

GTF312 ANNUAL REPORT 2012/13

GTF Number: GTF312

Programme title: Strengthening Human Rights in Governance and Transparency

Prepared for the Department for International Development

Presented to:

KPMG Fund Management Agency

The Sussex Innovation Centre

Falmer, Brighton, BN1 9SB



June 2013

1. Programme Identification Details

GTF Number	GTF312
Short Title of Programme	Strengthening Human Rights in Governance and Transparency
Name of Lead Institution	Zimbabwe Human Rights NGO Forum
Start Date	October 2008
End Date	November 2013
Brief summary of programme	The goal is to strengthen human rights in governance and transparency. Activities involve public education; training of Human Rights Defenders (HRDs), service institutions and community leaders; legal advice provision and litigation; advocacy and lobbying. Programme deliverables include increased public knowledge of human rights and how to access them; capacity for law enforcement agents to interpret the law properly; strengthened capacity of CSOs and HRDs to build sustainable good governance; improved documentation of rights violations; increased consortium capacity to monitor and evaluate impact and increased opportunities for people to influence policy and legislation.
Countries where activities have taken place	Zimbabwe
Implementing partners	See attached Spreadsheet: GTT312 Partner list and GTF312 Contact list
Target groups – wider beneficiaries	Citizens of Zimbabwe , in particular victims of human rights abuses, law enforcement agents, judicial agents and marginalised groups.
Lead Contact	Abel Chikomo, 8 th Floor Bluebridge North, Eastgate Building, Harare: tel +263 4250511 email abe.chikomo@gmail.com
Report compiler	As in above

2. List of Acronyms

- AU African Union
- CEDAW Convention on the Elimination of All Forms of Discrimination Against Women
- CPs Consortium Partners
- CSOs Civil Society Organisations
- HRDs Human Rights Defenders
- GALZ Gays and Lesbians of Zimbabwe
- GNU Government of National Unity
- GPA Global Political Agreement
- GTF Governance and Transparency Fund
- JOMIC Joint Monitoring and Implementation Committee
- LGBTI Lesbian, Gay, Bisexual, Transexual and Intersexual
- LRF Legal Resources Foundation
- MDC Movement for Democratic Change
- POSA Public Order and Security Act
- The Forum Zimbabwe Human Rights NGO Forum
- SADC Southern Africa Development Community
- UN United Nations
- UPR Universal Periodic Review
- ZACRO Zimbabwe Association for Crime Prevention and Rehabilitation of the Offender
- ZADHR Zimbabwe Association of Doctors for Human Rights
- ZANU PF Zimbabwe African National Union (Patriotic Front)
- ZLHR Zimbabwe Lawyers for Human Rights
- ZPP Zimbabwe Peace Project
- ZPS Zimbabwe Prisons Services
- ZRP Zimbabwe Republic Police
- ZWLA Zimbabwe Women Lawyers Association

3. Activities and achievements

3.1 Activities

During the period under review the consortium monitored the role of state agents and non-state actors in human rights violations. The Consortium contributed to institutional, legislative and constitutional reforms in Zimbabwe through various activities and initiatives. Reviews of the draft Constitution prior to the referendum created an understanding of the document and its implications on human rights promotion and protection, governance and transparency. Enhanced capacity to monitor human rights violations was developed for both personnel in the consortium and stakeholders that collaborate in this endeavour. Public and stakeholder engagements were made on issues such as the death penalty as a constitutional issue; the criminalisation of torture; LGBTI rights; youth and politics; legislative processes and minority rights. Campaigns carried out included the *“End hate campaign”* to secure public acceptance and tolerance of sexual diversity and the LGBTI community; the *Anti-Torture campaign* to encourage government to ratify the UN Convention Against Torture and the *Anti-Death campaign* seeking to ban the death penalty. Public participation was facilitated through various human rights events such as the International Day of Peace, International Human Rights Day, International Day in Support of Victims of Torture; Africa Human Rights Day and 16 Days of Activism Against Gender Based Violence. During these commemorations marches were held, press statements were issued, solidarity statements were made by CSOs and commitments were made for the realisation of themes that marked the commemoration of the events. Numerous information, education and communication materials were produced and disseminated to policy makers, strategic stakeholders and members of the public through printed reports and consortium member websites, radio programmes and as inserts in daily and weekend newspapers. These facilitated a high voter turnout during the referendum process where women with diverse political interests were unanimous on women’s Constitutional priorities and at least 75% of their demands were incorporated into the new Constitution. Training workshops, community dialogues, strategic and outreach

meetings targeted human rights defenders, traditional and community leaders, law enforcement agents and judicial officers as well advocacy with policy makers to partner the consortium for the realisation of its objectives. A total of **49** parliamentarians were sensitised on the United Nations Convention Against Torture and Other Inhuman and degrading treatment; **325** traditional leaders (chiefs and headmen) were trained on human rights and their role in conflict resolution and **927** traditional leaders were trained on their role in providing access to justice to victims of OVT. There was also training in conflict prevention for **976** community members.

