

Sida's Support to the Eastern and Southern African Regional Office of UNICEF

**Mainstreaming a Rights Based Approach to
Safeguard the Rights of Children
Orphaned by HIV/AIDS**

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Department for Africa

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Department for Africa

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Table of Contents

Executive Summary	3
1 Introduction	6
2 Background and Rationale	6
Objectives of the Project.....	6
What is a Rights-Based Approach to Programming?	8
An Evolving Child Rights Context	10
3 Methodology	11
Tasks and Responsibilities.....	11
Questions to be Addressed.....	12
Methodology Adopted.....	12
4 Findings	14
Relevance	14
Effectiveness	15
Efficiency	17
Sustainability.....	19
Mainstreaming Cross-cutting Issues	20
5 Conclusions & Recommendations	22
General Assessment	22
Recommendations	22
6 Lessons Learned	24
UNICEF	24
Sida Regional HIV/AIDS Team.....	25
Annex I – Acronyms.....	26
Annex II – Interviewing Guides.....	27
Key Questions – Implementing Partners.....	27
Key Questions for Government.....	28
Key Questions – UNICEF Regional Office Staff	28
Key Questions for Donor.....	30
Annex III – Persons Interviewed.....	31
Annex IV – Terms of Reference	34

Executive Summary

Overview

The Eastern and Southern African Regional Office (ESARO) of UNICEF received financial support from Sida in the period 2002–2005 to mainstream a rights based approach into child protection work to safeguard the rights of children orphaned and made vulnerable by HIV/AIDS. The co-operation aimed at strengthening the capacity of UNICEF at regional and country levels (in Tanzania, Zambia, Botswana and Zimbabwe) to apply the rights based approach in child protection programming. UNICEF was to support development of legislation, policies, and improved monitoring, with a focus on capacity development and improved co-ordination at regional, national and local level. The overall goals were to:

- Strengthen UNICEF ESARO's capacity to respond to the situation of children orphaned and made vulnerable by HIV and AIDS with programming that is human rights based,
- Improve the situation of children orphaned as a result of the HIV and AIDS pandemic in Botswana, Tanzania, Zambia and Zimbabwe and
- Contribute to the global learning and guidance on human rights based programming in general and specifically in programming for children orphaned and made vulnerable by HIV and AIDS.

Findings

Relevance

The rapidly evolving child rights scenario proved to be a challenge to the process of implementing the project as designed. One of the major strengths of the project, however, has been its flexibility in allowing countries to respond to the national context, and also enabling the regional office to clarify its priority focus on the policy arena rather than on service delivery. Design flexibility proved highly appropriate as policy and strategies were evolving with growing understanding of how best to promote child rights and address the issues of OVCs. Sida funds were able to be utilized selectively to support innovations and experimentation.

The lack of structured planning for the implementation of the objectives allowed for flexibility for each country to address its specific context, although ESARO missed the opportunity to set standards to guide the mainstreaming of HRBAP and implementation of the proposal objectives. Overall, however, the project was relevant at country and regional levels. While there were gaps in certain aspects of implementation, UNICEF was fully engaged in addressing a current crisis in abuse of child rights, and using the Sida funds to find the best ways to respond to it.

Effectiveness

UNICEF was effective in bringing stakeholders together in the forging of national policies and strategies related to OVCs within a rights-based approach. Notable progress in this regard was seen in Zambia and Zimbabwe. The weakest aspect in effectiveness was at the regional level: gaps were noted in knowledge sharing and learning, as well as communication and coordination linkages between ESARO and the country offices. In general terms, however, Sida funds were utilized effectively to catalyze a rights-based programming framework for OVCs.

The project could have benefited from collective planning or capacity building, involving the four countries, on how to achieve project objectives and formulate key tools. Best practices documentation/ dissemination and experience sharing across the participating countries were not implemented at a scale that could generate substantial learning.

Efficiency

The programme has been fairly efficient in translating the planned programme into activities. However, efficiency at the national level varied depending on the understanding of HRBAP, commitment of country-level leadership and national political will. In Zambia and Zimbabwe, stakeholders have been well mobilized, though some activities may not be appropriate to the objectives. In Botswana there are anomalies in the UNICEF and Government definitions of “child”, “orphan” and “vulnerable child”. In Tanzania, government coordination of its different arms dealing with children’s issues was weak, indicating that UNICEF did not have the catalytic effect intended for scaling up the approaches within public services.

In all the countries UNICEF has facilitated dialogue between CSOs and Government. Partners did have concerns with the delays in fund disbursement from UNICEF, which had a significant impact on the delivery of programmes.

UNICEF has spent substantive time and resources to meaningfully engage stakeholders such as the AU Commission, as well as CSOs, on child rights issues. However, regional level activities are not well reflected at the national level. UNICEF’s regional-to-national presence could be used more strategically to accelerate the policy integration capacities of these institutions.

Sustainability

All participating countries and ESARO focused attention on policy formulation, which should be a major factor for sustainability. In Zambia and Zimbabwe policies have been developed to address child rights and youth rights. In Tanzania and Botswana policies have been formulated, and are being debated by the government, but UNICEF could have been more rigorous in these countries to encourage acceleration of policy formulation.

Sustainability is affected by the understanding of HRBAP, commitment of UNICEF’s country-level leadership, and political will at the national level. Strong leadership shown by UNICEF in Zimbabwe and Zambia has been a major factor in the success of initiatives in those countries. Capacity building at the national level, however, is not sufficiently commensurate with policy development, and this is likely to have an impact on implementation of policies.

Mainstreaming cross-cutting issues

Implementing the CRC and CEDAW conventions has been a key focus of UNICEF activities. A concerted effort has been made to ensure that activities are cognisant of issues impacting women and girls. The OVC and child situation analysis has been disaggregated by gender and the responses take into consideration the special needs of girls. Effort has also been made to identify marginalised populations.

Partnering between government and CSOs in all four countries has been a key mechanism for mainstreaming cross-cutting issues. Similarly, the establishment of local level multi-stakeholder structures, particularly in Tanzania and Zimbabwe, is an indication of broad-based commitment to, and participation in, efforts to address OVC/MVCs and child rights, and therefore a positive outcome of the UNICEF-Sida support. There is a question concerning the sustainability of the Tanzania MVC Committees.

Conclusions & Recommendations

General assessment

Performance of individual countries was assessed by the evaluation team as being generally satisfactory. The regional focus however, is relatively weak. Overall, however, the evaluators were satisfied that the project was relevant and effective at both the country and regional levels. The Sida funds were employed strategically to find the best ways to respond to the crisis. Nonetheless, there are clearly some areas where weaknesses will need to be addressed.

Recommendations

- i) The rights based approach to programming is relevant and it is in the interests of the children that it is promoted and mainstreamed in all programmes affecting them.
- ii) UNICEF should promote the RBA as a culture applicable to any project activity, rather than as a programme distinctly different from application of human rights instruments.
- iii) UNICEF should promote all the rights of children rather than focus on mitigation and protection against abuse
- iv) Promoting social protection will also enable UNICEF to promote all the rights of children, and create an enabling environment that would ideally help reduce the focus on mitigation and protection against abuse.
- v) Multi-country programmes should demand that participating countries commit to regional level monitoring and experience sharing to enable better coordination and documentation of multi-country efforts.
- vi) UNICEF ESARO should strengthen promotion of the African Charter on the Rights and Welfare of the Child (ACRWC) & work to influence African regional human rights bodies.
- vii) UNICEF should consult with the Regional Inter-agency Task Team on Vulnerable Children (RIATT), for which UNICEF is the coordinating body, to determine its niche in the regional context
- viii) There is need for monitoring and evaluation tools to be defined to assist in the self evaluation of the extent to which the HRBAP is truly embraced

1 Introduction

The Eastern and Southern African Regional Office (ESARO) of UNICEF has been implementing an initiative to mainstream a rights based approach in child protection for children orphaned and made vulnerable by HIV and AIDS. The project has been funded by Sida, and aimed at developing guidelines and best practices for furthering similar work on child protection for the future, strengthening the capacity of UNICEF in this area at both regional and country level and strengthening programming directly for AIDS orphans in Tanzania, Zambia, Botswana and Zimbabwe. UNICEF was to support development of relevant legislation and policies, and improved monitoring.

The Nottawasaga Institute was engaged by ESARO to undertake an end-of-period evaluation to document achievements resulting from the co-operation. The evaluation also makes recommendations to inform future possible support to ESARO to improve performance, contribute to learning and inform the development of future strategy at Regional and Country levels.

The following report has been prepared by the Nottawasaga Institute (NI), a Nairobi-based consulting firm specializing in institutional capacity development, particularly in the context of organizations dealing with HIV/AIDS, governance, partnership building and related issues.

2 Background and Rationale

Objectives of the Project

The Eastern and Southern African Regional Office (ESARO) of UNICEF received financial support from Sida in the period 2002–2005. The aim of the co-operation was to *mainstream* a rights based approach into child protection work to safeguard the rights of children orphaned and made vulnerable by HIV and AIDS. The support period was anticipated to bring about guidelines and best practices for furthering similar work on child protection for the future. The co-operation aimed at strengthening the capacity of UNICEF in this area at both regional and country levels to apply the rights based approach in child protection programming. In addition it aimed at strengthening programming directly for AIDS Orphans in the countries of Tanzania, Zambia, Botswana and Zimbabwe. Each UNICEF office in the four countries aimed at working with key stakeholders with a major partner in the government. UNICEF was to support development of relevant legislation and policies, and improved monitoring. The focus was to be on capacity development and improved co-ordination at regional, national and local level. The overall goals for the co-operation period have been to:

- Strengthen UNICEF ESARO's capacity to respond to the situation of children orphaned and made vulnerable by HIV and AIDS with programming that is human rights based,
- Improve the situation of children orphaned as a result of the HIV and AIDS pandemic in Botswana, Tanzania, Zambia and Zimbabwe and
- Contribute to the global learning and guidance on human rights based programming in general and specifically in programming for children orphaned and made vulnerable by HIV and AIDS.

