



Republic of Botswana



UNDP GABORONE
Date: 19/10/2020
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Minutes of Meeting

“Support to the Fulfilment of Human Rights, Access to Justice and the Empowerment of Youth and Women” Project (2018 – 2021)

Project Steering Committee (PSC) Meeting #5 Friday, 4 September 2020

United Nations Building, Third Floor Conference Room

OPENING REMARKS

The Resident Representative, Ms Jacinta Barrins, welcomed all to the meeting and made opening remarks. Mr Molodi, General Counsel at the Office of the President, noted that Dr Molefhe is now the co-chair of the Programme, however Mr Molodi is standing in for Dr Molefhe on this occasion.

Ms Barrins noted that this meeting is being held online due to Covid-19 restrictions although the co-chair and UNDP staff are attending in the UNDP office.

Ms Barrins noted that the PSC meeting should be held bi-annually or quarterly however, due to Covid-19, the meeting has been postponed to 4 September 2020. The focus of the meeting is progress; the objective of the meeting is to identify progress being made and challenges being faced, noting that there are only three months remaining in the 2020 UNDP financial year.

Ms Barrins noted that the approved 2020 Annual Work Plan was approximately \$1.5 million, however the revised Annual Work Plan being proposed today is just over half that amount. Not all the reduction relates to Covid-19 and it is important to identify other challenges that may also be affecting progress. Ms Barrins emphasised the importance of the technical level working group meetings, including identification of challenges and progress updates.

INTRODUCTIONS AND APOLOGIES

The Resident Representative introduced the meeting Co-Chair, Mr Dittah Molodi, General Counsel at the Office of the President. The introductions were followed by self-introductions from fellow meeting attendees.

Attendance Register Annex 3.

ADOPTION OF AGENDA

The Agenda was adopted.

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MINUTES OF THE PREVIOUS MEETING

Mr Molodi led the review of the minutes of the previous meeting held in December 2019. The minutes were approved with the following corrections:

- Page 6: 4th paragraph starting “AOJ informed....” Amend Ethics Directorate to “Ethics and Integrity Directorate”;
- Page 10: Next meeting date March to April 2019 amend “2019” to “2020”.

Progress on Action Items from previous minutes

Action	Progress/Status
1. Training on drafting and evaluation of Terms of Reference	Update is that training did not take place due to Covid-19, however individual support was provided to partners as terms of reference are being prepared. A date for the training will be communicated to the technical level committee members.
2. Finalise approval of the HRU work plan	Mr Molodi noted that the work plan has been finalised and approved by PS MOPAGPA. Implementation is underway including the National Human Rights Strategy, National Human Rights Coordinating Committee which has its own terms of reference, appointment of consultant to support the National Human Rights Strategy and Action Plan.
3. HRU one-day workshop with civil society	The objective is to establish and strengthen relationships between Government and civil society. The meeting took place on 4 December 2020
4. HRU nominating the Steering Committee	The Committee has been appointed and is active.
5. Members of the Steering Committee of Botswana	Membership of the Steering Committee needs to be re-confirmed due to staff transfers; Mr Molodi has agreed to continue in the role as chair of the Reference Group now that Dr Molefhe has taken the role of co-Chair of the Project. A meeting will be called for the week of 14 September 2020.
6. Procurement of equipment for Botswana Project	Is complete. The Project office has been established at Government Printers and the objective is to digitise the records – laws, court cases and Hansard, to upload them to the Botswana website. The equipment can be utilised for Hansard.
7. Law Reform Strategy	Approval is complete.
8. Judges workshop to be held in February 2020 regarding the Judicial Code of Conduct and Ethics	AOJ updated that the workshop was held on 2 February 2020 and funds were not utilised because the event co-incided with the opening of the legal year.

