brief Description

This Access to Justice Programme (A2J) is being initiated in Zimbabwe to strengthen delivery and coherence towards access to justice, adherence to the rule of Law and inclusion in the country across all thematic areas. It also responds to UNDP's Climate Promise, which is a response to the challenges facing the planet and threatening ecosystems, livelihoods, stability and peace. The PROGRAMME builds on the achievements and lessons learnt of the "Consolidation of Justice Delivery for Enhanced Voice and Participation (2016 – 2021) Project" and continues to focus on increased participation of citizens in democratic processes in line with provisions of the constitution and relevant international norms and standards

The PROGRAMME will also seek to bring together all relevant justice sector interventions under one framework, pool capacities and establish shared priorities and resources in addressing accountability, governance, rule of law, human rights in general, Equality and non-discrimination in particular, issues in Zimbabwe. The programme will take a nexus approach that comprises policy interventions and programmatic actions which build on the inter-connections (synergies) and inter-relationships internally and externally.

Programme Period: February 2022 - July 2022

Atlas Project Number: TBA

Atlas Output ID: TBA

Gender Marker: GEN 2

Total resources required	_____
Total allocated resources:	\$150,000
• Regular	
• Other:	
○ UNPRPD	\$150,000
○ Donor	_____
○ Government	_____
Unfunded budget:	_____
In-kind Contributions	_____

Agreed by UNDP:

Madelena Monoja

DocuSigned by:

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28-Jan-2022

Deputy Resident Representative – Programmes

I. PURPOSE AND EXPECTED OUTPUT

A short description justifying the need for an Engagement Facility for this project and the expected output.

THE DEVELOPMENT CHALLENGE

In 2013, Zimbabwe promulgated a progressive Constitution after an inclusive and comprehensive national consultation process. The Constitution guarantees fundamental freedoms and human rights, ensures gender equality, contains provision for strengthening of key governance institutions, enshrines values and principles for public administration, devolution of governance and provision of checks and balances. Under the Constitution's framework and protections, the Government of Zimbabwe has crafted the National Development Strategy 1 (NDS 1) which builds on the Transitional Stabilisation Plan (2018 – 2020). NDS 1 will run from January 2021 to 2025 under the theme **“Towards a Prosperous and Empowered Upper Middle-Income Society by 2030”**. The 5-Year Medium Term Plan is aimed at the realisation of ‘Vision 2030’ with priority set on economic growth and stability, food and nutrition stability, governance, human capital development, housing delivery, health and well-being, and devolution among others.

Years of economic and political challenges have led to a degradation of key Rule of Law institutions and services delivered, exacerbated by the continuing recurrence of environmental stresses and shocks. The PROGRAMME takes cognisance of UNDP's Climate Promise¹ as a response to the challenges facing the planet and threatening ecosystems, livelihoods, stability and peace. Experiences and lessons learned in earlier phases of these interventions show that respect for the rule of law and human rights can be advanced through the interplay of two essential pillars: the efficiency of the justice sector on the one hand, and citizens' capacity to claim respect for their human rights on the other. This is usually expressed in the language of “duty-bearers” and “rights-holders”. The balance between the two is very important. To build resilient and empowered communities that can exercise a certain check on strong state institutions, then a focus on the Justice sector, as an area of importance within development and poverty eradication nexus, and as a fulcrum for respect of human rights should be prioritised.

This Access to Justice Programme is being initiated in Zimbabwe to strengthen delivery, coherence and maximize the impact of UNDP support for access to justice (A2J), adherence to the rule of Law and inclusion in Zimbabwe across all thematic areas. It also responds to UNDP's Climate Promise, which is a response to the challenges facing the planet and threatening ecosystems, livelihoods, stability and peace. The Access to Justice programme builds on the achievements and lessons learnt of the “Consolidation of Justice Delivery for Enhanced Voice and Participation (2016 – 2021) Project. Some of the key flagship successes of this previous project include the development of Judicial Virtual Courts in all ten (10) provinces of Zimbabwe; development of Standard Operating Procedures (SOPs) for the Justice Sector including Prosecution policies on prosecuting SGBV crimes, NPA policy on Handling Forensic evidence and Magistrates Handbook for criminal cases; 3 SGBV call centers for the ZRP, Immigration department and the Legal Aid Directorate; Development of 5 State Party Reports for the UPR, CERD, ICCPR, ICESCR and the CCD; Capacitation of over 3000 duty Bearers. To build and upscale on this the incoming A2J programme will continue to focus on increased participation of citizens in democratic processes in line with provisions of the constitution and relevant international norms and standards.

