



Republic of Botswana



Minutes of Virtual Meeting

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

Sixth Project Steering Committee (PSC) Meeting
Tuesday, 1 December 2020
1400hours – 1540hours

OPENING REMARKS

The Resident Representative, Ms Jacinta Barrins, welcomed all to the meeting. Ms Barrins noted that the meeting was being held under the hybrid model (virtual and online) due to COVID-19 restrictions, although the Co-chair and UNDP staff were attending in the office.

Ms Barrins informed that the last PSC meeting was on 4 September 2020. Ms Barrins noted COVID-19 had presented challenges for implementation however with a vaccine on the horizon and new ways of working, she expressed optimism that 2021 will be a better year. The plan is to start the 2021 activities on 1 January 2021.

Dr Molefe thanked the Co-chair and made opening remarks. He noted the importance of the Governance pillar and the achievement of human rights and rule of law within the NDP11 pillars. He further noted that violence, corruption, and social inequality would follow from failure to implement the Governance pillar. In essence, success of the Governance Pillar of NDP11 will affect success of the other NDP Pillars. Dr Molefe noted that we are moving into the final year of the programme and that, despite COVID-19, the members have done their best to achieve results.

INTRODUCTIONS AND APOLOGIES

Dr Molefe introduced all attendees at the meeting. A list of attendees is at Annex A.

The following apologies were made:

1. Chief Registrar at Administration of Justice
2. Attorney General
3. Secretary for Justice
4. Chief Executive Officer, Legal Aid Botswana
5. Director of Gender Affairs Department, MNIG
6. Deputy Ombudsman

ADOPTION OF AGENDA

The Agenda was adopted.

ADOPTION AND APPROVAL OF MINUTES OF PREVIOUS MEETING

Dr Molefe noted that the minutes of the meeting of 4 September 2020 have been signed page by page leaving them to be considered adopted.

Progress on Action Items from Previous Minutes

Action	Responsible	Status/Progress
1. Confirm the current status of the Policy Guidelines with NSO	General Counsel (OP)	Ms Mapodisi to follow up with Mr Molodi.
2. Follow-up with the PS on the Disability Framework to clarify the status of the Disability Bill	General Counsel (OP)	Done. Cabinet Memo has been developed and a DPS at NSO is guiding the process. To finalise the policy. Completion date still to be communicated. Meeting with UNDP and PS MPAGPA was postponed thus no final date yet.
3. Funds meant for training Judges to be deferred to 2021 for an Ethics Kit, including the Code of Conduct, Judicial Services Act, Enforcement Procedures, the Bangalore Principles and an official launch of the Code in 2021	AOJ	Deferred. Proposal for deferment of activity to AWP 2021.
4. Training of Magistrates and Registrars on the abovementioned Regulations to ensure expectations are clear is an activity to be included in the 2021 AWP	AOJ	Deferred. Proposal for deferment of activity to AWP 2021.
5. MDJS and UNDP to schedule a meeting with Legal Aid on the way forward with the extension of legal aid to criminal matters	MDJS	Done. Internal discussions between MDJS and LAB were held, and a decision made that there was need for further bilateral engagement on it.
6. Complete the TOR for the Gender Equality Bill and development of the Cabinet Memorandum for circulation in Line Ministries	Gender Affairs Department	Done. TOR draft completed and all review comments incorporated in September 2020. Awaiting approval from PS MNIG prior to advertising. Desire is to advertise TOR before the end of the year.