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9. Training of Registrars and Magistrates was proposed at the December 2019 PSC meeting	The AWP for 2020 only paid for judges training, there were no funds allocated and this was fortunate due to Covid-19, however the activity should be considered for 2021. There is now a written Code of Conduct signed by His Excellency the President and the Government Gazette published the Regulations for the Code of Conduct for Judges on 21 August 2020.
10. UNDP to share the GBV training programme	The training programme was shared but now the training is on hold due to Covid-19 and the vulnerabilities of many Dikgosi and some of the geographical areas were showing a spike in Covid-19 cases. Training was conducted for 79 Dikgosi in Hukuntsi and Tsabong in February 2020, while 25 were trained in Chobe in 2019, therefore collectively bringing the total trained to 114. The target is 570 and UNDP has requested an extension of the funding from the Irish Government, which has been acceded to by the Embassy of Ireland in Pretoria.
11. Capacitating DCEC on monitoring and evaluation	DCEC confirmed that they received communication in September 2020 that training will be done in 2020.
12. Sustainable Development Goals to be taken up by the PSC	No action taken so far. Ms Barrins proposed an action item relating to this action item, that the technical working group should consider how SDGs can be implemented: How can a specific SDG target (there are 169 targets) be actioned through the programme? Mr Molodi accepted the action item and made a note regarding the linkages between the eleventh National Development Plan progress reports and the SDGs.
13. Implementing Partners to identify SDGs against activities	Complete – all identified in the AWP.
14. Tier classification for SDGs were shared with the TWGs	Was shared on the 9th January 2020
15. MYSC discuss the budget and the Plan	It was done
Items 16-19	Complete

Next meeting is being held on 4 September 2020.

Mr Molodi concluded by noting that the outstanding items are the training on drafting TORs and the need to identify specific SDGs for implementation.

Matters Arising from the Previous Minutes

Ms Barrins noted action items arising from the narrative of the previous minutes (not specifically listed as action items)

- page 2 of the minutes, **Government Policy Guidelines** – UNDP had offered to come up with Policy Guidelines, however BIDPA and NSO prepared a draft and shared the draft with Pic-Force. BIDPA and NSO should have revised the draft Policy Framework to consider the

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comments from PIC Force, however Mr Molodi understands that the revisions may not yet have taken place and could not confirm the current approval status of the Policy Framework. Action item for this meeting will be that Mr Molodi can confirm the current status of the Policy Guidelines with NSO.

- page 4 of the minutes, **status of the Disability Bill** – Mr Motingwa, Coordinator of the Office for People with Disabilities, updated to advise that the Permanent Secretary has received the draft Disability Framework and is familiarising himself with the document and OPWD is awaiting guidance from the PS regarding next steps for the Disability Framework (Strategy, Policy and Law). The PS has received the National disability framework and he is still familiarising with it while we await for his guidance from the PS on the circulation of the CAP memo. We have received a complete package of which with the CAP memo we will be requesting for the drafting of the bill from Cabinet. When approval is given the zero draft Bill will be submitted to Attorney General's Chambers for drafting. The Cabinet memo has been drafted but has not been circulated. A new Permanent Secretary of MOPAGPA was appointed approximately one month ago and needs to familiarise himself with the documents, Mr Molodi will take the issue up with the Permanent Secretary.
- **Ombudsman Bill** – status update – Mr Molodi noted that a draft revised Bill was received in August 2020 from the Attorney General's Chambers and the draft Bill has been shared with the Ombudsman's Office, received their comments and with UNDP. There will be a meeting on Monday (Office of the President, Ombudsman, UNDP, Attorney General's Chambers). These discussions will lead to advice to the Minister on the readiness of the Bill and whether it should go to Parliament or not.
- **DCEC policy** – Mr Molodi noted that Cabinet had felt that the Anti-Corruption Policy fell short of what is needed for a Policy and reads more like a Strategy. Mr Paledi who was Director General at DCEC at the time noted that the draft Policy had already been presented to PIC Force. Mr Molodi noted that ordinarily there should be a Policy document that guides a Strategy. Ms Barrins asked whether the Policy can go to Cabinet in advance of the National Policy Framework Guidelines being finalised. She asked whether Policies are being presented to Cabinet in the absence of the finalisation of the National Guidelines. Mr Molodi noted that there are various policies being presented to Cabinet.

PROGRESS REPORTS FROM IMPLEMENTING PARTNERS

The IPs presented their progress reports as projected on the PowerPoint slides (annex).