The capacity of staff in the consortium and other CSOs in programme management was strengthened by mainstreaming women's and LGBTI rights in their work with **46** being trained in Legal Awareness, Human Rights and Democracy; **200** Community Based Prevention Volunteers on LGBTI rights; **100** ZPS officers in human rights using the Human Rights Training Manual developed by the Consortium; Magistrates were trained on the Protocol to Multisectoral Approach for Coordinated Response to Sexual Gender Based Violence; **420** peace monitors in International Standards on Human Rights Monitoring and Documentation and **342** women in leadership and in parliament on articulating Gender Audit for use in the Constitution-making process. A number of CSOs were also trained in monitoring the utilisation and access to the Global Fund in Zimbabwe. Strategic partnerships were retained and strengthened to provide information and programmatic linkages that are essential for the monitoring of human rights violations, documentation and the provision of medical, social and legal interventions for rights violations. Litigation helped citizens know they could claim their human rights. Advocacy activities involved participation at the 52nd Ordinary Session of the African Commission on Human and Peoples Rights in October 2012; 23rd Session of the Joint Parliamentary Assembly of the ACP /EU in Budapest in May 2012; meetings with the European Parliament including the Africa Working Group in September 2012 and seminars under the banner of the Coalition for an effective African Court on Human and Peoples' Rights, of which the Forum is the Southern Africa Focal Point.

3.2 Achievements

Through public interest litigation **23** civil cases were filed against the government, culminating in the prosecution and imprisonment of several police officers, including one senior officer, Inspector Chani, who had tortured a suspect to death and the Minister of Defence who was fined US\$11,000. and US\$986.00 for the torture of two victims by members of the national army. Effective human rights monitoring and lobbying resulted in the visit by the UN High Commissioner for Human Rights, Ms. Navanethem Pillay, in May 2012 which put Zimbabwe's human rights record on the spotlight. Subsequently the state President made numerous calls for peace and respect for diversity of political views. Lobby and Advocacy efforts resulted in political parties agreeing to including provisions for a National Peace and Reconciliation Commission in the new Constitution and an improved and expansive Bill of Rights. More citizens demanded their socio-economic and political rights as evidenced by human rights victims increasing demand for legal assistance, that increase totalled **13 357** legal assistance beneficiaries for the consortium. Among the beneficiaries was a visually impaired university lecturer who got permission to hire an assistant paid for by the University after successfully challenging university authorities, as well as **254** prison inmates facing prolonged stay on remand without going for trial. Stamp duty fees for Maintenance and Protection Order Applications were reduced and an increase in the jurisdiction of magistrates' courts from \$2,000.00 to \$10,000.00 were effected by the Judicial Services Commission after the consortium's lobbying. Order forms became free for women who could represent themselves in court, while change in the jurisdiction of magistrates' courts allowed the poor to access justice more affordably from magistrates' courts as opposed to High Courts. The consortium developed a Human Rights Training Manual, which outlined prisoners' rights and the duties of prison officers. It was used to train **130** middle level ZPS officers as trainers. More than **9 000** prisoners benefited from training on their socio-economic rights. Remand cells at police stations in the Mbare District of Harare were refurbished. The Prison Act was reviewed by stakeholders to make it responsive to human rights concerns and focus on rehabilitation as opposed to punishment. This culminated in the draft Amendment Bill

for the Prison Act. Public knowledge on service entitlements and complaints procedures have forced service providers and authorities to step up their accountability structures. For instance, at most human rights commemorative events, law enforcement agents or service providers have requested to participate and showcase how accountable and responsive they are to their clients and citizens. Unexpectedly, pursuant to its work on Zimbabwe's Universal Periodic Review the Forum was invited to seat on the Government Steering Committee on the Implementation of the UPR Recommendations. The Forum plays an advisory role on implementation, monitoring and tracking the implementation of the recommendations. This has allowed the Consortium more access to and interaction with government. In October 2012 the Forum convened an International Conference on Transitional Justice in Zimbabwe. For the first time, such a conference had government ministers, members of the security forces, local media, international experts and CSO leaders participating.