7. DCEC to re-submit the National Anti-Corruption Policy to Cabinet by December 2020	DCEC	Ongoing. DCEC met with BIDPA twice and so far, and TORs for re-engagement with BIDPA have been developed. Inception meeting is to take place before end of 2020. Aim is for DCEC to submit Policy to Cabinet in February 2021.
8. HRU to work on creating a link between the Human Rights database and the MIAC Agreements database	Human Rights Unit	Ongoing. MIAC is the current administrator of both databases until they are fully operational. The linkages will be done when the work on both databases are completed.
9. Department of Tribal Administration to meet with UNDP to further discuss the way forward on the 2020 AWP institutional Assessment activity	Department of Tribal Administration	Deferred. DTA requested for deferment of the activity to AWP 2021.
10. MNIG and AGC to discuss regarding the proposed Gender Equality Bill	Department of Gender Affairs	Not done. Meeting has not taken place.
11. The Technical Working Group for the Governance Project to consider in next meeting how SDGs can be implemented and how a specific SDG target (of the total 169 targets) can be actioned through the Project	TWG Chairperson	Done. The Technical Working Group selected Target 16.3, indicator 16.3.3: Proportion of the population who have experienced a dispute in the past two years and who accessed a formal or informal dispute resolution mechanism, by type of mechanism.
12. Signature of 2020 Revised Annual Work Plan and Combined Delivery Report	OP and UNDP	Done. Completed in October 2020.

In relation to the first item, in addition to the narrative in the matrix above, Dr Molefe will contact NSO and advise update for the final version of the Policy Guidelines to be distributed and circulated to all members. Ms Barrins noted the importance of the Guidelines in promoting quality and consistency in policy development and undertook to circulate the final approved version to all UN agencies in Botswana.

In relation to item 5 pertaining to MDJS and UNDP scheduling a meeting with Legal Aid Botswana, Ms Mogami noted that the wording should be corrected to there is a need for further bi-lateral engagement. The wording regarding criminal legal aid not being a current priority should be deleted.

In relation to item 10, Ms Rossenkhan noted that the MNIG was supposed to coordinate with AGC on the issue. MNIG is not participating in the PSC today, therefore this remains an outstanding item.

PROGRESS REPORTS FROM IMPLEMENTING PARTNERS

The IPs presented their progress reports as projected on the PowerPoint slides (**Annex B**).

Ministry for Presidential Affairs, Governance and Public Administration

Human Rights Unit

The Director, Human Rights Unit confirmed the summary of the current status of the activities with the Human Rights Unit. The National Human Rights Strategy and Action Plan has commenced with the appointment of a consultant.

The National Human Rights Consultative Committee was established with TOR and members appointed and Committee is conducting business according to its TOR. It consists of Government and non-Government institutions to ensure inclusivity.

The National Human Rights Recommendation Database is being administered at MIAC and will be handed over to MOPAGPA when it is established. The SOP has been approved and training conducted.

The Ombudsman Bill to establish the National Human Rights Institution is due any day. Extensive consultations have been conducted and the next version is expected to be the final version. The Cabinet Memorandum is being prepared and when the Bill is published, public education with Members of Parliament, media and the public will be conducted. It is anticipated that the Bill will be on the agenda in the July 2020 session of Parliament.

The human rights public education activities commenced on 19 November including a media education campaign including a press conference, radio and television engagements. The objective was to educate the nation regarding the human rights events during the 16 days of activism.

The human rights treaty reporting is progressing well with completed submission of ICERD and ICCPR. The UPR mid-term report will be submitted.

The UNDP Human Rights Specialist noted the achievements of the Director, Human Rights Unit in the year since her office was established, since she is without staff.

Coordinating Office for People with Disabilities

The Director, Coordinating Office for People with Disabilities reported that only the public awareness activity has been carried out. A consultant has been appointed to produce films on the Convention on the Rights of Persons with Disabilities. The National Disability Framework (Policy, Strategy, Implementation Plan, zero draft Disability Law the Office did meet with NSO and guidance was provided on the new Policy Guidelines and the Permanent Secretary is looking into the reviewed policy is being revisited. Mr Motingwa is optimistic that next week there will be progress.

Attorney General's Chambers

The Law Reform Strategy was adopted in March 2020. The Terms of Reference for the consultant were advertised in October however there were no bids that qualified. Other approaches will need to be considered, for example engaging consultants in the region.

Ministry of Defence, Justice and Security

Secretary for Justice confirmed that the Sentencing Policy review consultant has been appointed and work has commenced. MDJS has met the consultant and the work will be complete by March 2021.

Administration of Justice

Deputy Registrar noted that the Code of Conduct for inclusion in the Judicial Service Regulations is awaiting approval of His Excellency the President following amendments.

