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THE GAMBIA

National Human Rights Commission of The Gambia

NHRC Strategic Plan

2021-2025

Revised Strategy and Mid-Term Review

National Human Rights Commission (NHRC), The Gambia

Revised Strategic Plan - 2021-2025 and Mid-term Review

20th November 2023



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Abbreviations & Acronyms

ADR	-	Alternative Dispute Resolution
AU	-	African Union
B&HR	-	Business & Human Rights
CIT	-	Computer, Information Technology systems
CRR	-	Central River Region
CRS	-	Corporate Social Responsibility
CSOs	-	Civil Society Organizations
ECOSOC	-	Economic& Social Rights
ECOMIG	-	ECOWAS Military Intervention in The Gambia
ECOWAS	-	Economic Community of West African States
ES	-	Executive Secretary
DES	-	Deputy Executive Secretary
FGM/C	-	Female Genital Mutilation and Cutting
GBA	-	The Gambian Bar Association
ICJ	-	International Court of Justice
IGP	-	Inspector General of Police
IESCR	-	International Covenant on Economic, Social & Cultural Rights
LRR	-	Lower River Region
MDAs	-	Ministries, Departments & Agencies
M&E	-	Monitoring & Evaluation
NALA	-	National Agency for Legal Aid
NAP	-	National Action Plan
NDLEG	-	National Drug Law Enforcement Agency Gambia
NGOs	-	Non-Governmental Organisation
NHRC	-	National Human Rights Commission
NHRI	-	National Human Rights Institutions
NBR	-	North Bank Region
OHCHR	-	Office of the High Commissioner for Human Rights
SGBV	-	Sexual & Gender-Based Violence
SSR	-	Security Sector Reform
SP	-	Strategic Plan

SOP	-	Special Operating Procedures
SWOT	-	Strengths, Weaknesses, Opportunities & Threats
TRRC	-	Truth, Reconciliation & Reparation Commission
UNDP	-	United Nations Development Programme
UNFPA	-	United Nations Population Fund
UNGPs	-	United Nations Guidelines on Business & Human Rights
UN-PBF	-	United Nations Peace Building Fund
UNICEF	-	United Nations Children's Fund
UPR	-	Upper River Region

A large crowd of people is gathered outdoors, likely for a public event or protest. In the background, a large South African flag is visible, waving. The crowd is diverse, with many people wearing white clothing. Some individuals are raising their hands in the air. The scene is set against a clear sky with some clouds. A tall street lamp is visible on the left side of the frame.

PART I

Revised Strategic Plan 2021 - 2025

Chapter 1

Executive Summary

This Revised Strategy and Mid-Term Review seeks to assess the progress and effectiveness of the 2021-2025 Strategic Plan of the National Human Rights Commission of The Gambia and revise the strategy for the second and final phase of the Plan's implementation. The review is a snap-shot performance evaluation of the Plan in the mid-term, cognisant of the dynamics that characterise the context of its implementation. Accordingly, the review feeds from the milestones of the previous two-and-a-half-year period and focuses on the challenges faced that occasion the need for rethinking and strategic alignment.

The vision of the Strategic Plan is to deliver "The Gambia where everyone enjoys their fundamental human rights and freedoms" with the mission "To promote and protect the fundamental human rights and freedoms of everyone through law, policy, education and partnership". In pursuit of the Vision and Mission are overriding activities to inform the public of their human rights, monitor and investigate alleged human rights violations, provide guidance to assist other public institutions to uphold human rights principles, and work towards a greater understanding of human rights among members of the public thereby ultimately creating a human rights culture.

The Revised Plan identifies four transformative strategic result areas to be delivered through four strategic objectives, viz. strengthening state institutions, civil society organisations, communities, and leadership for the promotion and protection of human rights; ensuring improved compliance from the State on matters of human rights, rule of law and access to justice; developing the NHRC capacity to advance human rights in the country; and advancing the realization of economic, social and environmental rights.

