



Country: Eswatini

Initiation Plan

Project Title: Strengthening Rule of Law and Restoring Peace in Eswatini

Expected UNSDCF Outcome:

Outcome 3: Accountable Governance, Justice and Human Rights

Output 3.1 The capacity of civil society organizations, oversight bodies and government at national and regional levels is strengthened for good governance and human rights.

Output 3.2 The capacity of rights-holders, particularly women, children and other vulnerable groups, to participate in decision-making processes, claim their rights, access justice and seek redress is strengthened.

Expected CPD Output(s): Output 2.4: Capacities of key rule of law institutions at national and regional levels (tinkhundla) strengthened for transparency, ease of doing business and equal access to justice

Initiation Plan Start/End Dates: 29 September 2021- 31 October 2022

Implementing Partner: Ministry of Justice and Constitutional Affairs

BRIEF PROJECT DESCRIPTION

The kingdom of Eswatini continues to be faced with a fiscal crisis, high levels of unemployment, rising poverty and inequality and this situation has been further amplified by the Covid- 19 pandemic and a recent political unrest emanating from calls for democracy by the citizens.

The civil unrest has highlighted long standing underlying governance issues, that have also been articulated in previous country assessments. Indeed, Governance is one of two key priority pillars of the new Country Programme Document (2021-2025) with a special focus on ensuring systems and core institutions for governance are strengthened and that institutions have the capacity to deliver rule of law, justice, security and basic services to those at risk of being left behind.

Given the complexity of the situation and the uniqueness of country context, there is need for innovative solutions to mitigate the impact of these challenges and, to find sustainable solutions to address these multi-dimensional developmental challenges and governance issues.

The project will include short term activities aimed at ensuring protection of human rights which project include documenting and engaging government on findings on the ground and opening space for dialogue. Additionally, some of the activities will be the backdrop for the medium and long-term interventions. All the activities will build on each other and on the CO's governance portfolio prior and current engagements to ensure sustainability.

Programme Period: 2021-2022

Atlas Project Number: 00135934

Atlas Output ID: 00126640

Gender Marker: 002

Total resources required \$250,000

Total allocated resources: \$250,000

- Regular
- Other:
 - Donor: Swedish International Development Agency
 - Government Sweden

Unfunded budget: None

In-kind Contributions None

Agreed by UNDP:



1. BACKGROUND AND PURPOSE:

The kingdom of Eswatini continues to be faced with a fiscal crisis, high levels of unemployment, rising poverty and inequality and this situation has been further amplified by the Covid-19 pandemic and a recent political unrest emanating from calls for democracy by the citizens.

The current laws and application, whether in the legal framework or at the enforcement level, limit the enjoyment of several rights including political participation and restricts the civic space. There is limited space to voice grievances and a lack of redress mechanisms in Eswatini, which hinders access to justice. Moreover, the country has a limited capacity to ensure/support adequate justice response. At the same time, there is limited awareness of human rights by both the government and the population, and longstanding history of suppression of dissenting voices, which reflects a dire need for a dedicated engagement on sensitization. As such, there is a need for interventions that seek to empower the citizens to know and claim their rights. Support to security forces to comply with human rights is extremely limited. Similarly, oversight bodies have limited capacity to perform their roles effectively and response to these gaps is often limited and ad hoc.

The civil unrest has highlighted long standing underlying governance issues, that have also been articulated in previous country assessments. Indeed, Governance is one of two key priority pillars of the new Country Programme Document (2021-2025) with a special focus on ensuring systems and core institutions for governance are strengthened and that institutions have the capacity to deliver rule of law, justice, security and basic services to those at risk of being left behind.

The current circumstances present a unique opportunity for a stronger engagement on good governance and rule of law that is based on solid human rights dimension. The implementation of the activities planned in this project will likely attract additional resources that can support the CPD commitment for at least 2-3 years. The established work and partnerships will create more avenues for engagement in future as the seed funding will kick start some activities and open space for new ones.