Objectives to have been achieved with the Sida support to UNICEF 2002–2005

ESARO objectives:

- To co-ordinate and support the national sub-projects.
- To develop a strategy based on learning from the country level operations.
- Document best practices and intervention policies based on learning from the country level operations.

Botswana: the overall objective was “to reduce the psychological and economic impact of HIV/AIDS on 60% of all children affected by HIV/AIDS including orphans by 2005.”

Specific objectives were:

- to provide at least 60% of orphans with psychological counselling in order to realize their rights to growth and development,
- to provide access to community play grounds and group support systems in at least 80% of all communities,
- to improve household and community support to at least 60% of orphans and children affected by HIV/AIDS, to minimize discrimination against them
- To reduce the number of child headed households by at least 60%.

Tanzania: the overall objective was “to strengthen the capacity of families and communities to ensure the rights of orphans and other vulnerable children affected by HIV/AIDS and or related issues are respected and protected.”

Specific objectives were to:

- increase and strengthen families caring capacities through community-based mechanisms and enhancing their capacities to respond to the psychological needs of orphans and other vulnerable children and their caretakers,
- improve economic coping capacities and livelihood opportunities of families and communities of the affected children and young people,
- increase learning opportunities for orphans and other vulnerable children through formal and non-formal education,
- improve access to quality basic social services (education, health, justice and welfare, care) for orphans and other vulnerable children
- Increase focus on issues related to vulnerability of children to reduce stigmatization and discrimination.

Zambia: the overall objective was “to support government efforts in the progressive realization of the right of children and women to protection from all forms of neglect and abuse, particularly for those whose circumstances have rendered them more vulnerable. Orphans and vulnerable children are integral to this programme.”

Zimbabwe: the overall objective was “to contribute to the overall physical, emotional and psychological well being of children affected by HIV/AIDS.”

Specific objectives were to:

- Increase access to health care, proper sanitation facilities and early childhood education and care for development for orphans,

- Contribute to the reduction of child abuse (sexual and economic) and ensure participation in psycho-social counselling and life skills training for all orphans and vulnerable children in high priority districts.

The project proposal submitted by UNICEF to Sida demonstrated the existence of a guideline for HRBAP in the Executive Directive of 1998 and in the Project Policy and Procedures documents. The section below provides a synopsis of the principles articulated primarily in these documents.

What is a Rights-Based Approach to Programming?

The evaluators have drawn the understanding of the HRBAP for the four UNICEF Country Offices from the information in the literature and other materials that form part of the UNICEF policy documents.

UNICEF New York had issued an Executive Directive (EX-DIR) in 1998 on the HRBAP, which, the different regions were attempting to implement based on their individual national contexts, and interpretation of this directive. The period between 1998 and 2005 also served as a period for key consultations within the United Nation's family on the understanding of the HRBAP. At the beginning of the Sida programme, while the Executive Directive and the PPP provided guidelines for the implementation of the HRBAP the debate was on-going in the larger UN family, and following the call for "One UN", the discussions had a major impact on the implementation philosophy developed by UNICEF.

The EX-DIR highlights the following key issues as important to the HRBAP:

The EX-DIR stated that in applying the general human rights principles and specific standards of the Human Rights Conventions the fundamental concept should be cognisant of:

- Non-discrimination;
- The best interests of the child;
- The right to participate and have one's views considered;
- The right to survive and develop.

The EX-DIR gives the following programming steps for a rights based approach:

i) Causality Analysis:

- The Country Programmes are expected to help to build individual, institutional, local and national capacities to assess and analyse the causes of the situation of children and women in relation to the Human Rights Instruments of the UN system, especially the CRC and CEDAW, including by helping to identify and report unfulfilled rights and the causes, through a research agenda and situation analysis document at least once within every programme cycle.
- Ensure that data collected and analysed is disaggregated by sex, geographic origin, age and ethnicity.

ii) Role Analysis (implies identification of different players and duty bearers directly impacting the enjoyment of the rights by the right holder)

- Work effectively with state institutions especially those of central and local governments to encourage collaboration with civil society organizations;
- Work with the notion of the legal and moral obligation and accountability of the State and its institutions with regard to meeting the basic needs of its people (the state as a duty bearer).

- Affirm that children and women are rights holders, not objects of charity. In this context they should be meaningfully involved in the processes and decisions that concern them and affect their lives. They should be empowered to understand that they are right holders so they can truly participate especially in decision making.
 - Clarify role of Parents, Family and Community – should support evolving capacities of the child.
 - Build public private partnerships as essential to CRC and CEDAW implementation.
- iii) Pattern Analysis and capacity analysis of those with responsibilities on meeting the obligation to respect, protect, or fulfil the right in question
- Determine whether macroeconomic and social sector policies and programmes are consistent with the general principles of human rights (particularly the best interests of the child) and whether in fact they provide a sound basis for the “progressive realization” of rights.
 - Link with monitoring processes for the human rights treaties especially the CRC and the CEDAW.
- iv) Analysis of behaviours and cultural patterns
- Ensure the design recognises the cultural context and the activities developed are more inherently integrated, cross-sectoral and decentralized.
 - Use participatory approaches recognizing that those being helped are central actors in the development process.
- v) Analysis of prevailing norms and legal system
- Understand the degree of synergy between the legislative process, the development of public policy and the national development choices that affect children, women and families;
 - Gauge whether national laws protect all children and women equally or whether in the application of laws there is inherent discrimination.
- vi) Resource Analysis – availability and control of resources
- Determine whether national resource allocation processes reinforce discrimination against women, girls, ethnic groups or disabled children, or help to overcome it;
 - Examine the extent to which the standard of “maximum extent of available resources” is met in the allocation of resources for human development;
 - With national partners make informed decisions on what needs to be done for children and where UNICEF should invest its resources.
- vii) Formulation of the UNICEF Country Programme (this will define different strategies at different levels of society)
- Work with country-specific strategies;
 - Build capacity to ensure good programming skills of staff;
 - Be cognisant that Child rights are not limited to the rights of those children in especially difficult circumstances. (from abuse, neglect or exploitation);
 - Priority should be given to advocacy for people-centred development and community involvement in decision-making;

- Country Programmes should help to build capacities to demand fulfilment of children's and women's rights, including by helping to articulate claims through monitoring, reporting and advocacy, etc.;
- Country Programmes should help to build individual, institutional, local and national planning capacities to codify claims, duties and accountabilities in local and national policies, legislation, plans and programmes related to children's and women's rights including by directly supporting local or national planning, budget analysis, policy development and legal reform;
- Country programmes should help countries to obtain or mobilise the necessary financial, human, material or informational resources needed to strengthen the capacity of duty-bearers, thereby ensuring that policies and plans related to children's and women's rights are implemented and legislation is enforced including by providing direct support to strengthen the capacities of duty-bearers in support of those policies, plans and legislation.

UNICEF held global meetings, which also involved other UNDG agencies, on the HRBAP in Tanzania in 2002 and in Quito in 2003. Among UNDG agencies, a statement of the common understanding of the core features of a rights-based approach to programming was discussed at a meeting held in May 2003, in Stanford, USA, and was later endorsed by the UNDG. The key elements of this understanding are as follows:

- All programmes of development cooperation, policies and technical assistance should further the realisation of human rights as laid down in the Universal Declaration of Human Rights and other international human rights instruments.
- Human rights standards contained in, and principles derived from, the *Universal Declaration of Human Rights* and other international human rights instruments guide all development cooperation and programming in all sectors and in all phases of the programming process.
- Development cooperation contributes to the development of the capacities of duty-bearers to meet their obligations and/or of rights-holders to claim their rights.

Given the complexity of the discussions that were on-going, UNICEF made the decision to NOT change the EX-DIR, and use it as a framework document, but to incorporate required changes in the PPP, that undergoes periodic review. The Programme Policy and Procedures Manual describes it in the following terms:

- The aim of all Country Programmes of Cooperation, including in humanitarian situations, is the realisation of the rights of all children and women;
- Human rights and child rights principles guide programming in all sectors at all phases of the programme process;
- Programmes of Cooperation focus on developing the capacities of duty-bearers at all levels to meet their obligations to respect, protect and fulfil rights, as well as on developing the capacity of rights-holders to claim their rights.

An Evolving Child Rights Context

As mentioned above, the aim of the co-operation was to *mainstream* a rights based approach in child protection to safeguard the rights of children orphaned and made vulnerable by HIV and AIDS. The evaluation team attempted to garner a feel for the extent to which the principles outlined above were applied at the regional and country levels in implementing the Human Rights based Approach to Programming. A challenge to this process, however, proved to be the rapidly evolving child rights scenario.

The entry point for this programme was to intervene and mitigate the impact that HIV/AIDS has on children making them vulnerable. Key vulnerabilities included orphan hood (the loss of one or both parents); the responsibility to care for ailing parents (mainly incapacitated with AIDS); the poverty situation of families affected by HIV/AIDS; the effect of HIV/AIDS stigma on children; the violation of various rights of the children in the context of HIV/AIDS (right to family property, right to health, right to education, etc.) and need for the protection of the rights of children infected with HIV.

