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**MINUTES OF THE JOINT MEETING THAT WAS HELD ON 20<sup>th</sup> FEBRURY, 2017  
IN THE COMMISSION'S BOARDROOM STARTING FROM 2:30PM**

**Members present**

Mr. Neal Gilmore

Commissioner Steven Nkoka

Commissioner Justin Dzonzi

Commissioner Bertha Sefu

Ms. Agness Chimbiri

Ms. J Liabunya

Mr. Clemence Alfazema

Ms. Beatrice Kumwenda

Ms. Sarai Tempelholff

Mr. Peter Chisi

Mr. Winston Mwafulirwa

Mr. E.E Lodzeni

Mr. ERC Phiri

Ms. E. Waleke

Mr. Wyclif Masoo

Ms. N. Nyirongo

Mr. Harry Migochi

Mr. Aaron Kuwenda

Mr. Frank Chisambula

Mr. David Kayuni

## **1.0 Welcome Remarks**

The meeting was Co-chaired by Neal (Senior UN Human Rights Adviser) and Commissioner Nkoka

Both Co-Chairperson welcomed all the members to the meeting that was convened specifically to review and finalise the Joint Annual Work plans (JAWP). The Chairperson informed the meeting that was long overdue especially taking into consideration the issues to be considered in this meeting. Both Chairperson advised the members to be very objective as they contribute towards the finalisation of the JAWP.

The Chairperson reminded the meeting that the development of the JAWP was as a result of the meeting which the UN agencies, Office of the Ombudsman and Ministry of Justice had at Wankulu Palace whereby the UN agencies had made commitments on programs they would support in the JAWP.

## **2.0 Adoption of the agenda**

The agenda of the meeting was adopted

## **3.0 Presentation from MHRC**

Before the presentation of the MHRC activities, Deputy Executive Secretary, Mr. Winston Mwafulirwa informed the meeting of the changes within the Commission structures. He informed the meeting that the Commission now has a new Project Manager, Mr. Frank Chisambula who would coordinate all the UN agencies program in the Commission. He further pointed out that formal Communication would follow in due course. He then took through the meeting what the Commission was expecting from the UN Agencies. He presented the 2017 JAWP with a focus on activities that were to be implemented by the Commission (the annual work plan is attached for reference)

## **4.0 Comments from the members on MHRC presentation**

The following were the reaction from the UN Agencies on the presentation made by the Deputy Executive Secretary:-

### **4.1 Activity 1.1.5**

The meeting was informed that the budget line for this activity was increased from 3,400 USD to 8,400. The increase came about as there were some international conferences that were

supposed to be funded under the same activity. However, the Commission was advised to come up with the title and names of the conferences to be funded under this activity.

#### **4.2 Activities under ATI Act**

The meeting observed that in the work plan the media was singled out as a partner to work with in the ATI Act and yet the Act shall affect different category of people. Therefore, the meeting agreed that there was need to also consider other category of people and not only the media as was the case.

The meeting was informed that the ATI Act has been asserted by the President and that meant the Commission know what is now expected from them. Furthermore, the meeting observed that by the President asserting to the Act, it meant the Commission knew what was supposed to be done and that further meant more work than expected.

The meeting therefore requested the Commission to be focused and start coming up with plans that were focussed and realistic.

#### **4.3 Establishment of the Gender Commission**

The meeting observed that the Ministry of Gender were in the process of coming up with a Gender Commission and yet the Malawi Human Rights Commission was also working on the same. The meeting advised the Commission to work with Ministry of Gender and advise as to who shall coordinate the establishment of the Gender Commission.

The UN agencies noted that the confusion that was there between Ministry of Gender and the Commission on who provide leadership on the establishment of Gender Commission may disturb the funding arrangements that were already there in support of the gender Commission.

The meeting agreed that there was need for the Commission and ministry of Gender to discuss and agree as to who takes leadership of the gender Commission.

#### **4.4 Delays in implementation of Activities**

The Commission expressed concern that the delays in the implementation of activities were sometimes due to late disbursement of funds. The Commission therefore requested the UN Agencies that once the JAWP is signed there should not be any further delays on disbursement of funds.

The UN Agencies through UNDP assured the Commission that there shall be no more delays in disbursement of funds once the JAWP is signed. However, the UN agencies also expressed their concerns that delays in disbursement were sometimes due to delays in reporting and liquidation of funds.

The meeting agreed that the Commission shall this time have modalities to make sure that reports and liquidation were submitted in good time.

## **5.0 Presentation from the Ombudsman**

The meeting was informed that the Activities for the office of the Ombudsman were straight forward as they were all derived from its mandate in the Act. However, just like the Commission, the UN agencies requested the office of the Ombudsman to list down all international forum or conferences to attend with support from UN agencies. Furthermore, the meeting requested the ombudsman to define the state party meeting the ombudsman would attend.

## **5.1 Case management system**

The ombudsman just like the Commission would like to have a case management system. The UN agencies noted the idea, however, it was agreed that the Commission, Ministry of Justice and the ombudsman needed to work together on this system.

Furthermore, the meeting observed that some of the cases that would be handled may be confidential and the system should be able to address such issues.