Legal Aid Botswana

The Acting CEO reported that the publicity and awareness activity is undergoing final edits. The website is at an advanced stage as well as the films.

Ministry of Nationality, Immigration and Gender Affairs

As MNIG Department of Gender Affairs was not currently present to provide a report, Programme Specialist - Governance reported on the gender-related Programme results.

Ministry of Youth Empowerment, Sport and Culture Development

The Deputy PS reported that they have completed the development of the Youth Entrepreneurship Training Course Manual and it has been printed for use. 100 District Youth Fund officers will be trained from 14- 18 December 2020 on the manual.

National Internship Programme has been reviewed and the consultant submitted the final report NIP and recommendations made for presentation to Cabinet. Grant making system for BNYC reviewed and revised. MYSC is currently carrying out Youth Virtual dialogues and so far, held 3 dialogues with the fourth and final one for year scheduled for the 4 December 2020.

Directorate on Corruption and Economic Crime

Mr Katlholo noted that the summary in the slides accurately reflected the current status of achievement of activities by DCEC.

Ministry of International Affairs and Cooperation

Ms Sophie Mautle noted update on the human rights database and the agreements database. Regarding the agreements database, the consultant's work regarding enhancements are complete and final edits and user names are required. Regarding the human rights recommendation database, work is also progressing. The SOP has been finalised and the training was provided in partnership with OHCHR. There is delay ensuring that the focal points are in place. Management of the database will be in the hands of administrator (MIAC) and each Ministry will have their users each of them updating on the database. Through the MLGRD there will be one implementation plan developed for the Convention on the Rights of the Child and this will be a trial to ensure that the database can be used as intended to develop implementation plans for human rights recommendation.

RESULTS ACHIEVED THROUGHOUT THE YEAR IN PHOTOS

A slide show was presented of images from the various activities throughout the year.

PRESENTATION OF FINANCIAL REPORT AND PROPOSED 2020 ANNUAL WORK PLAN

The Programme Specialist presented the project balance and 2020 delivery as tabulated below:

Project Budget and Delivery Summary 2020					
Total approved budget (2018 – 2021) USD \$4,643,713					
Total Funds allocated for the year (USD)	Disbursement	Commitments	Expenditure (Disbursement and Commitment)	Target delivery (%) by 25 December 2020	Delivery (%) as at 25 November 2020
898,506.02	599,506.02	231,783.29	831,289.31	100%	93%

Endorsement request: Request for USD 17,549.99 from Irish Government funding to cover Dikgosi GBV training shortfall because it is a different funding resource—budget above currently reflects use of AWP cost-share funds to cover the shortfall. Without this endorsement project delivery will exceed 100%.

At the last PSC, the delivery was around 40%. The Programme Specialist noted that delivery at 25 November 2020 is 93%, noting that the budget was revised down from \$1.5 million to \$898, 506.02. To date expenditure is \$831,289 including disbursements and commitments. The target delivery for 2020 is 100%, taking into account some outstanding activities and salaries for November and December 2020.

The Programme Specialist noted that within the 93% delivery includes an excess in expenditure for GBV training for Dikgosi taking into account the need. The Programme Specialist requested USD 17,549.99 in funding to support this additional training need to avoid a shortfall in resources. The Resident Representative noted that any change to any budget line must be clearly documented and justified to ensure that all audit queries are addressed. The funds will be brought forward from 2021 to 2020 from the Irish Government funding to address this shortfall in 2020. The meeting approved the additional funds request and the reallocation of funds within the AWP to cover shortfalls.

The Programme Specialist noted that the overspend on the human rights database training had already been factored into the approved budget calculations and reallocations within the AWP.

AWP 2021

The Resident Representative noted that there have been numerous discussions on the planning for AWP 2021. The meeting was a fruitful discussion. The Resident Representative then also met many of the Permanent Secretaries of each of the partner ministries to discuss the proposed actions and to discuss the issues at a strategic level. This process is ongoing thus the final proposed AWP 2021 will not be presented today. The Resident Representative noted that she has already met with the Attorney General, Chief Registrar, Permanent Secretary of MIAC, Ombudsman, Secretary MDJS, Secretary of MYSC and the NGO Council. Regarding the AWP 2021, MDJS and MYSC should re-submit their proposals in light of the conversations that took place with the Permanent Secretaries. Meetings remain to be convened with the MOPAGPA PS, DCEC, IEC, LAB, MNIG and Parliament.