This Mid-Term Review and Revised Strategy is organized into ten composite Chapters. Chapter 1 is the Executive Summary stating the purpose of the Review and Revision, the rationale behind it, and an overview of the organisation of the report by Chapter. Chapter 2 presents the Introduction which provides an overview of The Gambia, its sociopolitical context and how some human rights issues in the country have been impacted by democratic normative standards adopted at the regional and continental levels. The Introduction also sketches the involvement of the NHRC with the human rights situation in The Gambia, with perspectives of NHRC's programmatic approach to the implementation of the 2021-2025 Strategic Plan. Chapter 3 explains the rationale for the review and the revision and provides an overview of the activities, achievements, lessons learnt, and challenges as contained in the Annual Activities and State of Human Rights Reports for 2021 and 2022. Chapter 4 details the Methodology and outlines the approach and processes used in conducting the mid-term review.

This section covers the data collection, analysis, stakeholder engagement, and decision-making methods used during the field stage of the mid-term evaluation. Chapter 5 lays out the Strategic Design with an expression of the Vision, Mission, and Values as well as the identification of the transformative Strategic Result Areas aligned with the Revised Objectives. Chapter 6 is the Situation Analysis which helps develop a basis for understanding the context in which the 2021-2025 plan is being implemented. The Situational Analysis in this report is conducted through the Strengths, Weaknesses, Opportunities, Threats (SWOT) analysis, the Stakeholder Analysis, and a Risk Analysis.

Chapter 7 is the Revised Strategy for the 2023-2025 period featuring stated Strategic Result Areas aligned to each Strategic Objective and the Outcome thereof. Also included for each objective is a Results Matrix with columns detailing input, individual activities, outputs, responsible actors, and the timelines for each programme. To achieve the Strategic Objectives and planned activities outlined for each Strategic Result Area, appropriate organisational structure, systems, and procedures need to be set up beforehand. This is why Chapter 8 is dedicated to the Implementation Framework with an outline of the Revised Organogram. Chapter 9 is the Financing Plan in which we outline the main financial resources to fund the programs elaborated in the Revised Strategy alive to the fact that it will take a multi-stakeholder engagement and support to realise the outcomes envisaged in the Revised Strategy.

Chapter 10 details the Monitoring and Evaluation (M&E) Framework. The successful implementation of this revised Plan will depend on how effectively the planned activities and outputs are monitored and evaluated by relevant stakeholders during consultative meetings to ensure that the Plan remains on course. However, key to Monitoring & Evaluation is Performance Management which involves periodic review meetings, checking on progress made during implementation, challenges faced, decision-making from matters arising, and data collection. Careful consideration has been taken of the relevant success factors to be monitored and evaluated during the implementation of this Strategic Plan and included is a menu of performance indices for each Strategic Result Area. The appendices section comes last.



.....
Emmanuel Daniel Joof
Chairperson, NHRC

Chapter 2

2.1 Introduction

During the twenty-two years of authoritarian rule of former President Jammeh which ended in 2016, the people of The Gambia witnessed unprecedented gross and systematic human rights violations. Since the end of Yahya Jammeh's administration, a national consensus has emerged that human rights norms should be placed at the centre stage of governance to ensure that The Gambian society never experiences such violations again by the State and or its agents.



In the pursuit of this national aspiration, a TRRC Act was adopted by the National Assembly in 2017, and assented to in 2018 by the President, as part of the transitional justice mechanism to carefully scrutinise this national experience of serious human rights violations. In its findings and conclusions, it affirmed the need to create a human rights culture. Cognisant of this national sense of urgency, and to foster the much-needed culture of human rights, the new government, under President Adama Barrow, caused an Act to be enacted in 2017 which created the National Human Rights Commission (NHRC), also as part of the transitional justice mechanism with the twin objective of human rights promotion and protection in the country.

In 2019, the NHRC became operational with the appointment of five Commissioners. In furtherance of its objective of improving the promotion and protection of human rights in the country, the NHRC - *inter alia* - developed a five-year Strategic Plan (2021-2025) with clear targets, timelines, and allocated resources to achieve its set Strategic Objectives. Two and a half years into the implementation of the Strategic Plan (SP), the case is made to evaluate this Plan to ascertain its successes, challenges, and the lessons learnt. This report on the midterm evaluation seeks to do exactly that.