4. Programme management

The Forum seconded a Programme Officer to work on the GTF Programme at ZACRO as a way of enhancing the capacity of the Consortium member. Other than that, there were no other changes since last report.

5. Working with implementation partners

As recommended by the Mid Term Review the consortium has strategised as an integrated sector by participating in the strategic planning of partner organisations and reverting to consortium members as the first port of call in any CSO joint activities. The incident-focused approach wherein Consortium Partner services are woven into a seamless combination of services for victims of rights abuse as opposed to an insular and fragmented manner was strengthened. Human rights data collection was enhanced through partner capacity building and triangulation of cases; and intervention and referrals between partners enabled beneficiaries to access a combination of relevant services. The capacity of consortium partners was further built through the holding of routine programme review meetings as well as meetings of Directors of the Consortium member organisations. A Reporting Calendar enabled the quarterly review of

programme activities and achievements.

6. Risk assessment

Internal Risk	Potential Impact	Probability	Mitigation Measures
Inaccurate monitoring or documentation of violations	High	Medium	Continuing education
Internal Risk	Potential Impact	Probability	Mitigation Measures
Confiscation of human rights violations databases/materials by state security agents	High	High	Security of data and protection management, off-site, off-shore and i-cloud storage of data
External Risk	Potential Impact	Probability	Mitigation Measures
Politically motivated violence and intimidation of CSOs	High	High	Risk assessment prior to any activities, professionalism in all activities
Displacement of human rights monitors leading to disruption of monitoring activities	High	High	Security training, having safety measures and use of information technology
Disobedience of court orders by government officials	High	High	Use of international human rights mechanisms
Confiscation of human rights violations	High	High	Security of data and protection management, off-

databases/materials by state security agents			site, off-shore and i-cloud storage of data
--	--	--	---

7. M & E arrangements

No changes since last report. M & E personnel, resources and activities continued to be assigned.

8. Logframe changes

There were no changes were made to the logframe.

9. Most significant results analyses

The most significant results identified are as shown in the table below:

312	Zim HR NGO Forum	Zimbabwe	In Zimbabwe, the Forum is helping victims of organised violence and torture to demand governance and transparency from the government. Between 2009 and 2013 more than 450 cases were filed against human rights abuse perpetrators in their individual and official capacities. Peace and protection orders were sought for the benefit of victims who remained under intimidation from perpetrators who believed in immunity from prosecution. As a result of this programme the impunity of perpetrators has been challenged; victims of torture have been rehabilitated; and displaced families have been reunited.
312	Zim HR NGO Forum	Zimbabwe	In Zimbabwe, ZWLA has assisted 4,351 female litigants in Harare alone with legal advice, representation, and legal empowerment. It has also recruited and trained human rights defenders and paralegals that can offer advice to disadvantaged women in their own communities and make referrals. Its programme, in partnership with the Forum, ensures that women's socio-economic rights are promoted and protected and has helped to put these issues on the national agenda.
312	Zim HR NGO Forum	Zimbabwe	Magistrates are now responsive to challenges faced by women in unregistered customary law unions to receive an equitable share of matrimonial property upon separation, whereas before these women were eligible only for proceeds directly emanating from their economic contributions.
312	Zim HR NGO Forum	Zimbabwe	In Shamva (Zimbabwe), the Forum provided litigation assistance to victims of police brutality after citizens protest against police brutality that had led to the death of a man and torture of nine residents. The litigation assistance resulted in the arrest and prosecution of the police officers involved, who otherwise could have evaded arrests and prosecution.

312	Zim HR NGO Forum	Zimbabwe	In Zimbabwe messenger of court fees and fees for the deputy sheriff were reduced to enable litigants to access justice
312	Zim HR NGO Forum	Zimbabwe	In Zimbabwe prison officers shifted from the tendency to punish and not rehabilitate prisoners. Food supplements were provided to prisoners on ARV treatment who prior to this had been neglected.

The general context under which these results were achieved was characterised by gross human rights violations, selective application of the law and impunity. Most victims suffered in silence without justice and/or rehabilitation. At the inception of the GTF312 programme in 2008, a GNU had been installed but regardless of this, violence, human rights abuses and intimidation still persisted.