Mr. Harry Migochi, Director of Economic Social and Cultural Rights from the Commission and Mr Alinafe Malunga, the Planning Officer from office of the ombudsman were appointed to come up with a concept note on how these two case management system would work.

The Commission through Mr. Harry Migochi assured the meeting that the meeting with ombudsman will be held on 22<sup>nd</sup> February, 2017.

The meeting further agreed that the concept note would be ready by 27<sup>th</sup> February, 2017 and that the task force would report to the next steering committee.

## **6.0 Presentation from Ministry of Justice**

The meeting observed that in the JAWP the Covenant on Rights of Persons with Disability was not coming out clearly and yet the conversion was due for review. The meeting agreed that there was need to put a budget line for this activity.

The meeting noted that the National Action Plan on Human Rights (NAP) was not coming out clearly as to who is taking a lead in the dissemination of the report once is ready.

The meeting agreed that the Ministry of Justice - Human Rights Unit and MHRC needed to agree on the way forward.

Furthermore, the meeting expressed concerns on the delays in the finalisation of the NAP by the Government. The meeting agreed that the Ministry of Justice should come up with the road map through which the plan would be adopted by the cabinet and then disseminate.

## **7.0 Administrative costs**

The Commission expressed concern that the funds allocated under administrative costs were on the lower side as compared to the status of the vehicles. The meeting was informed that throughout last year the vehicles were not serviced and that before implementation of activities, there was need to take the vehicles for service.

The meeting was also informed that the vehicles that were there to be used for the implementation of activities had their tyres worn out and needed replacement if indeed the activities were to be implemented without challenges.

The Commission observed that the agreed amount of 3.7% was on the lower side considering the conditions of the vehicles at the moment. The Commission therefore requested for additional funds under administrative costs to accommodate servicing of vehicles.

The UN agencies noted the concerns by the Commission, however the observation was made that the administrative costs needed to be aligned with activities.

As a way forward, the meeting agreed that the Commission should put a separate case on the need for additional vehicles especially that the current vehicles were in the process of being boarded off as they have outlived their life span.

Furthermore, the meeting advised the Commission to submit to the UN their needs, so that the Commission may be assisted with fairly used vehicle, office equipment and furniture following the phasing out of projects within the Commission.

In the long run, the Commission was advised to come up with a plan on how the vehicles marked for boarding off would be replaced. The meeting pointed out that it was not possible for the UN to procure five vehicles for the Commission at once. However, an arrangement would be made to replace at least one or two vehicles in a year.

The office of the ombudsman had similar challenges on transport and requested if the UN agencies would also help their office. The meeting noted the request and agreed that just like the Commission the OoO needed to come up with their needs and submit to UNDP for consideration in the same way the Commission would be assisted.

### **8.0 Submission of reports**

The meeting expressed concerns that the Commission had challenges in reporting to development partners and that this has negatively affected the operation of the project. The meeting therefore advised the Commission put its house in order especially when it comes to entry point of the project, there is need for the Commission to own the projects and not specific directorate as is the case now.

The Commission was advised to put up systems and mechanisms where follow up and feedback on reports shall be done without challenges. The need to enhance internal structures were also pointed out as one area which the Commission needed to work on for smooth operations of the project.

The Commission was advised to submit the 2016 reports both financial and narrative which up to the date of the meeting were not submitted especially the UNFPA reports.

### **9.0 Expectation from the Commission**

The meeting expected the Commission to work on the draft JAWP take on board all the comments raised and submit a revised plan for signing. Furthermore, the meeting was expecting the Commission to come up with special request on the vehicles, office equipment and furniture for the UN agencies consideration.

The Commission was expected to work on its internal structure so that there was only one entry point for all the UN agencies program for easy coordination and follow up on project reports and or other issues.

The meeting agreed that the revised work plan be submitted to the UNDP by Wednesday 22<sup>nd</sup> February, 2017 ready to be signed any day in the week starting from 27<sup>th</sup> February, 2017.

#### **10.0 AOB**

The meeting informed all the beneficiary institutions that good reporting would also help in funding on administrative costs. Therefore, the institutions were advised to timely submit both financial and narrative reports

#### **11.0 Closing remarks**

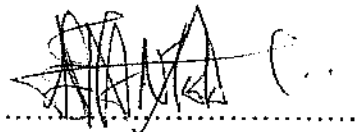
The Co-Chairpersons thanked the members for their contributions, they both advised the beneficiary institutions to quickly work on the areas that were highlighted in the meeting so that the work plan was signed within the next week.

Both the Chairpersons indicated that it was in the interest of the UN agencies that there shall be no any further delays in disbursement of funds. However, the challenge has been compliance with rules and regulations which in most cases the beneficiary institution had not been adhering to and also the logistical challenges within the banking systems.

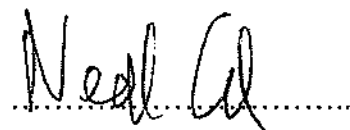
The Co-Chairperson assured the meeting that this time around it was hopeful that such challenges would be reduced.

#### **12.0 Date of the next meeting**

The meeting agreed that the date of the next meeting would be communicated later



Com. Steven Nkoka  
**CHAIRPERSON**



Neal Gilmore  
**CO-CHAIRPERSON**