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**EVALUATION REPORT**



**TRANSTEC**  
PROJECT  
MANAGEMENT

**UDF-URT-07-155 / Jurisprudence on the Ground**

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## **Disclaimer**

The views expressed in this report are those of the evaluators. They do not represent those of UNDEF or of any of the institutions referred to in the report.

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## Executive Summary

### *(i)The project*

This report is the evaluation of the project entitled “Jurisprudence on the Ground”, implemented by the International Association of Women Judges (IAWJ) in partnership with the Tanzanian Women Judges Association (TAWJA) and the Society for Women and AIDS in Africa-Tanzania (SWAA-T) from 1 September, 2008 to 1 August, 2010. The project had three different target audiences:

- Magistrates in pilot rural areas, who were to receive training in human rights law and international conventions to which Tanzania is a party, in order to improve their understanding of the legal problems and rights of women affected by HIV/AIDS.
- Community leaders/trainers affiliated with SWAA-T, who were to receive training on women’s rights and the legal system, in order to strengthen their community-level activities.
- Community members, particularly women, in target areas, who were to benefit from SWAA-T led activities and the dissemination of information on their rights and the legal system.

### *(ii)Assessment*

#### **Relevance**

In choosing to concentrate on the rule of law and human rights issues related to women with HIV/AIDS, the project targeted one of the most vulnerable groups in the country and one suffering disproportionately from lack of access to justice and the weak status of human rights law at the lower levels of the judiciary.

#### **Effectiveness**

All planned activities have been delivered with no significant changes in content or schedule. The area in which the project has had the most trouble delivering on commitments has been in the reporting of the cases. Nonetheless, IAWJ has succeeded on collecting and posting on the web summaries of a number of cases in which human rights law has been applied in favour of women.

#### **Efficiency**

Project management has been excellent, as both TAWJA and SWAA-T were long affiliated with international networks and had experience in project management. About 60 magistrates were trained, 25 SWAA-T community mobilizers received Training of Trainers training under the project, and at the grass roots level about 3,300 persons attended community meetings. The strategic design of the project, namely taking advantage of regular community meetings encouraged both efficiency and impact. Existing administrative structures and officials, namely ward counselors, village officers, and Ten Cell leaders, were utilized.

### ***Impact***

The project has had impact in demystifying the law and improving perceptions of the legal system. SWAA-T community awareness raising provided direct encouragement to women to go to court to defend their rights. While there is no hard evidence, project staff interviewed were of the view that women who had received SWAA-T awareness raising performed better when they went to court. However, distance and access remain basic problems limiting the impact of a project such as this. The impact of the project in the area of policy advocacy was limited.

### ***Sustainability***

Prospects for sustainability are reasonably good. Following the end of the project, a follow up seminar was organized by TAWJA in the Dar es Salaam International Conference Centre in February 2011. This was attended by 25 court justice, over 100 magistrates, and other stakeholders and dignitaries. TAWJA has put together a UNIFEM grant application for the extension of the project activities.

### ***UNDEF value added***

The project fell squarely within the mandate of UNDEF, and contributed to the implementation of some of the approaches highlighted in the Secretary General's Guidance Note of 2009. A range of funders could have financed this project, from UNIFEM through the Nordics to the European Initiative for Democracy and Human Rights (EIDHR) or Investing in People thematic budget lines. What set UNDEF apart was the simplicity of its application procedure and the user-friendliness of its reporting requirements.

## ***(iii)Conclusions***

- The fact that IAWJ had a local affiliate, and invested heavily in project preparation, provided a strong foundation for the project.
- The trainings were of high quality and traditional and non-traditional outreach approaches were effectively combined.
- The project addressed both the supply and demand side, by raising women's awareness on one hand and training the judiciary on the other. "Feedback loops," between the community and members of the judiciary were created both at the level of TAWJA-SWAAT leadership and at the community level.
- There were few efforts to combine efforts with other NGOs active in providing legal assistance to women. This was unfortunate, particularly because these organizations are able to provide legal counselling and advocacy services to women in need – areas not covered by this project. This represented an opportunity missed.
- While this was a highly successful project, the limitations posed by under-budgeting and poor infrastructure need to be kept in mind. In addition, women's rights are not a priority item on the political agenda.
- The evaluators were struck by two themes – men and Islamic law -- seemed largely absent from project strategy and implementation.

#### ***(iv)Recommendations***

UNDEF should continue to carefully assess the capacity of partners and the quality of partnership. While UNDEF has understandably moved to work more closely with local NGOs than international organizations, the importance of working with experienced implementers should not be forgotten.

UNDEF should favor projects, like this one, that combine traditional and non-traditional media.

In the application procedure, UNDEF should strengthen the requirement of actions' complementarity. In both areas covered by the project, HIV/AIDS and legal assistance, there were a number of NGOs active in Tanzania. More thought should have been given, at project formulation stage, to achieving synergies and ensuring complementarity with these other activities

UNDEF should prioritise activities that combine grass roots activities with policy advocacy, by developing additional partnerships if necessary. In the case of this project, the scope for policy advocacy of TAWJA, a judges' association, was strictly limited. Better partnerships, though, could have strengthened the policy advocacy aspect of the project.

In its gender-related projects, UNDEF should ensure that gender is considered in its widest sense, and that issues surrounding Islamic law are addressed. Raising awareness among men is at least as important as raising awareness among women. Projects in countries where a significant proportion of the population is Muslim should address the fact that women are often disadvantaged under Islamic law in the areas of inheritance and property rights.

While the simplicity of the funding application procedure is a two-edged sword, in general, the virtues of simplicity predominate. This project is proof that, so long as the implementing partner is strong, complex applications are not needed for solid projects.

UNDEF, as is known, sees itself as a catalyst and does not consider requests for follow-on projects. Yet, UNDEF might consider procedures by which the project finalization phase includes consideration of whether and how project activities may be extended or rolled out utilizing other funding sources.

## II. Introduction and development context

### ***(i) Project and evaluation objective***

This report is the evaluation of the project entitled “*Jurisprudence on the Ground*”, implemented by the International Association of Women Judges in partnership with the Tanzanian Women Judges Association (TAWJA) and the Society for Women and AIDS in Africa-Tanzania (SWAA-T) from 1 September, 2008 to 1 August, 2010 in Tanzania. The project had a total budget of US\$300,000.

UNDEF and Transtec have agreed a framework governing the evaluation process, set out in the Operational Manual. According to the manual, the objective of the evaluation is to “undertake in-depth analysis of UNDEF-funded projects to gain a better understanding of what constitutes a successful project which will in turn help UNDEF devise future project strategies. Evaluations also assist stakeholders to determine whether projects have been implemented in accordance with the project document and whether anticipated project outputs have been achieved’.”

### ***(ii) Evaluation methodology***

Two experts, one international and one national, carried out the evaluation under a framework agreement between UNDEF and Transtec. The methodology of the evaluation is set out in the Operational Manual governing this framework agreement, with brief additions in the evaluation Launch Note. In accordance with the agreed process, a set of project documents was provided to the evaluators in December 2010 (see list of all documents consulted in Annex 2). On that basis, they prepared the Launch Note (UDF-URT-07-155) setting out issues to be considered during the field visit, which took place from 17 to 21 January 2011. During their visit to Dar es Salaam, the evaluators conducted semi-structured interviews with a range of stakeholders (see list of people met in Annex 3), including:

- The Executive Director and relevant programme officer from the International Association of Women Judges (IAWJ) headquarters in Washington, D.C.;
- Leaders and officials of the Tanzanian Women Judges Association (TAWJA) and the Society for Women and AIDS in Africa-Tanzania (SWAA-T);
- Representatives of other NGOs;
- The Chief Justice of Tanzania.

