



Investigation Report

Investigating allegations of non-compliance with
UNDP social and environmental commitments
relating to the following UNDP project: Malawi
National Registration and Identification System
Project.

Case No. SECU0005

Date: 24 October 2019

Basic Data

Case No.	SECU0005
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List of Acronyms

ACP	UNDP Advisory Committee on Procurement
BRK	Biometric Registration Kit
CESCR	Committee on Economic, Social, and Cultural Rights
CHAM	Christian Health Association of Malawi
CO	Country Office
CTA	UNDP Chief Technical Officer
DFID	United Kingdom Department for International Development
DIM	Direct Implementation Modality
GoM	Government of Malawi
HR	Human Resources
ICCPR	International Covenant on Economic, Social, and Cultural Rights
ICESCR	International Covenant on Economic, Social, and Cultural Rights
ID	Identification
ILO	International Labour Organization
M&E	Monitoring & Evaluation
MEC	Malawi Electoral Commission
MWK	Malawian Kwacha
NRB	National Registration Bureau
NRIS	National Registration Identification
OAI	Office of Audit and Investigations
OHCHR	Office of the United Nations High Commissioner for Human Rights
Prodoc	Project Document
PwC	PriceWaterhouseCoopers
RFP	Request for Proposal
RO	Registration Officer
SDG	Sustainable Development Goal
SECU	UNDP Social and Environmental Compliance Unit
SES	UNDP Social and Environmental Standards
SESP	UNDP Social and Environmental Screening Procedure
TA	Traditional Authority
UNDP	United Nations Development Programme
US	United States
USAID	United States Agency for International Development

I. EXECUTIVE SUMMARY

1. On 9 October 2017, the Social and Environmental Compliance Unit (SECU) at the Office of Audit and Investigation (OAI) of the United Nations Development Programme (UNDP) registered a complaint from confidential complainants concerning the following UNDP-supported project: UNDP Malawi National Registration and Identification System Project (NRIS Project), available at <https://open.undp.org/projects/00100113>. The complaint raised issues related to compliance with UNDP standards, and, on 8 January 2018, the complaint was found eligible for an investigation. The complaint concerned labour-related issues.
2. SECU undertook a document review and, from 1 May 2018 to 12 May 2018, traveled to Malawi to interview complainants, the UNDP Malawi Country Office (UNDP Malawi) staff, PricewaterhouseCoopers (PwC) staff, ROs not named as complainants, a Supervisor, relevant government officials, relevant civil society organizations, technical experts, traditional authority leaders, individuals providing a venue for registration, e.g., school headmaster, and others. SECU wishes to express its appreciation for all the assistance provided by UNDP Malawi, PwC and the Malawian stakeholders, all of whom sought to better understand the compliance issues in the project as well as possible solutions.
3. The investigation, including fieldwork, focused on gathering and reviewing evidence with regard to compliance of the project with UNDP social and environmental standards relating to (1) UNDP's Social and Environmental Screening Procedure; (2) SES Standard 3 requirements related to safe and healthy working conditions; (3) Overarching Policy and Principles requiring UNDP to avoid supporting activities that do not comply with National Law and obligations of International Law (whichever is the higher standard), and to further the realization of Human Rights; and (4) Policy Delivery and Accountability Process provisions, including those requiring effective responses to project-related concerns. These standards are spelled out in section III.
4. This is a summary of the top priority findings and recommendations:
 - i. The Project under review was an important initiative to provide national identification cards to the citizens of Malawi to facilitate their access to social services, participation in voting, etc. and to enhance government planning and administration.

Screening Standards

- ii. Although UNDP Malawi applied UNDP's Social and Environmental Screening Procedure (SESP) to the NRIS project, and, through this application, identified key opportunities to advance human rights, the effort failed to identify opportunities to assess and manage key social risks associated with the project.
- iii. The SESP document identified, for example, that opportunities to employ women and handicapped individuals could advance gender rights and labour rights. However, it did not identify key risks to the health and safety of Registration Officers (ROs) and Supervisors.

- iv. OAI/SECU recommends that the UNDP Administrator take appropriate steps to ensure that UNDP Malawi and other relevant units adequately screen for key social and environmental risks in future UNDP projects.

Labour Standards: Working Conditions and Wages

- v. UNDP Malawi did not take adequate measures to avoid risks and project-related impacts to the health and safety of workers, as required by SES Standard 3 as well as international and regional human rights treaties to which Malawi is a party. Such measures include providing an adequate daily field allowance to support fundamental worker needs in the field, e.g., access to basic, safe housing, water, food, and medical support, and to secure and provide supplemental non-financial support as necessary.
- vi. The daily field allowance UNDP Malawi had agreed to pay workers at the start of Phase II (MWK 7250 per day - assuming only 20 days in the field)¹ was below the minimum daily field allowance paid by the Malawian government when its personnel are deployed in the field (MWK 10,000 per day), and below the field allowance amount requested by the government of MWK 200,000 per phase for ROs. According to a representative of the Malawi Labour Commission², when a non-government entity seeks to pay workers a field allowance less than the government minimum, it must establish that the lower amount will be adequate for fundamental needs. This must occur by ensuring that workers are fully aware of the support they will or will not receive in the field, and they must be allowed to discuss and secure support necessary to maintain their health and wellbeing while deployed, and their contract must reflect a general agreement between workers and their employer. UNDP Malawi provided no evidence that the lower amount would be adequate for such needs³, and SECU secured evidence that the lower amount was not adequate for all ROs. Moreover, a significant number of ROs' deployments were more than 20 days. Throughout the course of the project, SECU estimates that approximately 91% of the ROs' deployments were more than the planned 20 days, (see Annex A for comprehensive figures and methodology regarding these calculations) and, as a result, received less than the basic MWK 7250/day – the amount described by PwC to SECU as the 'minimum for survival.'⁴
- vii. Additionally, UNDP Malawi did not adequately pursue non-financial support, such as mosquito netting, free or low-cost safe village housing from traditional authorities, etc., that would have helped ensure that basic needs of

¹ Note that UNDP Malawi decided to pay workers MWK 3500 per day for Phase I, until protests by ROs and a request from the Malawian government prompted UNDP CO to raise the payment to MWK 7250 per day, assuming 20 days in the field, with a total field allowance lump sum per phase of MWK 145,000. UNDP Malawi hired PriceWaterhouseCooper (PwC) to implement many project activities, but PwC had no decision-making authority over project design or the amounts paid to ROs and Supervisors.

² The representative provided the Commission's explanation of the Malawi Employment Act and other relevant labour laws.

³ UNPD Malawi stated that PwC had indicated to them that MwK 7250 per day would be an adequate amount, but PwC indicated to SECU that it had not performed surveys or other research to support such a statement.

⁴ See Annex A charts 2 and 3.

ROs and Supervisors were met when funds were low or depleted. In separate in-person interviews with seven different ROs and Supervisors, a former National Registration Bureau (NRB) official, a Head Master at a school registration site, and PwC staff, SECU heard similar accounts of ROs struggling, and sometimes unable, to cover all costs associated with very challenging field conditions - particularly ROs who were not given much non-financial support (e.g., free or reduced-rate adequate housing), or who were working in areas in which access to necessary resources was difficult, or who became ill.⁵

- viii. UNDP Malawi did provide an adequate salary for all ROs and Supervisors who were in the field for less than 30 days - MWK 30,000⁶ per month, approximately MWK 5000 more per month than the minimum wage in Malawi of MWK 25,012 per month.⁷ However, UNDP Malawi did not clearly ensure that overtime was paid when ROs worked on holidays and more than the number of working days required by law. The salaries paid were a small fraction (15-20%) of the total amount of money paid to the ROs, as the vast majority was paid as field allowances to support ROs' health and wellbeing while deployed to the registration centers.
- ix. OAI/SECU recommends that the UNDP Administrator (1) ensure that measures required by SES labour standards are applied to future UNDP projects, including to activities of contractors acting under the direction of UNDP Malawi and any other relevant units; and (2) for this and future projects consider assessing the sufficiency of payments and other support to ROs and Supervisors in relation to UNDP standards and applicable law, and explore redress for any identified shortcomings.

Gender Standards

- x. UNDP Malawi did not ensure that relevant gender standards were met. Project activities and conditions left female ROs more vulnerable to physical and psychological harm, including through measures that increased vulnerability to sexual harassment and assault.
- xi. OAI/SECU recommends that the UNDP Administrator request UNDP Malawi and any other relevant units to assess the extent to which assault may have occurred to ROs in the field, particularly sexual assault, to report credible

⁵ These accounts were consistent with media reports, claims made in letters from hundreds of ROs to PwC, unsolicited comments to SECU's draft report from 42 more workers describing poor work conditions and inadequate support, and messages exchanged by ROs on a Whatsapp account during field work. SECU visited two Registration sites to secure a first-hand sense of conditions. SECU's approximate estimates of costs reflect a strong likelihood that at least some ROs faced significant challenges paying for basic supplies (see Annex C).

⁶ With gratuity, this amount would be a bit smaller.

⁷ The salary was required *in addition to* the daily field allowance to support living in the field. Even assuming that ROs and Supervisors were obligated to use their salary to secure housing, food, water and medical care, the additional MWK 5000 per month did not cover the shortfall in field allowance, i.e., the MWK 5000 additional salary added to the MWK 145,000 field allowance (assuming only 20 days) did not equal the MWK 200,000 minimum government field allowance and did not ensure that all basic needs were met. An additional MWK 10,000 daily allowance was provided to workers for food and lodging when they were at the project headquarters location waiting to be sent back to the field.

allegations to OAI when appropriate (i.e. when within OAI's mandate) and to ensure adequate mental health and other services are made available as necessary and appropriate for RO victims.

Grievance Mechanism Standards

- xii. UNDP Malawi did not ensure that the established grievance mechanisms adequately identified and responded to concerns of workers as required by the SES.
- xiii. OAI/SECU recommends that the UNDP Administrator take appropriate steps to ensure that future projects of UNDP Malawi and any other relevant units include grievance redress systems that are easily accessible to and trusted by those potentially impacted, and that accurately document complaints and adequately respond to concerns.

II. COMPLETE FINDINGS AND RECOMMENDATIONS

FINDINGS

Social and Environmental Screening Procedure

- 5. When UNDP Malawi applied the SESP to the project, it appropriately identified opportunities presented by the project to further the realization of human rights, e.g., providing ID cards to citizens was an opportunity to advance rights to vote, health care, education, etc., and employing women and handicapped workers was an opportunity to advance rights related to non-discrimination, labour, etc.
- 6. However, UNDP Malawi's application of the SESP did not adequately identify key social risks associated with the project, particularly those related to the health and safety of ROs and Supervisors. It identified 'wet season disrupts operations' as the single social and environmental risk.
- 7. UNDP Malawi failed to identify these risks partly because it did not respond to the Social and Environmental Risk Assessment Screening Checklist questions that would have provided the CO with opportunities to pay closer attention to the risks. Key worker-related questions, included, for example, 'Does the Project pose potential risks ... related to occupational health and safety due to ... biological hazards... during Project construction [or] operation?' Responding to this question would have helped UNDP Malawi to consider and take measures to address the possibility that ROs might be exposed to biological substances that pose hazards to human health and life, including mosquito borne infectious diseases such as malaria, water borne diseases such as giardia and hepatitis, and inflammatory diseases such as asthma.
- 8. Another question would have given the CO opportunities in other areas; 'Does the Project involve support for employment or livelihoods that may fail to comply with national and international labour standards?' would have highlighted a need for UNDP Malawi to ensure that, in the context of a project involving the employment of 4200 individuals, fundamental labour standards are considered and applied to protect

workers⁸ and their rights. Standard 3 specifies that ‘workers’ includes those engaged by intermediaries for UNDP, e.g., workers engaged by PwC for UNDP.

9. Other questions, including those relating to Gender Equality and Human Rights, such as, ‘Is there a likelihood that the proposed Project would have adverse impacts on gender equality and/or the situation of women and girls?’ would have given UNDP Malawi the opportunity to consider the safety of women hired for such activities.
10. Many *identified operational risks* – including those related to: (1) the very short timeframe within which project activities needed to be completed; (2) securing an adequate number of vehicles to transport ROs; (3) charging the solar kits used for registration; and (4) the budget – also implied risks for RO wellbeing that could have been identified and addressed, to the extent possible, during project development and screening. For example, when UNDP Malawi described that the short timeframe would restrict the ability of the UNDP Malawi to correct problems, several implications for the wellbeing and health of the workers could have been identified and addressed. When UNDP Malawi described that without an adequate number of vehicles it would be difficult to move ROs to and from various locations, it also meant ROs could be in the field for much longer periods of time than the 20 days used to estimate field allowance and leave the ROs challenged to stretch their field allowance to cover needs. It also meant ROs could have difficulty accessing medical help when they needed it – again requiring ROs to use field allowance to procure their own transportation and secure such help. Risks related to adequate functioning of kits similarly pointed to risks that ROs would be in the field for more days than expected. Budget issues created risks not only for project success, but also for worker health, i.e., budget limitations meant field allowances were less than the minimum government allowance and more challenging for workers.
11. One measure employed to address an operational ‘worker efficiency’ risk posed another key social risk that should have been identified: The decision to randomly pair workers – including pairing females with males they did not know - created safety and cultural wellbeing risks for some female workers.

Application of Substantive Standards to the Project

12. Although UNDP Malawi met a key SES standard - that UNDP seek to further the realization of human rights through its projects - it did not identify and apply SES standards adopted to respond to risks to workers. These standards – including those relating to safe and healthy work conditions, the rights of women to avoid discrimination and related harassment, consistency with national law, and grievance mechanisms - help ensure that risks, and resultant impacts, are not borne by those who should not bear these risks.
13. UNDP Country Offices must ensure that SES standards are applied to activities of vendors working with and associated with UNDP.⁹ This requirement is important not only for project success, but also to avoid reputational risks. As such, OAI/SECU finds

⁸ SES Standard 3, footnote 52 specifies that ‘workers’ include ‘nonemployee workers engaged by contractors or other intermediaries to work on Project sites or perform work directly related to the Project’s core functions.’

⁹ SES, para. 8. ‘UNDP will ensure adherence to the SES for Project activities implemented using funds channeled through UNDP’s accounts,⁶ regardless of Implementation Modality. In cases where implementation of the SES is found not to be adequate, UNDP will undertake appropriate measures to address shortcomings.’

that UNDP Malawi's claim that it is not responsible for any failure by PwC to adequately apply project-related standards is not consistent with the SES; For example, Standard 3 specifies that 'workers' includes those engaged by intermediaries for UNDP, e.g., workers engaged by PwC for UNDP.

Furthering the Realization of Human Rights

14. When UNDP Malawi advanced NRIS project activities to provide citizens with identification cards, it advanced the realization of several important human rights consistent with the SES. The ID cards enhanced citizen access to services, supporting the rights to health, education, and participation in decision-making, among other rights. UNDP Malawi's focus on ensuring that women and handicapped individuals were well-represented as ROs helped advance rights related to non-discrimination and labour.

Labour Standards: Safe and Healthy Working Conditions

15. UNDP Malawi did not, however, adequately meet SES requirements relating to worker health and safety, including those outlined in SES Standard 3 and similar requirements triggered through application of the Overarching Policy and Principles: Principle 1, Human Rights.¹⁰ SES Standard 3 requires that when a project 'seeks to strengthen employment and livelihoods,' UNDP will ensure compliance with national labour and occupational health and safety laws, with obligations under international law, and consistency with the principles and standards embodied in the International Labor Organization (ILO) fundamental conventions.¹¹ The 'Overarching Policy and Principles: Principle 1, Human Rights' includes a requirement to avoid support for activities that might violate human rights, and the African Charter on Human and Peoples' Rights includes the 'right of everyone to the enjoyment of just and favourable conditions of work.'¹² According to the African Commission on Human and Peoples' Rights, this requires attention to remuneration to support safe and healthy work conditions, rest, limited working hours, and holiday pay.¹³
16. As described below, UNDP Malawi provided an adequate salary but did not provide an adequate daily field allowance and other support necessary to ensure safe and healthy work conditions for all workers.
17. The Malawi Country Office acknowledged to the UNDP Advisory Committee on Procurement that the field allowance for Phase I – MWK 3500/day (which appeared

¹⁰ The SES requires, 'UNDP shall both refrain from providing support for activities that may contribute to violations of a State's human rights obligations and the core international human rights treaties, and seek to support the protection and fulfillment of human rights.'

¹¹ Although the project's ultimate objective was not to strengthen employment and livelihoods, but to provide ID cards to citizens, one of the 'main indicative' project outputs acknowledges the importance to the project of hiring and putting to work 4200 individuals.

¹² The International Covenant on Economic, Social and Cultural Rights (ICESCR) also references a right to just and favorable conditions of work and the right to health. ICESCR, Article 7, <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>.

¹³ Malawi is a party to the African Charter on Human and Peoples' Rights (African Charter). The African Commission on Human and Peoples' Rights provides the following guidance that references remuneration: *Principles And Guidelines On The Implementation Of Economic, Social And Cultural Rights In The African Charter On Human And Peoples' Rights*, http://www.achpr.org/files/instruments/economic-social-cultural/achpr_instr_guide_draft_esc_rights_eng.pdf

- to be based on 25 days in the field per phase) - was inadequate and adversely impacting the health and wellbeing of ROs.¹⁴ The UNDP Malawi CO explicitly acknowledged several reasons why the amount was inadequate: (1) It was based on estimates of funds provided for the earlier (2013) voting registration process to workers (mostly teachers) for whom these funds were supplemental to other funds they were already receiving, and (2) the efforts of ROs and Supervisors for the NRIS project were more technical and demanding than earlier efforts by teachers.
18. In response to the inadequate first phase field allowance, UNDP Malawi increased the field allowance to MWK 7250/day, *based on an assumption that workers would be in the field for only 20 days*. The total payment was MWK 145,000 per phase. Data for Phase I reflected that 60% of the ROs were deployed to the field more than 20 days.
 19. UNDP Malawi was aware that the amount of MWK 7250 per day for 20 days was less than the amount requested by the government, which was the existing minimum government field allowance rate of MWK 10,000 per day. According to a representative of the Malawi Labour Commission¹⁵, when a non-government entity seeks to pay workers a field allowance less than the government minimum as UNDP did, it must establish that the lower amount will be adequate for fundamental needs. This must occur by ensuring that workers are fully aware of the support they'll receive or not while in the field, and they must be allowed to discuss and secure support necessary to maintain their health and wellbeing while deployed. Their contract must reflect general agreement between workers and their employer. UNDP Malawi provided no evidence that the lower amount would be adequate for such needs¹⁶, and SECU secured evidence that the lower amount was not adequate for all ROs. Moreover, a significant number of ROs' deployments were more than 20 days. Throughout the course of the project, SECU estimates that approximately 91% of the ROs' deployments were more than the planned 20 days, (see Annex A for comprehensive figures and methodology) and, as a result, received less than the basic MWK 7250/day – the amount described by PwC to SECU as the 'minimum for survival.'¹⁷
 20. SECU requested but did not receive evidence from UNDP Malawi that the amount was likely to meet actual costs. e.g., no surveys of costs were provided. Comparisons provided to SECU by UNDP Malawi reflected that other entities provided at least MWK 10,000 per day. UNDP Malawi told SECU it confirmed with PwC that MWK 7250 for 20 days would be adequate. PwC told SECU that it did no formal surveys of costs but thought the amount identified by UNDP Malawi likely would be adequate as the 'minimum to survive.'

¹⁴ UNDP's Case Information file, 0000017082, 29 June 2017, p. 3, describing the process through which the CAP, ACP, and CPO reviewed and approved the request. In response to requests from the UNDP Advisory Committee on Procurement (ACP) Chairperson about the need for the increase, UNDP Malawi indicated that the initial salary and field allowance amounts were inadequate, noting, '3500 MKW [per day] was not sufficient for Registration Officers to survive in the field.'

¹⁵ The representative provided the Commission's explanation of the Malawi Employment Act and other relevant labour laws.

¹⁶ UNPD Malawi stated that PwC had indicated to them that MwK 7250 per day would be an adequate amount, but PwC indicated to SECU that it had not performed surveys or other research to support such a statement.

¹⁷ See Annex A charts 2 and 3.