Initial feasibility studies, situation analysis and programme experience revealed that there were many orphans who were not orphaned due to AIDS but were equally vulnerable. In some cases, the AIDS orphans could not be defined as vulnerable, owing to interventions from support organisations and extended families, yet in the same area lived children who did not have parents infected by HIV/AIDS, but made vulnerable by poverty. Furthermore, there were children who were infected with HIV/AIDS or were orphans but were living in households with other vulnerable children that may not have been similarly affected.

It became increasingly evident that prioritising AIDS orphans was in itself a discriminatory practice, creating unbalanced approaches to equally vulnerable children. As a result the term “AIDS Orphans” was discarded in favour of Orphans and Vulnerable Children, or as is the case in Tanzania, Most Vulnerable Children, which recognises the vulnerability inherent in simply being a child.

The term OVC is still used by different stakeholders, particularly those working on HIV/AIDS. It is thus advisable to consider the country specific terminology in assessing the country’s focus.

The findings on the ground led to most programmes shifting their focus to all vulnerable children regardless of the HIV/AIDS factors, to ensure a non-discriminatory approach. The guidelines for identification of children to work with were then adapted, as in the case of Tanzania, to vulnerability focusing on the poverty status at the household level and also working on the wider issues of child rights and protection to achieve systemic changes.

Providing direct services to poor households was the first response made by most agencies. However, it has been increasingly evident that this is not a sustainable approach. While vulnerable children receive school fees, food, clothing, vaccinations and even toys from various benefactors, the supply can only be sustained up to a point, and is not available to all those in need. There is therefore an increasing lobby for governments and stakeholders as duty bearers to address issues of social protection, to reduce the vulnerabilities of these families and the children they are responsible for.

3 Methodology

Tasks and Responsibilities

The Consultant Team was assigned the following specific tasks:

Key Task: to undertake an end-of-period evaluation of the OVC activities carried out by Tanzania, Zambia, Botswana, Zambia and the Regional office from Sida funds.

Specific tasks:

- Undertake a desk study of UNICEF organization material of relevance for the co-operation period, country annual financial progress reports, regional analysis reports, project documentation and where available any previous reviews, evaluations and/or assessments;

- To develop tools for interviews at Regional and Country levels Interviews with UNICEF key staff from ESARO;
- To conduct field trips to the four countries to interview key UNICEF country staff and a sample of UNICEF in-country partners (government and civil society) and;
- To facilitate information sharing to UNICEF and the Sida Regional HIV/AIDS Team by verbal briefing and by one final report;

Questions to be Addressed

- To what extent a human rights based approach has been mainstreamed in ESARO child protection planning, implementation and monitoring of their programming;
- Whether the original programme plan (or plan of operation) was clear on its outputs and indicators;
- What guidelines have been formulated as part of this programme period for ESARO and the four countries (i.e. adherence to objectives);
- What best practices have been collated as a result of the programme and the extent to which these have been disseminated (how, to whom);
- The appropriateness of activities designed to strengthen programming directly for children;
- The type of regional work taking place during the programme period;
- The linkages between the regional office, the country offices and other key stakeholders (strengths and weaknesses);
- Performance against objectives as well as mission and purpose and;
- List recommendations to inform any future possible support to ESARO for scaling up best practices and on areas in need of strengthening;

Methodology Adopted

The methodology to be used in the evaluation of the Sida funded project, including evaluation instruments and tools, was developed in consultation with the key project staff. The methods employed to achieve this evaluation included desk research, key informant interviews at the country level and at regional level and stakeholder consultations.

In order to carry out the assignment effectively, the evaluation undertook the following activities.

Stage 1: Design of Work-plan and Development of Tools

Upon being appointed to undertake the evaluation, a meeting was held between the UNICEF responsible officer and the evaluation team leader, to discuss the terms of reference, gain a better understanding of the situation of the project, determine UNICEF expectations, and also gauge the Donor's expectation from the UNICEF perspective.

In the proposal submitted by NI to UNICEF, there was a proposal to facilitate a half-day participatory evaluation and planning workshop with project staff and stakeholders in each country. UNICEF country offices felt that this was ambitious in the time allowed, and therefore was not a feasible activity. The NI team requested focus group discussion with beneficiary children where possible. The NI team was presented with the original proposal to the donor, along with the final reports submitted by each of the countries and the region.

Based on the above consultation, assessment tools were developed in the form of key questions for UNICEF staff, Implementing partners, and the Donor. A tool was also developed to guide the evaluation team's interaction with child beneficiaries. Samples of these instruments are provided in Annex II.

Schedules were set up to undertake the country visits and the composition of the teams visiting each country agreed upon with the UNICEF responsible officer. A list was also developed of people to interview at the regional level, which included members of staff currently stationed outside the region, and in some cases, in organizations other than UNICEF, who had been involved in the development and/or implementation of the programme.

Stage 2: Assessment and information gathering

The methodology used at this stage was a combination of desk review of key documents, and staff and stakeholder consultations at the regional and country levels.

Documents reviewed included the original project proposal, the final reports submitted by each country, reports from UNICEF to Sida, EX Dir 1998, PPP, Best Practice report, training manuals and reports, and country-level documents detailing various initiatives undertaken with the Sida financing.

The NI teams visited the participating countries as follows:

Zimbabwe – 2nd to 7th July 2007 – Rob Sinclair

Botswana – 8th to 14th July 2007 – Ada Pouye and Nishu Aggarwal

Tanzania – 23rd to 27th July 2007 – Ada Pouye and Cathy Mumma

Zambia – 30th July to 3rd August 2007 – Nishu Aggarwal

The itinerary for each country was set-up by the UNICEF officer in charge at the country level, and was discussed with the visiting team at the beginning of the exercise. The teams were provided with relevant documentation at the country level, which included evaluation reports, policy documents and other material developed during the project period.

In addition to the country visits, team members had telephone and face-to-face interviews as appropriate with key staff members as per a schedule developed between NI and the UNICEF point person. This enabled discussions with personnel who had previously been involved with the project but were now located in other stations. Again, the assessment was guided by the outline given above.

Stage 3: Analysis of findings

The team members compiled their findings and circulated these amongst themselves, to enable everyone to develop their analysis of the situation. This was followed by several meetings between the team members to discuss and analyze the findings, based upon which an initial presentation was compiled for UNICEF ESARO.

A number of key people at the regional office were away at the time that the initial interviews were being conducted and therefore their input was not incorporated in the initial presentation made to the UNICEF regional office staff.

Stage 4: Presentation of initial findings to key UNICEF Regional Office staff members and Sida

A presentation of the first findings of the evaluation was made on the 21st of August 2007 at the UNICEF ESARO offices, and included amongst the participants, representatives from Sida. Initial findings and recommendations were discussed and several information gaps identified. Some of the gaps identified were attributed to the earlier non-availability of certain key staff, and therefore further interviews were arranged with the relevant persons, to enable addition gathering of information and clarification of concepts.

Stage 5: Further information collection, based on information gaps identified

Interviews and consultations were held with key ESARO staff to fill information gaps identified. The information gathered was shared amongst the NI team and analyzed, and based upon which a preliminary draft report was prepared.

Stage 6: Presentation of draft recommendations to UNICEF

A presentation of the draft findings and recommendations was made to the ESARO team on Friday 31st August 2007. Based on the discussion of this presentation, the present draft final report has been prepared, for review and comment by UNICEF staff prior to finalization of the evaluation report.

4 Findings

Relevance

One of the major strengths in the implementation of this project has been its flexibility in allowing the countries to respond to the national level context, and also enabling the regional office to clarify its priority focus on the policy arena rather than on service delivery, which was rightly seen to be the responsibility of governments and other local stakeholders as duty bearers.

Equally important, the project's design flexibility proved highly appropriate during a period when UNICEF's policy and strategies were evolving with the growing understanding of how best to promote child rights and address the issues of OVCs. Sida funds were thus able to be utilized selectively to support innovations and experimentation that could support the emerging clarification of these concepts.

All of the countries developed their action plans in consultation with key stakeholders, catalysing and facilitating the development of national action plans while coordinating their programmes with the UN Country teams. The plans are also presented to the regional level to ensure compliance with the overall UNICEF strategy. There is, therefore, a substantial level of consultation and efforts towards alignment in the design of the UNICEF Country programmes. The plans are concordant with Government policies, frameworks and priorities, while reflecting the global and regional UNICEF philosophy.

The evaluation team noted that while the Sida funding served to catalyse the better implementation of various programmes (some that were already ongoing) within the four UNICEF Country Offices, it did not necessarily support freshly designed programmes on the rights based approach to programming. There was no structured planning for the implementation of the objectives in the proposal. While this allowed for flexibility in the programmes thereby allowing each country to plan in accordance with its specific context, ESARO missed the opportunity to set some basic standards that would guide the mainstreaming of the HRBAP and implementation of the objectives as envisaged in the proposal.

Some activities did not seem to contribute towards the overall objectives of the programme, especially where these were undertaken with CSOs. For example, an evaluation of a CSO project in Zambia did not appear to contribute to any aspect of the stated objectives. It was a peer education project to raise awareness on HIV/AIDS. The Sida funding only paid for the evaluation. As UNICEF had initiated the evaluation, the organisation expected that UNICEF would fund the implementation of the resulting recommendations.

In Zimbabwe, at the beginning of the Sida support period, funds were provided to a number of CSO OVC initiatives that did not provide much evidence of using a rights based approach, such as the Just Children Foundation. This was much improved later once a comprehensive mechanism for supporting

interventions was put in place through a “Programme of Support” agreed to between the Government, donors, and UNICEF. In Botswana, the government felt that UNICEF promoted its own agenda, and was not sensitive to the government priorities.