The evaluators also took part in a community meeting in Mgororo at which traditional and non-traditional methods (brochures, songs, and theatre pieces) were used to raise awareness of women’s legal rights and the legal system.

While it was not possible to interview a panel of magistrates who received training, one of the SWAA-T officials interviewed had been trained by the project.

## **AIDS and Women's Human Rights in Tanzania**

The starting point for many of the human rights violations suffered by women whose life is affected by HIV/AIDS is the stigma and discrimination associated with the disease. The Tanzania Human Rights Report 2009, compiled by the Legal and Human Rights Centre, suggests that even with the protection guaranteed by legislation, women continue to be marginalized, and that women living with HIV face greater stigma and discrimination than do men. According to the 2004 Demographic and Health Survey (DHS) for Tanzania, only 22% of women and 27% of men have an accepting attitude towards all people living with HIV/AIDS.

Even before the advent of HIV/AIDS, it was common for relatives of a deceased husband to eject a widow from the matrimonial dwelling after the death of the husband. With the explosion of premature mortality due to the disease, the phenomenon has become a crisis. The Tanzania Women Lawyers Association (TAWLA) has handled close to 200 probate cases involving HIV/AIDS widows, 130 of them land-related and 59 having to do with wills. TAWLA's experience demonstrates that most women do not know how even to make, let alone to prove, a claim of matrimonial property. TAWLA provides assistance to people living with HIV who wish to write wills to prevent the conflict and trauma that follows death. However, there is strong popular resistance to writing wills, let alone suggesting that a spouse or family member who is ill should make a will.

In one study (Kessey et al. 2008), a quarter of all interviewed widows (n=81) reported having lost property of their deceased husbands due to confiscation by relatives. Only in four instances did widows report that they took action against the culprits. Out of 13 identified cases which were reported to authorities including village leadership and social welfare organizations, only four were resolved in favour of the widows.

Like the asset-stripping of widows, gender-based violence was a widespread problem in Tanzania before HIV/AIDS, but the disease has worsened the situation (USAID 2008). In a study of women attending an HIV counseling and testing clinic (Maman et al. 2001), young HIV-positive women were ten times more likely to report violence than HIV-negative women. In another study of women availing themselves of counseling and testing services, women reported fear of violence as a primary reason for not disclosing their HIV status to their partners (U.S. Department of State 2006). In this way, gender-based violence encourages the spread of the disease.

### References cited

Kessey, Flora, Josaphat Kweka, Robert Makaramba and Irenei Kiria. 2008. Vulnerability and Property Rights of Widows and Orphans in the Era of the HIV and AIDS Pandemic: A Case Study of Muleba and Makete Districts, Tanzania. FAO, HIV/AIDS Programme Working Paper 5

### ***(iii)Development context***

Tanzania is one of the poorest countries in the world, and has made only moderate progress in human development. The 2010 Human Development Report estimates that Tanzania ranks 148th out of 169 countries in the now refined Human Development Index (HDI). "The rural-urban gap in the provision of basic necessities," states the Report "is a critical issue in human development in Tanzania. The inability to meet basic needs in rural areas remains high despite efforts to narrow the gaps." On a brighter note, Tanzania is one of the very few countries where<sup>1</sup> multidimensional poverty (65%) is lower than traditional income based poverty (89%). This reflects the considerable progress in social development that has been achieved in the country.

Tanzania is a country with a high HIV-prevalence rate of 5.7% in 2006/2007 (according to UNDP Tanzania) and 5.6% in 2009. This places Tanzania in the ranks of the most seriously HIV/AIDS-affected countries in the world.

### ***Good governance***

Tanzania is a unitary Republic with multiparty democracy. Its constitution (1977) provides that the country aims at building a democratic society founded on the principles of freedom, justice, fraternity and concord, in which the executive is accountable to the electorate through the legislature. The constitution also provides for judicial instruments to ensure that justice and equality before the law prevail.

In the early 1990s, Tanzania abandoned one-party rule and instituted a multi-party, parliamentary democracy. Initiatives undertaken since then have included the Public Sector Reform Program (PSRP), Public Financial Management Reform Program (PFMRP), Legal Sector Reform Program (LSRP), and the Local Governance Reform Program (LGRP). A National Framework for Good Governance and National Anti-Corruption Strategy and Action Plan (NACSAP) are also in place.

Nonetheless, significant challenges remain. Democratic institutions lack capacity and the political playing field remains uneven.<sup>2</sup> According to the Transparency International Annual Report 2009, the Corruption Perception Index (CPI) in Tanzania is very low, and Tanzania ranks 126 out of 180 countries with a CPI of 2.6. The Bertelsmann Transformation Index (BTI), which ranks 125 countries on political and economic management against 17 criteria shows for Tanzania a Status Index of 5.84 of a scale of 1-10, making for an overall ranking of 62<sup>nd</sup>.<sup>3</sup>

The country has recorded positive achievements in civil society development. There are more than 10,000 registered civil society groups in the country, including groups dealing with gender, environment, small businesses, HIV/AIDS, and to legal and human rights protection.

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<sup>1</sup> The Multidimensional Poverty Index complements income-based poverty measures by showing the number of people who are multi-dimensionally poor and the deprivations that they face on the household level. It draws on 10 indicators related to health, education and basic necessities; a household is considered poor if it is deprived in more than three areas.

<sup>2</sup> <http://www.tz.undp.org/docs/prodoc%20dg%20stir.pdf>

<sup>3</sup> <http://bti2008.bertelsmann-transformation-index.de/64.0.html>

## Law and the legal system

### The Tanzanian Legal System in a Nutshell

There are three organs of the Government; these are the Executive, Judiciary and the Legislature. The Local Government Authority is exercised through Regional and District Commissioners. The functions and powers of each of the three organs are laid out in the 1977 Constitution of the United Republic of Tanzania.

The judiciary is formed by various courts of judicature and is independent of the government. It has four tiers:

- the Court of Appeal of the United Republic of Tanzania,
- the High Courts for Mainland Tanzania and Zanzibar,
- Magistrates Courts, which are at two levels, i.e. the Resident Magistrate Courts and the District Courts, both with concurrent jurisdiction, and
- Primary Courts, which are the lowest in the judicial hierarchy.

The legal system of Tanzania is largely based on common law but it also accommodates Islamic or customary laws. the latter sources of law being applied in personal or family matters.

Not surprising for a low-income country, Tanzania is characterized by not enough judges, not enough courts, poor infrastructure in those courts that function, and significant corruption, especially in lower-level courts and among lower-ranked officials and employees of the judiciary. Although occasional cases of magistrate corruption arise, it is not so much magistrates themselves as court employees, especially court clerks, who are subject to corruption.

With an insufficient number of magistrates in post and a caseload of about 200,000 cases per year, there is a backlog of cases and delays are common. These delays occur at all stages; delays to hear, delays to judge, and delays to execute judgements. Sometimes these are the results of corruption, for example, court clerks can be bribed to hide case files so that cases are not heard; or those able to hire expensive advocates instruct them to pray for frequent adjournments so as to delay cases being heard.. Strategic actions that delay cases until one of the litigants dies of HIV/AIDS are not unheard of. In response to this, magistrates have been encouraged to fast-track cases in which it is known that one of the parties is HIV-positive.

Infrastructure is poor. Only about one-third of Tanzania's magistrates have access to the internet. Stationery, printers, faxes, and the like are in short supply. In many places, courts are forced to function in government offices due to lack of designated court buildings and this largely undermines the perception of independence of the judiciary. It is not uncommon for a person going to court to be able to dedicate three days – two for travel and one for proceedings. For a woman who needs to seek the approval of community and family members, this is often a dominant factor in a decision not to pursue a claim.