21. Unfortunately, several factors beyond the control of the ROs continued to extend for many ROs the number of days in the field to more than 20 days for one or more phases. By Phase II, for example, only approximately 9% of workers were in the field 20 days or less. By Phase V, no ROs had a phase deployment of 20 days or less. During this phase, 31% of the ROs spent more than 30 days deployed, and 65% were deployed between 26 and 30 days. (See Charts in Annex A for details for each phase)¹⁸ These factors included an inadequate number of vehicles and delays retrieving ROs, problems charging BRK kits, and problems estimating the number of citizens who would be seeking to register at a given center. Given that the field allowance of MWK 7250/day at 20 days was the 'minimum to survive' – this increased number of days in the field challenged the capacities of at least a portion of ROs to secure the food, water, and access to health services required to maintain their health and wellbeing.
22. In separate in-person interviews with seven different ROs and Supervisors, a former National Registration Bureau (NRB) official, a Head Master at a school registration site, and PwC staff, SECU heard similar accounts of ROs struggling, and sometimes unable, to cover all costs associated with very challenging field conditions – particularly ROs who were not given much non-financial support (e.g., free or reduced-rate adequate housing), or who were working in areas in which access to necessary resources was difficult, or who became ill. These accounts were consistent with media reports, claims made in letters from ROs to PwC, unsolicited comments to SECU's draft report from 42 more workers describing poor work conditions and inadequate support, and messages exchanged by ROs on a Whatsapp account during field work.¹⁹ SECU visited two Registration sites to secure a first-hand sense of conditions. SECU's approximate estimates of costs reflect a strong likelihood that at least some ROs faced significant challenges paying for basic supplies (see Annex C).
23. For example, SECU heard from each of the ROs and Supervisors independently interviewed in Malawi that either she/he had become ill with malaria, a water-related illness, asthma, or food poisoning, or were with group members who had become ill in at least one (of the five phases) of the project. Note that SECU interviewed only seven ROs and Supervisors in the field in direct response to a request from the UNDP CO that SECU limit the number of ROs interviewed and not meet with ROs in groups to avoid undue media attention and widespread reaction by the ROs.²⁰ Nine ROs commenting on the draft report explicitly mentioned illness. PwC described receiving 'about four complaints a week' relating to illness, noting that it was able to get six of these ROs to the hospital.

¹⁸ Note these are indicative estimations SECU was able to calculate using data obtained from the country office showing the days ROs checked in and out of their phases. These numbers are estimations. See Annex A for a longer explanation of the methodology, assumptions, and caveats related to these figures.

¹⁹ For example, one message sent in a large WhatsApp group of ROs states "we slept in windowless flourless [floorless] classroom and all we got were peanuts". Another message to the group chat states "Some one out there is driving posh cars with our money we worked hard for sleeping in windowless classroom bathed in toilets and above that 4200 Ro managed to register 9 million malawians in 5months and somebody who just sat down and signed papers took all the credit ." [sic].

²⁰ SECU had contact information for all 4200 ROs but limited questioning to seven in response to the UNDP CO's request. It would be inaccurate to conclude that seven represents the number of ROs who became ill; a better measure would be to consider what the proportion of ill ROs within the randomly sampled group of ROs suggests for the remainder of the population, e.g., if seven of seven were ill or had partners who were ill, it is likely illness was not uncommon.

24. SECU heard that while some Traditional Authorities provided housing and other assistance to ROs who requested such assistance, there was no systematic effort beforehand to secure such assistance from these authorities for the NRIS project.

Labour Standards: Wages and Overtime

25. SECU determined that UNDP Malawi met national law minimum wage requirements when it paid ROs MWK 30,000 per month.²¹ The minimum wage in Malawi is MWK 25,012 per month. SECU observes that the wage paid was MWK 5000 more per month than required, and assuming ROs should have used their wage to meet basic needs while deployed, they could have applied that amount to their field allowance, increasing that amount to a total of MWK 155,000 per month.²²
26. However, it is more likely than not that UNDP Malawi did not pay adequate overtime to all ROs consistent with national law, particularly for work on holidays. The Employment Act indicates that ‘normal working hours’ cannot exceed 48 hours per week (exclusive of overtime), and that a worker cannot work for more than six consecutive days without a period of rest (of 24 hours). It also includes requirements for pay on holidays.²³
27. OAI/SECU secured information – including texts to workers from PwC directing ROs to begin work at 6 am and to work weekends, as well as employee data – appearing to show that ROs worked more than normal hours and/or days, including holidays.²⁴
28. Data provided by PwC indicating days ROs checked out and back in to the training centers allowed OAI/SECU to roughly determine - with a few caveats - the number of days ROs actually were in the field, and OAI/SECU’s analysis of the data indicate that for ROs who worked all five phases only 9% of the ROs’ deployments were for the originally anticipated 20 days or less. 43% of the ROs’ deployments were for 21-25 days, 41% were for 26-30 days and 7% of the ROs’ deployments were for more than

²¹ For workers in the field 30 days or less. Note, also, that this amount is reduced a bit when considering UNDP Malawi’s statement that it includes gratuity.

²² ROs also received MWK 10,000 per day when they were at the training centers between phases. This money was similarly required to support basic needs in more expensive urban areas.

²³ Part VI, 36. (4) of the Malawi Employment Act of 2000 states “No employer shall require or permit an employee to work for more than six consecutive days without a period of rest, comprising at least twenty-four consecutive hours, which shall be taken on a customary day of rest or a day agreed upon between the parties” (accessible at https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_125534.pdf).

²⁴ PwC directed ROs to work weekends without explicitly directing ROs to take a day of rest. As noted above, PwC stated, ‘ROS pls arrange among the team to keep Registration Centre open on Saturdays and Sundays. The BRK data clearly show us when RC has registered people’ Although PwC explained to SECU its belief that the ‘arrange among the team’ language implied that not all ROs had to work both weekend days, several individuals interviewed – including individuals with no apparent benefit to be gained from their assertions, e.g., teachers – stated that they knew ROs who worked every day. Although some ROs worked every day in response to the PwC directive, SECU heard that others worked every day in an attempt to complete the phase as quickly as possible for several reasons, including tough field conditions. In any event, SECU was not provided evidence that UNDP Malawi was making an effort to ensure a day of rest, i.e., to prevent ROs from working every day. For example, July 6th was Malawi’s Independence Day in 2017 and there are dozens (maybe hundreds) of examples of ROs logging into their kits on July 6th. Weekend log-ins were common, as was logging in on the seventh consecutive day.

30 days.²⁵ OAI/SECU determined that ROs worked holidays. For additional data and charts regarding the days the ROs were deployed in the field, see Annex A.

Gender Equality

29. OAI/SECU finds that UNDP Malawi failed to adequately consider and address key gender-specific needs and constraints, as required by the SES' *Overarching Policy and Principles: Principle 2. Gender Equality and Women's Empowerment*. Project activities and measures clearly left female ROs more vulnerable to physical and sexual violence, and SECU heard credible first-hand claims of harassment and assault.²⁶ By (1) randomly pairing women with men they did not know, with no plans to ensure that women had safe, separate living spaces; and (2) failing to ensure that female ROs could afford housing that had secure doors and windows (in areas unfamiliar to, and without the help of friends for, female ROs), UNDP Malawi left women in a more vulnerable position – one more prone to violence, including sexual harassment and assault. This pairing may also have violated cultural norms of many of the female workers. Through these shortcomings, the project facilitated discrimination against women; the United Nations' and regional treaty systems have recognized sexual harassment as a form of violence and discrimination against women.²⁷

Responding to Grievances

30. OAI/SECU finds that UNDP Malawi did not ensure that the established grievance mechanism adequately identified and responded to concerns of workers, as required by the SES *Policy Delivery and Accountability Process* provisions.
31. First, not all concerns were identified. The mechanism, for example, did not register complaints during the first phase despite widespread media reports documenting worker concerns, impacts to their wellbeing, departures, and threats to strike if remuneration was not raised to ensure worker access to resources for their wellbeing. PWC noted in its comments on the draft report that during Phase I of the project it was receiving 'about four reports per week' of sickness. These are not reflected in the complaints matrix - only 43 complaints were documented for the entire project.
32. Second, not all concerns were addressed 'promptly through dialogue and engagement, using an understandable and transparent process that is culturally appropriate, rights-compatible, and readily accessible to all stakeholders at no cost

²⁵ The data shows roughly the same distribution of deployment durations when analyzing the numbers by dropping each RO's last phase from the analysis. This analysis was done in response to the UNDP Malawi's assertion that some ROs quit mid-phase and as such would skew the data. By dropping the last phase of each RO, SECU only analyzed fully completed deployments.

²⁶ One female RO interviewed by SECU claimed to have been sexually assaulted. Another female RO told SECU she felt vulnerable to harassment and assault, and uncomfortable sleeping with five males in the same room. Another female RO said she heard from other female ROs that they were uncomfortable and afraid sleeping in the same room as men. A male Supervisor said: 'the problem was the officers were accommodated in one room or one house...there was no security for the ladies, or privacy.' He said sometimes male coworkers got drunk, making it an unsafe environment for female ROs. Each of these statements were made in separate interviews, and SECU found their testimony credible. Comments submitted by ROs in response to the draft support these assertions. RO17, for example, stated, 'I personally felt women were at a big risk of sexual exploitation and I strongly believe that most of them we abused.'

²⁷ CEDAW, Article 11, <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>

- and without retribution' as required by the SES. As noted above, for example, not all complaints related to sickness were addressed promptly. Workers have a right to a grievance process they can understand and trust, and that provides transparency regarding whether and how their concerns were heard and addressed. At several junctures in the project, workers were frustrated at the lack of an adequate response to concerns. At these points, workers took their concerns to the media – and only then were concerns acknowledged and addressed.
33. Third, the mechanism was not sufficiently attuned to gender-related concerns. Informal concerns expressed by women about being paired with men they didn't know were not addressed, and women did not feel comfortable raising sexual harassment and sexual assault concerns more formally for fear of retribution.
 34. Finally, OAI/SECU finds that the lack of an effective responsive grievance mechanism likely led workers to meet at the Shoprite (a local store) to discuss concerns. As noted above, when this occurred, workers were arrested, and otherwise adversely impacted. Their rights to assemble and to discuss their concerns were compromised.

RECOMMENDATIONS

35. To help ensure UNDP's compliance with its policies, and to create opportunities to consider and manage harms to affected individuals, OAI/SECU makes the following recommendations:
 - i. Ensure and document adequate screening for social and environmental risks in future UNDP projects, with attention to potential impacts to human rights and to labour-related concerns when the project might pose significant risks to human health and safety and/or is likely to strengthen employment and livelihoods.
 - ii. Ensure that contractors are made aware of, and properly supervised to implement, measures to comply with the UNDP Social and Environmental Standards and other applicable policies and procedures.
 - iii. In the context of this project, bring all credible allegations of assault, in particular sexual assault and sexual harassment, to the attention of OAI, for its assessment, where appropriate and OAI's mandate is applicable (i.e. it involves UNDP contract-holders).
 - iv. Ensure that measures required by SES labour standards are applied to future UNDP projects, including to activities of contractors acting under the direction of UNDP Malawi and any other relevant units; and (2) for this and future projects consider assessing the sufficiency of payments and other support to ROs and Supervisors in relation to UNDP standards and applicable law, and explore redress for any identified shortcomings.
 - v. Ensure that future projects include grievance redress systems that are easily accessible to those potentially impacted, and that ensure accurate documentation of complaints and adequate and prompt responses to concerns.

III. UNDP'S SOCIAL AND ENVIRONMENTAL COMMITMENTS

36. UNDP's Social and Environmental Standards (SES) describe actions UNDP staff must take, in the context of projects and programmes funded through UNDP accounts, to avoid and mitigate social and environmental harms. Most fundamentally, the SES require UNDP to ensure that potential social and environmental risks, impacts, and opportunities are identified and addressed in all UNDP projects and programmes. When SES requirements are not adequately implemented, UNDP must take appropriate measures to address shortcomings.
37. The NRIS Prodoc acknowledges the need for UNDP Malawi to ensure that SES requirements are met in the context of the NRIS Project.²⁸
38. The SES of greatest relevance to the NRIS project include the following: (1) a requirement to apply UNDP's Social and Environmental Screening Procedure (SESP) to identify social and environment-related risks and pursue additional assessments and measures as necessary to respond to these risks; (2) Requirements related to Healthy and Safe Working Conditions; (3) Overarching Policy and Principles requiring UNDP to avoid supporting activities that do not comply with National Law and obligations of International Law (whichever is the higher standard), and to further the realization of Human Rights; and (4) Policy Delivery and Accountability Process provisions, including those requiring effective responses to project-related concerns.

Social and Environmental Screening Procedure

39. The SES require UNDP staff to screen projects using UNDP's Social and Environmental Screening Procedure (SESP). Screening includes two parts – the first, Part A., is to identify *opportunities* to integrate 'overarching principles', e.g. human rights and gender equality, into the project to strengthen social and environmental sustainability, and the second, Part B., is to identify potential social and environmental *risks and impacts* associated with all activities outlined in Project documentation, and measures to respond to these risks.²⁹
40. To respond the Part B. question 'What are the Potential Social and Environmental Risks?' UNDP staff are directed to use UNDP's 'Social and Environmental Risk Assessment Screening Checklist' that poses questions relating to, for example, work conditions, human rights, etc.³⁰ Importantly, responses to these questions must consider risks as they exist *prior* to mitigation or management measures.³¹

²⁸ NRIS Prodoc Annex IX, Legal Context and Risk Management, p.28. It states: 'Consistent with UNDP's Programme and Operations Policies and Procedures, social and environmental sustainability will be enhanced through application of the UNDP Social and Environmental Standards and related Accountability Mechanism....'

²⁹ UNDP Social and Environmental Screening Procedure,
<http://www.undp.org/content/undp/en/home/librarypage/operations1/undp-social-and-environmental-screening-procedure.html>

³⁰ Id.

³¹ Id. As noted in the SESP, 'risks should be identified and quantified as if no mitigation or management measures were to be put in place' because 'It is necessary to form a clear picture of potential inherent risks in the event that mitigation measures are not implemented or fail.'

41. After potential social and environmental risks are identified, the SESP requires staff to consider the level of significance of the potential risk and, for moderate or significant risks, perform additional assessments.
42. After screening and any additional assessments of risks are completed, UNDP staff are required to identify measures that should be taken to respond to these risks. Most of the measures that should (and/or must) be taken are described in SES Standards 1 – 7, which describe measures to take for activities that could impact biodiversity, climate change, community health and worker safety, cultural heritage, displacement, indigenous peoples, and pollution prevention.
43. Additionally, UNDP staff must apply measures that ensure compliance with UNDP principles, including respect for Human Rights and Gender Equality and Empowerment. As indicated in the ‘Human Rights’ section, below, reports from UN-related entities, including, for example, the Committee on Economic, Social, Cultural Rights (CESCR), the International Labor Organization (ILO), among others, provide descriptions of these human rights and suggest measures to ensure respect for them. The UN has several guidance documents to support efforts to secure human rights.³²

Standard 3: Community Health, Safety and Working Conditions

44. The ‘Introduction’ to Standard 3 describes why it is important for UNDP to pay attention to labour-related concerns in UNDP projects and programmes, ‘Labour is one of a country’s most important assets in the pursuit of poverty reduction. Respect of workers’ rights and the provision of safe working conditions are keystones for developing a strong and productive workforce.’³³ Given this, the standard includes two ‘Objectives’ focused on workers: ‘To respect and promote workers’ rights, to promote the right to decent work, fair treatment, non-discrimination, and equal opportunity for workers...’, and ‘To provide workers with safe and healthy working conditions and to prevent accidents, injuries, and disease.’
45. The ‘Scope of Application’ for these standard notes that its applicability is established during the social and environmental screening and categorization process, e.g., when the SESP is applied. It applies to projects ‘that may pose significant risks to human health and safety and to Projects that seek to strengthen employment and livelihoods.’³⁴
46. Standard 3 paragraphs nine and ten are of particular note for the NRIS project,³⁵ providing descriptions of work standards and the right to decent work, and measures that must be taken to address occupational health and safety issues – including attention to internationally-recognized standards such as the World Bank Group’s Environmental, Health, and Safety Guidelines, i.e., guidelines that require attention to access to potable water and

³² One such source is the UN Human Rights Practitioners’ Portal on Human Rights-based Approaches to Programming: The UN Inter-agency common learning package on human rights-based approaches to programming is another source: <https://undg.org/document/un-inter-agency-common-learning-package-on-human-rights-based-approach-to-programming/>. Others are at the UNDG Guidance and Policies on Human Rights website: <https://undg.org/view-all-documents/>

³³ SES Standard 3, Community Health, Safety and Working Conditions, https://info.undp.org/sites/bpps/SES_Toolkit/SitePages/Standard%203.aspx

³⁴ Id.

³⁵ Id.

clean air, first aid, adequate lavatories and showers, and safe living conditions.³⁶ SES footnote 52 to Standard 3 reflects that ‘workers’ include ‘nonemployee workers engaged by contractors or other intermediaries to work on Project sites or perform work directly related to the Project’s core functions.’³⁷ ‘Workers’ in the NRIS context would include ROs and Supervisors employed by UNDP contractor PwC.

Overarching Policy and Principles: Compliance with National Law

47. The SES ‘Overarching Policy and Principles,’ states, ‘UNDP will not support activities that do not comply with national law....’³⁸
48. The most relevant national laws for the NRIS project include the Malawi Employment Act (2000) and the 2010 Amendments to that Act.
49. The Malawi Employment Act defines key terms, describes what must be included in employment contracts, and details requirements related to ‘normal working hours’ ‘max daily working hours’, overtime, wages, gratuity/pensions, annual leave, severance pay, termination, and the handling of disputes, among other items. One purpose is to ‘... accelerate economic growth and social justice....’³⁹
50. The Act requires an employer to ‘provide a written statement of particulars of employment’ that includes ‘the rate of remuneration and the method of calculating remuneration.’⁴⁰ This requirement appears to be an attempt at preventing employers from obfuscating what employees are paid, and for what.
51. Working Hours and Overtime: The Act requires employers to describe ‘normal working hours’ in the employment contract, (para. 36) and to pay overtime when employees work more than ‘normal working hours’ with language implying that normal working hours cannot exceed 48 hours per week.⁴¹
52. Additionally, employers cannot require or permit an employee to work for more than six consecutive days without a period of rest, comprising at least 24 consecutive hours, ‘which shall be taken on a customary day of rest or a day agreed upon between the parties.’⁴²
53. Hours worked on a working day in excess of the hours normally worked by the employee is considered ‘ordinary overtime’, which requires payment of at least one and a half times the normal wage. Time worked by a worker on a day on which he would otherwise be off duty is ‘day off overtime’, which requires payment of at least two times the normal wage per hour. And time worked on a public holiday is ‘holiday overtime’, which requires payment of at least twice the normal hourly rate.⁴³

³⁶ Id.

³⁷ Id.

³⁸ UNDP Social and Environmental Standards, https://info.undp.org/sites/bpps/SES_Toolkit/default.aspx

³⁹ Malawi Employment Act, <https://www.ilo.org/dyn/natlex/docs/WEBTEXT/58791/65218/E00MWI01.htm>, and amendments,

https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=91385&p_country=MWI&p_count=102&p_classification=10&p_classcount=1

⁴⁰ Id.

⁴¹ Id.

⁴² Id.

⁴³ Id.