2.2 The Regional and Continental Context

It is worth noting that there is a regional (AU/African) and sub-regional (ECOWAS) dimension to the return to constitutional civilian order in The Gambia since 2016 and even before is worth noting in this inquiry. This factor has in turn helped in creating an enabling climate for political stability and invariably a conducive environment for the realisation of human rights in contemporary Gambian society. With the end of the Cold War, in the early 1990s, the African regional and continental organisations developed norms and mechanisms that have enhanced good governance and stability within the respective States as a way of ensuring regional peace and security.

Increasingly there has been a shift away from the now discredited principle of non-interference in the internal affairs of other African sovereign states, as was articulated by the Organisation of the African Unity (OAU) in the 1960s, to “non-indifference” to the internal affairs of Member States¹. Consequently, normative standards, mechanisms, institutions, and legal regimes, have been evolving as a way of addressing some of the challenges to good governance and political stability. These processes culminated in the creation of the African Peace and Security Architecture (APSA), launched in 2004,² and subsequently in the establishment of the African Governance Architecture (AGA) in 2011 focusing on the Shared Values of the AU.³ Of particular significance for this report, is the adoption of the African Charter on Democracy, Elections and Governance by the Heads of State and Government on 30th January 2007, which entered into force on 15th February 2012 and lays down the norms and standards on elections, democracy, human rights and overall governance in Africa.⁴

Among other provisions, Article 23 of the African Charter on Democracy, Elections and Governance prohibits the unconstitutional removal of an elected government, with coup d’états outlawed⁵. The replacement of elected government by rebels or armed dissidents⁶, and intervention by mercenaries⁷ to replace a constitutional government are contraventions of the Charter provisions. Recognising the practice whereby some governments agree to multi-party elections and rig the results to entrench themselves in power, the Charter prohibits any constitutional amendment that infringes on

¹ Article 4 (h) (j) of The African Union (AU) Constitutive Act, 2002

² The African Peace & Security Architecture, (APSA), AU General Assembly Study, Addis Ababa, 2010.

³ African Governance Architecture Framework, AUC, Addis Ababa 2011

⁴ The African Charter on Democracy, Elections, & Governance. 2007

⁵ Article 23(1)

⁶ Ibid

⁷ Ibid

democratic principles⁸. It also imposes severe sanctions on any incumbent that refuses to relinquish power to the winning candidate in free and fair elections⁹, like the case in The Gambian election of 2016.

There is also the physical presence of the regional offices of the Economic Community of West African States (ECOWAS)¹⁰ mission and forces in the country, initially code-named Operation Restore Democracy but later called ECOMIG, underscoring the interest the regional body has in the peace and security of the country which is not unrelated to the realisation of human rights.

2.3 The Background & National Context

On attainment of political independence in 1965, under the Presidency of Sir Dawda Kairaba Jawara, and the government of the People's Progressive Party, The Gambia remained one of the few countries in Sub-Saharan Africa¹¹ that upheld the tenets of liberal democracy. The country conducted regular multi-party competitive elections under the constitution and adhered to an appreciable level of constitutionalism. This situation created an enabling climate whereby the organs of the State - the executive, legislature, and judiciary - enjoyed some degree of autonomy. The security forces were also subjected to a civilian constitutional order. This is relevant because from the mid-1960s through the 1970s, 80s until the 1990s when the Cold War ended, most countries in Africa, unlike The Gambia, came under military regimes or were one-party States.

As is the case with post-colonial states, The Gambia too faced inherent structural challenges in the governance architecture, including human rights, especially the enjoyment of economic and social rights. However, after about 30 years of civilian rule, a coup *'d'etat* led by Captain Yahya Jammeh's Armed Forces Provincial Ruling Council (AFPRC) overthrew President Dawda Jawara's government, replacing it with a military one in 1994. Jammeh's rule was characterised by authoritarianism, repressive personalist rule whereby all institutions of State became subordinated to not just the office of presidency but his person. During this period, activities of individuals or the civil society that the Head of State did not approve of stood the risk of being classified as constituting a threat to "national security"; a deliberately overstretched concept to wilfully criminalise the exercise of rights that the Government did not approve of. Consequently, The Gambia witnessed an unprecedented regime of gross and systematic human rights violations in the form of extrajudicial executions, enforced disappearances, torture, inhuman and degrading treatment, sexual and gender-based violence, arbitrary arrest and detention, denial of fair trial, and repression of rights such as of the media, freedom of expression, assembly, and association.