Many international human rights conventions, including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) have been ratified by Tanzania, and

these are working themselves into national jurisprudence at the superior levels (High Court and Court of Appeals). Yet, much of this fails to filter down, as magistrates lack access to this jurisprudence. The subject of human rights was, until recently, absent in legal education and training.

Legal experts interviewed by the evaluators were all of the view that progress is occurring in areas such as land law, matrimonial law, and inheritance; however, all warned that the rate of improvement is slow. For example, when the Women's Legal Aid Centre (WLAC, see below) appealed an inheritance decision, the District Court level judge ruled that CEDAW, having never been domesticated into national law by Parliamentary action, was irrelevant (the decision is being appealed). Yet, despite the difficult situation, the legal experts interviewed (perhaps not surprising in view of their common law background) expressed the view that the best avenue for progress is a robust, well-trained self-confident judiciary.

### **Violeth's Story**

Thirty-year-old Violeth was abandoned by her husband in 2007 while she was pregnant with their fifth child. Their couple had been married for 12 years but her husband decided to leave her and their children to move in with the woman he had been having an affair with. The clan leaders tried to encourage the man to move back home, but after a few days of living together; her husband left. Violeth has not received any form of support from her husband for herself or her children. The family has gone without money for food, clothing, and school supplies. She was advised by SWAA-T members to seek legal aide so that her husband will be held accountable for supporting her. She went to the district court to seek help, but the magistrate who was present at the time told her to go home and settle the issues with her husband. The Magistrate said, *"What is the use of putting him in prison; does it help you to meet the needs of your children? Go home and look for ways of caring for your children."* She was then advised to report to the Social Welfare Department but they are not well funded and have done little to meet her needs. She depends on fetching and selling water to people as a means of supporting her family. After hearing her case, the present District Resident Magistrate asked her to see him on 1<sup>st</sup> April so that he can look at her case again.

While the precedent-creating decisions of higher court judges are vital in the development of the law, primary court magistrates – the first and last contact with the legal system for the overwhelming majority of persons who go to court (in themselves a minority of those with claims) – also play a crucial role. Confronted with a gulf between their legal training and traditional norms and customs, they are expected to design practical equitable solutions under the most difficult working conditions.

It is not only the magistracy that requires empowerment. Women, particularly in rural areas, are unaware of their rights and have limited opportunities to access justice. They are held back by traditional norms and customs, lack of access to information about human rights, poverty, and a disproportionate share of the

burden imposed by the HIV/AIDS pandemic. Women's legal problems are particularly acute in the areas of matrimonial and family law, land law, and inheritance, with a significant number of widows receiving far less than the inheritance to which they are entitled. They are also subject to widespread gender-based violence, far too often casually dismissed by the police, judicial authorities, and the community at large.

Mutual ignorance – the fact that both women and lower-level members of the judiciary are disempowered – inhibits the proper development of the law because there is no "feedback"

loop between the public and the judiciary. Women regard the legal system as inaccessible, slow, non-transparent, and unfair; magistrates, for their part, complain of no-shows, ignorant litigants, incompetently prepared documents, and frivolous cases. This, states the project document, represents a failure of democracy, resulting in an absence of trust between citizens and the judicial system.

While the magistracy remains predominantly male, there has been growth in the representation of women in the judiciary, particularly the High Court and Court of Appeal. While improvement in representation has been less striking at the lower levels, there is still a significant presence of women in the magistracy. The goal is that by 2013, 40% of magistrates will be female.

### **Other relevant initiatives**

There are a number of players active in providing legal advice to women, however, there is no public support for legal aid, and the scale of activities is small in relation to the need. The Legal and Human Rights Centre (LHRC), the Women's Legal Aid Centre (WLAC), the Tanganyika Law Society (TLS, the bar association for the mainland, with which magistrates are also affiliated), the Tanzania Women Lawyers Association (TAWLA, counting close to 500 members), and the National Organisation for Legal Assistance (NOLA) all provide some degree of legal aid. In the case of the LHRC, this consists largely of training community-level paralegals. LHRC is also an advocacy organization. WLAC offers legal aid clinic in Dar es Salaam once a week to counsel women in need of legal assistance, in addition to which, it operates a mobile legal aid clinic that visits the countryside. Like LHRC, WLAC also trains paralegals, who in addition to providing legal advice, carry out community-level training and awareness raising. A Paralegal Network brings paralegals associated with different organizations together on a regular basis. WLAC

#### **Women's Legal Issues: an Overview**

It is estimated that women especially in the rural areas provide 80% of labor force and produce about 60% of food production. They are also the main producers of cash crops, however the customary context does not allow them to own their own wealth. Women do not have decision on the reproductive issues; for example most women cannot decide on the number of children in the family though they are the ones playing a big role in child rearing.

There is discriminatory application of statutory laws, inadequate legislative protective mechanism such as protection orders, baring orders and safety orders in the legal system and insensitive investigations and prosecution of cases involving violence against women and children. It is evident that customary laws and practices remain discriminatory against women on issues of property inheritance particularly on land, as well as institutionalised violence against women. Also various customary practices continue to restrict women's access to loans and credit.

The Government in collaboration with NGOs has been working to remove discriminatory provisions in existing laws, which do not grant the rights and freedom of women. In this regard several laws have been enacted in favour of women i.e. Sexual Offences Special Provisions Act of 1998, the Land Law Act of 1999 and Village Land Act of 1999. The first law protects women, girls and children from sexual harassment and abuse. The last two laws repeal and replace previous legislations on land matters thus enabling women to enjoy equal rights with men in access, ownership and control of land. Efforts are underway to redraft inheritance Laws, the Marriage Act and to enact the law on the rights of the child.

also operates a radio program once a week. Two topics are covered: women’s legal rights in general, and legal issues particular to refugees.

A range of donors have been involved in promoting women’s legal rights. The main multilateral donor is UNIFEM. Among the bilateral agencies, most of the Nordics (SIDA, DANIDA, and NORAID) have been active, as has USAID.



*Different methods were used to teach women about their rights. Here a woman sings a song to sensitize participants on women’s rights.*

### III. Project objectives, strategy, and implementation

#### ***(i) Logical framework***

The objectives of the project were

- to train the judiciary,
- to promote dialogue between women and the judiciary at the grassroots level, and
- to increase access to justice.

Ten associated outcomes were defined as follows:

Outcome 1: New and on-going communication established between international and national associations of women judges and civil society organizations (CSOs) in Tanzania.

- Main related activities: formation of a partnership between IAWJ, the TAWJA, and the SWAA-T.

Outcome 2: Access to Justice Obstacles and issues for marginalized women identified.

- Main related activities: focus group discussions on barriers faced, synthesis and presentation of results, incorporation into strategy formulation.

Outcome 3: New training of first-line magistrates on human rights law.

- Main related activities: preparation of curricular materials; training seminars for magistrates.

Outcome 4: Key women community leaders trained on basic human rights law and access procedures and rights.

- Main related activities: Training of grassroots SWAA-T key leaders and grassroots associates; SWAA-T public education sessions.

Outcome 5: Mechanisms established for dialogue, communication and feedback between members of the judiciary and grassroots women.

- Main related activities: Establish mechanisms for a “feedback loop” with agreement for on-going monitoring of the process between SWAA-T and TAWJA.

Outcome 6: Better public awareness of women’s rights and procedures to access the courts.

- Main related activities: Identification of topics; development of materials and training / sensitization programs for marginalized grassroots women

Outcome 7: Increased access to the courts by marginalized women and decreased discrimination in the courts.

- Main related activities: Implement information outreach and sensitization programs for marginalized women.

Outcome 8: Increased transparency of the way courts work.

- Main related activities: Distribute brochures targeted at marginalized women to explain how courts work; report to IAWJ and TAWJA on results of public education sessions.