54. The Malawian Employment Act indicates that the Minister can set minimum wages, and, according to the Malawi Labour Commission representative interviewed by OAI/SECU, the minimum wage during the NRIS project was MWK962/day or MWK25,012/month.⁴⁴
55. Regarding gratuity (and pension), it indicates that when employers are exempted from providing pension benefits to employees (employers are exempted when employment contracts are less than six months in duration), they are required to provide gratuity to employees meeting minimum continuous three-month service requirements. Gratuity is to be paid 'on retirement, termination of employment or death.'⁴⁵ In such a case, the payable gratuity is equal to 5% of the monthly salary of a worker for each completed month of service.
56. The Malawi Employment Act also includes provisions related to annual leave, indicating that 'every employee, except where otherwise provided for in this Act, shall be entitled to a period of annual leave' and 'Where an employee's length of service in any one year, including the period prior to the completion of the first year of continuous service, is less than the length of service required for the full entitlement set out in subsection... the employee shall be entitled to a period of annual leave with pay proportionate to his length of service during that year.'⁴⁶
57. The Act describes that for contracts less than one year in duration, severance pay is not required.⁴⁷

Overarching Policy and Principles: Principle 1. Human Rights

58. The SES 'Overarching Policy and Principles,' particularly Principle 1. Human Rights, require UNDP to support 'universal respect for, and observance of, human rights and fundamental freedoms for all' and 'further the realization of human rights as laid down in the Universal Declaration of Human Rights and other human rights instruments.'⁴⁸
59. More particularly, this SES Principle requires UNDP to 'refrain from providing support for activities that may contribute to violations of a State's human rights obligations and the core international human rights treaties' as well as 'seek to support the protection and fulfillment of human rights.'⁴⁹
60. Human rights most relevant to the NRIS project include primarily the right of everyone to the enjoyment of just and favourable conditions of work, and the right to health and related rights – including the right to an adequate standard of living (which includes rights to basic income, food, housing, water, sanitation and clothing and the continuous improvement of living

⁴⁴ Id.

⁴⁵ Id.

⁴⁶ Id.

⁴⁷ Id.

⁴⁸ SES Standards, <http://www.undp.org/content/undp/en/home/librarypage/operations1/undp-social-and-environmental-standards.html>

⁴⁹ Id.

conditions)⁵⁰, the right to non-discrimination, the right to access to information, the right to life, and the right to freedoms of association, assembly and movement.⁵¹

61. The African Charter on Human and Peoples' Rights (African Charter) recognizes the right of everyone to the enjoyment of just and favourable conditions of work, noting that this right ensures, 'Remuneration which provides all workers, as a minimum, with... A decent living for themselves and their families in accordance with the provisions of the present Covenant...Safe and healthy working conditions...Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.'⁵²
62. Several treaties to which Malawi is a party, including the African Charter and the International Covenant on Economic, Social and Cultural Rights (ICESCR), explicitly recognize the right to health and related rights listed above, e.g., the right to an adequate standard of living, etc. The right to health is dependent upon the realization of these related rights, and, conversely, violating the right to health may often impair the enjoyment of these and other human rights.
63. The right to health and rights related to an adequate standard of living require that the goods, facilities, services necessary for these rights, e.g., food, water, sanitation, etc., are available, accessible, acceptable and of good quality. 'Accessible' means accessible physically – in safe reach for all sections of the population – as well as financially. For example, the body responsible for monitoring the ICESCR, the Committee on Economic, Social, and Cultural Rights (CESCR), identifies the following factors - and their availability, accessibility, and acceptability - as 'underlying determinants of health' and notes: safe food; safe drinking water⁵³ and adequate sanitation; adequate nutrition and housing; healthy working and environmental conditions; health-related education and information; and gender equality. Ill health, for example, often is 'associated with the ingestion of or contact with unsafe water, lack of clean water (linked to inadequate hygiene), lack of sanitation, and poor management of water resources and systems.' The right to health also requires access to health care.

⁵⁰ Article 25 of the Universal Declaration of Human Rights (UDHR): "(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control; and Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR): "The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent." African Charter African Charter on Human and Peoples' Rights (1981). See also, OHCHR, The Right to Health, Factsheet No. 31, <https://www.ohchr.org/Documents/Publications/Factsheet31.pdf>

⁵¹ Id.

⁵² Article 7, African Charter on Human and Peoples' Rights.

⁵³ OHCHR, The Right to Water and Sanitation Toolkit, <https://www.ohchr.org/en/issues/escr/pages/water.aspx> 'The water supply for each person must be sufficient and continuous to cover personal and domestic uses, which comprise water for drinking, washing clothes, food preparation and personal and household hygiene. Water for personal and domestic uses must be safe and acceptable. It must be free from elements that constitute a threat to a person's health. Water must also be of an acceptable colour, odour and taste to ensure that individuals will not resort to polluted alternatives that may look more attractive. Water and sanitation facilities must be physically accessible and within safe reach for all sections of the population, taking into account the needs of particular groups, including persons with disabilities, women, children and the elderly. Water services must be affordable to all. No individual or group should be denied access to safe drinking water because they cannot afford to pay.'

64. On the right to food in Malawi, in particular, the UN Special Rapporteur on the right to food described that income was a critical limitation for securing this right, 'The right to food is the right to...the means to an income that enables the purchase of adequate food. Food accessibility is understood both as physical accessibility and as economic accessibility, requiring that net food buyers can afford adequate food that they purchase on the market.'⁵⁴
65. The right to be free from discrimination relates to discrimination on the basis of gender, age, and other distinctions. For women, for example, it requires that 'appropriate measures' be taken to 'eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular... the right to protection of health and to safety in working conditions.'⁵⁵ It terms of age discrimination, the right requires the right to the same remuneration others would receive for the same work and the same conditions of work.⁵⁶
66. Note that the OHCHR, in describing the right to health, indicates that the impact of discrimination is compounded when an individual suffers double or multiple discrimination, such as discrimination on the basis of sex and age. It describes, for example, that in many places young women are more vulnerable to physical and sexual violence than the general population, and indicates that violence against women is a violation of their right to health.⁵⁷
67. The right to information is the right people have to ensure that decisions they are making, e.g., decisions that could affect their well-being, are based on adequate information.
68. Numerous human rights treaties include the right to freedoms of association, assembly and movement.⁵⁸ The International Covenant on Civil and Political Rights (ICCPR) states, 'The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.'⁵⁹
69. As described in the Guidelines prepared by the African Commission on Human and Peoples' Rights, 'Assembly refers to an act of intentionally gathering, in private or in public, for an expressive purpose and for an extended duration. The right to assembly may be exercised in a number of ways, including through demonstrations, protests, meetings, processions, rallies, sit-ins, and funerals, through the use of online platforms, or in any other way people choose.'⁶⁰

⁵⁴ Report of the Special Rapporteur on the right to food, Olivier De Schutter: Addendum - Mission to Malawi (A/HRC/25/57/Add.1), 24 January 2014. <https://reliefweb.int/report/malawi/report-special-rapporteur-right-food-olivier-de-schutter-addendum-mission-malawi>

⁵⁵ CEDAW, Article 11, <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>

⁵⁶ CESCR, General Comment 23, interpreting Article 7.

⁵⁷ OHCHR, The Right to Health, Factsheet No. 31, <https://www.ohchr.org/Documents/Publications/Factsheet31.pdf>

⁵⁸ <https://www.ohchr.org/EN/Issues/AssemblyAssociation/Pages/InternationalStandards.aspx>; ICCPR, Articles 21, 22, among others. Articles 10 and 11 of the African Charter on Human and Peoples' Rights (the African Charter), guaranteeing the rights to freedom of association and assembly. In Africa, The Guidelines on Freedom of Association and Assembly of the African Commission on Human and Peoples' Rights (African Commission) were adopted at the Commission's 60th Ordinary Session held in Niamey, Niger, from 8 to 22 May 2017; http://www.achpr.org/files/instruments/freedom-association-assembly/guidelines_on_freedom_of_association_and_assembly_in_africa_eng.pdf

⁵⁹ ICCPR, Article 21.

⁶⁰ Guidelines on Freedom of Association and Assembly in Africa, African Commission on Human and Peoples' Rights, 2017. http://www.achpr.org/files/instruments/freedom-association-assembly/guidelines_on_freedom_of_association_and_assembly_in_africa_eng.pdf ACHPR

Overarching Policy and Principles: Principle 2. Gender Equality and Women's Empowerment

70. This SES Principle requires that UNDP consider and address gender-specific needs and constraints in its projects and programmes, 'UNDP Programmes and Projects will be gender-responsive in their design and implementation. UNDP will seek to identify and integrate the different needs, constraints, contributions and priorities of women, men, girls and boys into its programming.'⁶¹

Policy Delivery and Accountability Process: Grievance Mechanism

71. Several provisions in the SES reflect a UNDP commitment to ensuring that individuals who may be adversely affected by a UNDP have a way to raise these concerns and be heard,⁶² including through an effective project-level grievance mechanism.⁶³

IV. BACKGROUND AND KEY EVIDENCE FROM THE INVESTIGATION

Project Summary and Complaint

72. On 9 October 2017, the Social and Environmental Compliance Unit (SECU) of the United Nations Development Programme (UNDP) registered a complaint from confidential complainants concerning the following UNDP-supported project: UNDP Malawi National Registration and Identification System Project (NRIS Project), available at <https://open.undp.org/projects/00100113>.
73. The UNDP Malawi Country Office (UNDP Malawi) initiated the NRIS project in 2016 in response to concerns that citizens of Malawi did not have national identification cards (IDs). As detailed in the NRIS Prodoc, the absence of identification cards was compromising Malawian citizens' ability to vote and effectively access services and entitlements. It also was challenging government planning and administration. The goal of NRIS was to register and issue IDs to approximately 9 million Malawian citizens, and, in the process, to advance progress toward the Sustainable Development Goal (SDG) 16, target 9 - 'by 2030 provide legal identity for all including free birth registrations.'⁶⁴
74. The NRIS Project Document (Prodoc) was signed by the UNDP Malawi Resident Representative in October 2016 (Atlas Award ID: 0010322, Project ID: 00100113), with a start date of October 2016, an end date of 31 December 2018, and a US\$49,694,000 budget. The donors for the project are the Government of Malawi, United Kingdom (UKAID), the European Union, Ireland, Norway, the United States (USAID), and UNDP.
75. It was under the Direct Implementation Modality (DIM), with UNDP assuming 'direct supervision, management and implementation of the mass registration exercise' in close

⁶¹ SES Principle 2, Gender Equality and Women's Empowerment, https://info.undp.org/sites/bpps/SES_Toolkit/SitePages/Gender%20Equality%20and%20Women%27s%20Empowerment.aspx

⁶² SES, Overarching Policy and Principles, p. 6. The overarching policy reflects, for example, 'UNDP will ensure that its Implementing Partners and its own Programme and Project managers provide clear and constructive responses to potential grievances, correct non-compliance where it has occurred, and share the results of grievance processes.'

⁶³ SES, Policy Delivery Process and Accountability, p. 53.

⁶⁴ NRIS Prodoc, p. 29.

collaboration with the Malawian government's National Registration Bureau (NRB), 'which will be principally responsible for coordinating in-kind Government support (e.g., security, transportation, use of Government facilities – schools, post offices, community halls, consultations with local communities and public information) to the operation.'⁶⁵

76. The complainants asserted that the UNDP Malawi Country Office (UNDP Malawi CO) did not pay adequate attention to key labour-related concerns affecting hired Registration Officers (ROs) and Supervisors, including: (1) insufficient salary and daily allowances; (2) poor and unhealthy work conditions; (3) inadequate documentation to workers of details of their pay, i.e., a failure to provide payslips with a breakdown of the amount of money received, including deductions and amounts owed; (4) unfair dismissals, i.e., dismissals without due process; (5) inadequate attention to RO and Supervisor concerns; (6) inadequate attention to rights to organize and advocate for better wages and working conditions; (7) unfair deductions for broken equipment, among other concerns. They believed labour-related project activities were not consistent with Malawian labour laws.
77. On 8 January 2018, OAI/SECU determined the complaint met the criteria necessary for OAI/SECU to investigate UNDP's compliance with its social and environmental commitments, and posted the signed Eligibility Determination on its public registry.
78. OAI/SECU undertook a document review and, from 1 May 2018 to 12 May 2018, traveled to Malawi to interview complainants, UNDP staff, PwC staff, ROs not named as complainants, a Supervisor, relevant government officials, relevant civil society organizations, technical experts and others.

Screening Project for Environmental and Social Risks

79. UNDP Malawi CO applied UNDP's Screening Template,⁶⁶ the Social and Environmental Screening Procedure (SESP), to the project but, in the process, did not use the Social and Environmental Risk Assessment Screening Checklist to help staff identify and understand potential risks. Among questions that were not answered, for example, were the following questions related to working conditions: 'Does the Project pose potential risks and vulnerabilities related to occupational health and safety due to physical, chemical, biological, and radiological hazards during Project construction, operation, or decommissioning?' and 'Does the Project involve support for employment or livelihoods that may fail to comply with national and international labor standards (i.e. principles and standards of ILO fundamental conventions)?'
80. The UNDP CO identified only one social and environmental risk for the project - the risk that 'Wet season disrupts operations,' and, based on this finding, the entire project was identified as a 'low risk' project that needed no additional assessment of risk and no other measures to avoid potential social or environmental harms.

⁶⁵ NRIS Prodoc, p. 9.

⁶⁶ This was a response to SESP Question 2 - "What are the Potential Social and Environmental Risks?" UNDP Malawi CO responded, as well, to Question 1, but this question does not relate to 'risks' – it asks, "How Does the Project Integrate the Overarching Principles [human rights, gender equality and women's empowerment, and environmental sustainability] to Strengthen Social and Environmental Sustainability?"

UNDP's Procurement of PwC

81. After screening was completed, UNDP procured PricewaterhouseCoopers (PwC) to 'identify, recruit, administer and manage the payroll activities' for the 4200 Registration Officers (ROs) and Supervisors who would register Malawian citizens.
82. According to the Prodoc, the entire process to procure PwC and implement the project - from issuance of a Request for Proposals in February 2017, to the mass registration exercise from April to November/December 2017 - was approximately ten months. UNDP's Case System documentation – describing the review process by UNDP Procurement Committees - reflected a UNDP Malawi CO belief that 'It is critical for UNDP to deliver tangible results in a very short period of time' and the tight 'implementation timelines are among the biggest risks.' In this regard, it noted, 'the recruitment of 220 Supervisors and 4,400 registration officers are part of a critical foundation as reflected in the RFP. Failure or lack of performance in these steps will have no time for corrective action.'⁶⁷
83. Although the Model Contract signed by UNDP Malawi and PwC did not reference the SES and SESP, the 'Legal Context and Risk Management Section' in Annex IX to the NRIS Prodoc stated that the 'Implementing Partner' (which, for the NRIS, was UNDP Malawi), shall conduct project activities 'in a manner consistent with the UNDP Social and Environmental Standards.'⁶⁸ This Annex is described in greater detail in Section IV, UNDP's Social and Environmental Commitments, below.

Contracting ROs and Supervisors: Process, Contract Provisions, Remuneration

84. The job advertisement posted by PwC to recruit ROs and Supervisors described the location and duration of the project as follows: 'This is a field work position that will involve working in various parts of the country including rural areas for a period of up to 9 months.'⁶⁹
85. The online 'Provisional Job Offer for Registration Officer' sent to ROs who were offered a job (also referred to as the 'Malawi Government UNDP Offer') described that remuneration was a 'gross total of MK120,000 per phase'⁷⁰ that 'Each phase is for a period of 14 to 25 working days; and taxes will apply on your remuneration.'⁷¹ The offer did not describe what remuneration would need to cover, i.e., that remuneration would need to be used for both salary and to secure housing and all supplies needed for field work, e.g., food, pots, pans, charcoal/wood, mattress, blanket, mosquito netting, clothing, etc.⁷²
86. PwC organized the orientation and trainings of ROs and Supervisors with a training package provided by UNDP. These materials did not describe working conditions.⁷³ However, PwC

⁶⁷ UNDP's Case Information file, No. 0000015993, describing the review by the Contracts, Assets and Procurement Committee (CAP) and Advisory Committee on Procurement (ACP) from 22 March 2017 to 29 March 2017. Additionally, the Terms of Reference submitted by PwC in response to the RFP noted 'the number of people to be employed and managed within the nine month project period is huge.' PwC Malawi Technical Proposal, 8 March 2017, p. 55

⁶⁸ NRIS Prodoc, Annex IX. Legal Context and Risk Management, p. 28.

⁶⁹ PwC, Report on Deliverable 1: Selection of temporary technical staff, May 16, p. 8.

⁷⁰ The conversion rate in June 2017 was approximately \$US1.00 to MWK715.00

⁷¹ Id.

⁷² Id.

⁷³ A June 2017 Progress Report prepared by PwC describing the training does not indicate that PwC described working conditions to ROs. PwC, Summary Report on Deliverable 2: Orientation and Training of temporary technical staff and Contracting, June 19, 2017.

representatives described to OAI/SECU in an in-person meeting that because PwC was aware some ROs had never worked in the field, they ‘tried to prepare them during training’ and told them ‘this was a patriotic duty because you won’t have all the comfort. The situation is challenging, given the travel, think through how to get to where you’re registering.’ PwC described that they could ‘hear many concerns’ in response.

87. OAI/SECU heard from ROs and Supervisors, in in-person interviews, that they were not told, *prior* to trainings, to bring supplies to prepare for fieldwork. One interviewee said that on the last day of training, the day before ROs and Supervisors were to begin fieldwork, ROs were told they were not getting mattresses or accommodations in the field. Only one of seven individuals interviewed in Malawi by OAI/SECU brought a mattress and some personal items to the training, but the RO indicated he was not told to do this prior to the training. One other interviewee was able to purchase a mattress in Lilongwe for MWK12,000 after the training and shortly before departure for Phase I. Other interviewees indicated that they slept on the floor – or on desks pulled together in classrooms – during Phase I. All said they did not have most of the supplies needed for fieldwork, e.g., clothes, toiletries, pots, pans, food, fuel, mosquito netting, prior to departure. One interviewee explained that, because she lived in Lilongwe (where the trainings were held), she was able to secure clothes and other personal items from her family, but most other ROs (particularly those who did not live in Lilongwe) did not bring extra clothes and personal items, and were not prepared to be sent into the field on such short notice.
88. The June 2017 Progress Report described that contracts were provided to ROs and Supervisors during the orientation and provisions were discussed then.⁷⁴ The contracts provided to the ROs and Supervisors indicated they would be paid a ‘fixed sum’ for each of the five phases ‘to be undertaken as a lump sum pay-out.... to cover, accommodation, food, transport and a 5% gratuity less any applicable income tax.’⁷⁵ The contract did not distinguish salary from field allowance in the lump sum amount. As a result, the entire lump sum amount (as opposed to only the salary amount) was subject to income tax. Payments were MWK120,000 minus tax leaving a net payment of approximately US\$160.00 for the entire phase (at 25 days, approximately US\$6.40/day for accommodation, food, transport, salary, gratuity, etc.) and MWK150,000 minus tax for Supervisors, leaving a net payment of approximately US\$205.00
89. In interviews with OAI/SECU, UNDP Malawi described that payments to workers were called ‘remuneration’ instead of ‘salary and field allowance’ because UNDP was aware it did not have all the funds needed to provide typical wage and field allowance amounts. They decided to pay what they could in ‘remuneration’ and appeal to national pride to secure worker commitments to the project. They characterized the project as an opportunity primarily for university students that was ‘distinct from employment.’ As detailed more in Section IV, UNDP Social and Environmental Commitments, OAI/SECU observes that the term ‘remuneration,’ as defined in the Malawi Employment Act, includes both salary and field allowance.

⁷⁴ National Registration and Identification System Summary Report on Deliverable 2: Orientation, June 2017.

⁷⁵ Id. The Progress report also described how payments for the first phase were made - in tranches, with 40% of the lump sum provided when ROs were sent to their field location, and the remaining 60% provided when the phase was completed. This information was not in the contract.