Our theory of change recognised that in such an environment the society required an overhaul of its human rights knowledge and values so that the demand for human rights fulfillment would derive from within, not from outside. Victims required awareness of their rights and empowerment on how to claim them through provision of adequate information and victim-friendly services for the promotion and protection of their rights. We believed that state and non-state actors violating citizens' rights would become deterred from committing violations if penalised for their actions. Evidence of violations would prompt state accountability and responsiveness for the fulfillment of human rights. Human rights victims could know about the consortium's intervention services if they were socially marketed through outreach activities, human rights defenders, information dissemination through websites and press releases as well as referrals within the consortium. Our experience was that professional delivery of intervention services that are responsive to user-needs created demand for human rights and governance and transparency from government; and that government would abide by its human rights obligations under domestic and international human rights law if consistently pressured and provided with accurate information of violations. We realised that law enforcement agents and judicial officers are not averse to service provision that attempts to promote, protect and fulfill citizens' human rights regardless of clearly deliberate attempts by some political parties to make them partisan. As a

result of this programme there will be a long term impact on people's lives deriving from the results. The detailed analysis is in Annex A5: Most Significant Results Analysis and the status of the process of analysing results in Annex C1: Any Outstanding issues.

10. Progress towards sustainability

Through human rights education and stakeholder participation on human rights events, many sections of the Zimbabwean population have been sensitised about human rights violations, their entitlements and how to claim them. From 2009 to date, monthly a total of 4000 human rights bulletins and 4000 human rights fact sheets have been produced and distributed to members of the public, policy makers and other CSOs, reaching an estimated target audience of 36 000 every month. Members of the public, member organizations of the Forum, and CSO partners assist in the distribution of such material and they remain relevant in enhancing public and stakeholder awareness and knowledge about human rights. Reports have also been generated and used for advocacy purposes with evidence-based information on the state of human rights violations and recommendations on how violations can be mitigated. Such reports have been posted online and some of them are on websites accessed by wider readership that work on developmental and human rights issues such as www.reliefweb.int and www.kubatana.net.

Communities have been empowered to conduct human rights monitoring, peace building and engaging with authorities to report on and proffer options for dealing with violations. A case in point is the spontaneous public protests and demand for justice after police in Shamva carried out brutal assaults in the community, resulting in the death of one Luxmore Chiwamba in 2012. Despite police efforts to quell the protests and possibly scuttle investigations against offending officers, the public remained resolute in demanding justice and eventually the officers were prosecuted. In selected communities, community members know how to engage in dialogue both traditional leadership and government representatives. They have also been empowered with information to contribute meaningfully to discussions and debates relating to their socio-economic and political rights, as exhibited in robust debates during public consultations during the Constitution making process. Authorities are appreciative of

some of the capacity-building initiatives offered to community leaders and government institutions. Zimbabwe Prison Services (ZPS) for instance has adopted the consortium initiated Human Rights Training Manual for use in the training of prison officers. Prison officers now understand the importance of human rights and the work of HRDs as legitimate and not a Western conspiracy and regime change agenda initiative. Monthly liaison meetings are carried out between ZACRO and Ministries of Justice and Foreign Affairs as well as ZRP, ZPS and the Immigration Department for problem identification and resolution. Youth now engage stakeholders to discuss causes and management of political violence upon realization that youths have been abused by political parties to commit political violence. Government departments and representatives are now receptive to collaboration in convening outreach meetings where they showcase their roles in facilitating human rights provision for communities they serve.

11. Value for money

In line with best practice and the 3Es of best practice (Economy, Efficiency and Effectiveness), the Zimbabwe Human Rights NGO Forum and its consortium members have consistently endeavoured to achieve value for money in all their dealings. The dealings are not restricted to financial transactions only but as well as to the efficient use of time of all officers employed under this and all other Grants. The three quotations rule for any expenditure is consistently applied on service provision payments. There might be some acceptable service providers over time but we continually assess the market to confirm that the current service providers are still giving us value for money and not abusing our relationship and patronage. We also have managed to negotiate for 'add ons' for less from these service providers. For example, our bulletins are printed monthly and we have asked for price reduction due to constant business with the service providers. This has allowed us to deliver more bulletins and reading material to the public for less. This has also enabled us to reach more people. There was no additional investment in capital items for the period under review as most of the equipment was still functional and used to derive programme benefits. Our policies were also consistent in securing accommodation for workshops and any other

training to 3 star establishments. This was even made better by use of community halls in some provinces to both reduce costs and encourage citizen participation.