Outcome 9: Increased implementation by members of the judiciary of human rights law

- Main related activities: Follow-up training seminars for magistrates and SWAA-T leaders; identification, documentation, and dissemination of key cases and associated jurisprudence.

Outcome 10: Change in the courts of procedures or other obstacles that inhibit the realization of full access and fairness to women in the courts.

- Main related activities: Produce recommendations based on follow up from training seminars of magistrates and SWAA-T key leaders.

The Project document contains a full logical framework, but does not formally link outcomes to results and objectives. A heuristic approach to reconstruct project logic is given in the Logical Impact Diagram given in Annex 1 of this Evaluation Report?.

### ***(ii) Audience and project approach***

The project sought to operate with three different target audiences:

- Magistrates and judges. Two trainings were provided, one in Dodoma and the other in Songea. Approximately 60 magistrates (including several judges) received a training module on human rights law. The three-day trainings were highly participatory and interactive; traditional classroom approaches were avoided. Case studies, team work, and moot court-like tools were utilized. While the evaluators were unable to meet with a group of magistrates who received training, it was able to examine the syllabus and speak with one magistrate who was involved. Both suggest that the training was high-level and commensurate with the relatively high level of preparation of the participants. The trainings were conceived in the way of continuing professional legal education, not awareness raising.
- SWAA-T community mobilizers. Trainings, essentially a training of trainers, were provided to 25 SWAA-T grass-roots members. The content of the training was the basics of the Tanzanian legal system, the basics of women's legal rights, and how to communicate these to the grass roots community. SWAA-T engaged in awareness raising and mobilisation activities that reached over 3,000 persons (see discussion of impact below). They employed a combination of traditional and non-traditional means of outreach. The first consisted of a series of brochures widely distributed. A strategic decision was made to rely on print media rather than radio, the explanation given being that national-level radio dissemination was extremely expensive. One may add that other players are already offering radio interventions in the area of legal rights. Non-traditional methods included community theatre skits, songs, etc., involving the participation of the local populations. This material was composed by community members under the coaching of SWAA-T mobilizers who had received training through the project. The theatre pieces built on information provided in the brochures, reinforcing the messages through stories and narratives that resonated with the daily experience of the community members. Actors and performers were all members of the community. While there was no formal attempt to bring magistrates and community members together, these activities were often tied to village meetings or open days in which magistrates often took part. This allowed a friendly exchange of views, e.g., women explaining how difficult it was for them to travel to court, magistrates pointing out that sometimes women coming to court were unprepared or completely ignorant of the law, etc. In this way a healthy dialogue was promoted at the community level.

### ***(iii) Strategic aspects***

Two general points are worth stressing.

First, the approach addressed both the “supply” and “demand” sides of justice, by training magistrates in the law and sensitizing them to the challenges faced by women seeking access to justice (the supply side), while simultaneously empowering women to stand up for their rights by awareness raising and de-mystifying the legal system (the demand side).

However, and second, constraints on both sides must be recognised: The Tanzanian judicial system, as described above, operates under debilitating shortages of infrastructure and personnel. Women’s access to justice is hampered, above all, by the fact that courts are distant from villages. A woman going to court must not only deal with possible suspicion and resistance in her community, but also with the practicalities and expense of transport, lodging, and time away from work and family. The project was in no position to deal with these larger constraints on both the supply of and the demand for, justice for women.

A strategic strength of the project was that it built on extensive prior experience of IAWJ in the regional Ford Foundation / UNIFEM-funded Jurisprudence of Equality Programme (JEP) which it had implemented in multiple countries (Kenya, Uganda, Tanzania) since the early years of this century. JEP concentrated on training in the use of human rights law, especially to combat violence against women.

Another strategic strength is that both TAWJA and SWAA-T were well-established NGOs with a long operating history in Tanzania; in addition to which, the IAWJ in Washington had a long-standing relationship with its national affiliate TAWJA. The innovation of the project was to bring the two national partners together, one with expertise in law and the other with expertise in HIV/AIDS and community mobilisation.

In the project design process, which involved several days of consultation in Dar es Salaam, top leaders in these two powerful but very different NGOs had a chance to inform each other about problems and opportunities in their different areas of expertise. The combination of TAWJA’s expertise in traditional legal education with SWAA-T’s experience in non-traditional means of community education proved to work well. The project strategy allowed TAWJA’s technical expertise to be leveraged with SWAA-T’s well-developed community network. Timing was also favorable, as the project was conceived at a time when TAWJA was realizing that women’s legal problems were increasingly tied to HIV/AIDS and SWAA-T was realizing that HIV/AIDS was a human rights issue in addition to a medical and social one.

The catalytic role of international networks is acknowledged. The genesis of the project was the meeting of the UN Commission on the Status of Women in New York. SWAA’s approach had revolved almost exclusively around prevention of HIV/AIDS, but on hearing presentations in the context of JEP, SWAA international leadership was encouraged to approach IAWJ about the possibility of becoming more involved in human rights and legal issues of women affect by HIV/AIDS. Discussions took place at the top level, and the choice of Tanzania was mutually agreed upon based on need and the relatively good capacities of the affiliates on the ground.

Some of the project’s success can be attributed to an intense, four day planning meeting held by IAWJ, TAWJA, and SWAA-T in Dar es Salaam in October 2008. The “feedback loop” between the judiciary and community members which the project aimed to institute at

the grass roots level was first established at the senior level as a result of this meeting. Prior to this, there had been no contact between TAWJA and SWAA-T.

Another aspect of project strategy is that IAWJ works only in countries where it has a national affiliate as implementing partner. It does not rent offices, hire staff, etc. There is no reliance on international experts, only on national members.

A difficult strategic choice made at the beginning of the project was to limit the training of magistrates to only two events at which only 60 magistrates received training. This should be compared to the roughly 800 magistrates in the Tanzanian system (it is estimated that at least 1,300 are needed to properly staff the courts. The reason for limiting the amount of training was two-fold:

- First, based on the evaluators' review of training material, the level was high; these were not mere awareness raising sessions, but full-bore legal continuing education courses. While there are still some lay magistrates with no higher education, three quarters have completed the two-year diploma course at the Institute of Judicial Administration. The core manual benefited not only from the relatively good background of the trainees, but from nine years of experience with JEP training.
- Second, experience taught that training involving more than about 30 participants tended to lose effectiveness. The trainings were participatory and involved case analysis by teams and moot court sessions – tools very difficult to employ in a large group. Traditional classroom lecture approaches were avoided as much as possible in favour of interactive approaches. Participants' evaluations of training (provided to UNDEF) were very favourable.

The two magistrates' trainings (in Songea and Dodoma), each of three days' duration, were conducted at the same time, since it was required that the magistrates seek leave from the Court in order to attend the training. This process could not have been done repeatedly as it would have disrupted court procedures and delayed the hearing of cases. All participating magistrates were awarded a certificate.

The strategic decision (largely due to SWAA-T) to rely on brochures to the exclusion of radio might be questioned, but appears to have been sound. First, rural female literacy is not altogether bad in Tanzania, about 75%. Even if not themselves literate, almost all women will have access to someone who is. Second, and as observed by the evaluators during their site visit, brochures are not simply read and thrown away, they are passed from hand to hand. One brochure, estimates SWAA-T, reaches five persons. Demand, it appears, outstrips supply. Finally, other NGOs (as described below) are already using national and community radio to air programmes on access to justice (although not specifically targeted at women).

TAWJA prepared the English and Swahili text of the brochures in very simple language, consulting with SWAA-T to ensure that messages were well adapted to grass roots needs and concerns. An artist was called upon to design the presentation, incorporating simple cartoons as well as text.