⁸Article 23(5)

⁹Article 24 (4)

¹⁰ There is an African Union Liaison Office in West Africa, Abidjan.

¹¹ The other two countries being Senegal and Mauritius.

These apparent state-sponsored human rights violations persisted until December 2016 when Jammeh lost the general election to President Adama Barrow¹².

Soon after Jammeh's regime, the improvement of human rights protection of citizens became a national priority of The Gambia. A national consensus has since emerged that seeks to replace the culture of impunity within state institutions with systemic mechanisms to foster a national human rights culture. Top among these was the creation of the NHRC through the passing of the Parliamentary Act, in 2017. The NHRC has since become the national entity vested with the mandate and powers to promote and protect human rights in the country¹³. The importance and timeliness of the role of the NHRC has been underscored by the startling findings on human rights violations during the 22 year-rule of Jammeh's government contained in the final report of The Gambian TRRC submitted in November 2021. Indeed, the National Development Plan (NDP) 2018-2021 placed human rights at its top position as a national priority. Also, the operative development plan of 2023-2027 places considerable premium on human rights under pillar 2 of Governance Reform¹⁴. In addition, the Security Sector Reform Strategy 2020-2024 also seeks to enhance the human rights protection of citizens and places an obligation on security actors to that effect.¹⁵ As such, the human rights situation in the country has improved markedly since 2017 when the new Government came into office under President Barrow. All credible sources report that there are no recorded cases of State-sanctioned extra-judicial executions, enforced disappearances, rampant arbitrary arrest, and detention. Nor the systematic and gross human rights violations that were State/Executive Government instigated. Overall, civil and political rights have improved considerably in The Gambia, even at the height of political contestation during the 2021 – 2023 electoral cycle.

Nonetheless, the culture of impunity that permeated institutions within the State and society during the Jammeh era was not going to disappear in just five years. The socio-economic and political dynamics that characterise life in The Gambia today mean that there are emerging human rights that need to be addressed.

2.4 Human Rights Issues: The Changes & New Challenges

Overall, civil and political rights have improved considerably in the country since 2017. The flip side though, is the emerging concern expressed by sections of the population that the new-found freedoms, of post-Jammeh authoritarianism, appear to be drifting towards chaos, and a kind of "free for all" society. This is an erroneous view of negative freedoms, that is freedoms and rights without limits; a situation that needs to be

¹² See generally reports of credible international human rights organizations like Amnesty international, Human Rights Watch, and the annual reports by the US State Department, between 1995-2016, - all the reports chronicle the systematic human rights violations in their annual and special thematic reports on the Gambia during the period under scrutiny.

¹³ The functions and thus the mandate of the NHRC is provided for in section 12 and the powers of the same are stipulated in section 13, of the NHRC Act, 2017.

¹⁴ The Gambian National Development Plan, 2023-2027, p57

¹⁵ There has been revision of this initial development plan since the new government came into office, which has resulted in other sectoral development plans, e.g. the Strategic Development Plan, 2020-2024, by the National Audit Office, The Gambian Country Strategic Plan, 2019-2024 and others.

managed. There is a sense that most people are not aware of the justifiable lawful limits to the exercise of human rights, specifically civil and political rights¹⁶.

The main human rights issues, the changes, and new challenges, in contemporary Gambia society can be clustered into four broad categories:

(1) *The Security Sector*: The most fundamental change is the fact that security forces have come to terms with the stark fact that they are accountable for abuses of rights they commit. Reported cases of arrest without warrant and the use of security forces i.e. the police, army, intelligence, and others, to repress citizens and perceived political opponents have reduced. Some new measures which are human rights oriented have been carried out, including training on the Police Code of Conduct¹⁷ that prohibits measures such as torture and arrest without warrant. Policing and crowd control are improving; however, there are instances when public gatherings are not well managed by law enforcement actors. There are senior police officers who have undergone Training of Trainers (ToT) programmes. The Prisons Services is the latest security agency to establish a human rights unit.