PURPOSE:

Through this PIP the UNDP country office under the governance Pillar seeks to implement a number of activities that will facilitate peace and enhance the rule of law. These will include short- and medium-term activities that will build on each other to contribute to the planned outputs in the project and also in the UNSDF and CPD outputs. Under the UNSDCF Outcome 3 which focuses on Accountable Governance, Justice and Human Rights, the key outputs that this project will contribute to are output 3.1 and 3.2.

Output 3.1 The capacity of civil society organizations, oversight bodies and government at national and regional levels is strengthened for good governance and human rights.

Output 3.2 The capacity of rights-holders, particularly women, children and other vulnerable groups, to participate in decision-making processes, claim their rights, access justice and seek redress is strengthened.

Under the CPD 2021-2025 the project will contribute to Output 2.4 which speaks to strengthening the capacities of key rule of law institutions at national and regional levels (tinkhundla) for transparency, ease of doing business and equal access to justice.

Through these funds the CO will support the implementation of short-term activities aimed at ensuring protection of human rights which include documenting and engaging government on findings on the ground and opening space for dialogue. These funds will also provide seed funding for a development investment for medium and long-term purposes. All the activities will build on each other and on the CO's governance portfolio prior and current engagements to ensure sustainability. The activities under the rule of law interventions and the recovery work will be complementary to ensure relevance of rule of law support for the overall recovery of the country.

2. PROJECT OUTPUTS

Output 1. Immediate support to the Human Rights Commission and Public Administration to provide protection and promotion of human rights, in the aftermath of the civil unrest.

Under this output, the focus will be on supporting the Human Rights Commission and Public Administration (CHRP) to perform its mandate, which includes inter alia monitoring, investigating and holding to account those involved in human rights violations and abuses. The project will enable the Commission to monitor, investigate and document the human rights violations that took place during the crisis in June 2021 through providing technical guidance, reinforcing the Commission with a necessary human and financial resource capacities to collect information and perform the monitoring role at community level and detention centers, as well as through necessary trainings on specific techniques. It is expected that the immediate support provided to the Commission on investigating and documenting the human rights violations might assist the government in holding the perpetrators accountable and help to build the capacity and experience of HRC in this area in a longer term.

In addition, given that the allegations are pointing to excessive use of force by the security forces (both military and police), it is integral that there are efforts invested in providing a human rights orientation and training to the security forces. The project envisages to support the Commission through a technical expertise in conducting necessary human rights sensitization for the security forces to hinder any future use of excessive force, thus preventing unnecessary deaths and injuries. Additionally, it will ensure that these forces have the basic knowledge of rights and government's obligations emanating from the key human rights treaties. Access to police is expected to be unhindered, but advocacy will be required to access military forces, who were also engaged in the violence during the June crisis.

The activities under this output:

Activity 1. Supporting CHRP to monitor, investigate and document the human rights violations that took place in the aftermath of the June crisis including hindrance of access to justice and incidences of sexual violence during this period.

Activity 2. Supporting CHRP to upgrade its website and social media platforms to incorporate electronic/ digital platforms for information gathering and reporting of incidents of human rights violations at community level.

Activity 3. Supporting CHRP and the Ministry of Justice in facilitating trainings on Human Rights for security forces. These trainings will also have a specific component that speaks to gender issues.

Activity 4. After the data collection phase (that is gender-aggregated data as much as possible), supporting the CHRP to draft and disseminate a final report with recommendations to government and key stakeholders. Additionally, support strategic activities that seek to facilitate redress, dialogue, and meaningful participation at community particularly for the youth and women who are the most affected and disadvantaged.

Activity 5. Integrate the outcome of the documentation of the cases that experienced human rights violations with the rapid assessment of the socio-economic impact.

Output 2: *Support the communities and the relevant state authorities to ensure the needed legal empowerment to claim people's rights, including on access to justice, have their voice heard and demand reform.*

The recent crisis also resulted from a longstanding wide divide between the duty bearers and rights holders and a lack of understanding of their respective obligations and rights. Given the government's latest position, there has been a very minimal room for dialogue at the strategic and political levels. The power lies in the communities engaging their Parliamentarians at the lower level. To ensure that these engagements are meaningful, there is a need for legal empowerment of the citizens especially given the next elections are scheduled for the year 2023.