Brochures were delivered to Village Officers, who then distributed them at village meetings attended by SWAA-T community mobilizers. Community theatre skits and other media (songs, etc.) were used to reinforce the messages contained in the brochures.



*More women receive the 'Know Your Rights' Brochures. The brochures were printed in both English and Kiswahili for maximum outreach for women. SWAA-T estimates that every brochure is shared with at least five other persons, including men.*

## IV. Evaluation Question answers / findings

The evaluation is based on a set of evaluation questions or EQs, designed to cover the Development Assistance Committee (DAC) criteria of relevance, effectiveness, efficiency, impact, and sustainability; plus the issue of UNDEF value added. The Evaluation Questions and related sub-questions are presented in Annex 1.

### ***(i)Relevance***

Project objectives were consistent with the development, governance, and institutional context described above. In choosing to concentrate on rule of law and human rights issues related to women with HIV/AIDS, the project targeted one of the most vulnerable groups in the country and one suffering disproportionately from lack of access to justice and the weak status of human rights law at the lower levels of the judiciary. The prevalence of injustice in the areas of inheritance, land law, and matrimonial law guaranteed that the project would have concrete impact on a significant number of women.

The project correctly identified needs:

- the need of magistrates to be better attuned to women's situation and the practical problems that they face
- the need of magistrates to be trained in human rights law,
- the need of SWAA-T community trainers to be better informed about the legal system and the law, and
- the need for awareness raising and training at the grass roots level.

and strategically addressed these. We have used the metaphor of addressing both the "supply" and "demand" sides for improved human rights in the context of the rule of law.

We have found that the project was strategically well designed and took advantage of complementarities and synergies between two national partners (TAWJA and SWAA-T) while drawing on the expertise of the implementing agency (IAWJ). Given that other national organizations are active in advocacy, in provision of legal counselling and advocacy, and in mass diffusion of information via radio, the project found a good niche.

Gender was, of course, at the heart of the project. About one-third of community meeting participants were male, as were many of the skit participants. The evaluators' impression at the meeting that they attended was that this was very much a women's occasion, with men decidedly observing from the fringes. Yet, men's interest should not be taken for granted. Organizations providing legal counselling on women's legal issues (which this project did not) reported that most people availing themselves of advice are, in fact, men.

A fact which struck the evaluators was that, while land law, matrimonial law, and inheritance were constantly cited by all persons interviewed, the project appears to have had rather less to do with gender-based violence. This may have to do with the fact that, despite efforts to counter it, gender-based violence remains broadly accepted in Tanzanian society. To use

the analogy applied above, this would be to attribute the relative absence of gender-based violence to the “demand side” of women’s human rights.

The project was clearly relevant to UNDEF’s priorities. It fell under the “rule of law and human rights” area of UNDEF focus, dealt explicitly with gender issues. A particularly vulnerable social group (women affected by HIV/AIDS and, through them, children). Within this, it covers issues raised in the September 2009 Guidance Note of the Secretary General on Democracy, in particular some of the areas of UN focus and comparative advantage noted under Section IV of the Guidance Note: “advance transparency and accountability arrangements”; “promote the rule of law”; “encourage responsive and inclusive governance” and “support a strong and vibrant civil society”. The project’s implementation modalities are also consistent with the guiding principles for effective assistance set out in Section III of the note, including in particular by broadening “domestic engagement and participation” and addressing “explicitly the effects of discrimination against women”.

As a result of these factors, the project was relevant in its strategic approach and implementation, addressing clear needs and strengthening the rule of law in a concrete fashion.

### ***(ii)Effectiveness***

All planned project activities have been delivered with no significant changes in content or schedule. The evaluators’ review of the content of legal training given to magistrates is positive. Comments on the relatively small number of magistrates trained are given elsewhere, but it may here be said that this is not seen as a factor impairing project quality.

The area in which the project has had the most trouble delivering on commitments has been in the reporting of cases. While there has been some success in collecting reports on cases in which human rights law was applied to women’s cases, reporting has not been as effective as hoped. It must be remembered that only about one-third of Tanzania’s magistrates have internet access, and typewriters, fax machines, etc, are in short supply. Magistrates are overworked and reporting is a time-consuming activity. Nonetheless, IAWJ has succeeded in collecting and posting on the web summaries (not full reports) of a number of cases in which human rights law has been applied in favour of women. Work on this continues.

### ***(iii)Efficiency***

Project management has been excellent, as both TAWJA and SWAA-T were long affiliated with international networks and had experience in project management. SWAA-T offices visited by the team in Dar es Salaam were simple but functional.

One way of measuring efficiency is the scale of activities. As said, about 60 magistrates were trained. The reasons for this relatively modest output were explained above and are judged by the evaluators to be strategically sound (see also comments below about the nature of impact in common law systems). 25 SWAA-T community mobilizers received Training of Trainers training under the project. At the grass roots level, about 3,300 persons attended community meetings at which SWAA-T mobilizers raised awareness of women’s legal rights and HIV/AIDS.

As is always the case where it is involved, international support came at a price. Between salaries, overheads, and travel, nearly one third of total project resources went to financing

IAWJ support. The smooth operation of the project and its good performance show that this was a sound investment. So, too, does the fact that, in trying to find follow-up resources, IAWJ's continued support has been found necessary.

The strategic design of the project, namely taking advantage of regular community meetings, encouraged both efficiency and impact. Existing administrative structures and officials, namely ward counsellors, village officers, and Ten Cell leaders, were utilized.<sup>4</sup> There are positive implications for sustainability, as well, as these community meetings continue after the project has ended.

#### ***(iv) Impact***

Based on the responses of community members reported to the evaluators, the project has had the impact of demystifying the law and improving perceptions of the legal system. The legal system was (and is, for those not reached by the project) perceived as foreign territory fraught with uncertainty and danger. Through this project, as one community member put it "At last, the law is coming to us..." This contributed to an increase in citizens' confidence in the system and the belief that it can work for them.

SWAA-T community awareness raising provided direct encouragement to women to go to court to defend their rights. While there is no hard evidence, project staff interviewed were of the view that women who had received SWAA-T awareness raising performed better when they went to court, in the way of being better organised and more coherent in presenting their cause and responding to questions. They were more likely to realize the importance of procedural issues and to ask magistrates to explain procedural requirements to them.

However, as stated above, distance and access remain basic problems limiting the impact of a project such as this.

Concrete project impacts can be identified in the form of reversals of primary court decisions handed down by District Court magistrates who had received training (see box). These cases had to do with custody of children and property.

In assessing impact, the nature of common law systems such as Tanzania's, needs to be kept in mind. One judge trained and correctly applying international and national law to protect the rights of women is introducing precedent into the system. This precedent, picked up by magistrates (who will themselves, perhaps, have received training from this or another project) will eventually infuse Tanzanian jurisprudence. The process may be somewhat slow; however, it has been initiated. However, it places at a premium the improvement of reporting and information dissemination in the Tanzanian legal system, both weak points.

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<sup>4</sup> The Ten Cell unit, consisting of ten households, is the smallest administrative unit in the country.

## A Case Report

An important part of project strategy was generating judicial precedent in support of women's human rights. As the case summary below indicates, the project had some impact in this direction. The reporting District Court Magistrate, who received JOG training, applied human rights principles and cited relevant domestic and international laws, including CEDAW, ratified by Tanzania in 1985 and the African Charter on the Rights and Welfare of the Child, ratified by Tanzania in 2003.