Challenges:

- Public Order Act, 1961, as amended, 1963 and 2009, is being invoked most times in ways that infringe on human rights. Section 5 of the Public Order Act confers on the IGP the discretion to determine if a license is to be given or not for a procession which is the exercise of the freedom of assembly and association or picketing. This discretion was in the past, under the Jammeh regime, abused by denying perceived political opponents their rights (mostly right to assembly, association, and picketing by opposition political parties, especially during election campaigns). It is argued that even post Jammeh there are instances of abuse with the pretext that if granted, there is likely to be a breach of the peace. The best practice in a constitutional democracy and under proper application of international human rights law is a notification of the police but not an application for permission.
- There have been several very important and strategic security sector initiatives since the return to civilian rule¹⁸ The challenge has been the limited awareness of the reforms even at the senior level. There is also a need for the different initiatives to be harmonised.
- A key finding in the TRRC report was the lack of understanding of human rights and international humanitarian law by the security forces. Further to this challenge, most senior officers have undergone some training in human

¹⁶ The exercise of most civil and political rights can be lawfully limited on grounds of national security, public order, public morality, health, and rights of others, this an established principle of international human rights law as expressed to the International Covenant on Civil & Political Rights, 1966, and other regional and thematic human rights instruments.

¹⁷ Developed by the NHRC and endorsed by the Police High Command

¹⁸ See for e.g. the National Security Strategy of The Gambia, The National Security Sector Policy, 2019, and the Security Sector Reform Strategy, 2020-2024.

rights but there is no evidence as to how the training has trickled down to the low-level officers.

(2) *Access to Justice:* The subordination of the Judiciary and other institutions of justice to the Presidency during the Jammeh era has been discontinued; there is also no evidence of political interference in the Judiciary as it used to be. This has enhanced confidence in the judiciary. There is some adherence to the legal requirement of a detained person not spending more than 72 hours before being charged or discharged. There however remain few instances that persons are detained beyond 72 hours. It therefore remains an issue of concern with the NHRC intervening in certain instances once it comes to its attention to prevent the continued arbitrary detention of suspects. With the establishment of the NHRC, another forum for access to justice has been provided where people can seek different forms of redress for violations. There is also the National Agency for Legal Aid (NALA), as a national mechanism to ensure access to justice in terms of the provision of legal aid.

Challenges:

- An under-resourced Judiciary and NALA.
- Heavy backlog of cases due to, *inter alia*, poor case management.
- Cost of accessing the courts or the services of legal representatives as there are few pro bono lawyers.
- Bad prison conditions, generally below the UN Standard Minimum Rules for The Treatment of Prisoners (The Nelson Mandela Rules).
- Across the country, concern is expressed about pre-trial detention, viewed as cancerous to the criminal justice system because of its protracted nature. Detained persons spend years without conviction and later when found not to be guilty are not given compensation - "Justice delayed thus becomes justice denied"¹⁹
- Limited knowledge of human rights case law in certain sections of the judiciary.

(3) *Culture/Tradition:* These are violations which take place mainly within society, predicated on traditions and culture, or in some cases a deliberately misrepresented culture and, to an extent, also on economic underdevelopment or sheer poverty. The issue becomes complicated when religion is used as a basis to justify a practice which is otherwise a violation of human rights. Cases of SGBV²⁰ are still reported while cases of child marriage²¹, and FGM/C practices²² though practiced are rarely reported. It is reported that nearly 73% of females between 15-49 years are said to have undergone FGM/C although there is a decline the practice is still prevalent²³.

¹⁹ The challenge of justice delayed being justice denied is acknowledged in the NDP 2023-2027, under pillar 2, on Governance, p67.