The project will aspire to provide a platform for the engagement of the community with the government through establishment of **legal empowerment hubs**, through which both government officials and the members of the community especially women and the youth who are often the most disadvantaged will better understand the rights communicate the needed reforms human rights reforms. They will be equipped with the necessary tools and support to claim these rights where the need arises. Additionally, the government will get closer to the community on justice issues, and further learn about the relevance, need and criticality of legal aid services.

Through the Law Society, Ministry of Justice and Constitutional Affairs, Ministry of Tinkhundla, development and Administration (local government), and other key role players in the rule of law and human rights, UNDP will support the engagement and training of legal personnel to run the hubs at regional level for at least one year. Given the high levels of unemployment especially of legal professionals, the program would engage lawyers from each of the four regions of Eswatini to offer education, possibly facilitate the community conversations, offer basic para-legal services and these would be entry points for several other interventions including introduction of legal aid services which currently do not exist in the country. This would be a pilot project, and it is anticipated that would be then absorbed

by the Ministry of Justice as the key entity that is driving the adoption of the legal aid policy and enactment of the Legal Aid Bill.

As a pilot project starting with the Law Society to provide personnel, it will assist in bridging the gap between the Law Society and the Ministry of Justice in supporting establishing legal aid services. Establishing such hubs will accelerate the enactment of the bill and offer more legal practitioners to engage in free services which will in return contribute significantly for stabilization and structured demand for reform. The education and access to information would greatly influence the women and the youth to effectively engage on all key issues affecting them including demanding their human rights good governance and more effective service delivery.

The key activities under this output:

Activity 1. Advocacy towards key stakeholders to own the concept and support its implementation

Activity 2. Setting up of legal empowerment hubs at regional level- working equipment

Activity 3. Support gender balanced recruitment and training of personnel for regional hubs.

Activity 4. Establishment of digital platforms for information capturing and dissemination to navigate the Covid-19 limitations and effectively engage the youth.

Activity 5. Training of communities and relevant authorities and stakeholders of basic human rights and meaningful participation to ensure they can claim their Constitutional rights and be better informed for the next election process.

3. MANAGEMENT ARRANGEMENTS

The project will be implemented under the Effective Governance Portfolio within UNDP, in collaboration with the Sustainable Inclusive Growth Portfolio and the Accelerator Lab. The Project will also benefit from its alignment to the UNSDCF, aligning to the existing UN programmes under the Delivering as One and collaborated activities with OHCHR, UNICEF and UNFPA. The common chapter frameworks will offer cost effective measures to leverage in implementing the activities with minimal costs. The Accelerator Lab will support innovative solutions generation and testing while the UN Agencies will support implementation, capacity building and scaling up of the interventions.

- Project Implementation will be mainly through direct implementation modality given the partner capacity on the ground. However, it is expected that UN agencies agreements will be utilized in the delivery of the project.
- Quality assurance will be provided through supervision and weekly reporting under the effective governance Portfolio.
- UNDP will undertake joint operations especially – monitoring and procurement with other partners, at the request of the national partners, to improve the cost effectiveness of project.

4. MONITORING

The monitoring functions will be fulfilled by UNDP Eswatini's PiP management and implementation team following UNDP regular monitoring procedures.

- The Resident Representative/ Deputy Representative will oversee to provide quality assurance and ensure that the activities to ensure that the objectives and goals set in the PIP are met.
- Progress reports will be prepared, and inputs into UNDP Eswatini's ROAR will be provided in line with UNDP Programme and Project Management Policy and in accordance to the guidance provided regarding the reporting modalities of these funds.
- There will be a deliberate collaboration with all partners including UN agencies supporting the implementation of the activities.
- A light M&E Framework will be developed, including a system for monitoring the implementation and results. The M&E system will establish baselines and monitor progress against the set indicators in the RRF, collect lessons learnt and provide the basis for adjusting programming.

5. SUMMARY OF KEY OUTPUTS AND ACTIVITIES

Output 1. *Immediate support to the Human Rights Commission and Public Administration to provide protection and promotion of human rights, in the aftermath of the civil unrest.*

Activity 1. Supporting CHRPA to monitor, investigate and document the human rights violations that took place in the aftermath of the June crisis including hindrance of access to justice and incidences of sexual violence during this period.