The nexus between the Climate Promise and Sustainable Development Goal (SDG) 16 has not yet been well articulated nor operationalized in the delivery of justice and rule of law projects. However, there is a direct link between justice, climate insecurity, the degradation, scarcity of or equitable

¹ The Climate Promise draws upon UNDP's extensive portfolio of expertise across priorities such as energy, forests, water, resilience, agriculture, health, youth, governance, gender equality and green economy. It also builds upon UNDP's established track record in supporting governments to discuss, design and deliver climate action under Paris Agreement.

access to natural resources and human rights. UNDP is providing support to government partners to achieve their climate pledges by incorporating climate action as a priority in their national development plan. The Rule of Law and justice sector has a key role to play in achieving a country's goals towards a climate just and sustainable society for all. One clear area is in legislative and regulatory reform, which remains strategic in the identification and/or acceleration of action to ensure a healthy planet and a safe climate. This includes ensuring that both human rights and environmental issues are integrated into legal and policy frameworks through to enforcement and implementation. This will include assessing where reform is required and how justice and human rights can play a role in creating fair and decent situations for people so that this interlinkage with nature is integrated at national levels and human rights are assured for all.

While recognizing that in the current age, digital systems are becoming the default means to interact, produce, consume and understand the world, the programme will support the justice sector to adopt and utilize technological and digital systems in dispensing accessible and inclusive justice for all. Digital systems are reshaping the very landscape of development, rule of law and human rights, which calls for enhanced systems and human capacities to ensure the justice and human rights sector is not "left behind".

The Engagement Facility will also seek to bring together all relevant justice sector interventions under one framework, pool resources and establish shared priorities and resources in addressing accountability, governance, rule of law, Human rights in general, Equality and non-discrimination in particular, issues in Zimbabwe. The programme will take a nexus approach that comprises policy interventions and programmatic actions which build on the inter-connections (synergies) and inter-relationships internally and externally.

RELEVANCE

Justice is an area of increasing importance within the human development and poverty eradication spaces. The UNDP Strategic Plan (2022 – 2025) acknowledges the above through the consideration of Access to Justice (A2J) as a cornerstone to building effective, inclusive and accountable governance. The Strategic Plan also calls for a holistic and people centered approach to governance across rights, accountability, rule of law, voice and participation and multilevel governance systems. . This clearly resonates with the UNSDCF and NDS 1 which recognize the value of a holistic approach to development through focussing on the three facets' the people, the enabling environment and the systems.

A well functioning justice sector is a precondition to spur economic growth and to building back better after crises. A2J is a fundamental right, as well as a key means to defend other rights. It is more importantly a means to prevent and overcome human poverty, by strengthening vulnerable and marginalised people's choices to seek and obtain a remedy for grievances and for a lack of respect of their rights.

The notion of "climate justice" has emerged as a way of encapsulating the equity aspects of climate change. It builds on a platform of equitable development, human rights and political voice. It is an agenda that seeks to redress global warming by reducing disparities in development and power that drive climate change and continued injustice.

OVERALL OBJECTIVE

Utilising a Human Rights Based Approach, the Programme objective aims to strengthen the access justice and human right architecture to empower the marginalised and vulnerable segments of society to participate in democratic governance and access all forms of justice (traditional and non traditional) in Zimbabwe.

SPECIFIC OBJECTIVE

UNDP has tailored its A2J and RoL interventions to an evolving context, that includes in particular a higher frequency of environmental stresses requiring humanitarian action; an increasingly politically polarised context as we move towards the 2023 National Elections; experiences and lessons learned in earlier phases of these interventions show that the rule of law and human rights

can be advanced through the interplay of two essential pillars: the efficiency of the justice systems on the one hand, and citizens' capacity to claim respect for their human rights on the other. The balance between the two is very important. Empowered rights bearers can exercise a certain check on strong state institutions and thus leverage their power.

Based on this experience, the programme will undertake strategic interventions to strengthen justice institutions. Concurrently, the programme will also focus on empowering individuals, activists, community networks and NGOs to access justice and claim their rights. This Programme is designed to contribute directly to realization of targets of Sustainable Development Goals (SDGs), mainly Goals 16, 10, and 5

Objective 1: Capacities, functions and financing of rule of law institutions and systems strengthened to expand access to justice services and combat discrimination

This outcome encompasses interventions at the institutional level. Working with different justice sector **duty bearers** including the police, prosecution, courts, prisons corrections services and informal justice , the programme will provide targeted support to key justice institutions, enhancing their capacity and systems to provide security and justice while at the same time protecting human rights and accountability. The programme will also seek to capacitate Justice Sector institutions on Application of a justice lens to emerging issues with substantial community impact such as access to environmental and climate justice and compliance. Improved collaboration and coordination with and between justice sectors actors is also a major objectives of the Programme.