### **Case Summary: Dotto v. Jilasa, Civil Appeal No. 4/2009, District of Manyoni Court, Tanzania**

Appellant Mirembe Dotto was married to Kasena Jilasa after Jilasa paid a dowry of 34 head of cattle to Mirembe Dotto's uncle and an additional 8 head to her father, for a total of 42 head of cattle. They had one child. They were subsequently separated under unclear circumstances. Although Kasena Jilasa took the matter of the marriage to the Conciliation Board, he died before the couple could reconcile or divorce. Respondent Malagi Jilasa, brother of the deceased, filed a divorce petition in Primary Court and sought custody of his late brother's only child. Two witnesses offered evidence of the number of cattle that was paid for the dowry. The Primary Court granted the divorce, awarding custody of the child and 30 cattle to the Respondent (Kasena Jilasa). Mirembe Dotto and her uncle Singu Saida appealed the decision of the Primary Court. The District Court vacated the Primary Court's order, finding that the Court erred by dissolving a marriage that was already dissolved through the death of the husband, citing Tanzanian Law of Marriage Act, the constitutional principle of equality before the law, and CEDAW Article 5(a) on eliminating customary and other practices that discriminate based on gender. Additionally, the District Court held that the custody of the child was rightly with the mother, since the mother was still alive pursuant to Tanzanian domestic law and the African Charter on the Rights and Welfare of the Child. In reaching its decision, the court reasoned that the best interest of the child should be taken into consideration.

The common law aspect is another reason why the strategy of stressing the quality of the training, rather than the number of persons trained or the number of sites at which training was offered, was sound. Legal experts interviewed by the evaluators, perhaps not surprising in view of their common law background, were firmly of the view that progress in women's legal rights in Tanzania depends on a strong, self-confident, and well informed judiciary able to rise above local pressures to abide by customary practices.

The impact of the project in the area of policy advocacy was limited. Here, the strictly proscribed role of TAWJA needs to be taken into account. It is widely acknowledged that CEDAW and the associated Maputo Protocol have been incompletely implemented, but as an organization of judges, TAWJA cannot adopt an overtly political agenda. However, some of the other organizations described above serve an advocacy role.

IAWJ built TAWJA capacity in the area of reporting and SWAA-T capacity in the area of curriculum preparation.

### ***(v)Sustainability***

Prospects for sustainability are reasonably good. Following the end of the project, a follow-up seminar was organized by TAWJA in the Dar es Salaam International Conference Centre on 14-15 January, 2011. This was attended by 25 court justices, over 100 magistrates, and other stakeholders and dignitaries. The Hon. Celina Kombani, MP, the Minister for Justice and Constitutional Affairs, and Justice Mohamed Chande Othman, the Chief Justice of Tanzania were all in attendance. Papers presented covered themes developed by the JOG project such as the application of international and domestic human rights law, the Maputo Protocol, child law, gender and HIV/AIDS, property rights, and judicial ethics.

The results of the JEP project give reasons for optimism regarding the sustainability of JOG. In that case, human rights was incorporated into the legal training curriculum and the judiciary itself financed the training of 300 lawyers in human rights law. The JEP training curriculum was incorporated into the Institute of Judicial Administration curriculum, and magistrates who received training through JOG have suggested that the same be done with material produced under that project.

In assessing sustainability, it needs to be recognised that one-off training interventions are not enough. A significant number of magistrates, following their three-year bonding period, use the job as a stepping stone to complete an LLB, qualifying them to be a highly-paid advocate.

Despite the TAWJA capacity building referred to above, it must be noted that, when TAWJA put together a UNIFEM grant application for the extension of project activities, UNIFEM's reaction was generally positive -- but the agency strongly suggested a re-drafting and strengthening of the proposal (a task in which IAWJ is providing support).

### ***(vi)UNDEF value added***

As indicated in the relevance section, the project fell squarely within the mandate of UNDEF, and contributed to the implementation of some of the approaches highlighted in the Secretary General's Guidance Note of 2009.

As clear from the involvement of UNIFEM and the Nordic bilateral agencies, another donor could have financed this project. However, the beneficiary (having had broad experience with donors including UNIFEM) was highly appreciative of the simplicity and user-friendliness of the UNDEF application procedure. It cited in particular the fact that there was no insistence on an overly complicated log frame and the fact that a narrative approach, not backed up by detailed statistics, was sufficient. If anything, the beneficiary felt that the strict word limits in the online form hindered their ability to effectively communicate. Project procedures were favourably compared with those of another funder active in the area, including UNIFEM.

## V. Conclusions

The conclusions presented here represent a synthesis of the answers to Evaluation Questions given in the previous section.

### ***(i) Sound partnerships***

The project involved a unique three way partnership between IAWJ, TAWJA, and SWAA-T. What explains the success of this partnership both at the community and leadership levels?

IAWJ only works in countries where it has a local affiliate to serve as implementing partner, so IAWJ and TAWJA were, as it were, members of the same family. The partnership with SWAA-T was formed at a serendipitous time when the lawyers were becoming increasingly interested in HIV/AIDS while the community workers were becoming more interested in the law. The corpus of problems addressed was real and required urgent intervention.

IAWJ invested heavily in project preparation, including dispatching two senior officers from Washington to take part in the extended planning session held in Dar es Salaam in October, 2008.

The experience of IAWJ and TAWJA in JEP provided a strong foundation for further collaboration.

### ***(ii) Sound approaches***

The trainings delivered were up to a very high level of quality; in particular, the legal training was aimed at a high professional level. Because female rural literacy is relatively high in Tanzania, the brochure approach was successful. Songs, dances, and theatre skits involving local community members reinforced the messages in the brochures, ensuring impact on community session participants.

The project maximized impact by addressing both the supply side of human rights (training magistrates; sensitizing them to the problems faced by women) and the demand side (demystifying the legal system for community members; bolstering their confidence in it and improving their performance in negotiating legal processes). “Feedback loops,” in which members of the judiciary and community members were able to exchange concerns and deepen mutual understanding, were created both at the top level (between TAWJA and SWAA-T leaders) and at the community level in the context of village meetings. The loops thus established strengthened civil society, and ultimately democracy in Tanzania.

### ***(iii) Relatively little attention given to joined-up approaches involving other civil society organizations***

While the IAWJ-TAWJA-SWAA-T partnership worked well, the evaluators found little evidence that there had been an attempt to join up with the other NGOs active in providing legal assistance to women. This was unfortunate, particularly because these organizations are able to provide legal counselling and advocacy services to women in need – areas not

covered by this project. Better coordination might not only have encouraged women to go to court, but ensured that they had a skilled advocate on their side when the case came up, Particularly given that one of the sub-goals of the project was to strengthen human rights, and build precedent In the Tanzanian legal system, this represented an opportunity missed.

#### ***(iv)The role of limiting factors***

This has been a very well-designed, well-run, and successful project. However, limitations which were beyond the scope of the project must be kept in mind. These are at two levels, political and systemic. At the level of the judicial system, poor infrastructure, insufficient staff, etc. remain the norm. The judiciary simply does not have enough money to deliver justice. This is most easily illustrated by the issue of physical access. Women who must undertake arduous travel in order to file a claim are discouraged from doing so. One of the more intriguing (though speculative) impacts of the project might occur if villages are encouraged, by the community training, to make obtaining a primary magistrate's court one of their development priorities (note that there is no evidence that this has happened).

At the political level, there has been slow improvement in women's legal rights, but it would be excessive to claim that this is a political priority. TAWJA, as an association of judges, is strictly proscribed from overt activism, safe on behalf of the justice system taken as a whole. It cannot pursue a political agenda. In this sense, the project can be viewed as complementary to the work of other NGOs (such as the LHRC) who openly engage in activism.

One might add that, at the cultural level, gender-based violence remains tragically accepted at many levels of Tanzanian society. Given its prevalence, it cannot be by accident that land and inheritance cases, not cases dealing with gender-based violence, dominate the women's legal docket in Tanzania.

#### ***(v)Two elements that received little attention – men and shari'ia***

The evaluators were struck by two themes that seemed largely absent from project strategy and implementation.