Activity 2. Supporting CHRPA to upgrade its website and social medial platforms to incorporate electronic/ digital platforms for information gathering and reporting of incidents of human rights violations at community level.

Activity 3. Supporting CHRPA and the Ministry of Justice in facilitating trainings on Human Rights for security forces. These trainings will also have a specific component that speaks to gender issues.

Activity 4. After the data collection phase (that is gender-aggregated data as much as possible), supporting the CHRPA to draft and disseminate a final report with recommendations to government and key stakeholders. Additionally, support strategic activities that seek to facilitate redress, dialogue, and meaningful participation at community particularly for the youth and women who are the most affected and disadvantaged.

Activity 5. Integrate the outcome of the documentation of the cases that experienced human rights violations with the rapid assessment of the socio-economic impact.

INITIATION PLAN- ANNUAL WORK PLAN

6. SUMMARY OF KEY OUTPUTS AND ACTIVITIES : PERIOD: 2021 - 2022

Output 1. *Immediate support to the Human Rights Commission and Public Administration to provide protection and promotion of human rights, in the aftermath of the civil unrest.*

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Activity 5. Integrate the outcome of the documentation of the cases that experienced human rights violations with the rapid assessment of the socio-economic impact.

Output 2: *Support the communities and the relevant state authorities to ensure the needed legal empowerment to claim people's rights, including on access to justice, have their voice heard and demand reform.*

Activity 1. Advocacy towards key stakeholders to own the concept and support its implementation

Activity 2. Setting up of legal empowerment hubs at regional level

Activity 3. Support recruitment and training of personnel (gender balanced) at these regional hubs

Activity 4. Establishment of digital platforms for information capturing and dissemination to navigate the Covid-19 limitations and effectively engage youth.

Activity 5. Training of communities and relevant authorities and stakeholders of basic human rights and meaningful participation to ensure they can claim their Constitutional rights and be better informed for the next election process.

EXPECTED OUTPUTS <i>And baseline, indicators including annual targets</i>	PLANNED ACTIVITIES <i>List activity results and associated actions</i>	TIMEFRAME				PLANNED BUDGET			
		FY21	FY 22			Responsible party	Funding Source	Budget Description	Amount
			Q4	Q1	Q2				

<p>Output 1</p> <p>Immediate support to the Human Rights Commission and Public Administration to provide protection and promotion of human rights, in the aftermath of the civil unrest</p> <p>Baseline: 0</p> <p>Indicators:</p> <p># of cases documented,</p> <p># of detainees legal needs documents</p> <p>1 public report on the violations occurred</p> <p># of cases of investigation initiated</p>	<p>Activity Result:</p> <p><i>Comprehensive gender disaggregated documentation of the human rights situation including issues of access to justice and incidences of sexual violence during the unrest period</i></p> <p>- Recruitment of national consultants to supplement existing capacities in CHRPA for effective timely and quality monitoring and documentation activities</p> <p>- Provide working tools and equipment for the monitoring, documentation, and investigation</p> <p>- Conduct training sessions and workshops for CHRPA and research assistants to develop and implement the plan for the assignment.</p> <p>- Recruitment of consultant to support with quality assurance review of the delivered reports, final public report/documentation</p> <p>- dissemination and publication of a final report documenting the cases of deaths, legal needs of the incarcerated, women and youth experienced violence.</p>	<p>X</p>	<p>X</p>	<p>X</p>	<p>UNDP/CHRP/HR/HR/HR/UNICEF</p>	<p>UNDP</p>	<p>Fees for the additional resource persons to conduct the monitoring and documentation</p> <p>National Consultant to quality review the report</p> <p>Support Personnel for Commission - 71300</p> <p>IT Equipment (laptops) - 72400</p> <p>Transport and fuel for the monitors - 71600</p> <p>Workshops (DSA, venue, catering) for training the monitors - 75700</p> <p>Cellphone Data costs - 72440</p> <p>Printing and dissemination of report - 74200</p>	<p>\$10 000</p> <p>\$3 000</p> <p>\$3 500</p> <p>\$3 000</p> <p>\$3 500</p> <p>\$500</p> <p>\$1 500</p>
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EXPECTED OUTPUTS And baseline, indicators including annual targets	PLANNED ACTIVITIES List activity results and associated actions	TIMEFRAME				PLANNED BUDGET			
		FY21 Q4	FY 22			Responsible party	Funding Source	Budget Description	Amount
			Q1	Q2	Q3				
<p>Related CP outcome: Outcome 2</p> <p>Baseline; no platforms available</p> <p>Status of digital platforms</p> <p># of regions supported with ICT equipment</p> <p>#IEC materials developed</p> <p># of trainings conducted</p>	<p>2. Activity Result: Upgrade and Facilitate electronic/ digital platforms¹ for information gathering and reporting of incidents of human rights violations and Corruption at community level</p> <p>- Design of the required platforms and development of technical specifications</p> <p>- Procurement of relevant ICT support equipment</p> <p>- Outreach activities to disseminate the use of the digital solutions.</p>	X	X	X			<p>Contractual Services-IT expert/ Company- 72100</p> <p>Communication campaign (Launch of the digital solution event, journalists training, civil society and youth training sessions - 75700</p> <p>Advertisements/IEC materials (brochures, TV meetings, radio adverts, billboard adverts etc)- 74200</p>	<p>\$ 15 000</p> <p>\$12 000</p> <p>\$5 000</p>	
					RSTP/Council of Churches/ACC/CHRPA	UNDP			