90. Because the contract did not define 'phase,' i.e., it did not explicitly specify the range in number of days a phase might be, the number of possible days in the field was not clear and, according to PwC, a source of concern. However, most ROs and Supervisors interviewed by OAI/SECU shared the perspective that, given other information provided to them, it was their understanding they would be in the field for 25 calendar days, working for approximately 20 of those days. Most other interviewees shared this view.
91. The contract described the 'normal daily working time' as '8 hours from 07:00am to 16:00pm between Monday and Friday' with a one hour lunch break 'together with such additional time as is reasonably necessary for the proper performance of your duties.'⁷⁶ It further specified 'In view of the magnitude and importance of the mass registration, you will be expected to be flexible in the timing of your work.'⁷⁷
92. Regarding 'Annual Leave' it noted that employees are entitled to 1.5 annual leave days per phase worked. It also acknowledged that 'limited timelines' and the 'intensity of the project' might render leave impossible, and indicated that 'all leave balances unutilised will be paid at the end of the contract period.'⁷⁸
93. Regarding 'Sickness' it required employees to notify the Supervisor as soon as reasonably practicable of an illness, among other requirements.⁷⁹
94. Regarding 'Termination and Resignation,' it stated that employees may be 'summarily dismissed from employment' for any of five reasons: 'if you commit an act of serious misconduct...habitual or substantial neglect of duties...lack of skill which you expressly or by implicitly held to possess...willful disobedience to lawful orders given by the Employer...absence from work without permission or without reasonable excuse.'⁸⁰ It required employees to give the Employer 'one week's notice in writing.'
95. Regarding 'Grievance Procedure' it directed employees to 'raise it with the PwC UNDP Project HR Administrator by putting the grievance in writing.'⁸¹ It gave the Administrator 7 days within which to respond, and noted 'All grievance matters will be documented.'⁸²
96. The final paragraph indicated that the Contract shall be governed by and construed in accordance with the laws of Malawi.⁸³
97. PwC's June 2017 Progress Report described that, during the training, ROs emphasized concerns about allowances for the field work, 'the inadequacy of allowances to be paid during the field work' was 'top on the list' of 'issues that always aroused some measure of emotion among the participants' during the training.⁸⁴ One interviewee said he was not only

⁷⁶ 'Fixed-Term Employment Contract Between: PricewaterhouseCoopers Advisory Services Limited and [each employee],' June 2017.

⁷⁷ Id.

⁷⁸ Id.

⁷⁹ Id.

⁸⁰ Id.

⁸¹ Id.

⁸² Id. Although the Prodoc did not describe how stakeholders or ROs could raise concerns related to the project, PwC's contract with UNDP incorporated by reference PwC's technical proposal, which required a grievance redress mechanism. The above language in the contract between PwC and ROs described this mechanism.

⁸³ Id.

⁸⁴ Id.

concerned about the pay and allowance, but also dismayed (given the poor pay) because he had quit his job to pursue the project. He said ROs had expected that UNDP would ensure payment of a decent wage and allowance.

98. The other top issue raised was the security of workers in the field, and related security of the Biometric Registration Kit (BRKs). As described in the report, workers were obligated to assume financial liability for missing or damaged BRKs, and interviewees indicated to OAI/SECU that workers were worried they would not be provided adequate resources – including secure housing – to ensure the safety of the BRK kits.⁸⁵
99. The Progress Report described that, in response to allowance and safety concerns expressed by workers during the training, the UNDP CTA appealed to patriotism. It described the key contents of the CTA's address as follows 'The trainees' involvement in this project should be viewed as a giving back a service to the country. Malawi needs you, and you need to be patriotic and take pride in the development of your country. It also must not be viewed only in terms of the monetary value to the trainees. The project also has immense empowerment value as it brings new biometric registration technology skills which in future could be needed in other sectors in the country and in other Southern African countries. With national identity cards, government programmes will be more targeted. This means that services will be more targeted towards Malawian citizens. Security in the field will be provided by local police and also by the villagers themselves, a lot of whom are looking forward to participate in the mass registration exercise.'⁸⁶
100. PwC indicated that 'such motivational interventions' improved morale and 'resulted in the overall high contract acceptance rate of 93%.'⁸⁷ The UNDP Malawi CO described, in interviews with OAI/SECU, that it was hoping the appeal to patriotism would provide context for the project and incentivize ROs and Supervisors to perform the work in spite of concerns about field allowance.
101. PwC paid ROs and Supervisors MWK10,000/day for attendance at the training. PwC indicated that this amount was chosen because it was consistent with the minimum daily/living wage policy of the Malawian government.⁸⁸

Initial Project Implementation: Expectations and Conditions

102. After trainings were completed and contracts signed, ROs were assigned random partners of the same or another gender. Interviewees claimed that this approach to pairing ROs was contrary to information provided during trainings that ROs could select their partners. PwC described to OAI/SECU that they did not allow ROs to choose partners for fear such a partnership would be inefficient.
103. According to NRIS staff, and other interviewees, ROs were given two condoms but no other supplies needed to live in the field.

⁸⁵ Id.

⁸⁶ Id.

⁸⁷ Id.

⁸⁸ As noted in Section IV. UNDP's Social and Environmental Commitments section, below, Malawian policy is that MWK10,000 is the minimum field allowance amount for government employees.

104. Each set of partners was randomly assigned to a given rural or urban location in Malawi location based on a list of locations to be covered. Many of the ROs had never been to the rural areas of Malawi (or to some urban centres) to which they were sent, and did not know anyone in the locations to which they were sent. Some had never been out of the city in which they were born.
105. ROs, in interviews and written comments, indicated they were surprised that, when dropped off for Phase I, they had very little, or no, initial support for finding an adequate place to stay, food and water. One RO indicated that he was dropped at a primary school (where the registration was supposed to begin the next day) in a very remote rural area at 10 pm. He had never been to the area, knew no one there, and had no knowledge of where anything was located. He and his partner had no food with them, were not able to open the registration centre the next day because they had to locate food and water, and had to travel 4-6 kilometers to find borehole water. They had to sleep in the school, which was dirty and did not have windows. This interviewee said he felt embarrassed and ashamed to be in that position. He said after being there for many days, the Traditional Authority (TA) indicated that if UNDP had asked the TA beforehand to find arrangements, the TA would have helped.⁸⁹ SECU heard from some ROs that TAs did help them locate a place to stay that was secure and clean.
106. The UNDP Malawi CO indicated to SECU that although TAs had not been trained to provide assistance for the NRIS project, the training TAs had received to provide support for the 2014 voter registration project - primarily to 'cooperate with the registration procedures and to ensure that registration takes place efficiently and effectively' - was adequate to meet needs.
107. ROs interviewed by SECU in Malawi, and most of the nearly 50 ROs submitting comments on the draft investigation report, described that, in most situations, ROs had only a bare floor on which to sleep (unless they wanted to purchase a mattress or mat). SECU heard from both ROs and non-RO interviewees, media reports, and PwC, that buildings used to house ROs could be schoolhouses or other buildings that did not have screens and/or were not otherwise secure, e.g., no way to lock the doors and/or windows. Some did not have windows that could open for ventilation. Some were quite dusty (contributing to asthmatic conditions of ROs).
108. SECU heard that in many rural areas tap water was difficult to access (or inaccessible). In these situations, ROs mostly had access to water in boreholes, although this water was not always in close proximity to where ROs lived and/or the registration centre, and/or was of unknown quality or not potable until boiled. Some ROs had to drink river water. Other described that if they were in an area in which no potable water was accessible, they had to purchase their own water. One interviewee described that everyone in his group became ill drinking borehole water, which was too salty but the only water available. He went to the

⁸⁹ Another interviewee said he and his partner similarly had no help finding a place to stay in the town in which they were dropped. Another said the driver dropped him and his partner at a classroom, saying 'I'm done,' and they continued to live in the classroom because they did not know of any safe affordable housing given that only 40% of field allowance (US\$50.00, ~MWK36,400) had been provided to them prior to drop-off, and this had to cover not only a place to stay for the entire phase, but also food, other cooking supplies, water, transportation, medical help if the RO became ill, etc. (See Annex C, for a sample list of costs in the field). The classroom was near the registration centre, but they could use the classroom for personal needs only at night because children were using it during the day.

hospital with an infection, paying for transportation to the hospital and for treatment.⁹⁰ He described that he was in the hospital for three nights, with no help from UNDP and PwC. He described the cost, 'It cost around MWK4000 going, MWK4000 back, medicine to receive was MWK1800, but they don't have enough and so I went to the pharmacy and paid MWK2600.' Subsequently, he carried his own 20-liter pail of water with him for the remainder of the phases. When SECU relayed this story to an individual at the Malawi Ministry of Labour, the representative explained that local villagers build tolerances to local drinking water. Individuals who are new to the village and without this tolerance can become ill.

109. For ROs working in more urban areas (approximately 20% of Malawi, according to PwC), clean tap water was more accessible.
110. SECU heard that illness related to contaminated water, malaria, and/or contaminated food was relatively common among ROs.
111. Most interviewees indicated that if a borehole was not accessible for bathing they used toilet water, river water, or the neighbors' water. Usually there was no bathroom for bathing. One RO stated, 'imagine in most cases we used to bath in smelling toilets which were not even taken care of, you can imagine bathing while seeing pisses and flies all and you bathing on same place.'
112. Several female interviewees indicated they had no choice but to sleep in a very small space on the floor near males they did not know, and they felt very uncomfortable about this. One said, 'this thing of imposing a partner, it was really not good.' She said she didn't know her male partner beforehand, and it was just the two of them in a classroom. She said this was not consistent with cultural norms she followed. She said they were given nothing but condoms, and when she asked why, the response was, 'you never know who your partner is.' Another female indicated that for the safety of the machines (for which the ROs were liable) partners felt compelled to sleep together, 'even when you'd just met your partner.' She indicated this was scary and uncomfortable.
113. RO and non-RO interviewees described that the low field allowance was a primary factor limiting their ability to have safe and secure housing with access to clean water, decent food, etc. In addition to expenses related to housing, food, and water,⁹¹ interviewees described that they faced additional 'start up' costs associated with living in a new area in which neither family nor familiar community lived. For example, all ROs interviewed indicated that, to cook

⁹⁰ All interviewees who became ill went to private hospitals/clinics because, in their estimation, public hospitals would have required very long wait times for treatment, and often do not have the necessary medicine. The Malawi Labor Ministry representative confirmed that private hospitals often provide quicker and better service than public hospitals, and at least one study supports this idea: 'All community residents who participated ... reported being charged no formal or informal fees for the treatment received at public facilities. However, they consistently reported incurring substantial out-of-pocket payments for medical treatment at CHAM/private health facilities and/or when purchasing drugs at private pharmacies. Despite their awareness of and experience with free healthcare provision at public facilities, respondents reported frequently being compelled by circumstances to seek care at CHAM/private facilities and thus, incur substantial out-of-pocket payments. They justified their need to do so in regards to a number of shortcomings in public health service provision, namely: shortages of medicines and health workers, insufficient health facilities and equipment, poor access to emergency services, long distance and transportation difficulties, poor attitude of health workers, overcrowding and perceived poor quality of care, among others.' Gaps in universal health coverage in Malawi: A qualitative study in rural communities, Abihiro, Gilbert et al, 22 May 2014, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4051374/>

⁹¹ Interviewees and others provided a range of estimates for secure clean places to live in various areas, with estimates ranging from MWK30,000 to MWK12,000 depending on location. See Annex C.

their own food, they had to purchase pots, pans, spices, spoons, cleaning supplies, wood, etc. If they wanted to avoid mosquitoes, they had to purchase their own mosquito nets – assuming they could locate them in the local area. If they wanted to avoid sleeping on a dusty floor, they had to purchase a matt or mattress.

114. One interviewee summed up his thoughts on the contract and conditions during this phase, describing that although he thought MWK120,000 was very low, he wanted to be 'part of the team making history' and he had funds from small businesses to support him. He expressed that he was very concerned for the welfare of fellow ROs who did not have additional resources. He said he believed it was difficult for some of them to survive in the field. He stated, 'I had some businesses which were running, I was quite sure I was going to survive. But looking at the project itself, it was difficult to break even. For me, I was sourcing funds from my own small businesses.... I was paying my own money to get things done.... One of my businesses closed because of this but I never regret, because it was for the country. Very difficult to break even. And being one of the guys, the grandchildren will remember my name and say 'he was part of the history.' However... I had to see some guys going through hard times.' And while he supported the objective of the project, he felt the 'other side of the coin' – the wellbeing of 'the guys implementing the project...has to be considered' and it wasn't.
115. In addition to challenging living conditions, ROs faced challenging work conditions – including large crowds at registration centers. As noted in PwC's Phase I Monitoring report to UNDP Malawi CO and the other donors, the number of people seeking registration was significant. A Phase I Monitoring 'Issue' was 'most of the centres were overcrowded.'⁹² A related issue was more people in line than ROs were able to register in a given day.
116. Supervisors also faced challenges accomplishing their work, including challenges that impacted their ability to provide support to the ROs. As identified in the Phase I monitoring report, transportation was one such challenge.⁹³ As noted in a report prepared by UNDP's CTA after completion of the registration effort, 'GoM [Government of Malawi] committed to providing 800 vehicles as an in-kind contribution for the exercise but unfortunately, we had to live with 120 vehicles to conduct mass registration and alter our plan on the fly due to the scarce transportation provided by the government.'⁹⁴ One interviewee indicated that, given the lack of cars and drivers, Supervisors had to search for and employ every mode of transport, including boats, bikes, taxis, etc. Costs for this transportation, and for phone service to confer with ROs often were in excess of allowances paid to Supervisors. Locations between centres were often significant in rural areas, e.g., 5km, and one Supervisor had to cover approximately ten centres. One Supervisor indicated that s/he simply could not respond as well as s/he wanted to the concerns of ROs, and s/he found it very difficult to contact the District Officer by phone. S/he concurred that women ROs did not have the privacy and security they needed.
117. The Phase I Monitoring report identified security as an issue at some locations. Interviewees also described this as an issue, noting that because crowds were so large at registration centres, some ROs were threatened and even hit by members of the crowd. The UNDP Malawi

⁹² Monitoring Report-Phase I, ID registration and NICE activities, Districts: Mchinji, Dowa, Ntchisi, Kasangu, Salima and Nkhonkhotakota, Period: May-June-, 2017.

⁹³ Id.

⁹⁴ Tariq Malik, Malawi's Journey Towards Transformation: Lessons From its National ID Project. August 21, 2018.

<https://www.cgdev.org/sites/default/files/malawis-journey-towards-transformation-lessons-its-national-id-project.pdf>

CO response (as reflected in the monitoring report) to the security issue was to provide security 'immediately.'

Phase I Challenges

118. A month and a half after registration activities began, although a significant number of people had been registered, ROs began facing a number of significant challenges to their physical, emotional and financial wellbeing.
119. ROs described their challenges in letters to PwC and UNDP, and these challenges were recounted in media reports.
120. At least two newspapers published opinion pieces that took PwC and UNDP to task for not providing adequate support to the workers. One such article questioned the role of the 'donor community' including UNDP, and accused them of complicity in slavery. It rhetorically asked, 'Has the National Registration Bureau (NRB) swindled the money meant for salaries or is the donor community just being plain hypocritical or indifferent to the workers' right to decent pay?' and 'Whoever advised NRB to outsource the recruitment exercise did not base this on realistic estimates and prevailing conditions.'⁹⁵ Another entitled, '*Mass registration or slavery?*' recognized the need for the project, but described conditions as 'slavish labour.'⁹⁶
121. According to another newspaper account, members of the Malawian national assembly also became involved - calling for 'the suspension of the exercise citing the enormous irregularities including inadequate stationery, breaking down of equipment and reports that workers are demanding a fee from people to process registration.'⁹⁷
122. Despite the complaints revealed in news reports and otherwise publicly articulated by ROs, the complaint mechanism for the project - the 'Registration Officers Complaints Register for Mass Registration' - did not document any complaint in Phase I - from May to June.

⁹⁵ Aubrey Chinguwo, The Nation: *Registration staff duped*, June 8, 2017. The article further stated, 'Rather than keeping mum on the slavish conditions in which registration staff is working, concerned donors must speak out and take a stand for equal rights and justice. Their silence makes them appear complicit to the ongoing slavery that our national registration really is.' This article described the payment as 'peanuts' and the working conditions as substandard, 'Having experienced what it takes one to be happy, healthy and productive on similar 'hard labour', the salaries that PricewaterhouseCoopers (PwC) is offering registration supervisors and officers are 'peanuts'. They do not adequately compensate for the work and stress the exercise entails. In 25 days, the registration supervisors and officers are expected to earn K150 000 and K120 000, respectively. This pittance will be taxed and disbursed in two installments. Nothing can be more insensitive to the skyrocketing cost of living. A substantial fraction will cater for accommodation, meals and transport. With no separate allowance, people will be forced to live and work on a shoe-string budget. Even if they sleep in the bush or settle for substandard housing, they may end up working hungrily.'

⁹⁶ Sylvester Kumwenda, The Nation: *Mass registration or slavery?* June 5, 2017. It further stated, 'These IDs ease identification of citizens and access to vital services, including healthcare and banking. But these exercises might flop because of degrading treatment of employees who are going to carry out mass registration. ... It is surprising to hear that the K150 000 and K120 000 stipends allocated for supervisors and officers, respectively, is meant for accommodation, food and transport. With no subsistence allowances, simple arithmetic shows everything the applicants never expected—slavish labour.... The 25-day stipend means an individual will be getting less than K6 000 a day for accommodation, food and transport. This is total exploitation. Not even a messenger or driver in the civil service gets this pittance for working away from home.... This to me only puts the life of these workers in danger as they do not know where they are going, the cost of living and their financial security....'

⁹⁷ Pledge Jali, The Nation: *National registration staff threaten to down tools*, June 28, 2017.

Responses to Phase I Challenges

123. Concerned about workers, the Malawi government sent a 'RECOMMENDATION TO REVISE DAILY FIELD ALLOWANCE FOR REGISTRATION STAFF' to UNDP Malawi confirming the challenges, and requesting action. This letter began with an observation about the poor press on the 'very low emoluments'⁹⁸ It indicated that when the government's National Registration Board (NRB) reviewed the project document it found the MWK3500/day field allowance 'very low,' and not consistent with Government 'regulations' which would have ROs receiving MWK10,000/day and Supervisors receiving MK10,500 (MK500.00 for movements between Registration centers).⁹⁹ It concluded 'The total lump sum for field allowances should, therefore, be MK200,000 for Registration Officers and MK210,000 for Supervisors. We make these proposal on the firm belief that we need to rise up to the numerous negative publicity about the emoluments that are being offered to our registration staff lest it jeopardizes the whole mass registration exercise. This matter requires UNDP and Development Partners urgent attention. In light of the foregoing, kindly consider the request to modify the daily field allowance for Registration staff as MK10,000 per day for Registration Officers and MK10,500 for Supervisors.'¹⁰⁰
124. PwC subsequently wrote a letter to UNDP Malawi confirming and elaborating on the problems, and reflecting that housing and living arrangements described by ROs, e.g., sleeping on floors in classrooms and unable to access decent meals, clean water, and medical treatment, was not (and should not) have been normal practice. The letter stated, 'As noted in our recent discussion, the officers in the field have highlighted the following challenges:
- i. High cost of living in the urban and rural trading centres. This has made some officers to seek shelter in classrooms and houses of local residents.
 - ii. We have received reports that some officers are sleeping on sacks and cartons. This means that officers are exposed to challenging field conditions and thus exposing them to potential health risks for example, malaria and other illnesses as they cannot afford protected shelter or accommodation. Malaria is one of the leading causes of inpatient admission as per recent health studies. Due to constrained resources, a number of officers are seeking reimbursements for medical expenses because health centres are either very far or do not have medical supplies.
 - iii. Some officers have opted to selectively eat lunch meals in order to survive in the field and this has potential impact on their ability to deliver optimally.
 - iv. We are currently facing some resignations and most of the officers who have resigned have indicated the lack of adequate resources as the key factor for their exit from the project.
 - v. There is a general complaint that tax deduction will leave the officers with inadequate pay which will not be sufficient to cover their daily necessities in the field. As a way forward there is need for negotiation on increasing the field allowance per phase. We

⁹⁸ T.T. Kang'ombe, Chief Director, National Registration Bureau, 'Recommendation To Revise Daily Field Allowance For Registration Staff, Sent to the Malawi UNDP CO on June 12, 2017.

⁹⁹ Id.