Objective 2: Marginalised and vulnerable groups empowered to demand respect for their human rights and access to justice

This outcome will focus on building the capacities of **rights holders**. The programme will empower them to claim their rights through awareness-raising, advocacy, education and increased access to justice, notably through the provision of legal aid services, development of accessible justice syetems, and expansions of Justice and Confidence Centres. The programme will also support community structures that empower marginalized and vulnerable groups.

Objective 3: Improved capacity and legal reforms enabled to fight discrimination and address emerging issues for implementation of the states international and national human rights obligations

By engaging duty bearers within the justice system both directly and indirectly in line with the Human Rights Bases Approach (HRBA), stakeholders are reminded of their responsibility and international obligations to set the tone for respect and observation of the rule of law in Zimbabwe. This objective will seek to build accountability and transparency for Human rights through programme activities that address emerging issues, discrimination and inequality in the areas such as environment and climate change, LNOB, localization of human rights principles and obligations.

Through the momentum of the project, the process of *implementing critical laws, policies, reforms and recommendations of human rights mechanisms including the UPR* will be significantly enhanced, and the importance of incorporating international standards into policy-making and decision-making will be reinforced to the benefit of both rule bearers and rights holders.

METHODOLOGIES

The Engagement facility will build on the "Consolidation of Justice Delivery for Enhanced Voice and Participation" through continued engagement with Justice Sector institutions. Learning from the lessons of the last five years, and taking advantage of current ooportunities brought by strategic inovations and digitization, the Engagement Facility will contribute towards a stronger and more inclusive justice system, and will also further accelerate and scale results from the previous project.

National Ownership: The design of project activities will be based on continuous engagement, lessons learnt and research on global best practices related to access to justices and strengthening of the rule of law. The continued discussion will be held with the partners to enhance national

ownership over the project. The Programme will also seek to strengthen the collaborative partnerships between Government institutions internally and with CSOs and other stakeholders externally as it has the greatest potential for the access to justice and strengthening rule of law. In term of the project governance structure, The Engagement Facility will seek to establish a governance structure that recognises number of Justice sector actors responsible partners that include the MOJLPA, the Judicial Services Commission,

Capacity Development: the Programme will work on developing capacity and to impart skills, competencies, experience and awareness to people, both those who claim rights and those whose obligation it is to fulfil them. Likewise, the Programme will also build the institutional capacity of government institutions to address issues relating to policy, procedures, and frameworks that allow organizations to deliver on their mandate of providing quality public services.

Human Rights Based Approach: Human Rights-based Approach provides a necessary framework for actions on human development. The Programme will focus on a human right-based approach that will bring two important values to development works; firstly, it will provide the necessary framework and secondly, enhancing capacity needed to the poor to overcome poverty.

Leaving No One Behind Principle: Premised on the principles of “leaving no one behind’ and “Nothing about us without us”, the project will systematically engage, consult and ensure the participation of marginalized groups in order to enhance their voice, urgency and capacitate them to claim their rights. The project will also seek to identify and combat discrimination, obstacles and rising inequalities within the justice sector, that have made justice elude the marginalized and minority groups. To enhance voice, access, participation and inclusion of marginalized groups such as women, people with disabilities, the project will undertake targeted trainings for duty bearers and rights holders, development of frameworks and strategies and system that ensure the justice system is more accessible and inclusive to all.

II. MANAGEMENT ARRANGEMENTS

.Implementing/Responsible Partners: Justice Sector actors that include Government ministries and departments, Judicial Services Commission, and selected NGOs working in the Access to Justice space will be responsible Partners in the implementation of the Programme.

Technical Support: Operating under the “Delivery as one UN” principle, UNDP in partnership with United Nations Country Team will provide technical, advisory and financial support services (in line with the Paris Declaration of Cost Effectiveness) to the programme. UNDP will utilise its position as the lead agency under the Peace Pillar and the Democratic Governance Cluster of the UNSCDF to support the coordination for results and reporting.

Project Board: The Engagement Facility will build the governance structures through the establishment of a Joint Programme Board comprising national Justice sector partners and participating UN Agencies as well as Donor agencies. A key activity under the JPB is the establishment of different technical committees focused on traditional and non-traditional areas of accessto justice.