Ministry for Presidential Affairs, Governance and Public Administration

Human Rights Unit

The Director, Human Rights Unit reported on the **amendment of the Ombudsman Act** to confer human rights mandate to the Office of the Ombudsman. This was a recommendation from the Human Rights Council to establish a national human rights institution (NHRI). The requirement is that all NHRIs should comply with the Paris Principles. The Bill has been revised three times since the original draft. The challenge and multiple revisions are ensuring compliance with the Paris Principles hence the back and forth. The discussions are still occurring regarding the NHRIs compliance with the Paris Principles and build on consultations, the national symposium, the October 2019 consultative meeting and benchmarking. The Director Human Rights Unit noted that there is a need to establish a NHRI that will be accredited as compliant with the Paris Principles. The meeting on 7 September 2020 (UNDP, Ombudsman Office, Attorney General's Chambers, MOPAGPA) will lead to advice to the Minister. After the 7th meeting a determination will be made whether to advise the Attorney General Chamber to go ahead and finalize the Act.

The **National Human Rights Co-ordinating Committee** has been appointed and it has a term of reference with which it operates. The advertisement for a consultant to prepare the National Human Rights Strategy and Action Plan has been approved by the NHRCC. It will be advertised in local newspapers and UNDP website. The evaluation should be completed in October and ideally the consultant will start with the baseline study in November 2020.

Human Rights Treaty Reporting – the Human Rights Unit considers as its most significant achievement the correction of arrears on CERD (2007) and ICCPR (2008). The human Rights managed to submit the CERD report was submitted in January 2020 and the ICCPR report reached the Council in June 2020. The HRU is finalising the UPR mid-term report next week to finalise the report so that it is submitted by the end of September 2020. The Director appreciate the support of UNDP as it has been instrumental in providing technical support during preparatory meetings.

Coordinating Office for People with Disabilities

The Director, Coordinating Office for People with Disabilities, reported that the draft Disability Framework is completed, and the cabinet documents have been prepared and are awaiting circulation. The public awareness work has commenced in August 2020 with progress on procurement of a consultant.

Challenges have been the delays in the National Disability Framework for reasons explained above.

Attorney General's Chambers

The Secretary Legislative Drafting, Ms Moroka noted that the Law Reform Strategy was adopted on 5 March 2020 and there has been an exchange of comments on the TOR between AGC and UNDP for the consultant to support the Law Reform Unit and is in the process of appointing an F2 appointment to head the unit.

Ministry of Defence, Justice and Security

There was agreement between the UNDP and MDJS to proceed with the review of the **Sentencing Policy**. The consultant was appointed and had shared his workplan, which MDJS was in the process of reviewing. The consultant has resigned due to ill-health. MDJS is expecting the appointment of another consultant to continue the work. UNDP and MDJS are in the process of advertising the TOR for recruitment of the consultant.

Administration of Justice

Deputy Registrar noted that following the Judicial training on Judicial Conduct and Ethics in 2019, funds were allocated to draft and finalise a Code of Conduct. In February 2020, the Judges completed the final Regulations. The Regulations were considered by the Judicial Service Commission on 12 June 2020 and the draft went to Attorney General's Chambers and the regulations were published in August 2020. However, an error was detected in the published Regulations. In August 2020, the judges reconvened and revised the Regulations and sent them to Attorney General's Chambers on 27 August 2020, with a view to publishing in September 2020. AoJ is proposing that the funds be deferred to 2021 for an Ethics Kit including the Code of Conduct, Judicial Services Act, Enforcement Procedures and the Bangalore Principles including an official launch. The challenges included finding an adequate trainer who was a Judge trained in the code of conduct and convening the Judges around their caseload which is why 26 of the 31 judges. In 2021, Magistrates and Registrars should also be trained in the Regulations so that the expectations are clear.

Legal Aid Botswana

The Acting CEO reported on the website and the work should be complete by the end of November 2020. He updated that a contractor has been appointed and is preparing the legal educational videos. The expected completion date is also November 2020.