¹⁰⁰ Id.

do understand that the government rates are in the range of MK10,000 per day but we do appreciate that this would be too expensive to meet due to duration of the project. Therefore a potential increase of the field allowance will go a long way in motivating the officers in the field and also assisting them to afford better conditions. We appreciate the constraints in meeting this proposed increase and we hope a way can be found to address this.¹⁰¹

125. PwC representatives confirmed and described these challenges to SECU, identifying difficulties 'finding accommodation on the ground,' insufficient remuneration, problems with mixed gender teams, challenges protecting BRK kits in insecure housing situations, inaccessibility of clean water and the need to bathe in toilets, long distances from housing to registration centres and costs associated with this, etc.¹⁰²
126. ROs and Supervisors sent a subsequent letter to PwC (copied to the Speaker of the National Assembly, Members of Parliament, the Ministry of Home Affairs and Internal Security, UNDP, Irish Aid and NRB) stating that the field allowance was 'far below the daily living cost in the field to cutter for our basic needs, communication and also mobility.'¹⁰³
127. A Malawi Human Rights Commission representative described that he was not surprised that young individuals took the job despite having real concerns about field allowance and pay. He said that young workers in Malawi are so desperate for work they would feel compelled to take a job even if the pay concerned them, only to realize later it was not as possible as imagined to deal with the hardship related to the low allowance. This was especially true given that many of the interviewees had not been to the areas to which they had been sent; some had not been outside the more urban areas.
128. In response to concerns expressed by workers and requests by NRB and PwC, UNDP Malawi proposed to UNDP Procurement Review Committees¹⁰⁴ that remuneration be increased for ROs from MWK100,000 to MWK175,000, and, for Supervisors, from MWK120,000 to

¹⁰¹ PwC letter to UNDP Malawi CO, 19 June 2017.

¹⁰² Further elaborating of some of the issues, PwC described that sometimes a school was available, sometimes it was not. ROs did not have showers, and, although some had tap water, 'sometimes the flowing water is far away...the reality you would get, even if you were in urban area, there could be a need to shower in basin.' PwC described that in Malawi urbanization is only about 20%, and the rest of the country is rural. In these rural areas access to water would be limited, and they 'commend the ROs, they really had to fit in to situations outside their comfort zone.' They stated their belief that while the most an RO would pay for a room is MWK3,500, in the majority of rural areas such a room to rent might not be available. Additionally, they described that while ROs were encouraged to stay in close proximity to the registration centre, in northern areas 'the reality is the distances are wide, and I wouldn't be surprised if it was some distance of travel. You couldn't escape the travel.' Some would need to pay for bikes, e.g., MWK200 one way; taxis were too expensive or non-existent. They further described that charging kits also sometimes required transportation.

¹⁰³ June 27, 2017 letter addressed to PwC and copied to the Speaker of the National Assembly, Members of Parliament, the Ministry of Home Affairs and Internal Security, UNDP, Irish Aid and NRB. News reports estimated that the MWK150, 000 at that time was approximately US\$206.00, and MWK120 000 was approximately US\$165.00. It stated, 'As evident from the first phase which has just been completed, we feel 150,000 Mwk (for supervisors) and 120,000 Mwk (for officers) which is taxable is far below the daily living cost in the field to cutter for our basic needs, communication and also mobility,' and expressing that the workers were 'hardworking, patriotic and devoted temporally employees and we honestly find it a little disappointing that our dedication and patriotism is not awarded for such an important national job.' They requested PwC to 'Kindly consider a reasonable and realistic salary review at the earliest possible chance for the job to be effective and efficient, otherwise we are ready to put tools down if the increment is not done in time and this will thus jeopardize the registration drive and delaying the project completion. They requested a response within seven working days, and included a long list of names 'on behalf of all supervisors and officers.'

¹⁰⁴ UNDP's Case Information file, 29 June 2017, 0000017082. The Procurement Committee (CAP) and Advisory Committee on Procurement (ACP) reviewed the request, and the Chief Procurement Officer (CPO) approved it.

- MWK205,000,¹⁰⁵ with a distinction made between ‘salary’ (proposed to remain as MWK30,000) and field allowance (proposed to increase to MWK145,000) with no tax on field allowance amounts (but with about MWK5,250 tax on salary for supervisors). It described that workers were struggling to cover costs and were considering resigning.¹⁰⁶
129. These estimates, UNDP Malawi explained, were derived based on an assumption that ROs and Supervisors would be in the field for *20 days* per phase.¹⁰⁷
 130. The UNDP Malawi CO explained that the government requested a larger amount of at least MWK10,000/daily, ‘to implement the current government policy of field allowance.’¹⁰⁸ It noted, however, that UNDP Malawi-proposed amounts were less than those requested by the NRB because the government-requested amounts exceeded amounts budgeted.¹⁰⁹
 131. Although UNDP Malawi proposal indicated that the MKW7250 per day allowance, assuming 20 field days, was ‘acceptable,’ documents provided to SECU do not indicate how this was determined. PwC, however, shared with SECU that, facing resource constraints PwC could not ‘meet full employment conditions,’ and tried to determine the ‘minimum for survival.’¹¹⁰
 132. The UNDP Malawi CO indicated to SECU that it attempted to develop field allowance and salary rates based partly on comparisons with other entities. The only estimate it provided to SECU was from the Malawi Commissioner of Statistics, which pointed to MWK10,000/day as the minimum amount for workers - except when funds are from other sources – ‘in this case the minimum is MWK20,000/day’. On salary (in addition to field allowance), it sent a subsequent email noting ‘Please note that we pay a monthly Salary to temporary enumerators and supervisors ranging between K60,000 to K80,000 net of taxes if the exercise is more than 30 days.’¹¹¹ The UNDP Malawi CO indicated it did not have the other estimates, e.g., from Gates, in writing.

¹⁰⁵ The proposed new field allowance for was MWK145,000 for ROs and MWK155,000 for Supervisors – with an unchanged salary amount of MWK30,000 for ROs and MWK50,000 for Supervisors.

¹⁰⁶ Id. The UNDP Malawi CO proposal noted as well, “The consequences from disruptions of the work of registration staff are great: loss and damage to equipment, bad media coverage, cost implications from the need for continued training to ensure a steady number of ROs and supervisors in case of resignations. The rate of resignation and not opting for next phase after completion of a phase jeopardizes the implementation schedule with associated cost implications. The registration staff are critical for the success of the registration drive and project completion.”

¹⁰⁷ UNDP’s Case Information file, 29 June 2017, 0000017082, describing the procurement process and information provided to the UNDP Procurement Committee, notes ‘Sub-Total paid to staff per phase (20 days)....’ p. 3/11.

¹⁰⁸ Id. Note, also, that a June 28, 2017 UNDP Malawi CO email to the UNDP Review Committee representative states that the K10,000 daily rate requested by the NRB, as verified through comparisons with ‘NSO, Center for Social Research and other organizations...looks like a fair assessment’ but resources are not available to meet this request fully.

¹⁰⁹ Id. ‘The change requested by the government means a lumpsum payment per phase of K210,000 and K200,000 respectively for Supervisors and ROs. This results in an additional amount of 4,151,884.97 USD (not budgeted). Technical Committee of the Project reviewed the Chief Director request against availability of additional resources. Development Partners declared possibility of additional contributions up to 1,450,000USD and UNDP identified 1,000,000USD of savings from original budget. This additional resource would not meet fully the request of the government of 10,000MKW per day as field allowance but would be appropriate for financing 7250 daily.’ It described ‘confirmation from experts in PwC that this amount would be sufficient amount to cater for daily field allowance.’

¹¹⁰ PwC indicated the following, “That’s how we got to the MWK155,000. If ROs are there for 25 days, then it’s MWK6500/day. How much do you need for food, for lunch, for minimum survival? For minimum survival, what do we do?... we may not be able to meet the obligation like a full government mechanism situation... but we need to give them a minimum to survive.’ Although PwC referred to MWK155,000 for ROs, estimating an MWK6500 per day field allowance for a 25-day field stay, ROs were making MWK145,000, and, assuming a 25-day field stay, the field allowance per day would be MWK5,800 (less than the MWK6500 amount PwC was the ‘minimum for survival’).

¹¹¹ Commissioner of Statistics email to UNDP Malawi CO, June 22, 2017. Note also, that guidelines for daily allowances in Malawi that were developed and ‘adhered to’ by the United Nations and other development entities prior to the NRIS

133. In an interview with SECU, a representative of Malawi's Ministry of Labour responded to the rates referenced in the memorandum prepared by the Government of Malawi (through the Secretary for Human Resource Management and Development),¹¹² describing that while the government uses MWK10,000 as its minimum field allowance, a different sum can be negotiated by another entity with workers – but with a few caveats. First, worker views must be heard and respected during the negotiation of field allowance rate, and, two, the allowance *must be adequate to ensure access* by workers to safe housing and sanitation facilities, clean water, and adequate food.
134. In response to requests from the UNDP Advisory Committee on Procurement (ACP) Chairperson about the need for the increase, UNDP Malawi indicated that the initial salary and field allowance amounts were inadequate, noting, '3500 MKW [per day] was not sufficient for Registration Officers to survive in the field.'¹¹³
135. Documents explained that the benchmark used to establish the field allowance – the 2013 MEC voter registration effort - was inappropriate because it did not take into consideration that the remuneration paid to workers for the earlier MEC voter registration effort was *in addition to* (emphasis added) the existing pay of voter registration staff.¹¹⁴ Moreover, rates were not realistic due to price increases and differences in services – the MEC effort was more clerical and the more recent registration effort required higher competencies.¹¹⁵
136. The Committee approved UNDP Malawi Malawi request based on information provided.
137. Although the approved field allowance rate was based on a 20 day field stay, the new contract indicated that the phase was not tied to a specific number of days. Interviews with SECU indicated that this was done partly to remove RO perceptions that a phase was limited to 25 days.
138. The contract distinguished field allowance from salary to ensure that the total lump sum amount was not taxed, as was previously done. For ROs it described, 'The lump sum amount of MK 175,000 is made up of basic pay of MK 30,000 and field allowance of MK 145,000 per phase.' And it indicated that payments would be made in tranches - 40% as advance payment and 60% on the completion of the phase.
139. It also specified that the increase of MWK55,000 per phase was to be paid in arrears only after 'satisfactory completion of phase 1 and phase 2 deliverables' and an RO 'commitment to

project describe a general principle that organizing institutions shall cover 'actual costs' related to field work, and when payment of actual costs is deemed 'not feasible,' allowances for meals and/or accommodation may be paid within agreed maximum established limits of MWK25,000/day (MWK3,000 for lunch, MWK5,000 for dinner, and MWK17,000 for accommodation – bed and breakfast). The guidance describes that the combined total of MWK25,000/day represents the 'mid-point' of the Government of Malawi's lump sum subsistence allowances, and refers to a memorandum prepared by the Secretary for Human Resource Management and Development (for employees at grades F and E).

¹¹² Secretary for Human Resource Management and Development Memorandum, 1 July 2015 (Ref. No. HRM/ALL/01).

¹¹³ UNDP's Case Information file, 0000017082, 29 June 2017, describing the process through which the CAP, ACP, and CPO reviewed and approved the request. p. 3

¹¹⁴ Id. p. 10. It noted, the 'majority of voter registration staff were teachers and therefore it [the 3500/day] was additional to their remuneration, which was not taken into consideration by UNDP and DPs at the moment of approving Project Document.'

¹¹⁵ UNDP's Case Information file, 0000017082, 29 June 2017. p. 10.

proceed to phase 3.¹¹⁶ That is, not every RO who worked during the first phase would be provided arrears – only those who worked during phase I and II and committed to phase 3.

140. According to ROs and PwC – and consistent with documentation provided to SECU - only the original and amended versions of the revised sections were provided to the ROs and Supervisors for signature – not the full contract. There were signature lines on the third page for PwC and the ROs to sign. Several interviewees indicated that it was difficult to understand the terms of the contract without the entire contract and amendments.

Continued Challenges after Contract Revision

141. Despite the increased pay and its success in staving off worker departures and allowing the project to continue, ROs and Supervisors continued to face challenges related to their wellbeing.
142. According to media reports, workers again complained to PwC, UNDP, and NRB in August 2017, with threats to quit unless arrears were paid and working conditions improved.
143. PwC confirmed continued challenges after the contract was revised in Phase I, describing to SECU that the senior HR specialist was in the warehouse ‘most of the time’ and ‘when people come from the field they’re filled with concern. There was counseling, the HR specialist’s voice – every day he would take recently return group, talk, listen, and give them encouragement. Some have never been away from parents....’.
144. Documents provided by UNDP Malawi to SECU reflect that ROs continued to face key interrelated challenges. First, they still faced minimal help locating adequate, secure housing close to their registration centers. Second, several factors – including continued large crowds and PwC’s response to this problem, problems charging BRK kits and findings sources of electricity, a decision to require ROs to wait several days for pickup, a lack of vehicles to pick up and transport workers, and worker health issues related to working conditions - extended the number of days in the field and hours in a day for many ROs and also contributed to unforeseen costs. These longer days in the field and unforeseen costs effectively reduced the daily field allowance, and further exacerbated already challenging living and working conditions. These challenging living conditions, in turn, contributed to illness. Transportation challenges and reduced funds significantly challenged the abilities of ROs to access medical and other help.

Adequate housing

145. ROs after Phase I, for example, were still faced with minimal help finding adequate secure housing they could afford even with the additional funds per day.¹¹⁷

¹¹⁶ Id.

¹¹⁷ A representative from the Malawi Ministry of Labour shared her perspectives on the demands of complainants, indicating her belief that, generally, most classrooms would not be considered adequate accommodation to support productive work. She indicated that, given her travels to various rural and urban parts of Malawi, MWK10,000/day would be inadequate in many parts of Malawi to ensure access to adequate housing, especially considering that securing access to clean water and decent food in rural areas requires travel – and such travel requires funds. She noted that in Mzuzu, for example, the minimum amount for the most basic accommodation would be MWK15,000/day and higher, and with meals it would be more. If renting for a month, however, it would be possible to find adequate accommodation for less than MWK15,000/day – perhaps about MWK50,000/month in rural areas, but higher in cities.

146. As in Phase I, many of the buildings in which ROs slept in subsequent phases did not have secure windows and/or doors. Most interviewees indicated they were very worried not only for their own security, but also for the security of the BRK kit, for which they had been made liable.¹¹⁸
147. Women, in particular, continued to feel very unsafe in these conditions. Several interviewees described sexual harassment and one interviewee claimed she was a victim of an attempted sexual assault. Such behaviors, SECU was told, were a 'secret' that was not shared for fear of retaliation.
148. SECU referred the allegation of sexual assault to the appropriate investigatory section within the Office of Audit and Investigation. After conducting an inquiry, the OAI wrongdoing Investigations Section prepared the following statement: "One allegation of potential misconduct highlighted in the SECU report was referred to the Investigation Section within the Office of Audit and Investigation (OAI), the principle channel for receiving allegations of wrongdoing. OAI conducted a preliminary interview with the victim to determine; 1) whether the Investigation Section's mandate applied to the allegations; 2) whether the allegations were credible; and 3) whether an investigation was warranted. Specifically, the victim, who requested anonymity, informed OAI of forcible touching and/or an attempt of sexual assault. The victim appeared credible however OAI was unable to confirm the alleged perpetrator's identity nor any ties to UNDP based on the information provided. Additionally, OAI was unable to obtain further information to validate the allegations and therefore concluded that there was insufficient information to pursue an investigation under its mandate."
149. ROs also were threatened due to perceived religious and cultural differences. As noted in the UNDP CTA's report, 'Carrying out the registration process in parts of rural Malawi also presented unexpected religious and cultural challenges.... in very few minor cases we did require police intervention to evacuate ROs from difficult situations.'¹¹⁹ Threats posed by villagers to ROs whom they believed to be bloodsuckers were described in a UNDP Malawi CO article.¹²⁰
150. Many of the buildings were dusty and not well ventilated – contributing to asthmatic conditions for some ROs. Many buildings also did not offer protection from mosquitoes, and, by most accounts, a portion of ROs contracted malaria, a significant health challenge.

Extended days and hours affecting living conditions and wellbeing

151. Additionally, a variety of factors beyond the control of the ROs and Supervisors – including continued large crowds and PwC's response to this problem, problems charging BRK kits and findings sources of electricity, a decision to require ROs to wait several days for pickup, a lack of vehicles to pick up and transport workers, and worker health issues related to working

¹¹⁸ PwC report to UNDP Malawi CO, 'Transfer of Liability and Employment Contract'.

¹¹⁹ Tariq Malik, *Malawi's Journey Towards Transformation: Lessons From its National ID Project*. August 21, 2018.

<https://www.cgdev.org/sites/default/files/malawis-journey-towards-transformation-lessons-its-national-id-project.pdf>

¹²⁰ UNDP Malawi CO, *Through the eyes of a Registration Officer; Mwawi's story*, Oct 18, 2017.

<http://www.mw.undp.org/content/malawi/en/home/presscenter/articles/2017/10/18/through-the-eyes-of-a-registration-officer-mwawi-s-story.html>

conditions - extended the number of days in the field and hours worked in a day.¹²¹ These extensions effectively reduced the amount of funds per day for ROs to meet basic needs, and this, in turn, further posed challenges to health and wellbeing. The increased number of days necessary to complete registration also reduced or eliminated days of rest and holidays for ROs and Supervisors.

152. The UNDP Malawi CO acknowledged to SECU that many workers were in the field more than the 20 day 'average' with some up to 35. PwC similarly acknowledged, both in an interview with SECU and in written documents, that some portion of ROs and Supervisors were in the field for more than 25 days.
153. Because PwC kept data indicating days ROs checked out and back in to the training centers, SECU was able to roughly calculate – with a few caveats – the number of days ROs actually were in the field. For example, for ROs who worked all five phases, 40% were deployed to the field 20 or fewer days during the first phase. In the second phase, this number dropped to 7%. By the third, fourth and fifth phases there were fewer than 1% who were deployed to the field for 20 or fewer days. In the third phase, 56% were deployed between 21-25 days and 43% were deployed between 26-30 days. By the fourth phase 79% for the ROs were deployed in the field 26-30 days, with 2% being deployed more than 30 days. In the fifth and last phase 65% were deployed between 26-30 days, and 31% were deployed more than 30 days in the field. Similar figures and trends are applicable if SECU analyzes all but the ROs' last phase (to eliminate considering ROs who left their employment prematurely and whose BRK may not have been returned when the ROs finished their work). For additional data and charts regarding the days the ROs were deployed in the field, see Annex A.
154. The longer the ROs were in the field, the more they had to ration their field allowance. The field allowance per day of MWK7250 (assuming the approved 20 day standard), became MWK5800 after a 25 day field stay – less than the amount PwC had described as the 'minimum for survival.' At 30 days the daily field allowance became MWK 4,830 per day.
155. In Phase I, PwC documented that crowds 'were overwhelming' – in excess of the rough estimates that had been prepared for the project.¹²² The Phase II crowds continued to be larger than expected in many centres,¹²³ and the response (to limit the number served in a day) continued to extend the number of days workers were in the field.
156. Problems charging BRK kits led to a response that similarly extended worker days in the field, and also extended the number of hours worked in a day.¹²⁴ Because the primary source of

¹²¹ Although UNDP Malawi shared their explanation of extended days, describing that these were more related to personal issues, e.g., women bringing children into the field, individuals drinking/getting drunk, etc. interviews and other documentation secured by SECU reflect that other project-related factors and issues clearly played a predominant role

¹²² Monitoring Report-Phase I, ID registration and NICE activities, Districts: Mchinji, Dowa, Ntchisi, Kasangu, Salima and Nkhotakota, Period: May-June-, 2017. The monitoring report documented large crowds, but did not mention conditions of, and impacts, to Registration Officers and Supervisors as a result of these crowds. Subsequently, PwC articulated these impacts in the letter to UNDP Malawi on 19 June 2017.

¹²³ Monitoring Report-Phase II, ID registration and NICE activities, Districts: Lilongwe, Dedza, Ntcheu and Likoma, Period: July-August 2017, noted, 'In some of the centres particularly in urban and semi urban areas were still crowded.'

¹²⁴ Id. The Phase II monitoring report described issues with 'Solar panel and BRK management,' noting, 'Solar panel management has been a real issue in many centres.' Note also that UNDP's Chief Technical Advisor for the project described this as follows: 'Typically, the BRKs were started up at 6 am and would be used to register citizens till dark at 6 or 7 pm, leaving no time to recharge them. Due to the increased demand created by the robust civic education campaign, the ROs continued to register citizens from sunrise to sunset.... The BRKs were solar powered, and each was to be

power used to charge the BRK kits was solar, and the kits required daylight for recharging, UNDP Malawi and PwC decided to limit the number of hours in a day that ROs worked to register citizens.¹²⁵ When PwC sent text messages directing ROs to close the registration center at 17:00 to avoid draining the power bank, it also directed them to 'Use 6am-10am to assist with NR1 forms and to do proper management.'¹²⁶ Closing the center at 17:00 meant additional days of work, and requesting an early start to assist with forms and queue management extended the working day beyond six hours and up to eleven hours.¹²⁷ A failure to charge BRK kits on rainy days similarly extended work days (and also required staff to search and pay for sources of electricity).