One was men. While a third of those participating in community activities were male, men seem to have not been explicitly targeted by project materials or interventions. The evaluators' impression from the activity that they attended (admittedly a sample of one) was that men observed from the fringes, but that the event was essentially a women's affair. A more explicit thematization of men and addressing of their concerns might have enhanced project performance.

The evaluators were also struck by the fact that the project appeared to have little to say about Islamic law, or shari'ia. In Tanzania, a couple may, with the consent of both parties, opt for a shari'ia settlement. However, in event parties are not in agreement with regards to which law should applied, the judiciary then steps in and decides whether sharia or civil law shall apply.

#### ***(vi)The added value of UNDEF was procedural***

A range of funders could have financed this project, from UNIFEM through the Nordics to the EU European Initiative for Democracy and Human Rights (EIDHR) or investing in People thematic budget lines. What set UNDEF apart was the simplicity of its application procedure and the user-friendliness of its reporting requirements.

## VI. Recommendations

### ***(i) Continue to carefully assess the capacity of partners and the quality of partnership***

Between Rounds 1 and 2, UNDEF moved away from implementing partners who were well-established international agencies and NGOs, in favor of working with national civil society organizations. This is understandable and desirable from the standpoint of building capacity, encouraging efficiency, and addressing UNDEF's core goal of strengthening the voice of civil society in democratic development. At the same time, projects such as this remind us of the importance of working with implementing partners who are experienced, who have access to strong international networks, and who are well-connected at the country level, as well.

### ***(ii) Combine traditional and non-traditional media***

The combination of brochures, a traditional medium, and non-traditional media such as songs, dances, and theatre skits, was very effective in this project. The brochures ensured control over and the quality of messages disseminated, whereas the non-traditional approaches reinforced the material in the brochures and gave participants a sense of community ownership. While national radio was felt to be too expensive (and was covered by other NGOs), more thought could have been given to use of community radio, a far cheaper alternative.

### ***(iii) In the application procedure, strengthen the requirement of actions complementarity***

This project worked in three areas – legal assistance, gender, and HIV/AIDS – in which many NGOs are active. Yet, at the project formulation stage, relatively little thought appears to have been given to how this project could work with and complement other projects. In the event, complementarities were achieved, for example, between the awareness raising achieved by this project and policy advocacy done by other projects. But, as evidenced by the fact that few women going to court with the encouragement of this project were represented by legal counsel, which could have been provided by relevant NGOs, a more joined-up approach might have yielded better results.

### ***(iv) Combine grass roots activities with policy advocacy, by developing additional partnerships if necessary***

While TAWJA is not able to advocate for policy change, the project could have forged partnerships with groups such as LHRC to use lessons learned and information generated in the project to strengthen high-level policy advocacy. The high profile of the leadership of implementing partners, here TAWJA and SWAA-T, should be leveraged to promote visibility and ensure that women's human rights receive more prominence on the national policy agenda.

***(v) Ensure that gender is considered in its widest sense, and that issues surrounding Islamic law are addressed.***

Raising awareness among men is at least as important as raising awareness among women. It is striking that NGOs providing free legal advice on women's issues in mobile outreach clinics reported that most clients were men. Including men more actively might have allowed to project to have a greater impact in the area of gender-based violence.

It is widely recognized that Islamic law is less favorable to women's rights in some areas, notably inheritance, and property. Projects in countries where a significant proportion of the population is Muslim should confront this issue squarely.

***(vi) Keep application and reporting procedures simple***

In part because of the move to results-based management, project application procedures now routinely call for ambitious logframes to be supplied even for small grants. It has also, in combination with the drive for accountability, led to heavy reporting requirements. Yet, this project is proof that high quality can be achieved in a simpler environment, so long as the implementing partners are strong.

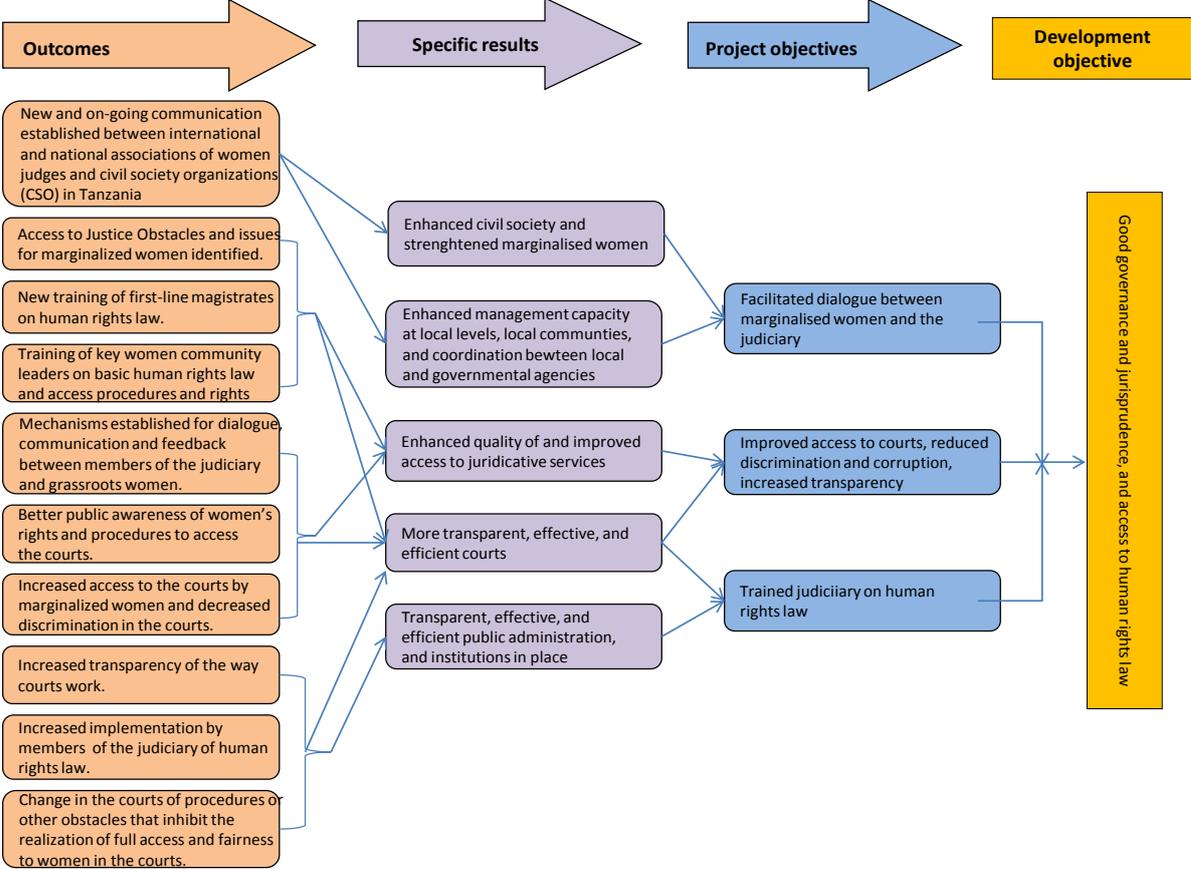
***(vii) Review processes for encouraging replication and roll out***

UNDEF, as is known, considers its projects as one-off interventions. It does not define sustainability in terms of government taking over the financing of structures created, nor does it entertain applications for project extensions. Yet, in the present case, there is overwhelming demand for more and continuous trainings to be provided to magistrates and for SWAA-T community-level training to be expanded. IAWJ is assisting TAWJA in applying for further funding from UNIFEM. UNDEF might consider procedures by which the project finalization phase includes explicit consideration of whether and how project activities may be extended or rolled out utilizing other funding sources. The project review process could explicitly ask whether the project ought to be replicated in other countries, in which case UNDEF and national partners could attempt to identify likely partners in the new country. The adage "Try something. If it works, do more of it; if it doesn't, try something else" (popularly ascribed to U.S. president Franklin Roosevelt) is sound advice.