Overall, however, the evaluators were satisfied that the project was relevant at both the country and regional levels. With the possible exception of Botswana, the design of the project at national level did address government priorities and try to respond to the national development context. While there were gaps in certain aspects of implementation, as outlined below, there is no question that UNICEF was fully engaged in addressing a current crisis in abuse of child rights, and using the Sida funds to find the best ways to respond to it. As understanding of how to address the relatively new crisis was only evolving during the period, UNICEF ESARO and Sida can only be commended for taking the lead – through a flexible approach – in laying critical groundwork for building an effective forward strategy.

Effectiveness

At the country level UNICEF was found overall to be effective in bringing together government, civil society and other stakeholders in the forging of national policies and strategies related to OVCs within a rights-based approach. Notable progress in this regard was seen in Zambia and Zimbabwe. Initiatives on capacity-building were also seen to be significant, although, as noted elsewhere, outcomes of these efforts in terms of application of HRBAP were seen to be mixed.

The weakest aspect in effectiveness of the project was at the regional level, where gaps between planned and realized activities were noted in the areas of knowledge sharing and learning, as well as communication and coordination linkages between ESARO and the country offices.

In general terms, however, it must be said that the Sida funds were utilized effectively to catalyze a much stronger and cohesive approach by UNICEF towards a rights-based programming framework for OVCs in the region.

Clarity of Outputs and Indicators:

- The design and implementation of this proposal was not discussed within the regional meetings of the CPU officers, and the RMT framework and mandate does not allow for discussions on single proposals at that level.
- The countries wrote the proposals separately and these were incorporated into one umbrella document which was submitted to Sida for funding.
- In some cases the funds raised were absorbed into on-going activities, with pre-determined outputs and indicators. Consequently, specific results indicators were not developed for this project. Instead the indicators and outputs defined for the on-going activities were applied, which did not clearly or directly respond to the objectives outlined in the project proposal submitted to Sida.
- Monitoring and evaluation is weak. In some cases the M&E systems are not cognizant of the HRBAP.
- The pooled funding methodology places UNICEF in the category of a donor and makes it difficult to make a link between the funding source and activity. An exception is acknowledged in Zimbabwe, where this approach was the only option given donor reluctance to channel funds through the government.

The basis for a guideline exists within the EXDIR. However, guidelines in the EX-DIR have not been translated to regional and/or country level guidelines for programming. These guidelines are not normally translated at regional level. Instead trainings are run to ensure uniform understanding and application of the guidelines. In this case despite the trainings there was inconsistent application of the

guidelines. This has resulted in differing levels of understanding of RBA at country levels and therefore different kinds of (uncoordinated) strategies for implementation of the RBA. Each country has implemented the RBA laying an emphasis on either one or another portion of the RBA depending on capacity, understanding, and political will. The evaluation team felt that translating the guidelines at the regional and country levels would have facilitated a common understanding and therefore a consistent application

The process could have been better served had a collective planning or capacity building intervention been undertaken, involving the four countries, on how to achieve the objectives of the proposed project. Such a preliminary discussion would have enabled the development of a common understanding and formulation of key tools to guide the programmes (such as M&E tools with indicators relevant to the HRBAP), while also ensuring that the proposed activities continued to be in line with national priorities and contexts.

Best practices documentation and dissemination was to be an activity at the regional level, presumably as a strategy aimed at both capacity strengthening and global learning. Experiences have been documented in project reports. One publication on case studies/best practice was prepared in 2004, though it only focused on one of the project focus countries, Tanzania, in addition to Rwanda and Swaziland. Other than this the evaluation found no collation of best practices at a scale that could be expected to generate substantial learning.

At the same time, the field visits found a number of very good initiatives that would warrant documentation and dissemination, such as the inclusive nature of the NAP process and its follow-up in Zimbabwe, the Child Rights Clubs in Zambia, and the strong sense of responsibility demonstrated by the government of Botswana, in addition to the MVC Committees in Tanzania that were actually documented.

In a similar vein, there is insufficient evidence of experience sharing across the participating countries. The 2002 Namibia conference was very successful in mobilizing governments, UNICEF country offices and other stakeholders to accelerate development and implementation of national strategies on OVCs. While there were trainings on national planning in Maseru and Entebbe in 2003/4 and a review meeting following up from Windhoek in Cape Town in September 2004, concern was expressed that there has not been a full-scale follow-up meeting to share experiences and lessons learned at the national level.

A networking meeting is organised annually for the Child Protection Officers. However, these meetings are organised on a thematic basis, which limits experience sharing to the specific theme of the meeting. While these meetings are useful, and having them organised along thematic lines enables a focussed discussion, the format mitigates sharing views and experience on the broader range of issues addressed under the programme.

The evaluation did find good examples of country-led innovation that could benefit from sharing experiences and models. For example, in Zimbabwe the Victim Friendly Initiative as well as the Family Support Trust have developed exemplary programmes for at-risk youth and children, but with little access to information about other models which could serve to strengthen their approaches. There is clearly a need for support for increased regional/international networking and documentation of best practices, as well as sharing of best practices from the target countries.

Inter-linkages between the regional office, the country offices and other key stakeholders:

- At the country level, the linkages between UNICEF and key stakeholders are generally well defined and well developed.
- UNICEF plays a significant role in bringing CSO and Government players to the same table.
- The linkages between the participating countries are weak.

- The roles and responsibilities of the regional office, versus that of the country offices are well defined and articulated. However, some of the people interviewed at the country level did not appear to have clarity on the role of the regional office.

It can be surmised that all four country offices generally work effectively with government counterparts and CSOs, and as mentioned above, Sida funds were utilized effectively to catalyze a much stronger and cohesive approach by UNICEF towards a rights-based programming framework for OVCs in the region.

Efficiency

The programme overall, has been fairly efficient in translating into activities the planned programme. However, the efficiency at the national level varied from one country to the other depending on the understanding of HRBAP, commitment of UNICEF's (country-level) leadership to the process, and political will at the national level.

In Zambia and Zimbabwe, stakeholders have been well identified and mobilized on one hand; on the other hand, some activities did not seem to contribute towards the overall objectives of the programme. In all the countries UNICEF has been fundamental in facilitating dialogue between and involving the CSOs and Government agencies.

The relationship with the government was less congenial in some cases than in others. In Botswana the government felt "pushed" by UNICEF, and while UNICEF has been involved in policy formulation, there remain anomalies in the UNICEF and Government definition of a child, definition of an orphan and definition of a vulnerable child.

In Tanzania, government coordination of its different arms dealing with children's issues was not well managed. While the national governance structure is conducive to the application of the HRBAP (for example through local level coordination mechanisms and MVC Committees), not all aspects of the HRBAP were addressed. The government did not invest substantive funds in this project and only acted to implement with the UNICEF funds. This limits the benefits of this project to the UNICEF districts and therefore creates different standards for the children of Tanzania. For piloting to be successful it should be aimed at up-scaling, and if an intervention is promoting different standards for a prolonged period, it is an indication of a weakness on the government's part to mainstream the mechanisms and approaches within its own structures and resource allocation.

The above Tanzania case also indicates that the UNICEF intervention did not have the catalytic effect intended, i.e. to result in changes in government policy, budgetary allocations and scaling up of the approaches within the public services. It was noted, for example, that national legislation on child rights has not been passed, therefore mitigating the incentive of the government to implement appropriate policies. It appears that advocacy at the level of government and parliament was insufficient. Considering what has been achieved in the other countries in influencing government policy, it does not seem to be an unrealistic expectation. UNICEF informs government policy making processes, and plays a strong advocacy role. The indicator to measure its impact is the level of policy development – an indicator that has been mentioned in all the other country reports.

Partners also had concerns with the delays in fund disbursement from UNICEF, which had a significant impact on the delivery of the programmes initiated. In the case of Zambia, UNICEF has adopted a reimbursement policy, where funds are disbursed to implementing partners once agreed outputs and results have been achieved. This has enhanced government commitment to the OVC programmes, and government departments have been able to mobilise resources required from other arms within the system. On the other hand, CSOs reliant on donor funds have had to withdraw their participation, as

few of them are in a position to manage funds in such a manner as to accommodate the reimbursement policy. In Botswana, delays of up to 6 months have been seen in a children's feeding programme, in a case where the children being addressed have fallen through the cracks of the government machinery. Where food is provided in its raw form, there is no allocation for fuel, placing the beneficiaries in difficult situations. Where fuel wood is abundant the problem is less severe, but in other places communities have had to invest substantial financial and physical resources in accessing fuel.

Related problems were experienced by CSOs in Zimbabwe who had been approved for support under the Programme of Support (PoS). The nature and causes of this constraint, however, are rather different from the other countries in the project. The PoS mechanism reflects donors' commitment to working together to address a clear crisis, in the spirit of the OECD Paris accords. Since international donors are unwilling to channel funds through the government, it was agreed to set up a financing mechanism hosted by UNICEF, through which funds would be provided to community and CSO initiatives in the form of grants (and not on a reimbursement basis). Guidelines for operation of the PoS were developed by UNICEF, but due to the innovative nature of the mechanism and the quite substantial funds that donors had committed to it, the process of operationalizing it was protracted over many months. Procedures for reporting on utilization of grants by CSOs are complex, as well as being aggravated by the chaotic exchange rate fluctuations and runaway inflation currently plaguing the country.

UNICEF puts substantial time and effort into helping its CSO partners navigate the system, but as of the time of the evaluation mission, that system could hardly be yet described as efficient. Nonetheless, it is believed that, once the operational modalities are fully in place and understood by stakeholders, the PoS may serve as a useful model for adoption in other countries. This could especially be the case if the political and economic situation in Zimbabwe stabilizes and the mechanism can eventually be turned over to the government, where a National Secretariat for OVCs is already in place (with support from UNICEF) and providing good support to the PoS and other initiatives under the National Action Plan.