¹ UNDP developed the website for CHRPA and will navigate option of developing an app that is linked to the same online platform

while maintaining the confidentiality of the provided notifications. UNDP has also supported NDMA in developing PHEPHA app, which is a key app to receive incidents reports, another option is to consider linking with this app use for sustainability purposes.

EXPECTED OUTPUTS And baseline, indicators including annual targets	PLANNED ACTIVITIES List activity results and associated actions	TIMEFRAME				PLANNED BUDGET			
		FY21 Q4	FY 22			Responsible party	Funding Source	Budget Description	Amount
			Q1	Q2	Q3				
Learning needs assessment report	3. Activity Result: Support the Commission and the Ministry of Justice in facilitating trainings on Human Rights for security forces with dedicated sessions on gender.						International Consultant (fees, DSA) – 71200	\$15 000	
# of status of training manual	- Learning needs' assessment for police and military.				UNDP/ MoJCA/		Workshop venues – (training of 20 trainers, then the trainers to conduct the needed trainings -75700	\$18 000	
# of trainings conducted	- Development of training manual for the trainings.				UNDP/ OHCHR		Transport Costs for security personnel- 71600	\$1 500	
%/# of officers Trained	- Technical Support to CHRPA and MoJCA to deliver trainings - Consultant	X	X	X	CHRPA/ DPMO- Gender Unit		Communication to ensure visibility of the training to the public Costs - 74200	\$3 000	
Target 35%	- of training sessions for the security forces. - Produce a report on lessons learned and recommendations for key priorities								

EXPECTED OUTPUTS	PLANNED ACTIVITIES	TIMEFRAME				PLANNED BUDGET			
		FY21	FY 22			Responsible party	Funding Source	Budget Description	Amount
			Q4	Q1	Q2				
<p><i>List activity results and associated actions</i></p> <p>4. Activity Result: <i>Post the data collection phase, support strategic activities that seek to facilitate redress, dialogue, and meaningful participation at community particularly for the youth and women who are the most affected and disadvantaged</i></p> <p>- workshop with NDMA and MEPD to update the socio-economic rapid assessment and CRNA with the collected data.</p> <p>- regional and national seminars to discuss the outcome of the data collection.</p> <p>- Conduct workshops with Ministry of Justice and other key stakeholders to agree and develop an action plan to address the findings and the required redress.</p> <p>-conduct rounds of dialogues with the youth and communities</p> <p>- development of communication materials and apply innovative communication strategies at various forums.</p>			X	X					
<p>And baseline, indicators including annual targets</p> <p>#of advocacy dialogues held</p> <p>#of seminars convened</p> <p># of workshops with stakeholders conducted</p> <p>Status of action/activity plan to address issues documented</p> <p>#of IEC materials developed and disseminated</p>					MOJCA/NDMA/ MEPD/ MTAD	UNDP	<p>Working session with MEPD and NDMA on the rapid assessment, roundtable dialogues with the youth, CSOs, communities to validate the input to the rapid assessment,</p> <p>Workshops with MOJCA and other key stakeholders to reflect on the findings and develop action plan</p> <p>Workshop Costs -75700</p>	\$8 500	