157. Some workers responded to the larger than expected number of days in the field by leaving centres early (referred to in reports as 'self retrieval') or chasing away registrants.¹²⁸ As described to SECU, PwC/UNDP Malawi CO responded to the 'self-retrieval' issue by initiating a 3 to 5-day verification process. That is, when ROs provided initial indication that the registration process had been completed, they were told to wait up to five more days to verify that the process in that area was, in fact, complete.
158. The continued lack of vehicles for transport also functioned to extend the number of days workers were in the field.
159. As noted above, this increased number of days in the field impacted daily allowances available to ROs to cover basic expenses. One RO described how this increased number of days in the field impacted daily allowances and the abilities of ROs to cover basic expenses, stating that a 30 day plus stay in the field was 'a huge blow I should say.... All the money

operated for eight hours a day, but due to the numbers of people who came to register, they were often operated more than 12 hours a day, which took away the charging time; there was not enough time to recharge the BRKs during the day. Tariq Malik, Malawi's Journey Towards Transformation: Lessons From its National ID Project. August 21, 2018, <https://www.cgdev.org/sites/default/files/malawis-journey-towards-transformation-lessons-its-national-id-project.pdf>.

¹²⁵ Id. The Phase II monitoring report described that 'Proper instructions were given to all the Registration Officers and Supervisors through SMS on management of Solar panel' and a '2 pager note was developed and circulated across all Registration officers and supervisors for proper management of BRKs.' Other BRK kit-related problems related to the lack of sun on rainy days to recharge them and broken BRKs.

¹²⁶ SMS text PwC sent to ROs (date unknown).

¹²⁷ Tariq Malik, Malawi's Journey Towards Transformation: Lessons From its National ID Project. August 21, 2018, <https://www.cgdev.org/sites/default/files/malawis-journey-towards-transformation-lessons-its-national-id-project.pdf>. This article described that another response to problems charging and using BRK kits was to 'purchase extra batteries for the BRKs and develop a distribution strategy to get them to the teams in the field. A few BRKs were used very roughly so that rapid response teams of technicians had to be made available to fix them on the spot.'

¹²⁸ Monitoring Report-Phase III, ID registration and NICE activities, Districts: BLANTYRE, NSANJE, CHIKWAWA, MULANJE, THYOLO, NENO, WANZA and CHIRADZULU, Period: August -Sept 2017.

This report documents RO concerns relating to working a larger than expected number of days, "The issue of 25 days raised again...As per the 1st contract where it was mentioned that the phase is of 25 days, but realizing that in some places they can't finish registration in 25 days, the contract was modified. But the ROs were still mentioning the same contract and wanted to go to next phase after 25 days. In some of the districts this become a major problem.' Documents also indicated, 'ROs wanted early retrieval to go to next Phase. Most of the ROs started sending retrieval request to ADR. In some cases, the ROs managed to get the letter from the village head claiming that they have finished registration, but in actual there were many people still left to register. Many ROs reached ADR office to request for retrieval. National Registration Bureau became very tight on the retrieval request received from the registration officers. The ADR, the UNVs and the M&E analyst check many centres before finally retrieving them from the field.' Note that the Phase IV monitoring report, Monitoring Report-Phase IV, ID registration and NICE activities, Districts: BALAKA, MACHINGA, MANGOCHI, PHALOMBE and ZOMBA, Period: Sept -Oct 2017, was almost entirely focused on issues related to working more days than expected – including ROs wanting to depart prior to all registering - continued into this phase. The response developed during this phase was to send 'mop up' teams to provide relief to the teams that had been in the field for long periods of time.

depleted, calling some extra cash from my wife, she didn't have it, I'll never forget it.' Other ROs, in verbal and written comments, expressed similar sentiments.

160. Although PwC described that when the stay was longer than 30 days, PwC provided additional cash to ROs to 'help them survive,' ROs interviewed by SECU provide contrary accounts – indicating that, in most situations, they were not provided additional support when stays in the field extended beyond 30 days. They described, instead, that a lack of vehicles often prevented timely retrieval (and would have prevented cash payments to support them in the field). SECU was not provided any documentation to support claims that cash was provided to all ROs in the field for 30 days or longer.
161. The structure of field allowance payments apparently made it even more difficult, for at least some ROs, to cover expenses while in the field. ROs had 40% of the field allowance to use for all necessary housing, food, etc., while in the field, with 60% paid only after return.
162. The reduced funding per day for basic expenses, and the structure of field allowance payments, further challenged access to clean water and decent food. This, in turn, contributed to severe stomach conditions, hepatitis and other medical issues.¹²⁹
163. Moreover, the need to work additional days also led to a requirement to work weekends and holidays. PwC sent ROs text messages such as the following: 'ROS pls arrange among the team to keep Registration Centre open on Saturdays and Sundays. The BRK data clearly show us when RC has registered people.'¹³⁰ Individuals not directly involved in the NRIS Project, including schoolteachers, confirmed that, at least in some locations, ROs worked everyday.
164. For example, a head teacher of a school in which registration took place during Phase III (an individual randomly chosen in a more urban area) shared her perspective with SECU, noting that eight people worked at her school for 21 days straight (including weekends and holidays). People lined up at midnight asking for ID cards, and the gate opened at 4-5 in the morning. She said they worked until 4-5 at night. She said they slept in the library – with a space for men and a space for women. Not all had a mat or mattress or blanket. All were new to the area.
165. She said the workers 'were very polite,' did their job 'very well,' 'were really working very very hard.' She indicated that although they were happy to have a job, they were very worried, and complained, about finances. They worked hard to get the job done quickly because they were worried about running out of money. The teacher believed that had they been required to work beyond the 21 days 'the exercise would be impossible – no money to be seen' and 'They should've gone with pockets filled, instead they were empty, after working for UNDP. It didn't help them' financially.
166. She said that, to survive, the workers were pooling food – eating bread for breakfast (because they couldn't afford eggs). They brought some food with them, but they had to buy additional

¹²⁹ For example, one RO described that drinking water from the river while in the bush caused illness. Additionally, he noted that decent food at this location was very difficult to access, 'When the food ran out, and it did, we had to get on the bike and go on a boat to go to the market each Saturday.' This was an additional cost for ROs. It is likely that illness additionally delayed some of the registration efforts, and possibly extended the number of days in the field.

¹³⁰ Although PwC described to SECU that the 'arrange among the team' language meant to indicate that not all ROs needed to work every weekend day, ROs indicated, verbally and in written comments, to SECU that this text in combination with the need to complete the registration, compelled ROs to work weekends when facing an increased number of days.

food, charcoal, wood, etc. She provided a list of costs for items in that area (see Annex C). She estimated that the minimum amount needed to maintain wellbeing would be about MWK20,000/day. She said she believed they were 'really struggling.'

167. The teacher described that ROs told her that in other phases it was 'way worse.' They were living in a house without windows, and some had pneumonia and asthma. The teacher indicated that she couldn't imagine sleeping without windows for 20/21 consecutive days. She said no one became ill at her school 'Thank God', but had they become sick, it would've required going to a private hospital given how congested government hospitals are. She estimated that the cost would've been MWK6000 to MWK7000.

Other impacts

168. Several of the same factors that extended days - including the lack of vehicles and challenges powering solar panels -as well as other factors, such as housing far from registration centres, created additional impacts. These included restricted access to help from Supervisors and/or access to medical help, and the imposition of unforeseen expenses, e.g., for electricity and transport, on ROs.
169. The lack of vehicles left workers not only feeling trapped at registration centres, but also without project-supported methods to secure medical help when they fell ill. All interviewees who sought medical help either used their own funds to get to and from this help or relied on parents, other family, and/or friends. PwC indicated, in comments to SECU's draft report, that at one point it was receiving about four complaints of sickness a week. It was able to get six ROs to the hospital.
170. The lack of vehicles also prevented Supervisors from traveling to centres located far away from each other. As a result, Supervisors were unable to meet with Traditional Authorities to ensure that RO and other project needs were being met.
171. Challenges powering BRK kits through use of solar panels left ROs, in some situations, continuing to pay for electricity using their own funds and often needing to travel to find electricity.
172. When housing was not close to registration centres, workers had to pay for transport and had to carry the BRKs while biking given their liability for the kits. One interviewee described the following: We were traveling for 30 minutes on a bike each way, carrying the machines. We had to carry them from where we were sleeping to the registration office. We rented the bike for 500/day. We stayed more than 30 days.'
173. The interviewee who described to SECU that he was pursuing the project specifically for patriotic reasons (and who was not a complainant) provided a summary of his thoughts on the welfare of ROs under the entire project, 'I thought as a human being there were a lot of things not in order. The accommodation facility, the speed they would respond to our queries and concerns, they were too slow. It's quite fortunate we didn't have a case where someone died in the field, only that guy in an accident. A lot of guys got sick, they never got help with transport, it was them who had to find ways to help themselves. I didn't find that fair. That was very unfair, and I call it unethical. Even myself I cannot employ someone, send them to the field, and not respond. I can't do that myself! Very inhumane, I should say.'

Worker Expressions of Concern and Arrests

174. In September, after several phases, an attempt by roughly several dozen (the number is unclear) workers to meet (at the Shoprite store) to discuss concerns, led to the arrests of some ROs.
175. SECU heard different explanations for this meeting. Some individuals described that the meeting was held in response to security concerns prompted by an attack on ROs by vendors near Mzuzu Stadium. In comments to SECU's draft, one RO described that RO belongings were set on fire during the stadium incident. Other individuals described to SECU that the meeting was held to discuss several concerns – including, primarily, delays in payments of arrears and working conditions but also security concerns.
176. A Malawian Minister's concern that ROs and Supervisors were discussing the possibility they would damage the BRKs and sell data if their concerns were not addressed, prompted the Minister to call police on the ROs and Supervisors.¹³¹ SECU was not able to confirm everything the ROs and Supervisors discussed, but most sources of information reflect that, at least, ROs and Supervisors discussed arrears and how to secure them.
177. Although UNDP Malawi intervened to secure the workers' release on bail one day after their arrest, the ROs faced charges of unlawful assembly and attempt to commit a felony. Those arrested were concerned for their reputation, and filed a lawsuit for which the Mzuzu High Court issued a judgment against the Minister.¹³²
178. Shortly after ROs were released, UNDP Malawi CO acknowledged delays in arrears and directed PwC to make payments.
179. The meeting, arrests, and eventual payments were described in the media over various days.¹³³

RO and Supervisor Complaints to PwC and UNDP SECU and Responses

180. Subsequently, on 2 October 2017, the workers wrote again to PwC (with a copy to UNDP Malawi) with a list of 'our grievances.' This letter referenced Section 11 of the employee contract - relating to the need to put grievances in writing - and described concerns related to the following: 1) payslips, and their inability to know if they were paid in full; (2) gratuity; (3) pensions; (4) overtime - stating, 'In our best view it's 44 days for weekends and 1 public holiday, if we make proper calculation to current date.... Also take into consideration that you made some officers overstay in the fields as they were waiting for retrieval. In the process they also accumulated overtime for the overstay.'; (5) leave; and (6) unfair dismissals.¹³⁴
181. ROs and Supervisors also filed a complaint filed with SECU in October 2017.

¹³¹ SECU was told that the Minister was nearby and saw and heard the ROs and Supervisors as they met.

¹³² Judith Moyo. Nyasa Times: *Court Issues Default Judgment Against Minister Chiumia: 14 NRB Workers to Get Compensation*, February 14, 2018, and Nyasa Times Reporter. *NRB Workers Demanding K14M Compensation from Chiumia for Arbitrary Arrest*, January 2017.

¹³³ Sophie Gomani, Zodiac: *NRB Bows Down To Registration Staff Demands*, 19 September 2017, <https://zodiakmalawi.com/press-release/nrb-bows-down-to-registration-staff-demands>.

¹³⁴ Employee letter to PwC, October 2, 2017.

182. The complainants asserted that UNDP Malawi did not pay adequate attention to key labour-related concerns affecting hired ROs and Supervisors, including insufficient salary – particularly related to overtime - and daily allowances, poor and unhealthy work conditions, a failure to pay annual leave and to pay gratuity upon termination of the project, dismissals without due process, issues related to arrests for organizing and advocating for higher wages and better working conditions e.g., harms to reputations as a result of the arrests, unfair deductions for broken equipment, among other concerns. They believed labour-related project activities were not consistent with Malawian labour laws.¹³⁵ An overriding concern related to payment transparency – a failure to provide documentation to workers describing details of their pay, i.e., a failure to provide payslips with a breakdown of the amount of money received (including deductions, and amounts owed), etc. left ROs and Supervisors believing they were not compensated adequately.
183. PwC staff submitted to SECU that for instances of disciplinary action, due process was followed, and hearings were held for Registration Officers facing possible dismissal.
184. Regarding salary, complainants observed, ‘For the need of the project to be implemented timely, the implementation team thought it wise to convince us work weekends, thereby accumulating overtime allowances. If our contract ends now we have worked every weekend through to every public holiday. We need to be paid for the weekends we were working but we have never received any penny.’ It also stated that, due to the need to work every day, ROs did not take annual leave during the project and, as a result, needed annual leave payments. It further described that gratuity was required at the ‘termination’ of the project and was not actually part of the lump sum provided to ROs and Supervisors.
185. In interviews with SECU, several interviewees said they additionally felt humiliated and embarrassed by how they were treated. Several said their parents were very upset that they were not able to contribute to family expenses after spending six months away from the family.
186. PwC staff told SECU overtime pay had not been paid. They indicated that pensions were not required under Malawian law for these contracts, and noted that the gratuity provided (within the lump sum – during project implementation) was in lieu of pensions.
187. The Malawi Ministry of Labour representative indicated to SECU that the absence of overtime pay would be a problem for workers who worked more than eight hours/day or 48 hours/week; this would violate Malawi law. Overtime pay, she noted, is 1.5 times the usual pay rate, and, for holidays, 2 times the usual pay rate.¹³⁶
188. Gratuity, she indicated, is to be paid at the ‘point of exit.’
189. PwC described that severance pay was provided, and included annual leave payments. However, given that SECU obtained bank statements from only a few ROs who worked fewer than five phases, it’s not possible to determine what ROs actually received. The payment data provided to SECU by PwC provided no specificity regarding time periods various transactions were covering, to whom payments were made, or for what work/category payments were made (i.e. arrears, severance, training, field allowance, salary, overtime, etc). (See Annex B)

¹³⁵ Id.

¹³⁶ Minimum wage was approximately 962MWK/day or 25,012MWK/month.

190. Forty-three complaints were registered in the official 'Registration Officers Complaints Register for Mass Registration' during the course of the project. None were registered for Phase I, as noted earlier. Only one complaint was documented in August – a serious illness. And only two were documented for September – both related to arrears. Thirty-eight were documented in October, with most complaints relating to arrears/payments/allowances, although three were related to illness, with one specifically mentioning serious asthma. Two complaints were documented in November, a death related to a car accident and one related to arrears.
191. PwC described to SECU¹³⁷, however, that, at one point, PwC was receiving four requests a week for medical assistance. Given that nearly all of the formal complaints registered are not related to medical issues, most medical complaints are not reflected in the formal complaint matrix.

Project Completion and SECU Investigation

192. The registration effort was completed in November 24, 2017. According to the UNDP CTA, more than nine million citizens were registered and 'Universal coverage was achieved in 180 days.'¹³⁸
193. SECU reviewed all project documentation it could secure, and travelled to Malawi from 1 May 2018 to 12 May 2018. For an indicative list of the individuals SECU interviewed, please see annex D.

¹³⁷ PwC comments in response to SECU's draft Investigation Report.

¹³⁸ Tariq Malik, *Malawi's Journey Towards Transformation: Lessons From its National ID Project*. August 21, 2018. <https://www.cgdev.org/sites/default/files/malawis-journey-towards-transformation-lessons-its-national-id-project.pdf>. 'We were able to begin in May and finished the final registrations on 24 November 2017. In a record time of 180 days, 9.1 million citizens were registered with their biometric attributes!'

Annex A – Charts showing the number of Phases and Days/Deployment worked by the Registration Officers.

CONTEXT AND METHODOLOGY

SECU analyzed the number of phases worked and the average number of days worked per deployment, using PWC's data of each Registration Officer's days in the field.

STEPS & DESCRIPTION

1) Calculate number of field days per deployment

- SECU obtained PwC's database containing the number of days each registration officer (also known as RO) was deployed in the field.
- Based on this information, SECU analyzed the average number of days worked by each worker per deployment.
- A significant number of officers had more than 5 phases registered; however, for purposes of this analysis, only 5 phases were included.
- Likewise, SECU found a significant number of officers with homonym names with more than 5 phases registered, these cases were treated as separate individuals and only 5 phases per individual were included in the analysis.

2) Generate analysis based on number of phases worked

- SECU defined ranges of days worked per deployment based on a 20-day threshold – field allowances were calculated for 20 days in the field.
- Three analysis were conducted:
- Distribution of number of phases worked per officer
- Average days in the field per phase (only for officers who worked 5 phases)
- Average days in the field per phase (dropping each RO's last phase worked for analysis)
- For the third analysis, each officer's last phase was dropped to avoid data mistakes since the CO indicated computer kits may have remained logged in even after the officer had resigned or otherwise left before completing their phase, therefore showing more deployment days.
- SECU was only able to match each RO's phases worked with the project phases for officers who worked 5 phases (second analysis). For the third analysis, the chart reflects each registration officer's phases worked, not necessarily matches to the project's phases. This is because it is not practical to determine whether a RO worked phases 1-4, or 2-5, etc.

Chart 1 - The chart describes the percentage of officers who worked a given number of phases (e.g. 43% of the officers worked all five phases). For ROs who worked fewer than five phases it was not practical to determine which specific phases they worked.