The introduction of criminal legal representation for indigent people project has stalled. The Acting CEO noted that the consultant has resigned and therefore the work should be reconfigured. The Acting CEO indicated that his team communicated to him that UNDP will set up a meeting with MDJS and Legal Aid staff to set the way forward.

Mr Nchunga raised a question of LAB of the issue of Government requiring unanimity and consensus on the issue of legal aid assistance on gradual expansion of legal aid on criminal legal matters. The Acting CEO responded that the current status is groundwork on the possibility of introducing legal defence in serious criminal matters. As per NDP11, the Acting CEO reported, that it should be introduced in a gradual manner. At the moment, Legal Aid Botswana is treating the issue as at a very early stage. He noted that there are several stakeholders who are not currently on board with the idea of expansion of legal aid to criminal matters.

Ministry of Nationality, Immigration and Gender Affairs

Department of Gender Affairs

The training of Dikgosi on GBV was completed in Chobe in 2019. North and South Kgalagadi trainings were completed in February 2020, prior to Covid-19 travel restrictions. We planned to do some training to start by September but were halted because of COVID -19. Ms Barrins noted that we should find a way forward towards completion of the training.

The roll-out of GBV referral system funding was diverted to the support GBV shelters who accommodate survivors of GBV during lockdown.

Domestication of CEDAW through the development of the Gender Equality Bill– the TOR has been completed, hopeful I will completed by December 2020 and a Cabinet Memorandum prepared to share with stakeholders. GeAD wants to proceed with the Bill.

On the issue of the Gender Equality Bill , Mr Molodi noted that there will be a comprehensive exercise on Constitutional reform (the extent of which is not yet known pending consultation of the public consultations), it is not known yet to what extent issues of inequality are going to be considered. Ms Barrins queried whether other laws are being revised. Mr Molodi noted that the outcome of the consultation is not clear. It may be that consultations reveal a direction regarding Constitutional reform.

The Human Rights Specialist noted that the Constitutional reform process should be prioritised and the National Human Rights Strategy and then gaps be identified, and the Gender Equality Law can be developed to fill those gaps. The sequencing is important so that the national legal and policy framework is in place and then the subsidiary legislation follows. The Governance Programme Specialist noted that consultations could take place on what is required for the domestication of CEDAW.

MNIGA was not currently present to provide a response.

The **Empowerment of Women in Politics** project is progressing well with the establishment of a technical reference group (TRG) comprised of members from GeAD, IEC, UNDP, Parliament, the Gender Consultant who developed the study, Emang Basadi and Parliament. The TRG is reviewing the Mme O Kae? Study to select actions for implementation and see to it that they build up to 2024 elections. We appreciate the work and support that UNDP is providing to us.

Noting the paramount importance of GBV prevention and response in Botswana, Ms Barrins pledged ongoing commitment to GeAD to support their efforts in this regard.

Secretary of Legislative Drafting noted that even if the Gender Equality Bill is presented it is in alignment with the Constitutional provisions of non-discrimination. Section 16 of the Constitution refers to a law on gender equality.

Ministry of Youth Empowerment, Sport and Culture Development

The MYSC DPS presented that they have completed the Technical Report on Enhancing and Strengthening Capacity and Skills of BNYC to implement Grant Management Programme and 13 staff members were trained on the grant processes. The Review of the National Internship Programme is on-going although the timelines were affected by the Covid-19 lock downs but anticipate completing it by the end of October 2020. The Entrepreneurship manual has been developed and finalized and 90 MYSC district officers will be trained by September 2020. TOR for the review of the Youth policy is being finalised through internal consultations. The review of the Youth Development fund was stopped as the quality of the work was substandard. UNDP and MYSC are discussing the way forward on the failed consultancy.

Directorate on Corruption and Economic Crime

The newly appointed Director General introduced himself noting that although he had been in office for only 3 days, he expressed his commitment to the Project.

The Director General reported on **Quality Management Systems**, which is a 10-point project. From the 10 milestones, 7 have been achieved. The scope of the QMS has been developed and the Manual has been developed. Challenges are outlined in the report, but the major challenge is the institutionalisation of QMS to DCEC strategy and operations and the Director General noted mitigation measures. Corrective log sheet will be done to track. We have an opportunity to turn things around as we have a skilled consultant. DCEC is reviewing its Strategic Plan and is considering including the QMS into the Strategic Plan.