The regional focus has been directed at policy level operations. Support has been provided to the Secretariat of the African Committee of Experts on the Rights and Welfare of the Child. This has resulted in substantial regional level analysis on the situation of child rights in Africa. At the time of the evaluation the Committee of Experts was concentrating on preparations for Africa's contribution to the UN General Assembly on Children. ESARO has also been working with the African Child Policy Forum, a CSO network based in Addis Ababa, on documenting case studies of national legislative progress on child rights.

UNICEF has spent substantive time and resources to meaningfully engage stakeholders such as the AU Commission Social Affairs Directorate, as well as CSOs, on child rights issues. However, regional level activities are not well reflected at the national level. For example, UNICEF's involvement with the AU Commission is not mentioned or reflected at the national level. The national level operations *appear* almost disjointed from the regional activities. This may be partly a reflection of the formative stage that many regional and sub-regional inter-governmental structures are in. All the same, UNICEF's regional-to-national presence could be used more strategically to accelerate the policy integration capacities of these institutions.

The efficiency of the programme could have been enhanced with:

- Coordination and structuring of the programme objectives and deliverables between the countries and the regional office;
- A more structured approach to mainstreaming the HRBAP within the participating countries;
- Well articulated and implemented mechanisms for information sharing and cross-fertilization of best practices amongst the participating countries and ESARO;

- Raising awareness of governments, parliamentarians and civil society on regional and sub-regional policy processes and articulating stronger national level responses.

Sustainability

As anticipated at the beginning of the exercise, there was a certain advantage in undertaking this evaluation after some time had elapsed since the closure of the project. Effectiveness and sustainability are two of the measures that have benefited from the delay in evaluation, as the impact of activities undertaken can be evaluated on actual, rather than anticipated results value.

All participating countries and ESARO have focused attention on policy formulation. In Zambia and Zimbabwe policies have been developed to address child rights and youth rights. In Zambia considerable work has also been done to formulate policy on violence against women and children. In Zimbabwe, the National Action Plan (NAP) process – in which UNICEF played a pivotal role – is a model for a national response to the OVC crisis, and needs to be further documented and studied in order to inform UNICEF's work in other countries.

In Tanzania and Botswana policies have been formulated, and are being debated by the government prior to being adopted, and in both cases it is seen as a matter of time before the policies are adopted. Nonetheless, the evaluators feel that UNICEF could have been more rigorous in advocacy efforts in these two countries to encourage acceleration of the policy formulation processes, which should be a major factor for sustainability. Building capacities of CSOs, parliamentarians and research institutions to participate in policy formulation processes was not seen as a strong element in the UNICEF approach in those two countries.

This is an area that could be addressed more effectively by the regional office, through development of advocacy tools, advocacy training programmes, and working more with regional level partners who can assist in building national level capacities. Examples could be European Parliamentarians for Africa (AWEPA) and African Child Policy Forum, both of which have previously collaborated with UNICEF. An agreement has been in place with AWEPA since 2004 – funded by DFID and Australia. Tanzania is only now engaging with this agreement; Botswana has been part of this process since 2005, but high staff turn over in the country office appears to have interrupted this work. Accelerating such partnerships should be seen as a priority for addressing the shortfalls noted.

Sustainability is also affected by the understanding of HRBAP, commitment of UNICEF's country-level leadership to the process, and political will at the national level. Strong leadership shown by UNICEF in Zimbabwe and Zambia has no doubt been a major factor in the success of initiatives in those countries. In Zimbabwe, the government's commitment has been strong, with increasing budgetary and staffing allocations (through BEAM, HIV tax, etc.), and there is evident willingness to work with civil society to address manifold problems that the government at the moment is not able to deal with on its own. Such attitudes have managed to institutionalize mechanisms and approaches that can support future up-scaling and mainstreaming.

On the other hand, capacity building at the national level, especially within government, is not sufficiently commensurate with the policy development, and this is likely to have an impact on the longer-term implementation of formulated policies. Contributory factors to this include:

- The ministries charged with responsibility for the child are relatively weak in terms of resource allocation and profile with respect to the overall government structure. When the issues fall under the office of the President or the Vice-President, there is a higher chance of achieving desired results. However, in most cases the government establishes a separate ministry to deal with the issue or assigns a combination of ministries to deal with children's issues, and these are the weakest in terms of human and financial resources.

- The point persons within the government agencies change with high frequency, thereby resulting in capacity loss. In Zambia for example, UNICEF has had to deal with 6 Permanent Secretaries in 6 months.
- Training of the government officers had to take place within a mutually determined framework. With the recent UN reforms, this will have to be determined in consultation not only with the government, but also with other UN agencies.
- Changing personnel within UNICEF and weak continuity mechanisms weaken continuity of approaches and strategies.
- There is weak control over training provided to government partners.
- There is weak quality control of training provided and reliance on the cascade training model.

The Sida grant, like other projects, is a conduit that enables implementation of activities to achieve set objectives and actualize concepts. For effective translation of concept to reality there is a need for commitment at all levels. The impact of the leadership on the implementation of any project is very apparent. The RMT deals with the Country Representatives, who need to be all brought on board with key concepts such as mainstreaming the HRBAP, and to ensure that there is some uniformity in understanding of key programme philosophies and objectives.

Sustainability could have been improved by:

- More targeted training of the government stakeholders.
- Monitoring and analysis of the impact of the training to determine gaps prior to provision of additional training.
- Where possible establish mechanisms within UNICEF to enable a comprehensive hand-over of programmes where changes in personnel are effected. For example a one week hand-over period.
- Mobilizing the RMT to ensure and enable leadership commitment to HRBAP.
- Working towards enhancing the profile of the relevant ministries through lobbying and advocacy, and greater involvement of national ministries in inter-governmental processes and agency events (AU, SADC, EAC, etc.) to promote child issues at both levels, while enhancing the ministries' sense of importance.
- Involving regional level partners in advocacy and capacity-building on policy formulation at national level, with increased emphasis on African regional initiatives such as the African Charter on the Rights and Welfare of the Child (ACRWC).

Mainstreaming Cross-cutting Issues

All the participating countries have ratified the CRC and CEDAW. Implementing and realising these conventions has been a key focus of UNICEF activities, including the aspects funded by Sida. The attention paid to challenges faced by the girl child and development of appropriate interventions is commendable. A concerted effort has been made to ensure that all programmes and activities are cognisant of issues impacting women and girls. The OVC and child situation analysis has been disaggregated by gender in most cases and the responses take into consideration the special needs of girls.

There is need however, to ensure that the deliberate attention paid to this section of the population does not end up marginalising the male segment of society. In Zambia, the incidence of early marriages impacts young men as much as it does young women, yet most of the activities to mitigate the problem are directed at girls. While some young girls are marrying older men, a lot of them are marrying young

boys, who do not have a stable or substantial source of income. This contributes to the vicious circle of poverty, yet there is little mention of this phenomenon. A sexually abused female child is likely to receive a lot more attention than a male child in similar circumstances. Most of the protection mechanisms developed and promoted are targeted at the girl child, whereas the male child is also vulnerable to sexual abuse and harmful cultural practices.

Similarly, effort has been made to identify marginalised populations, especially the poor. In Botswana, where the state plays a strong role in service provision, the Basarwa, tribe (also referred to as Bushmen) live on the fringes of mainstream society. Often times, the interventions from government fall short of the real needs of these people. UNICEF has consistently supported a programme to serve these people. In Zambia, apart from the policy support provided to government, UNICEF has specific programmes to address education and nutrition in economically challenged communities.

In Zimbabwe, the Victim Friendly Initiative, working directly with the Ministry of Justice, has developed an innovative mechanism for improving access to justice and realization of child rights through victim friendly (VF) processes including police VF Units, VF clinical services, and VF courts, involvement of youth as peer leaders/trainers, training judges and educators, and use of anatomical dolls. There are 13 operational VF courts. The Family Support Trust (FST) provides clinical and psychosocial support to victims of child and youth sexual abuse, in partnership with the Ministry of Health (MoH), which provides space for clinical operations. They have facilities in three cities and will be opening a new clinical in Beitbridge soon. They are members of the VF National Committee and work with VF Units and provide affidavits on abused children (they redesigned the official forms using their own resources). They do outreach work with VF Units on prevention and zero tolerance, which has led to increased opening out on child abuse issues in the schools and communities they reach. It is the only organization offering child victim clinical services, and only operating in three cities, very limited resources, little access to models from elsewhere.

UNICEF's support to these and other initiatives in Zimbabwe, in partnership with government agencies, are clearly contributing to a mainstreaming of child rights approaches. Assistance has also been provided to district child protection committees, which are multi-stakeholder bodies, coordinated by government District Officers and include children and young people among their membership. UNICEF's support has consisted primarily of capacity building, either through direct training or through support to CSOs, or to initiatives such as VFI, to provide training. The committees are not yet functioning in all districts of the country, but are at least an indication of national and local level commitment to a participatory approach with respect to OVCs.

In a similar vein, in Tanzania UNICEF has supported the Department of Social Welfare to train communities to establish MVC committees to address issues affecting Most Vulnerable Children. The Committees are established at:

- Village Level – This committee is composed of community members and MVC; it identifies the MVC and their needs and submits the information to the Ward Level;
- Ward Level – Composed of Community members, CSOs and FBOs; this Committee prioritises the needs identified by the village level committees;
- District Level – Composed of local government leaders (councillors); it makes the final decision on the support provided, depending on the resources available through the Department of Social Welfare.