III. MONITORING

Project monitoring and evaluation (M&E) will be conducted in line with the UN's rules and procedures.

The specific mechanisms that will be used to monitor the achievement of results will include:

- Activity reports that will be prepared by the project team
- Termly and Final progress and financial reports prepared by the Project Management Team for review
- Annual progress report, technical and financial report prepared at the end of the year;
- A final independent review will take place at the end of the Plan;

IV. MULTI-YEAR WORK PLAN

Period²:

EXPECTED OUTPUTS <i>And baseline, indicators including annual targets</i>	PLANNED ACTIVITIES <i>List activity results and associated actions</i>	TIMEFRAME				RESPONSIBLE PARTY	PLANNED BUDGET		
		Y1	Y2	Y3	Y4		Funding Source	Budget Description	Amount
Output 1.4 Strengthening Disability Rights Accountability, Governance and Coordination in Zimbabwe – UNPRPD 4th Round Indicator 1.4.1. # of trainings (disaggregated by type) developed and delivered in the UNPRPD programme Indicator 1.4.2. # and % of participants reporting increased knowledge or capacity to design or revise policies or systems to be more disability inclusive. Indicator 1.4.3 # of knowledge products (disaggregated by type of	Capacity building and development of necessary knowledge products/tools on disability inclusion. (1) CRPD Reporting and monitoring - Easy ready guide on CRPD Monitoring & reporting. (IMC)	X	X			MOJLPA	Engage consultant. Undertake consultation, validation & training workshops	\$16,250	
	(2) CRPD-Compliant Budgeting; - Guide on CRPD compliant budgeting. (MOFED)	X	X			MOFED	UNPRPD MPTF Engage consultant. Undertake consultation, validation & training workshops	\$15,200	
	(3) SDG and UNSDCF Reporting. - National matrix on inclusive SDGs monitoring (MOPSLSW)	X	X			MOPSLSW	Engage consultant. Undertake consultation, validation & training workshops	\$25,925	

² Maximum 18 months

<p>product/thematic focus) developed, piloted and disseminated to the relevant stakeholders to inform inclusive practices</p> <p>Indicator 1.4.4 Level of Compliance with international, continental and regional human rights and treaty bodies's instruments/covenants</p> <p>Targets:</p> <ul style="list-style-type: none"> 150 duty bearers capacitated on CRPD reporting and Monitoring, CRPD 	<p>Monitoring mechanisms of SDGs on disability inclusion</p> <p>(4) Develop guidelines/tool on SDG standard set of indicators, benchmarks & targets on disability inclusion,</p> <p>(5) Policy dialogue with the monitoring committee of the NDS1, using the model developed for the SDG Technical Committee.</p>	<p>X</p> <p>X</p> <p>X</p>	<p></p> <p>X</p> <p>X</p>			<p>UNDP / MOPSLSW</p> <p>UNDP / MOPSLSW</p>	<p>UNPRPD MPTF</p>	<p>Engage consultant. Undertake consultation, validation & training workshops</p> <p>Workshop and conferencing.</p>	<p>\$19,750</p>
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<p>Compliant budgeting (at least 4 workshops)</p> <ul style="list-style-type: none"> 100 persons with disabilities and OPDs capacitated on SDGs, CRPD reporting. (at least 3 Workshops) 3 knowledge products, tools / guidelines produced. CRPD Parallel report produced CRPD implementation and monitoring plan produced. 	<p>Building regulatory frameworks and systems that will allow the Government and the OPDs monitor the CRPD Reporting</p> <p>(6) develop a National Action Plan on CRPD reporting, implementation, and monitoring.</p>	X	X				MOJLPA	UNPRPD MPTF	Engage consultant. Undertake consultation, validation & training workshops	\$42,635
	<p>(7) Support the National Thematic Working Group to follow up on the CRPD Committee's concluding observations & include in national action plan.</p>	X	X				UNDP / MOPSLSW		Workshop and conferencing.	
	<p>(8) Support OPDs to develop a CRPD parallel report</p>	X	X				MOJLPA. OPDs		Workshop, conferencing, DSA and technical expert fees.	
Output 1.4 Sub total										\$119,760
Project Management Costs.	Disability and Inclusion Analyst	X	X				UNDP	UNPRPD MPTF	Monthly contribution (\$851,13 * 24 months)	\$20,427
	Indirect Costs (GMS)	X	X				UNDP	UNPRPD MPTF		\$9,813
TOTAL										\$150,000