DCEC reported that on the **Monitoring and Evaluation Framework**, DCEC reviewed and amended the TOR in 24th July and August 2020 including the administrative notice of advertisement. Met the UNDP representative on the 06th of August 2020.

Whistle blower Protection Act there are challenges regarding the design of the Act, there are several key players regarding accounting officers receiving reports. Instruction to Attorney General to draft the bill through the OP. The drafting of the legislation is highly technical. There are various interests and responsibilities of stakeholders that need to be taken into account. But we think will be achieved as we have a skilled drafter in the area.

National Anti-corruption Policy – the local consultant will review the Policy considering Cabinet comments and hopefully it will be submitted to Cabinet by the end of 2020.

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Ministry of International Affairs and Cooperation

Deputy Permanent Secretary requested the Director, Multilateral Affairs to present the project reports and requested that MIAC reports follow Human Rights Unit reports in the future as their work is complementary.

Director Multilateral Affairs reported on the Human Rights Recommendations Database, which is being developed with UNDP, OHCHR and the Human Rights Unit. The Database will be handed over to the Human Rights Unit in the future for management. The training and Standing Operating Procedures have been finalised. The October 2019 training was conducted but not all focal persons have been appointed. The second training was in June 2020, but it was virtual due to Covid-19 restrictions. A new activity is being proposed to address this issue, to train the newly appointed focal persons.

The treaty database requires an email notification system for reporting on treaties, addition of UPR progress reports and awareness raising for the treaty database are all needed. The consultant was appointed in April 2020 and the work is almost complete. MIAC requests that the database consultant train users both in MIAC and in other line ministries. The database needs to be linked to the Human Rights Recommendation database. There will be a link between the databases. We are going to have the final testing of the database to ensure it has all we need.

There is no consistency in membership, focal persons are re-assigned so continuous training is required for both databases. Launches of both databases are required to sensitise people.

Ministry of Local Government and Rural Development

Department of Tribal Administration

The Institutional Assessment has been on the programme since 2019 but further work is required regarding sensitisation of stakeholders. The challenges include the transfer of the relevant officer out of the Department of Tribal Administration. The movement of the officer made things complex. The project proposal must be presented to the Minister. The Ministry and Department of Tribal Affairs request a meeting with UNDP for further discussion. Scaled down the institutional assessment as it was proposed.

ISSUES REQUIRING DECISIONS

The Slide on "Issues Requiring Decisions" was presented. A number of activities were proposed for deletion from the Annual Work Plan as per the slide. The recommendations on the slide were adopted except to note that regarding the Gender Equality Bill discussions can take place with MNIGA, AGC.

PRESENTATION OF FINANCIAL REPORT AND PROPOSED 2020 ANNUAL WORK PLAN

The Resident Representative presented the project balance and 2020 delivery as tabulated below:

Financial Report

Approved Project Budget and Delivery Summary 2020

Total approved budget (2018 – 2021) USD \$4,643,713				
Total Funds allocated for the year (USD)	Expenditure: (Current Quarter)	Expenditure: (Cumulative from Q1- Q4)	Target delivery (%) as at 31 December 2020	Delivery (%) as at 02 September 2020
1,586,990	107,578	427,183	100%	27%

The Programme Specialist - Governance noted that the approved budget was \$1,586,990 however only \$107,578 has been currently expended in the current quarter with a cumulative total of \$427,183 which is a delivery rate of 27%. Based on the proposed revised budget of \$872,124, current expenditure would be 49%. The Programme Specialist – Governance noted that since implementing partners have requested in many cases that funding be maintained, implementation becomes a top priority.

The Resident Representative noted that the implication is that by reducing the budget by a half, it gives the appearance that work is not being done. While much is due to Covid-19, there are other implementation challenges. Director Multilateral Affairs queried what the budget balance is for the Human Rights Recommendation database. The Human Rights Specialist clarified that the budget of \$3500 would be for the training that took place in June 2020 and the newly requested training which could take place in October 2020. Plans are already underway.