The MVC programme in Tanzania demonstrates a good participatory approach at the community level. The programme focuses on working with people from the basic structures in the community including the families, villages, and the wards in the identification, definition and prioritization of the issues of concern to MVCs.

UNICEF has channelled some resources to the Committees through the government structures. In addition to seeking funds from other sources, these Committees mobilise resources from the community to respond to the MVC needs. The local level committees also provide psychosocial support; however, it is limited to orphans. The MVC committee members at each level are drawn from the different interest groups within the society and take into consideration gender equity.

As stated elsewhere in this report, there is a question concerning the sustainability of the Tanzania MVC Committees, and also concerning the commitment of the Government as duty bearer. In spite of these concerns, the committee structure, as in Zimbabwe, is an indication of broad-based commitment to, and participation in, efforts to address OVC/MVCs and child rights, and therefore a positive outcome of the UNICEF-Sida support.

5 Conclusions & Recommendations

General Assessment

Performance of individual countries was assessed by the evaluation team as being generally satisfactory. The regional focus however, is relatively weak. Regional level activities are not clear. Intended activities under this programme component did not consistently take place at the regional level.

Overall, however, the evaluators were satisfied that the project was relevant and effective at both the country and regional levels. UNICEF was fully engaged in addressing a current crisis in the protection of children and their rights, in a situation where their natural care givers were incapacitated or dying of HIV/AIDS and their general environment threatened by deteriorating social and economic conditions. The Sida funds were employed strategically to find the best ways to respond to the crisis. UNICEF ESARO and Sida can only be commended for taking the lead – through a flexible approach – in laying critical groundwork for building an effective forward strategy.

Nonetheless, there are clearly some areas where weaknesses will need to be addressed, and it is hoped that the following recommendations will provide a useful guide in this regard. The learning experience afforded through the Sida-financed activities can thus serve as a key contributor to future strengthening of UNICEF-ESARO's mandate for promoting child rights in the region.

Recommendations

- i) *The rights based approach to programming is relevant and it is in the interests of the children that it is promoted and mainstreamed in all programmes affecting them.*

The HRBAP approach is highly relevant to UNICEF's mandate for the promotion and protection of children's and women's rights, and should continue to provide the conceptual and operational framework for the development of UNICEF Country Programmes of Cooperation (CP).

There are challenges in implementing all the components of this approach given that it needs the full support of key partners, especially government. Success in the implementation will vary from country to country depending on the level of buy-in in the different countries. It is important that all the principles of human rights are emphasized in the programmes and the RBA analysis done to particularly empower the citizens and children on their rights and the duty bearer-right holder relationship.

- ii) *UNICEF should promote the RBA as a culture applicable to any project activity, rather than as a programme distinctly different from application of human rights instruments.*

The HRBAP would in this case apply from the planning stage to the monitoring stage.

- iii) *UNICEF should promote all the rights of children rather than focus on mitigation and protection against abuse*

Whereas UNICEF's Child Protection Unit has been focussed on mitigation and protection of children against violence, exploitation and abuse, it is important to keep in mind the principle of inter-relation and indivisibility of rights which necessitates the promotion of all rights. It could be argued, for instance, that the promotion of the right to education contributes, to some extent, to the protection against abuse. The protection against abuse should not only focus on abused children, but work towards an integrated approach that enables creation of a safe environment. There is need for greater demonstration of the integration of child protection with other interventions such as the right to education.

The out of school youth programme in Tanzania is an important initiative that captured an often forgotten but important vulnerable group that includes adolescents. It provided an opportunity for awareness on HIV/AIDS. It involved youth aged between 15 and 24. UNICEF may be phasing it out as it involves a group that is above 18. UNICEF will need to consider how this important group can continue to be included in its programmes. Collaborative programming could be considered with other UN agencies and partners such as UN-HABITAT, ILO and UNFPA.

- iv) *Promoting social protection will also enable UNICEF to promote all the rights of children, and create an enabling environment that would ideally help reduce the focus on mitigation and protection against abuse.*

UNICEF has been a pioneer in the field of dealing with OVC issues, and the arena has evolved considerably and rapidly. It has been a learning experience and to build upon it, UNICEF has to candidly address the extent to which the focus on OVC/MVC may have undermined, rather than promoted the HRBAP. Whereas the OVC National Plans of Action through the Rapid Assessment, Analysis and Action Planning process were initiated as a global emergency intervention to mitigate the impact of HIV/AIDS on children, it is important that more comprehensive and sustainable systemic protection measures are put in place, as the long term measure, to protect all children equally. UNICEF will therefore need to work with governments to mobilize more substantial investment in socio-economic rights and the ministries responsible for social protection. It will create similar standards for all children, in law and in policy.

- v) *Multi-country programmes should demand that participating countries commit to regional level monitoring and experience sharing to enable better coordination and documentation of multi-country efforts.*

UNICEF needs to bring to the countries within the region the added value of its regional presence. The regional dimension should be reflected in cross-fertilization of ideas, and also in capacity building, including for influencing national policy formulation and implementation, as well as for HRBAP planning, monitoring and documentation.

- vi) *UNICEF ESARO should strengthen promotion of the African Charter on the Rights and Welfare of the Child (ACRWC) & work to influence African regional human rights bodies.*

Focus needs to be strengthened on:

- a. African committee on rights of the child, African Commission on Human Rights, African Court on Human Rights, African regional and sub-regional policy making bodies such as the AU, EAC and SADC;
- b. Work with country offices to strengthen policy initiatives linked to regional and international agreements; this should include strengthening linkages with parliamentarians and advocacy-focused CSOs.

There is a variation in the country commitments to the domestication of the human rights principles in the CRC and the ACRWC. One good indicator of the buy in to the HRBAP would be the inclusion of the principles in these instruments in the laws and policies by the different States. UNICEF should also continue to emphasise domestication as a way of entrenching the culture of the rights based approach.

UNICEF regional office has invested considerable time and resources in establishing linkages with the African Union to promote child rights and child issues and it should continue promoting the rights in the African Charter on the Rights and Welfare of the Child (ACRWC) and also work to influence African Regional Human Rights Bodies such as the African committee on the rights of the child, the African Commission on Human Rights and the African Court on Human Rights and even the African regional and sub-regional policy making bodies like the AU, EAC and SADC.

vii) *UNICEF should consult with the Regional Inter-agency Task Team on Vulnerable Children (RIATT), for which UNICEF is the coordinating body, to determine its niche in the regional context*

This level of coordination will be particularly critical around the debate on how to design and implement social protection mechanisms. This will enable UNICEF to determine appropriate country level interventions that are guided by a regional focus. Such a strategic approach can provide the basis for partnering with Sida and others in developing an initiative to support stronger regional action on child rights and vulnerable children.

viii) *There is need for monitoring and evaluation tools to be defined to assist in the self evaluation of the extent to which the HRBAP is truly embraced*

The M&E tools (e.g. logframes) need to be developed at the planning stage. They also need to be dynamic in order to capture the different issues that are likely to arise due to peculiarities of each country (for the regional tool) and individual districts/regions/communities (for the national tools). The indicators for the M&E tools in a HRBAP should include qualitative indicators that measure both the outcomes of the programmes and the standards/quality of the actual methods of programming. It is worth noting that government partners often rely on UNICEF to provide leadership on issues of monitoring and evaluation.

6 Lessons Learned

UNICEF

- Creating an enabling policy environment enhances sustainability.
- Capacity building in an environment with changing point people needs to be a continuously reviewed and revised process.
- Training does not always translate into learning.
- Greater coordination and communication between the region and country level would improve the efficiency, effectiveness and sustainability of a programme.
- Greater coordination and communication between region and country level will also improve the impact of regional level initiatives at the country level, while allowing improved input from country level to regional level initiatives.

Sida Regional HIV/AIDS Team

- Allowing flexibility in the implementation of a programme enables a response to emerging issues and therefore allows a more relevant response to challenges on the ground.
- Working in partnership with fund recipients, as opposed to the donor-client structure, allows experience sharing and informed decision making.

Annex I – Acronyms

UNICEF	United Nations Children’s Fund
ESARO	Eastern and Southern Africa Regional Office
NI	Nottawasaga Institute
Sida	Swedish International Development Agency
UNDG	United Nations Development Group
RMT	Regional Management Team
CPU	Child Protection Unit – UNICEF
AU	African Union
EAC	East African Community
SADC	Southern African Development Community
ACRWC	African Charter on the Rights and Welfare of the Child
ILO	International Labor Organization
UNFPA	United Nations Population Fund
CRC	Convention on the Rights of the Child
CEDAW	Convention on the Elimination of Discrimination Against Women
HRBAP	Human Rights Based Approach to Programming
EXDIR	Executive Directive – 1998
PPP	Project Policy and Procedures
RBA	Rights Based Approach
NAP	National Action Plan
HIV	Human Immuno-deficiency Virus
AIDS	Acquired Immune Deficiency Syndrome
OVC	Orphans and Vulnerable Children
MVC	Most Vulnerable Children
CSO	Civil Society Organization
VF	Victim Friendly
M&E	Monitoring and Evaluation

Annex II – Interviewing Guides

Key Questions – Implementing Partners

- How long have you been in partnership with UNICEF?
- What is the form of the partnership?
- How was the partnership established – is there an MoU?
- How would you describe your partnership?
- What are the major achievements of this partnership? Have these been documented in any way?
- How has your organisation benefited from this partnership?
- How has UNICEF benefited from this relationship?
- Would the above achievements have been possible without partnering with UNICEF?
- Describe your partnership with UNICEF respective to the Sida funded project for the period 2002–2005
- What do you understand by the Rights Based Approach to Programming?
- Have you received any training on the rights based approach to programming? Who trained you? And when?
- How have you applied the following key human rights principles in your programming?
 - Equality and non-discrimination (including gender equity)
 - Participation and inclusion
 - Accountability and transparency
 - The best interest of the child
 - People centred approach
- Are you familiar with CRC and CEDAW? If yes, what specific rights in the CRC and CEDAW have your programs been addressing?
- What is your organisation’s mandate in the area of OVC?
- What types of programs do you implement with UNICEF?
- Who are the main beneficiaries of your programs?
- How do you formulate strategies for achieving your desired outcome in relation to improvement of OVC living conditions? What stakeholders do you involve in this process?
- What level of support have you received from UNICEF in delivering your programs?
- (For partners working with OVC and communities/families directly) – How many beneficiaries, particularly OVC and their households have you reached with UNICEF support?
 - What support did you provide?