EXPECTED OUTPUTS And baseline, indicators including annual targets	PLANNED ACTIVITIES <i>List activity results and associated actions</i>	TIMEFRAME					PLANNED BUDGET		
		FY21 Q4	FY 22			Responsible party	Funding Source	Budget Description	Amount
			Q1	Q2	Q3				
Output 2 support the communities with the needed legal empowerment to claim their rights, have their voice heard and demand reform	1. Activity Result: <i>Advocacy towards key stakeholders to own the concept and support its implementation</i> - workshops on legal empowerment concept, identifying locations and development of an action plan with the required resources.	X	X	X	UNDP/ LAW SOCIETY /MOCIA MTAD	UNDP	Workshops - 75700 Transport Costs - 71600	\$2 500	
Baseline: 0 Indicators: # of human rights issues escalated from the legal empowerment hubs to influence policy Targets: 4 Related CP outcome: Outcome 2	2. Activity Result: Setting up of legal empowerment hubs at regional level - furnishing the identified location and provide the needed equipment. - recruitment and training of 16 personnel - Setting up of digital platforms for information capturing and dissemination to navigate the Covid-19 limitations and effectively engage the youth	X	X	X	UNDP/LAW SOCIETY / COUNCIL OF CHURCHES/ CANGO		16 Personnel costs to run the hubs - 71400 Training sessions the hired personnel/ workshops - 75700 ICT equipment 72400	\$21 400 \$3 000 \$10 000	

EXPECTED OUTPUTS <i>And baseline, indicators including annual targets</i>	PLANNED ACTIVITIES <i>List activity results and associated actions</i>	TIMEFRAME				PLANNED BUDGET			
		FY21 Q4	FY 22			Responsible party	Funding Source	Budget Description	Amount
			Q1	Q2	Q3				
# of thematic areas that are collected from the hubs and tabulated by key stakeholders for policy reform and budgeting #of community members reached	<p>3. Activity Result: Training of Communities and key stakeholders and authorities of basic human rights and meaningful participation to ensure they can claim their Constitutional rights and be better informed for the next election process.</p> <ul style="list-style-type: none"> - development of outreach and learning plans and strategies. - delivery of training sessions and community engagement events. - dedicated sessions for women. 	X				UNDP/ LAW SOCIETY/ COUNCIL OF CHURCHES /MTAD/Gender Unit	UNDP	Various forms of training the communities: workshops, seminars, dialogues, virtual meetings, - 75700	\$21 000

EXPECTED OUTPUTS <i>And baseline, indicators including annual targets</i>	PLANNED ACTIVITIES <i>List activity results and associated actions</i>	TIMEFRAME					PLANNED BUDGET		
		FY21 Q4	FY 22			Responsible party	Funding Source	Budget Description	Amount
			Q1	Q2	Q3				
Target- 50% of community members in pilot communities	<p>4. Activity Result: Increased visibility and communication</p> <ul style="list-style-type: none"> - round table discussions with Chiefs & RAs -development of communication materials. - delivery of periodic reports and analysis of data collected. - engagement with UNESWA's IT students to assist with visualization the data with relevant data analytics tools. 	X	X	X		UNDP/UNISWA /LAW SOCIETY /MTAD	UNDP	Communication and outreach campaign with all needed visibility materials	\$16 500
	Project management, reporting and monitoring personnel	X	X	X		UNDP	UNDP	personnel	\$34 968.33
	Sub Total								\$212 368.33
	Direct Project Costing (DPC)								\$19 113.15
									\$18 518.52
TOTAL									\$250 000.