## VII. Overall assessment and closing thoughts

This project promoted UNDEF's agenda of strengthening the voice of civil society in democratic development, had significant (if limited) national impact and cost very little money. As such, it represented a sound investment of resources. It owed its success to the strength of the implementing partners. Also in its favour, the set of problems addressed by the project – legal and human rights issues of women affected by HIV/AIDS – had the advantage of being well defined, bounded, and universally recognized. The approach dealt with both the supply and demand sides of women's legal and human rights, a factor which increased impact.

# Annex 1: Logical Impact Diagram



## Annex 2: Evaluation Questions

DAC criterion	Evaluation Question	Related sub-questions
Relevance	<ul style="list-style-type: none"> <li>To what extent was the project, as designed and implemented, suited to context and needs at the beneficiary, local, and national levels?</li> </ul>	<ul style="list-style-type: none"> <li>Were the objectives of the project in line with the needs and priorities for democratic development, given the context?</li> <li>Should another project strategy have been preferred rather than the one implemented to better reflect those needs, priorities, and context? Why?</li> <li>Were risks appropriately identified by the projects? How appropriate are/were the strategies developed to deal with identified risks? Was the project overly risk-averse?</li> </ul>
Effectiveness	<ul style="list-style-type: none"> <li>To what extent was the project, as implemented, able to achieve objectives and goals?</li> </ul>	<ul style="list-style-type: none"> <li>To what extent have the project's objectives been reached?</li> <li>To what extent was the project implemented as envisaged by the project document? If not, why not?</li> <li>Were the project activities adequate to make progress towards the project objectives?</li> <li>What has the project achieved? Where it failed to meet the outputs identified in the project document, why was this?</li> </ul>
Efficiency	<ul style="list-style-type: none"> <li>To what extent was there a reasonable relationship between resources expended and project impacts?</li> </ul>	<ul style="list-style-type: none"> <li>Was there a reasonable relationship between project inputs and project outputs?</li> <li>Did institutional arrangements promote cost-effectiveness and accountability?</li> <li>Was the budget designed, and then implemented, in a way that enabled the project to meet its objectives?</li> </ul>
Impact	<ul style="list-style-type: none"> <li>To what extent has the project put in place processes and procedures supporting the role of civil society in contributing to democratization, or to direct promotion of democracy?</li> </ul>	<ul style="list-style-type: none"> <li>To what extent has/have the realization of the project objective(s) and project outcomes had an impact on the specific problem the project aimed to address?</li> <li>Have the targeted beneficiaries experienced tangible impacts? Which were positive; which were negative?</li> <li>To what extent has the project caused changes and effects, positive and negative, foreseen and unforeseen, on democratization?</li> <li>Is the project likely to have a catalytic effect? How? Why? Examples?</li> </ul>
Sustainability	<ul style="list-style-type: none"> <li>To what extent has the project, as designed and implemented, created what is likely to be a continuing impetus towards democratic development?</li> </ul>	<ul style="list-style-type: none"> <li>To what extent has the project established processes and systems that are likely to support continued impact?</li> <li>Are the involved parties willing and able to continue the project activities on their own (where applicable)?</li> </ul>
UNDEF value added	<ul style="list-style-type: none"> <li>To what extent was UNDEF able to take advantage of its unique position and comparative advantage to achieve results that could not have been achieved had support come from other donors?</li> </ul>	<ul style="list-style-type: none"> <li>What was UNDEF able to accomplish, through the project, that could not as well have been achieved by alternative projects, other donors, or other stakeholders (Government, NGOs, etc).</li> <li>Did project design and implementing modalities exploit UNDEF's comparative advantage in the form of an explicit mandate to focus on democratization issues?</li> </ul>

## Annex 3: Documents Reviewed

Project document, 5 August, 2008

URT-07-155 Milestone 1 Report, December 30, 2008

URT-07-155 Milestone 2 Report

URT-07-155 Milestone 3 Report, October 16, 2009

URT-07-155 Mid-term Report

URT-07-155 Final Narrative Report, August 31, 2010

Project brochures:

Do you know how and from which court you can claim your rights?

Social culture and domestic violence in relation to human rights

Are you aware that you have a right to complain against judges and magistrates' misbehaviour

Meeting agenda, IAWJ-TAWJA –SWAA-T Consultation, October 27-29, 2009

Meeting agenda, TAWJA follow-up JOG conference, 14-15 January, 2011

Draft training manual for SWAA-T Key workers

Trainer's Manual for Training Magistrates, April 2009

Report of JOG Dodoma Follow-up workshop, 28-29 March. 2010

## **Annex 4: Persons Interviewed**

### **International Association of Women Judges**

Joan Winship, Executive Director  
Winta Menghis, Programme Officer

### **Court of Appeal of Tanzania**

Mohamed Chande Othman, Chief Justice of Tanzania  
Eusebia Munuo, Justice of Appeal, Outgoing Chairperson of TAWJA  
Engera Kileo, Justice of Appeal, incoming Chairperson of TAWJA  
Katarina Revocati, Registrar of the High Court, Commercial Division, TAWJA Member  
Pelagia Khaday, High Court Judge, TAWJA Member  
Sophia Wambura, High Court Judge, TAWJA Member  
Fatuma Masenge, High Court Judge, TAWJA Member  
Butamo Philip, Advocate, TAWJA Member

### **SWAA-T Offices**

Agnes Msoka, SWAA-T Chairperson  
Naomi Mpemba, SWAA-T Secretary  
Mary Kagya, SWAA-T Member, Ilala Office  
Amina Joseph, client of SWAA-T

### **Legal and Human Rights Centre (LHRC)**

Imelda Lulu Urio – Director of Capacity Building

### **Women Legal Aid Centre (WLAC)**

Scholastica Jullu, Executive Director  
Tanzania Women Lawyers Association (TAWLA)  
Maria Kashonda, Chairperson  
Annamaria Mavenjina, Executive Director  
Hilda Stewart, Legal Officer

### **National Organization for Legal Assistance (NOLA)**

Nyimila Watson, Legal Officer  
Isabella Nchimbi, Legal Officer

### **Melela Ward, Morogoro**

Christopher John Maarifa, SWAA-T Coordinator Melela  
Charles Mpinde, Village Officer  
Fatuma Mwashu, Ward Counsellor

## Annex 5: List of acronyms

BTI	Bertelsmann Transformation Index
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CPI	Corruption Perception Index
DANIDA	Danish International Development Agency
DHS	Demographic and Health Survey
EIDHR	European Initiative for Democracy and Human Rights
HDI	Human Development Index
HRLC	Human Rights Legal Centre
IAWJ	International Women Judges Association
LGRP	Local Governance Reform Program
LSRP	Legal Sector Reform Program (LSRP)
NACSAP	National Framework for Good Governance and National Anti-Corruption Strategy and Action Plan
NGO	Non-governmental organization
NORAD	Norwegian International Development Agency
PFMRP	Public Financial Management Reform Program
PRSP	Public Sector Reform Program
SIDA	Swedish International Development Agency
SWAA	Society for Women and AIDS in Africa
SWAA-T	Society for Women and AIDS in Africa-Tanzania
TAWJA	Tanzanian Women Judges Association
TAWLA	Tanzanian Women Lawyers Association
TLS	Tanganyika Law Society
UNDP	United Nations Development Program
UNIFEM	United Nations Women's Fund
URT	United Republic of Tanzania
USAID	United States Agency for International Development
WGI	Worldwide Governance Indicators.
WLAC	Women's Legal Aid Centre