- How do you identify households and communities with OVC for your support?
 - How do you determine what kind of support should be provided?
 - How do you cater for the needs of OVC especially made vulnerable by HIV/AIDS?
 - Has your organisation been involved in any advocacy on OVC as part of your partnerships with UNICEF? If yes, at what level?
 - Have you been involved in any advocacy efforts with organisations other than UNICEF? If yes, which ones and what activities?
- How has UNICEF supported you on enhancing your skills for the implementation of programs on OVCs and HIV/AIDS?
 - What tools have you developed to guide implementation and monitoring to your rights based approach programming? When were these developed?
 - How often does UNICEF organise capacity building forums for partners and stakeholders?
 - Are you involved in program planning with UNICEF, for UNICEF programmes?
 - Describe the challenges experienced in your partnership with UNICEF?
 - What is the status of the projects and interventions initiated with UNICEF assistance?
 - How would you like to see a future partnership with UNICEF?

Key Questions for Government (Tease out the period of Sida support)

- Describe your relationship with UNICEF country offices?
- Given the UNICEF mandate under the CRC, how do you work with UNICEF to formulate national policies on children and OVCs in particular?
- What is the government policy on the RBA to programming?
- What statistics are available on the OVC situation in the country? Where are these housed? How is the information accessed and utilised in informing policy and project implementation?
- In what way does the government provide for OVCs especially made vulnerable by HIV/AIDS?
- What kind of support (technical and other) have you received from UNICEF?
- What kind of support have you received to mainstream the RBA in government programming? Who provided this support?

Key Questions – UNICEF Regional Office Staff

- What was the staff component working on the project at the UNICEF regional office at the time of implementing the program?
- What are the communication mechanisms and lines of management between the UNICEF regional office and the country offices?
- To what extent does the UNICEF regional program policy influence the UNICEF country level programs?

- What are the key components of the UNICEF regional office's policy on OVC in the Eastern and Southern Africa region?
- What activities were undertaken under the Sida project to build the capacity of the UNICEF regional staff on the rights based approach to programming
- How do you perceive the operationalization of the human rights based approach
- How was the rights based approach operationalised during the Sida project period?
- What tools did the UNICEF regional staff develop for building the capacity of the UNICEF country staff and implementers on the rights based approach to programming, especially on OVC programs?
- Have you received any training on the rights based approach to programming? Who trained you? And when?
- How have you applied the following key human rights principles in your programming?
 - Equality and non-discrimination (including gender equity)
 - Participation and inclusion
 - Accountability and transparency
 - The best interest of the child
 - People centred approach
- What tools were developed to distinguish the issues/needs of OVCs that are especially made vulnerable by HIV/AIDS?
- What indicators were developed to measure the achievements in the mainstreaming of the rights based approach to programming?
- How has the HR based approach evolved since 2001
- What are the current indicators used to achieve HR based approach to programming? (compare to original indicators in project document)
- What mechanisms were put in place to build the capacity of incoming staff on the rights based approach to programming?
- Status of PPPM and EXDIR 1998–04
- Where are the current capacity gaps at the global, regional and national levels?
- What information sharing mechanisms exist to facilitate learning within ESAR and with HQ? (communication lines between country and ESARO, ESARO and HQ, and Country and HQ)
- How was the information generated by the Sida program shared with non participating countries in ESAR?
- How has the Sida initiative contributed to the evolution of the HR based approach?
- Was the Sida experience documented? Did the Sida intervention contribute to any documentation?
- What are the key challenges to achieving the operationalization at the local, regional and national levels?

Key Questions for Donor

- How effective has UNICEF been in utilising donor's funds?
- Does the Donor work with other agencies providing services to OVC? If yes, how does UNICEF compare?
- How do external stakeholders view the strengths and weaknesses of UNICEF program delivery? How could they be improved
- Has the donor experienced any challenges in the management of funds?
- How satisfactory are UNICEF reports to the donors in terms of:
 - Financial disclosure
 - Reporting results (outputs and outcomes of use of funds)
- What mechanisms existed to monitor use of funds at country level? Were these adequate?
- What mechanisms existed to monitor use of funds at the regional level? Were these adequate?
- What is Sida's strategy and policy regarding HIV and OVC? How does UNICEF fit into this?
- What do you think is UNICEF's added advantage on issues related to OVC?
- How would you rate UNICEF's capacity on delivering on the rights based approach to programming?
- To what extent is UNICEF's Intervention achieving Sida's OVC and HIV policies?
- Are there alternative or additional strategies and mechanisms needed to more effectively address OVC challenges in Africa?
- Has UNICEF Involved Sida in formulation of OVC policy and strategies? Would Sida want to be involved in this process?
- Would Sida fund future OVC programmes with UNICEF?

Annex III – Persons Interviewed

Zimbabwe

UNICEF

1. Festo Kavishe, Country Representative
2. Roeland Monasch, Deputy Country Representative/Country Programme Coordinator
3. Jose Bergua, Chief, Child Protection Section
4. Monica Guitira, Child Protection
5. Elinah Chikwava
6. Nyasha Mayanga, APO, Child Protection
7. Jelda Nhliziyo, HRBAP-CCD

National Secretariat for OVC

8. Leon Muwoni & Sampson Gombingo, Programme Officers
9. Misheck Makosa, Finance Officer
10. Cosmos Tambara, School Special Needs specialist, Ministry of Education
11. Idine Magonga, National Coordinator, Victim Friendly Initiative, M/o Justice
12. Family Support Trust (FST): Theresa Mgadza, Director; Eunice Garura, Mgr; Joyce Mudzimuirema, Sister-in-charge; Stuart Mwanasa, finance mgr; Agnes Ganjani, education officer.
13. Spiwe Chakawa, Project Officer, Child Protection Society (CPS)
14. John Mburansou, Programme Officer, Zimbabwe National Council for the Welfare of Children
15. Moosa Kasimonje, Executive Director, Just Children Foundation
16. Tonya Himelfarb, HIV/AIDS Program Specialist, USAID
17. Alpha Chapendama, Programme Officer, Sida
18. Rachel Yates, DfID

Zambia

1. Lotta Sylwander – Country Representative – UNICEF
2. Gabriel Fernandez – Child Protection Unit – UNICEF
3. Annie Sampa Kamwendo – Child Protection Unit – UNICEF
4. Tizzie Maphalala – Education Unit – UNICEF
5. Michael Banda – UNICEF
6. John Zulu – Director Child Affairs – Ministry of Children Youth and Sports

7. Meselina Hampango – Director of Youth – Ministry of Children Youth and Sports
8. Batuke Wakesiku – RAPIDS
9. Anne Lindeberg – Sida
10. Chikwe Mbweeda – Plan Zambia
11. Ministry of Education – CDC Staff
12. Judith Mulenga – ZCEA
13. Richard and Charles – WILDAF
14. Executive Director – African Family Trust
15. Sport In Action (Livingstone)
16. 2 community schools (Livingstone)
17. 1 Government School (Livingstone)
18. District Education Office – Livingstone – Courtesy Call.

Botswana

1. Marcus Betts – Deputy Country Rep – UNICEF
2. Dorothy Ochola HIV/AIDS Project Officer – UNICEF
3. Francesca Bonomo – Child Protection Unit – UNICEF
4. Maypelo Phirinyane – UNICEF
5. Waheeda –AME Project Officer – UNICEF
6. Mercy Puso, Social Mobilization Project Officer – UNICEF
7. Mareledi Segotso, M&E Officer – UNICEF
8. Ben Semomung – Head of Child Welfare – Department of social affairs under Ministry of Local government
9. Ms. Chalashika – Ministry of Finance and Planning Development
10. Ms. Tselayakosi – NACA
11. Mrs. Makunga – Tirisanyo Catholic Commission, Bosthelo project, Gabane Day care center
12. Fred – Botshelo Project
13. Ms Seponga – Gabane Community home based Care – Boitumelo
14. Dr. Evaristo – Country Representative – UNAIDS

Tanzania

1. UNICEF staff
2. Ministry of health and social welfare staff
3. Bagmayo district
4. Youth center member
5. Kisarawe District staff
6. Youth center member
7. TACAIDS Director district and community service
8. Temeke District staff
9. MVC committee Tandika
10. Orphan Centre YATIMA

UNICEF Regional Office (ESARO)

1. Per Engebok, Regional Director
2. Nankali Maksud, Regional Project Officer, OVC
3. Douglas Webb
4. Karen Allen
5. Sue Godt
6. Margie de Monchy
7. Dorothy Rozga, Deputy Regional Director ESARO
8. Richard Morgan
9. Sarah Norton-Staal, Regional Child Protection officer