The Resident Representative requested approval of the revised budget noting that there needs to be a commitment to expenditure within this time. The meeting approved.

The AWP Revised Plan and budget of \$872,124 has been approved subject to the Programme Specialist – Governance clarifying with the Department of Tribal Administration regarding the Institutional Assessment, and with Legal Aid Botswana and the Ministry of Defence Justice and Security regarding the Extension of Legal Aid to Criminal Matters.

Proposed Project Budget and Delivery Summary 2020

Total approved budget (2018 – 2021) USD \$4,643,713				
Total Funds allocated for the year (USD)	Expenditure: (Current Quarter)	Expenditure: (Cumulative from Q1- Q4)	Target delivery (%) as at 31 December 2020	Delivery (%) as at 02 September 2020
872,124	107,578	427,183	100%	49%

COVID-19 ACTIONS

The Programme Specialist - Governance gave a brief overview of the Covid-19 Rapid Response Facility activities as tabulated below:

Covid-19 RRF related activities - progress snapshot

COVID-19 Activity	Ministry	Budget
National COVID-19 GBV Action Plan:	MNIG	
- Training Gender Affairs Department on Strategic Planning		USD 2404.18
- Local Emergency Operation Centre GBV and COVID-19 prevention training		USD 16,938.84
- Training of GBV Trainers to go into the LEOCs		USD 889.38
		Total: USD 20,232.40
Support to Botswana Gender Based Violence Prevention and Support Centre (BGBVC) to provide shelter to GBV Survivors (April – June 2020)	MNIG	USD 5,523.00
Youth-focused COVID-19 prevention social media campaign	MYSC	USD 23,059.69
Botswana Prisons Service Personal Protection Equipment for all 23 Prisons	MDJS	USD 19,466.78
TOTAL		USD 68,281.87

Action Items Annex 4

NEXT STEPS AND WAY FORWARD

1. Signing of 2020 Annual Work Plan and Combined Delivery Report
2. Next meeting date: early November 2020

CLOSING REMARKS

Ms Barrins thanked the participants and noted the high-level participation. She foreshadowed the upcoming development of programme activities for 2021 and anticipated that the plans should be presented at the next PSC meeting in early November 2020.

Ms Barrins also noted that the UN Family is starting the development of the next five-year plan which starts with a Country Assessment. The Assessment will identify key areas that the United Nations should be supporting over the next five years. Ms Barrins noted that the UN supported the development of three Covid-19 recovery plans including Social Protection, Informal Sector and Private Sector which have all been finalised and should be implemented soon. Ms Barrins requested that the next technical level meeting be held within the next two weeks.

Mr Molodi thanked the implementing partners for the presentations and noted the implementation challenges. Mr Molodi noted the training with regard to the recommendation database the Botswana there is no consistency in terms of membership of the focal points and the Reference Group. The lack of consistency affects implementation and sustainability of the activities so there should be consistency in identifying the focal persons so that training can be upscaled rather than starting afresh. Mr Molodi appreciated the effort of UNDP, especially regarding GBV training and funding including Covid-19 response and the funding that was provided. Mr Molodi noted that GBV is a problem and there was a recent Parliamentary debate on the issue of GBV, thus the effort of UNDP is appreciated. Mr Molodi noted that although he would prefer that the budget is not reduced but it is difficult to

argue the case when implementation is low. It is difficult to justify retaining funds when only 27% of the original approved budget has been utilised, especially when there are only a few months remaining in the year to expend the balance. Mr Molodi also noted that the expenditure of budget in one year can impact on budget allocation the following year. He noted that in 2019 the reason given was that implementation was affected during the election period and in 2020 with Covid-19 affecting implementation we need to come up with new and innovative ways to work around Covid-19. Mr Molodi noted the next meeting will take place in November and implored implementing partners to ensure that 100% delivery is reached.

With nothing further to discuss, the Chairs adjourned the meeting at 11:30am.

Annex 1: Slides - presentation

Annex 2: Revised 2020 AWP as approved

Annex 3: PSC meeting attendance and apologies

Annex 4: Action Items