DISTRIBUTION OF NUMBER OF PHASES WORKED PER OFFICER

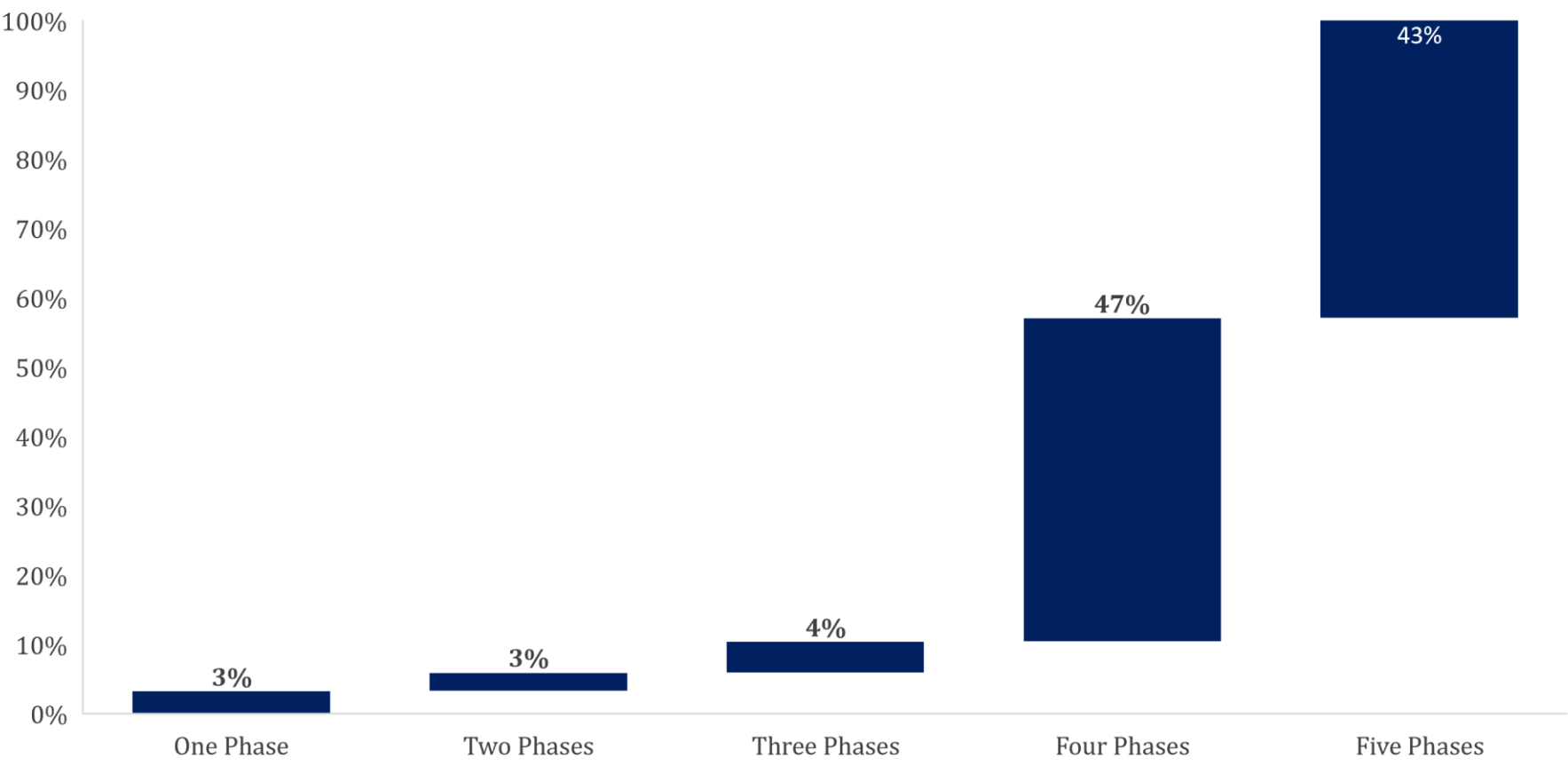
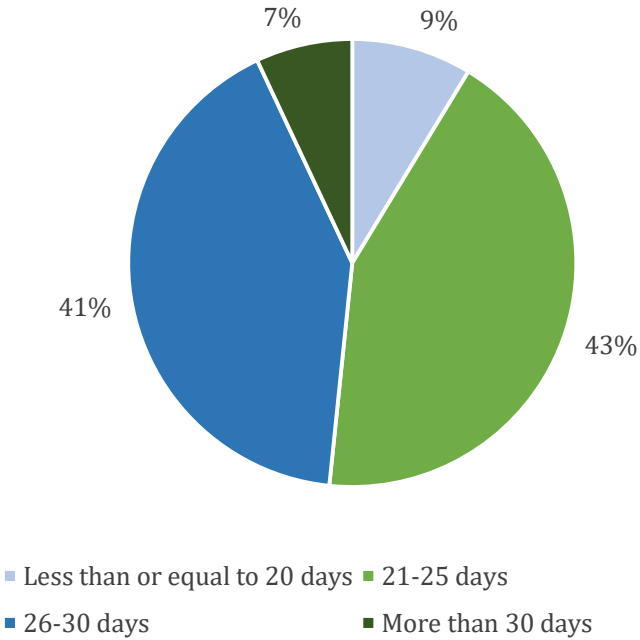


Chart 2 - This chart considers only ROs who worked all five phases. AS such, ROs' first phase fully overlaps with the project's first phase, the ROs' second phase fully overlaps with the project's second phase, etc. This considers 43% of the ROs and gives a strong indication of all ROs' number of days in the field per deployment.

AVERAGE DAYS IN THE FIELD PER DEPLOYMENT (ONLY FOR THOSE WHO WORKED ALL 5 PHASES, 43% OF ALL OFFICERS)

Average number of days deployed per RO across all 5 phases



Average number of days deployed per RO by project's phase

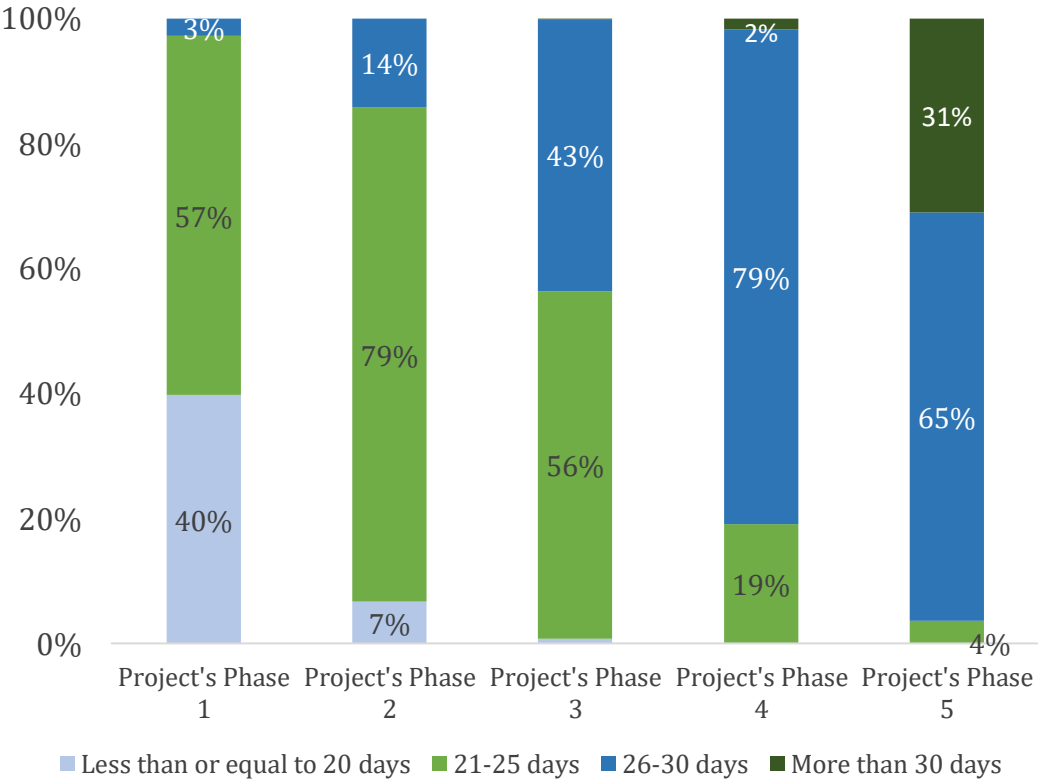
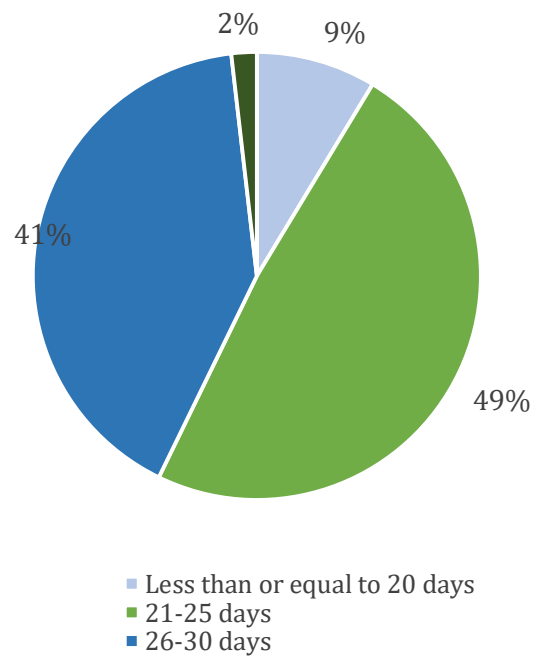


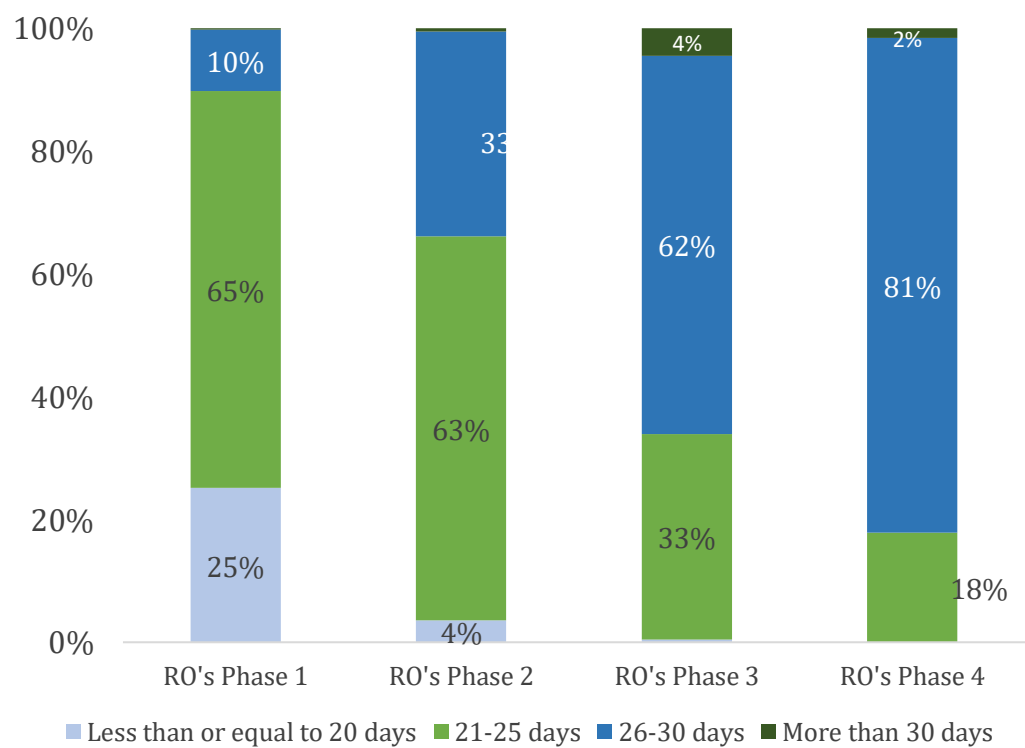
Chart 3 - The number of days worked by ROs per phase and dropping every ROs' last phase. If the last phase of every RO is dropped in the analysis, then the data will only consider fully completed phases. SECU assumes no RO would quit mid-phase but then work a subsequent phase.

AVERAGE DAYS DEPLOYED PER PHASE (DROPPING EACH RO'S LAST PHASE WORKED IN THE ANALYSIS)

Average number of days deployed per RO across all 5 phases



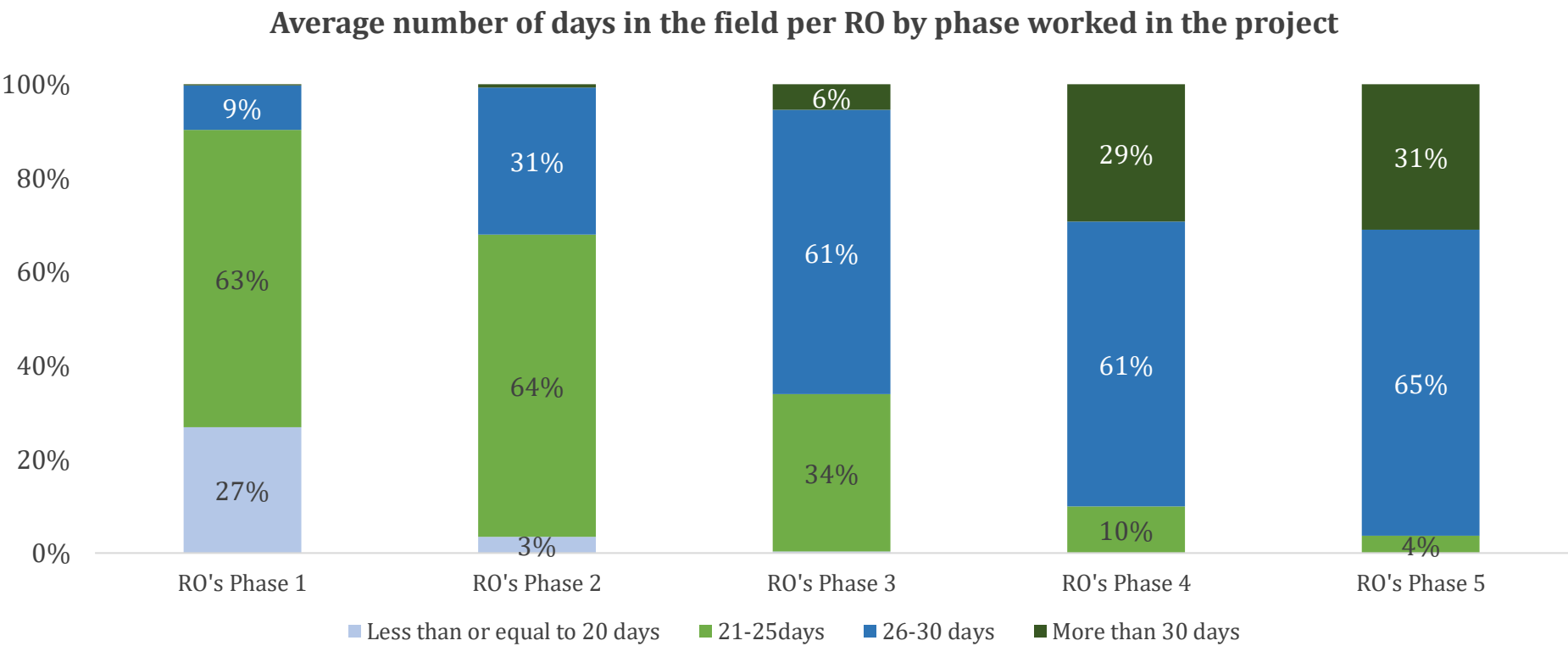
Average number of days deployed per RO by phase worked in the project



Notes: RO's phase refers to each individual officer's phase worked (e.g. Phase 1 refers to the first phase an officer worked on the project, regardless of the project's current phase).

Chart 4 – The number of days deployed by RO per phase without dropping any data. As the data cannot determine whether an RO’s first phase is necessarily the project’s first phase (some ROs started during the project’s second phase, while some only worked the first four), we can only say for certain that these data apply to the RO’s phase, not the project’s phase).

AVERAGE DAYS DEPLOYED PER PHASE (INCLUDING ALL OFFICERS)



Annex B – Analysis of Registration Officers’ Earnings

CONTEXT AND METHODOLOGY

The following analysis aims to understand the complaints related to insufficient salary and field allowances for Registration Officers (ROs). The analysis calculates daily salaries and field allowances for a sample of Registration Officers (six), using PwC/UNDP’s data, bank statements obtained directly from Registration Officers, and other information obtained during SECU’s investigation.

STEPS & DESCRIPTION

1) Analyze Deposits

- SECU collected a sample of Registration Officers’ bank statements in order to obtain data regarding remuneration. RO’s did not receive payslips. SECU requested payslips from UNDP Malawi and PwC and did not receive any.
- Most of the deposits were not clearly labelled in the bank statements (i.e. it was not clear which deposits corresponded to field allowances, salary, training stipend, arrears, etc.).
- SECU attempted to decipher this based on patterns and dates.

2) Analyze UNDP/PwC Data

- SECU cross-matched deposits information with PwC’s data to calculate the number of days worked per officer.
- Two measurements were found:
 - 1) **Days worked:** Number of days worked based on the number of hours logged in to the kit. This number was calculated by using the sum of hours logged in the kits and dividing by an 8-hour work day.
 - 2) **Days in the field:** Number of actual days a RO was deployed in the field as indicated by UNDP/PwC’s data.
- The first measure presents some issues given that officer worked in pairs and only one of them had to log in, and the kits were often broken. Additionally, the registration officers perform other duties after the kits were turned off. Lastly, some ROs left their post early, either due to securing alternative employment, going to school, quitting, becoming ill, or other reasons. As a result, the data are not perfect but are rather indicative.
- For purposes of this report, both measurements were used for the analysis, given that the CO indicated they used the number of hours logged in to the kits to calculate field allowances; and it’s relevant to analyze differences in salary.

3) Calculate Daily Salary and Field Allowances

- **Training** - All Registration Officers received MWK 20,000 during the training phase at the beginning of their employment.
- **Salary** - Based on interviews with the Country Office and other stakeholders, SECU used MWK 25,000 as per-month salary, which was multiplied by the number of phases worked per officer to obtain the salaries earned throughout the project. SECU also had indicated that the salary was MWK 30,000 per-month. However, as the minimum wage in Malawi is MWK 25,000 SECU used a conservative approach to calculate the amount ROs had available for their field allowance by allocating any surplus above 25,000 to their field allowance.
- **Field Allowance** - The latter two amounts were subtracted from the total amount received in deposits in order to calculate the field allowances, as this was the remaining remunerations disbursed.
- Once total salary and field allowances received were calculated, SECU divided them by the number of 8-hour days worked and number of days deployed in the field.
- All money deposited into RO's accounts from PwC has been attributed to either training, salary, gratuity, arrears, or field allowance.

SUMMARY OF REGISTRATION OFFICER'S EARNINGS

Name	Phases worked	Salary	Field Allowance (Rounded)	Training	Total Earnings (Rounded)	Days Worked (calculated per 8 hrs.) *	Total Days in the Field*	Salary per Day Worked (calculated per 8 hrs.)	Salary per Day in the Field	Field Allowance per Day in the Field
Registration Officer 1	4	MWK 100,000	MWK 720,000	MWK 20,000	MWK 840,000	73	108	MWK 1,371	MWK 926	MWK 6,657
Registration Officer 2	4	MWK 100,000	MWK 660,000	MWK 20,000	MWK 780,000	61	113	MWK 1,652	MWK 885	MWK 5,832
Registration Officer 3	5	MWK 125,000	MWK 735,000	MWK 20,000	MWK 880,000	48	131	MWK 2,584	MWK 954	MWK 5,603
Registration Officer 4	5	MWK 125,000	MWK 820,000	MWK 20,000	MWK 965,000	44	137	MWK 2,850	MWK 912	MWK 5,978
Registration Officer 5	5	MWK 125,000	MWK 880,000	MWK 20,000	MWK 1,025,000	73	126	MWK 1,714	MWK 992	MWK 6,992
Registration Officer 6	5	MWK 125,000	MWK 820,000	MWK 20,000	MWK 965,000	73	128	MWK 1,714	MWK 977	MWK 6,398

Description of columns

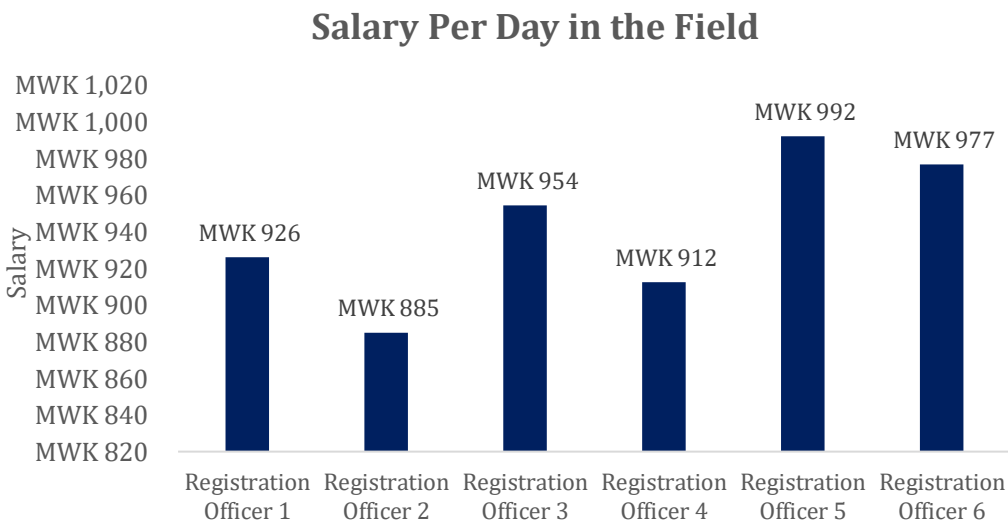
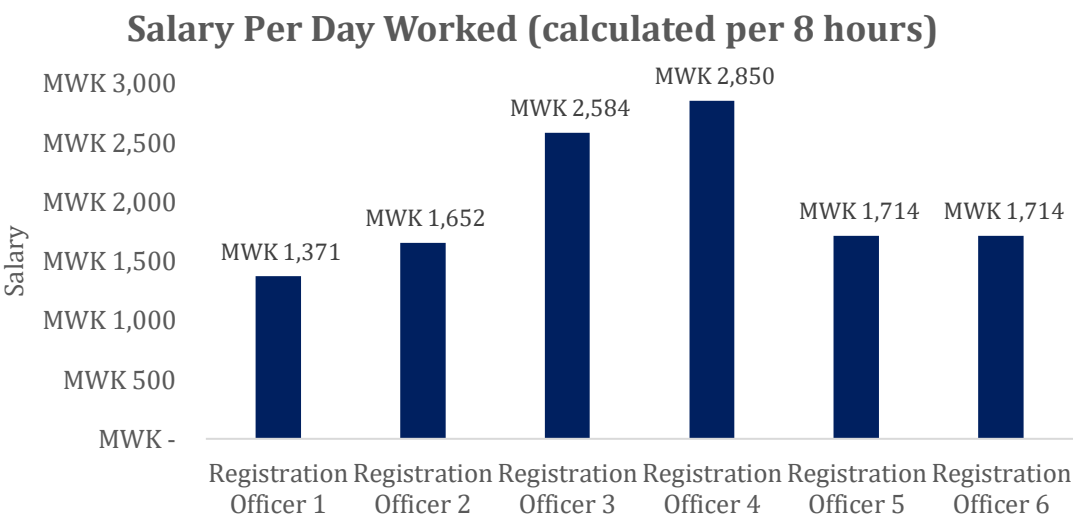
Salary	Salary earned throughout the entire Registration Project based on each officer's participation excluding the training phase
Field Allowance	Field allowance earned throughout the entire Registration Officer based on each officer's deposit data
Training	Salary earned during the first two weeks of training
Total Earnings	Sum of the salary, field allowance and training compensations
Days Worked (calculated per 8 hours)	Number of days worked calculated by dividing the total number of hours logged in the kits by 8 (standard working hours per day)
Days in the Field	Numbers of days officers were deployed in the field during their participation on the project