In addition, the cuts to Government funding due to COVID-19 funds reallocations have resulted in a large number of requests for activities in the AWP 2021. Activities should be decided by the end of December for implementation to commence in January 2021.

The Resident Representative requested that if suggestions that actions be accepted, it is important that the action becomes part of the Strategic Plan of the Ministry or agency. If the action is not part of the Ministry's plan, the activity is seen as a UNDP plan or action. The activities should be reported to the Ministry Permanent Secretary through ordinary Government reporting processes and in Performance Development Plans (PDPs). UNDP intends to support national priorities do not create parallel processes.

Early next year, the consultation process for the UNDP next five-year programme of support. A collective understanding and themes will be developed, including inequality. The Resident Representative welcomed the insights and thoughts of partners to how UNDP can support progress on moving the strategic agenda forward.

The Programme Specialist noted that the draft AWP 2021 contains all the activities as requested however the AWP activities need to be trimmed based on whether they can be achieved. She noted that the budget for 2020 had been drastically reduced to reflect covid-19 and the de-prioritisation of some activities by Government. The activities should all speak to each other for a cohesive Governance Programme.

The Programme Specialist noted that the AWP 2021 will be finalised in coordination with the implementing partners because it is a joint programme.

The Resident Representative noted that UNDP seeks funding from various sources. Botswana is an Upper Middle-Income Country. Member States have said that most financial support should be allocated to Least Developed Countries (LDCs). Bilateral support is also directed mostly to LDCs. Therefore, UNDP looks to other global funds to attract funds for Botswana. Women and youth entrepreneurship programming will be supported by an additional over \$800,000 in funding. Necessary discussions have taken place with MYSC regarding this funding.

The next steps regarding the AWP 2021 are summarised as signing of the Combined Delivery Report which will be signed by the Co-Chairs. By 10 December internal decisions will be made on which activities will be supported and the draft plan will be shared with Government from 16 December 2020. In early January 2021, the Co-chairs will sign the AWP, to enable the work can commence in January 2021.

ISSUES FURTHER CONSIDERATION

The Terms of Reference for the Gender Equality Bill have not been advertised in 2020.

Regarding the issue of the Steering Committee for the BotswanaLII Project, there is a need for governance of the Project to be clarified. The Project is located at Government Printing and Publishing Services however the overall Government coordination mechanism needs to be entrenched into Government processes. Dr Molefe will take the issue on notice and will share back by the end of the year.

NEXT STEPS AND WAY FORWARD

- Signing of 2020 Combined Delivery Report by PSC Co-Chairs
- Renewed submission by MDJS and MYSC BY 4 December 2020
- Any outstanding meetings to be held with RR by 10 December 2020

JB KM

- UNDP will confirm to IPs the selected proposals for 2021 Annual Work plan by 16 December 2020
- Signing of AWP 2021 by PSC Co-Chair to be done in January 2021, following circulation to IPs
- Implementation to start first week of January 2021
- Next PSC Meeting to be held in June 2021
- New 5-year CPD Process 2011-2027 to be developed throughout 2021

CLOSING REMARKS

Ms Barrins thanked the participants and noted the high-level participation.

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. Ms Barrins appreciated the partnership and wished members a safe and peaceful festive season.

Dr Molefe noted that this is the final PSC meeting of the year. Covid-19 was an interruption to 2020 however he noted that the programme achieved 93% implementation. He congratulated the team on its achievement and appealed to all implementing partners and development partners to support the commemoration of human rights related events. Dr Molefe extended his appreciation to UNDP, the Co-Chair and her team for their guidance and support throughout the year.

With nothing further to discuss, the Co-chairs adjourned the meeting at 3:55 PM.

The next PSC meeting will be held in June 2021.

Annex 1: Attendance list

Annex 2: Slides

Annex 3: Financial support

Annex 4: Draft AWP 2021