Sida

1. Anne Lindeberg, Regional HIV/AIDS Advisor, Sida Regional HIV/AIDS Team
2. Michael Tawanda, Regional Advisor

Annex IV – Terms of Reference

Post Title: Consultant/Consultant Team
Project Title: Child Protection, OVC
Duty station: Nairobi, Kenya
Duration: 34 working days
Start Date: To be determined
Reporting to: Chief, Child Protection Section

Justification

Background and Rationale

The Eastern and Southern African Regional Office (ESARO) of UNICEF received financial support from Sida 2002–2005. The aim of the co-operation was to mainstream a right based approach in child protection to safe guard the rights of children orphaned and made vulnerable by HIV and AIDS. Moreover the support period was anticipated to bring about guidelines and best practices for furthering similar work on child protection for the future. The co-operation aimed at strengthening the capacity of UNICEF in this area at both regional and country level to apply the rights based approach in child protection programming. In addition it aimed at strengthening programming directly for children in the countries of Tanzania, Zambia, Botswana and Zimbabwe. Each UNICEF office in the four countries aimed at working with various partners having one major responsible partner in the government. UNICEF was to support development of relevant legislation and policies, and improved monitoring. The focus was to be on capacity development and improved co-ordination at national, local and community level. The overall goals for the co-operation period have been to:

- Strengthen UNICEF ESARO's capacity to respond to the situation of children orphaned and made vulnerable by HIV and AIDS with programming that are human rights based,
- Improve the situation of children orphaned as a result of the HIV and AIDS pandemic in Botswana, Tanzania, Zambia and Zimbabwe and
- Contribute to the global learning and guidance on human rights based programming in general and specifically in programming for children orphaned and made vulnerable by HIV and AIDS.

Please see Attachment 1 for list of specific objectives for the regional level and for each of the specific countries.

This assignment is to facilitate an End-of-Period Evaluation for the support period to document achievements resulting from the co-operation. The end-of evaluation shall also line out recommendations to inform any future possible support to ESARO to improve performance, contribute to lesson learning and inform the development of future strategy at Regional and Country levels.

Scope of Work

A. Tasks and Responsibilities

Under the direct guidance of the Chief, Child Protection Section, the Consultant/Consultant Team will undertake an End-of-Period Evaluation of the OVC activities carried out by Tanzania, Zambia, Botswana, Zambia and the Regional office from Sida funds. The Evaluation consists of the following tasks:

- a. Desk study of UNICEF organisation material of relevance for the co-operation period, country annual financial progress reports, regional analysis reports, project documentation and where available any previous reviews, evaluations and/or assessments;
- b. Develop tool for interviews at Regional and Country levels;
- c. Interviews with UNICEF key staff from ESARO;
- d. Field trips to the four countries to a) interview key UNICEF country staff and a sample of UNICEF in-country partners (Government and civil society) and;
- e. Information sharing to UNICEF and the Sida Regional HIV and AIDS Team by verbal briefing and by one final report.

B. Methodology

The following are examples of data collection methodologies to be applied during this assignment – document reviews (e.g. original proposal, regional progress reports etc.), key informant reviews, secondary data analysis etc.

Questions to be addressed

- To what extent a human rights based approach has been mainstreamed in ESARO child protection planning, implementation and monitoring of their programming,
- Whether the original programme plan (or plan of operation) was clear on its outputs and indicators,
- What guidelines have been formulated as part of this programme period for ESARO and the four countries (i.e. adherence to objectives),
- What best practices have been collated as a result of the programme and the extent to which these have been disseminated (how, to whom),
- The appropriateness of activities that have been in focus to strengthen programming directly for children in Tanzania, Zambia, Botswana and Zimbabwe,
- The type of regional work taking place during the programme period as well as that of the inter-linkages between the regional office, the country offices and other key stakeholders (strengths and weaknesses) and,
- Performance against objectives as well as mission and purpose.

In addition the Consultant/Consultant Teams are expected to:

- List recommendations to inform any future possible support to ESARO for scaling up best practises and on areas in need of strengthening.

C. The Consultant/Consultant Team will be hired for 34 working days to be utilised as follows

I. Information collection

Desk study:	5 working days
UNICEF ESARO (Nairobi):	3 working days
Field trips (4 countries)	15 working days

II. Information sharing

Briefing to UNICEF and Sida	1 working day
Report writing	10 working days
(With Draft produced after 8 days and 2 days to finalise the report)	

Ethical Considerations

The evaluation will follow UNICEF guidelines on the ethical participation of children. In addition, all participants in the assignment will be fully informed about the nature and purpose of the evaluation and their requested involvement. Only participants who have given their written or verbal consent will be included in the evaluation. Specific mechanisms for feeding back results of the evaluation to stakeholders will be included in the elaborated methodology. All the documents, including data collection, entry and analysis tools, and all the data developed or collected for this consultancy are the intellectual property of UNICEF and Sida. The Consultant/Consultant Team may not publish or disseminate the Evaluation Report, data collection tools, collected data or any other documents produced from this consultancy without the express permission of and acknowledgement of UNICEF and Sida.

Expected Deliverables

The following products are to be submitted to UNICEF and Sida. One verbal briefing on main findings and conclusion, one draft report and a final Evaluation report with the following suggested outline:

- Title page
- Abbreviations and list of contents
- Executive summary
- Background and introduction
- Relevance – the relevance of the Regional and Country programme objectives against Government policies and UNICEF corporate objectives (i.e. did UNICEF do the right thing?), Effectiveness (the effectiveness of the overall programme in achieving the objectives set out (i.e. how far did UNICEF do what it said it would do?), Efficiency (the efficiency with which programme plans were translated into activities, including human resources and office management, collaboration and harmonization with other stakeholders, policy dialogue etc.), Sustainability (are the reforms/changes supported by UNICEF's country programme moving in the right direction and are they likely to be sustained?), the success with which the programme has mainstreamed cross-cutting issues such as poverty and gender aspects into the activities funded through Sida.
- Conclusion, recommendations and lessons learnt for UNICEF and the Sida Regional HIV and AIDS Team

The final Evaluation report shall be submitted in Word format, should not exceed 40 pages (excluding annexes).

Procedures and logistics

- The Consultant/Consultant Team shall be expected to work from home
- The Consultant/Consultant Team will be expected to travel to Kenya, Tanzania, Botswana, Zambia and Zimbabwe
- Meetings or conference calls in Kenya shall be organised by ESARO
- Travel arrangements shall be made by ESARO
- Provision of office space, procedures for arranging meetings and transportation at country level shall be organised by UNICEF Country Offices whilst the Consultant/Consultant Team is in country
- The Consultant/Consultant Team shall provide debriefings to UNICEF Country Offices before departure from each country

Desired background and experience

- Higher degree and significant demonstrable knowledge, in a discipline highly relevant to social development, social welfare and child protection;
- Experience of work within ESAR would be an advantage;
- Proven analytical skills and frameworks, such as gender analysis;
- Proven experience of working on multi-country evaluations;
- Demonstrated ability in the use of qualitative methods;
- Ability to work independently in collecting data and strong analytical and assessment skills and;
- Excellent communication and report writing skills.

Appendix 1 Objectives to have been Achieved with the Support from Sida to UNICEF 2002–2005

A ESARO Objectives:

The objectives of the regional level have been to co-ordinate and support the national sub-projects. The regional office shall also have worked to develop a strategy and document best practices and intervention policies based on learning from the country level operations. The objectives for the four countries have been:

B. Botswana, Overall Objective were to:

By 2002 to reduce the psychological and economic impact of HIV/AIDS on 60% of all children affected by HIV/AIDS including orphans.

Specific objectives have been to:

- a) provide at least 60% of orphans with psychological counselling in order to realise their rights to growth and development,

- b) provide access to community play grounds and group support systems in at least 80% of all communities,
- c) improve household and community support to at least 60% orphans and children affected by HIV/AIDS, to minimise discrimination against them and
- d) reduce the number of child headed households by at least 60%.

C. Tanzania, Overall Objective were:

To strengthen the capacity of families and communities to ensure the rights of orphans and other vulnerable children affected by HIV/AIDS and or related issues are respected and protected

Specific objectives have been to:

- a) increase and strengthen families caring capacities through community-based mechanisms and enhancing their capacities to respond to the psychological needs of orphans and other vulnerable children and their caretakers,
- b) improve economic coping capacities and livelihood opportunities of families and communities of the affected children and young people,
- c) increase learning opportunities for orphans and other vulnerable children through formal and non-formal education,
- d) improve access to quality basic social services (education, health, justice and welfare, care) for orphans and other vulnerable children,
- e) increase focus on issues related to vulnerability of children to reduce stigmatisation and discrimination.

D. Zambia, Overall Objective were:

To support government efforts in the progressive realisation of the right of children and women to protection from all forms of neglect and abuse, particularly for those whose circumstances have rendered them more vulnerable. Orphans and vulnerable children are integral to this programme.

Specific objectives have been to:

- a) strengthen the capacity of the national OVC co-ordinating structures in order to enable the provision of effective management oversight and policy support to institutions providing assistance to AIDS orphans and other vulnerable children (OVCs) at district and community levels,
- b) place human rights issues related to OVCs high on the national development agenda,
- c) promote equitable and quality participation of OVCs in basic education.

E. Zimbabwe, Overall Objective were:

To contribute to the overall physical, emotional and psychological well being of children affected by HIV/AIDS.

Specific objectives have been to:

- a) increase access to health care, proper sanitation facilities and early childhood education and care for development for orphans,

- b) contribute to the reduction of child abuse (sexual and economic) and ensure participation in psycho-social counselling and life skills training for all orphans and vulnerable children in high priority districts.

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