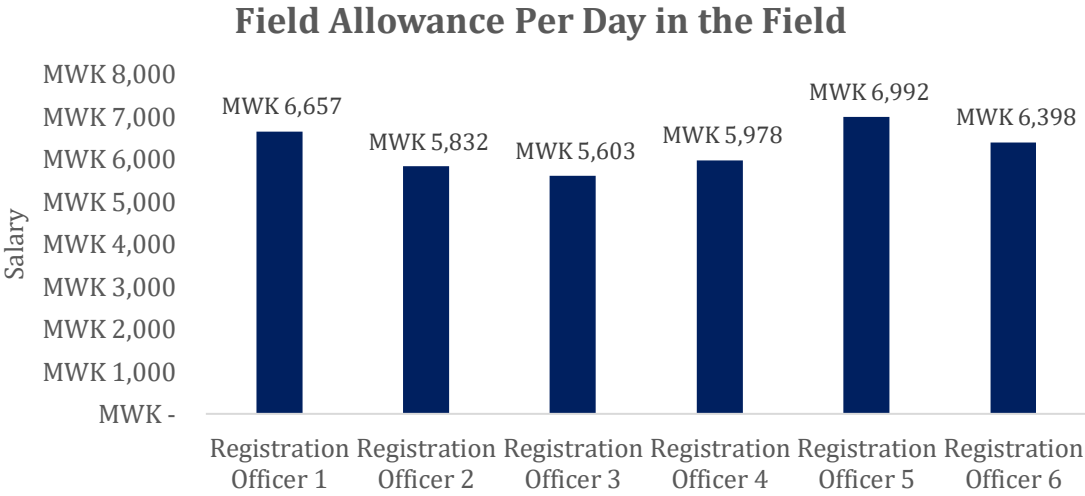
Notes:

- Exchange rate on May 2017 : 1USD – MWK 731 (<https://treasury.un.org/operationalrates/OperationalRates.php>)
- * To maintain anonymity, this data may have been adjusted up to one day in either direction. However, if one Registration Officer was adjusted to add a day, another officer would be adjusted by subtracting a day, making the “Overall Averages” accurate.

Chart 2

ANALYSIS OF REGISTRATION OFFICER’S EARNINGS USING BANK STATEMENTS





Overall Averages		
Average Salary Per Day Worked (calculated assuming an 8-hour workday)	Average Daily Salary Per Day in the Field	Average Field Allowance Per Day in the Field
MWK 1,981	MWK 941	MWK 6,243

Annex C – Comparing actual versus suggested daily field allowances for employees similar to ROs

CONTEXT AND METHODOLOGY

The following analysis calculates the appropriate daily allowance for Registration Officers for the time spent in the field during the project, based on the living costs in Malawi. The result of this analysis is used as a benchmark to understand the gap between actual allowances received and the ideal allowance needed to maintain a reasonable standard of living in Malawi.

STEPS & DESCRIPTION

1) Data Gathering

- SECU used several different data sources to put together a range of estimates for appropriate daily allowances for the Registration Officers
- SECU interviewed the complainants, an Official from the Labor Ministry, a school headmaster who hosted ROs, multiple additional Registration Officers, a Registration Supervisor, and other 3rd party stakeholders
- SECU reviewed costs from reliable sources online to put together a “basket of goods and services” to gain a rough estimate of a reasonable daily field allowance
- During its field mission in Malawi, SECU inquired about local costs from various Malawians to gain a sense of the prices for food, lodging, transport, medical care, and telecommunications

2) Anonymize Data

- SECU anonymized the sources of interviewee data by making names confidential and using general descriptions of their position, roles, and title.

3) Prepare Cost Estimates

- SECU created an estimate of the daily allowance needed for an individual to maintain a reasonable, healthy and safe standard of living in Malawi, based on information obtained during the interviews and average reported costs of living in Malawi. **Note that this is just an estimation and includes assumptions – the purpose was to independently create an approximation of a daily allowance, not to scientifically survey costs.**

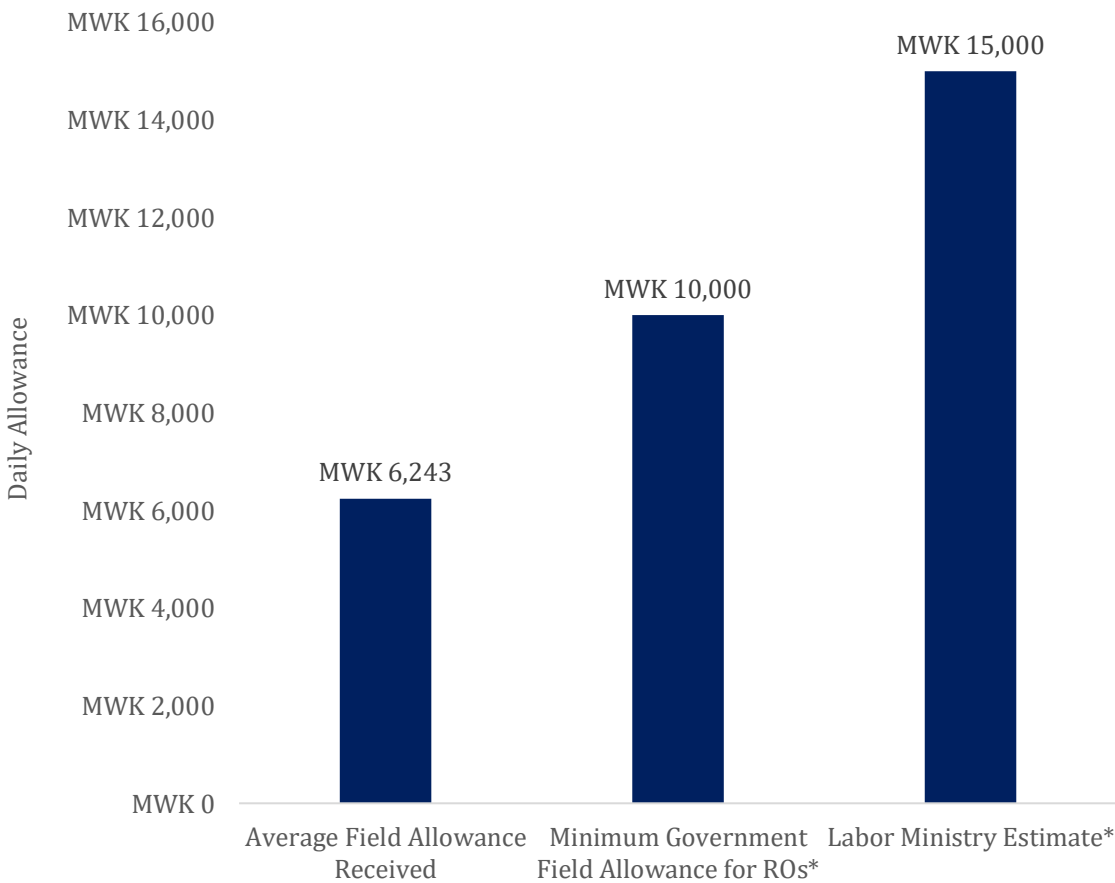
- The costs considered included food, medical expenses, transportation, accommodation and miscellaneous expenses (including but not limited to a data plan for phone, a Wi-Fi connection, cost of utensils and mattresses).
- Sometimes our sources gave cost estimates on a per month basis (like lodging) or on a per event basis (like a medical expense), and SECU made assumptions about how to pro-rate these expenses into a per diem allowance.

4) Compare Estimated Reasonable Field Allowances with Actual Paid Field Allowances

- **UNDP Allowance** – SECU calculated the average field allowance Registration Officers actually received based on the money they were paid and the average number of days they were deployed in the field, per phase. SECU calculated an average daily field allowance of MWK 6,243 for the ROs using the data indicating the number of days that the ROs were deployed in the field. SECU acknowledges that not all ROs were paid this much. This is the mean average, so an equal number earned more as less.
- **Comparing the UNDP Allowance to SECU Estimates** – SECU compared the average field allowance received by the ROs to the figures generated by SECU's research/interviews to show the extent to which the ROs' field allowances were inadequate to maintain a sufficient standard of living and their right to food, water, health care, safe lodging, and a decent wage.

Chart 1

DAILY ALLOWANCE COMPENSATION



Description of Allowances

Average Field Allowance Received	The average daily field allowance RO's received based on the average days in the field per phase
Minimum Government Field Allowance for ROs	The minimum daily allowance that the Malawi government gives to its staff when they are deployed to the field
Labor Ministry Estimate	The lower range of the amount the representative from the Ministry of Labor suggested would be a reasonable daily allowance

Notes:

- The lowest value provided for each category was used. For instance, the Labor Ministry official suggested an amount between MWK 15,000 – 20,000 per day.
- * These estimates of MWK 10,000 and MWK 15,000 were consistent with SECU's unofficial daily allowance estimates calculated in the next page.

Chart 2

SECU’S UNOFFICIAL DAILY ALLOWANCE ESTIMATE (MWK 10,404 – 12,786)

Concept	Total individual allocation per phase	Total individual cost per day (21 days per phase) *	Calculation method
Housing	MWK 50,000 - 80,000	MWK 2,381 – 3,810	<ul style="list-style-type: none">• The Monthly rent of an apartment in a rural area for two people is estimated to be between MWK 30,000 and MWK 60,000, plus MWK 20,000 for utilities.• However, most ROs claimed that phases frequently extended beyond 1 month making it necessary to pay for another month of rent. As such, total individual cost per phase is allocated for two months of rent.• Actual accommodations costs were likely lower since ROs were often asked to sleep in classrooms and meeting rooms, with no appropriate housing facilities.
Medical	MWK 10,000 – 30,000	MWK 476 – 1,429	<ul style="list-style-type: none">• Amount reflects an average of medical and transportation costs for an emergency visit to a private doctor according to SECU’s interviews with several ROs. Most ROs claimed to have had at least one emergency episode between them and their partner during the project, since often times they had to consume cheap, rotting food because the field allowances were not sufficient to cover healthy food.• Total cost for an emergency visit to a private doctor is estimated to be between MWK 50,000 and MWK 150,000; SECU divided this amount by the 5 phases of the project.• Since ROs were stationed in rural areas, most public hospitals were overcrowded, and they were often forced to go to private doctors for their treatment.
Transport	MWK 45,900	MWK 2,186	<ul style="list-style-type: none">• The average motorbike can hold approximately 17 liters of fuel, which average price is MWK 900 adding up to MWK 15,300 per tank. It can travel around 50 km per liter of fuel or 850 km per tank.• Since many ROs reported they had to travel extensively to register as many voters as possible, SECU assumed ROs used one tank of fuel per week. A phase

Concept	Total individual allocation per phase	Total individual cost per day (21 days per phase) *	Calculation method
			<p>lasted 21 days / 3 weeks, therefore the transportation cost was MWK 45,900 in total.</p> <ul style="list-style-type: none"> Some of the ROs claimed to spend up to MWK 8,0000 to travel between cities and MWK 2,000 on individual rides per day.
Food/Cooking Supplies	MWK 43,674	MWK 2,080	<ul style="list-style-type: none"> Source: Cost of Living in Malawi Page (Numbeo, 2018) and interviews with ROs and other stakeholders. Food costs include: <ul style="list-style-type: none"> Pots, buckets and pans = MWK 5,000 Water = MWK 7,122 (\$2,250 for 18 trips to the waterhole per phase, plus \$4,872 for bottled water) Sample food basket = MWK 31,552.65 (milk, bread, rice, eggs, chicken, beef, fruits and vegetables)
Other	MWK 68,915	MWK 3,281	<ul style="list-style-type: none"> Source: Cost of Living in Malawi Page (Numbeo, 2018). Other costs include phone and internet connections fees. For phone connection fee, SECU assumed ROs should have a minimum of 10 minutes of talk time per day for 21 days. The cost of a minute of prepaid talk time was MWK 153, totaling MWK 32130 per phase. Internet connection fee is MWK 73,571 per month.
Total	MWK 218,489 – 268,489	MWK 10,404 – 12,786	

Notes:

- Each phase was planned to last 21 days; however this is a conservative approach as deployments tended to last longer.

FOOD COSTS

Some of the food costs were calculated assuming two people are sharing the resources given ROs tended to be assigned in pairs, and even when they were assigned to bigger groups, they did not have access to proportionally greater resources.

- 1

Pots, bucks and pans = MWK 5,000 per phase
 - One-time cost of 50,000 for two people, amortized throughout the five phases
 - Total individual cost is $50,000 / 2 = \text{MWK } 25,000$
 - Total individual cost per phase is $25,000 / 5 = \text{MWK } 5,000$

- 2

Water = MWK 7,122 per phase
 - Regular water
 - Cost of 6 trips per week for two people is MWK 1,500
 - Total cost per phase is $1,500 * 3 = \text{MWK } 4,500$
 - Total individual cost per phase is $4,500 / 2 = \text{MWK } 2,250$
 - Bottled water
 - Cost of two 1.5-liter bottles per week is MWK 1,624
 - Total individual cost per phase is $1,624 * 3 = \text{MWK } 4,872$

3

Sample food basket = MWK 31,553 per phase

Food Item	Quantity	Cost
Milk	1 gallon	MWK 3,066
Loaf of Bread	1lb	MWK 294
Rice	1lb	MWK 461
Eggs	12 eggs	MWK 1,093
Chicken Breast	3lb	MWK 1,653
Beef	1lb	MWK 1,622.55
Apples	1lb	MWK 859
Bananas	1lb	MWK 366
Tomatoes	1lb	MWK 275
Potato	1lb	MWK 447
Onion	0.5lb	MWK 179
Lettuce	1lb	MWK 202
Total		MWK 10,517.55

Annex D - Summary of individuals whom SECU interviewed during investigation

Complainants

- 4 Registration Officers

Additional Registration Officers

- 2 Registration Officers
- 1 RO Supervisor

Other community members

- 2 Village Leaders
- One Head School Teacher

UNDP Staff

- UNDP Resident Representative
- UNDP Deputy Resident Representative (Programs)
- UNDP Deputy Resident Representative (Operations)
- 1 Former UNDP Consultant

Independent Experts and other relevant stakeholders

- Assistant Labour Commissioner - Ministry of Labour
- Representative – Ministry of Labour
- Director Corporate Service - Malawi Human Rights Commission
- 2 PwC Managers
- 2 International Labor Organization Staff

National Registration Bureau (NRB) / National Registration and Identification system (NRIS)

- National Registration and Identification System (NRIS) Staff
- NRIS Chief Technical Advisor
- Legal Advisor NRIS
- Chief Director – NRB
- Former Chief Director – NRB
- Chief Registration Officer - NRB

Annex E - Media reports related to this case (links active as of August 2019).

Insufficient salaries (9 different stories)

1. National IDs registration exercise under threat: Officers resign over poor pay, working conditions

31 May 2017

Green Muheya -Nyasa Times

<https://www.nyasatimes.com/national-ids-registration-exercise-threat-officers-resign-poor-pay-working-conditions/>

2. Mass registration or slavery?

05 June 2017

Sulvester Kumwenda – The Nation

<https://mwnation.com/mass-registration-or-slavery/>

3. Registration staff duped

08 June 2017

Aubrey Chinguwo – The Nation

<https://mwnation.com/registration-staff-duped/>

4. National registration staff threaten to down tools

28 June 2017

Pledge Jali - The Nation

<http://mwnation.com/national-registration-staff-to-down-tools/>

5. National Registration Bureau workers give ultimatum on pay rise

29 June 2017

Owen Khamula – Nyasa Times

<https://www.nyasatimes.com/national-registration-bureau-workers-give-ultimatum-pay-rise/>

6. National Registration Bureau workers in tax battle

05 July 2017

Owen Khamula - Nyasa Times

<https://www.nyasatimes.com/national-registration-bureau-workers-tax-battle/>

7. NRB denies falling to pay registration staff

12 August 2017

Martha Chikoti – Malawi24

<https://malawi24.com/2017/08/12/nrb-denies-falling-pay-registration-staff/>

8. Ghost workers hit Malawi's national registration exercise

11 September 2017

Osman Faiti -Nyasa Times

<https://www.nyasatimes.com/ghost-workers-hit-malawis-national-registration-exercise/>

9. ID Registration officers demand immediate pay for breach of contract

27 September 2017

Nyasa Times Reporter

<https://www.nyasatimes.com/id-registration-officers-demand-immediate-pay-breach-contract/>

Malawi Govt's review of salaries (4 different stories)

1. Malawi govt asks UNDP to increase allowances for National ID registration workers

29 June 2017

Owen Khamula - Nyasa Times

<https://www.nyasatimes.com/malawi-govt-asks-undp-increase-allowances-national-id-registration-workers/>

2. Malawi govt pens UN to resolve NRB staff demands

30 June 2017

Luke Bisani – Malawi24

<https://malawi24.com/2017/06/30/malawi-govt-pens-un-resolve-nrb-staff-demands/>

3. ID registration officers' earnings under review

02 July 2017

Bright Malenga – Malawi24

<https://malawi24.com/2017/07/02/id-registration-officers-earnings-review/>

4. National registration workers get increment

04 July 2017

Luke Bisani – Malawi24

<https://malawi24.com/2017/07/04/national-registration-workers-get-increment/>

Shoprite incident (5 different stories)

1. Arrest of 14 Registration Officers Disrupts Exercise

18 September 2017

Steve Zimba – Zodiak online

<https://zodiakmalawi.com/press-release/arrest-of-14-registration-officers-disrupts-exercise>

2. Malawi Police set free 14 National IDs registration officials: Paper condemns arbitrary arrest

19 September 2017

Judith Moyo – Nyasa Times

<https://www.nyasatimes.com/malawi-police-set-free-14-national-ids-registration-officials-paper-condemns-arbitrary-arrest/>

3. Sue Minister Chiumia, Forum urges arrested National ID's registration staff

20 September 2017

Hudson Mphande -Nyasa Times

<https://www.nyasatimes.com/sue-minister-chiumia-forum-urges-arrested-national-ids-registration-staff/>

4. Minister Chiumia refuses to apologise or resign over ID Registration officers' arrest order

27 September 2017

Judith Moyo – Nyasa Times

<https://www.nyasatimes.com/minister-chiumia-refuses-apologise-resign-id-registration-officers-arrest-order/>

5. Kangaroo Court: Minister Chiumia guilty in wrongful detention of NRB officials

1 October 2017

Lord Denning – Nyasa Times

<https://www.nyasatimes.com/kangaroo-court-ministers-chiumia-guilty-wrongful-detention-nrb-officials/#respond>