²⁰ 67% of girls between the ages of 18 and 19 see nothing wrong with being beaten by a man, esp. if in a relationship, see the Gambia Bureau of Statistics, 2021,

²¹ There is some evidence that early child marriages are on the decline, for example in 2013 the mean age of marriage was 18.6 years but as of 2018 it had risen to 19.4, see The Gambian Bureau of Statistics, op cit.

²² There is evidence of decline from 75% in 2013 to 73% in 2019, see Demographic & Health Survey, 2019-2020 pp299-300.

On FGM it is not clear from the data available whether there is a decline or increase, see The Gambian Demographic & Health Survey, 2019-2020

²³ Ibid.

This continues supposedly as a cultural and controversial religious practice despite evidence on the dangers of the practice to health, and a national legislation that criminalises it as an offence, since 2015²⁴. Unfortunately, the law is almost in “disuse” because although it is common knowledge that the practice persists there has been only one conviction as recently as September 2023.²⁵

(3.1) Another cultural practice of serious human rights concern is the discriminatory caste system within certain ethnic communities in the hallowed name of religion and tradition²⁶.

(3.2) *Growing religious intolerance:* There is also emerging religious intolerance both inter-religion and intra-religion. Religious intolerance has in some situations given rise to hate speech, which is making subtle inroads into the political and social discourses of the country. The Government has yet to tackle the challenge of violations within society perpetrated by non-state²⁷ actors. This is because - although some of the violations are not attributable to the State - it is still the entity with the obligation²⁸ to realise human rights.

Challenges:

- Generally, the violations justified in the name of culture, traditions and religion present the most serious human rights challenge in contemporary Gambian society.
- Some opinion leaders, religious groups, and individuals who have always advocated for the continued practice of FGM/C have been fighting back in recent years to get the legislation criminalising FGM/C repealed. This group includes some legislators who have expressed their intention to repeal the said legislation criminalising the practice.²⁹
- Creeping religious extremism and apparent intolerance between religious sects.
- Patriarchy is using religion to justify certain forms of SGBV and dismissing any human rights advocacy against the resultant human rights violations as “Western” inspired.
- The violation of a core non-derogable right under the caste system: discrimination, especially in the regions of North Bank Region (NBR) & Upper River Region (URR).

²⁴ The Women’s (Amendment) Act 2015 prohibits FGM, it stipulates that “a Person shall not engage in FGM. a person who engages commits an offence liable to a conviction to imprisonment for a term of three years or a fine of 50,000 Dalasis or both”.

²⁵ It was only in September 2023 that 3 women were convicted in the Central River Region of the country for committing the offence of FGM under the Act, 2015, although it is common knowledge that the practice persists.

²⁶ See Report of NHRC: Fact Finding on the Caste System in the Upper River Region, October 2019.

²⁷ For a detailed discussion of this issue in African states, see Nana K.A. Busia, Jr, “Non-State Actors and Human Rights Violations: The New Frontier of Human Rights Discourse and Struggle in the Contemporary World: The Role of the African Human Rights System” South African Yearbook of International law, (SYBIL) 2012

²⁸ As an established principle of public international law, the state has an obligation to protect persons under its jurisdiction from violations by private and third parties, and once the violations takes place within the jurisdiction of a State Party and on the evidence it cannot be attributable directly to the state or its agents it is still held in violation for failing in due diligence or its obligation to protect see the principle as developed the case of *Velasquez- Rodriguez v Honduras*, Inter – American Court on Human Rights (See C) no 4 (1988),

²⁹ see footnote 21, supra.

- (1) *Poverty, Socio-Economic & Environmental Rights*: The per capita and gross domestic product of The Gambia is only US\$473³⁰ with 48% of Gambians classified as poor and as many as 62% of the youth unemployed³¹. Lack of basic needs like housing, food, and access to education infringes upon the rights of people to a decent standard of living, dignity, and economic participation. The lack of these needs and opportunities is mainly the function of under-development exacerbated by corruption³² which also undermines the enjoyment of socio-economic rights³³. Fishing, mining, logging, and other economic and business activities along the beaches and elsewhere are creating serious environmental problems³⁴.

Challenges:

- The creeping corruption in public institutions is undermining the enjoyment of socio-economic rights.
- Limited capacity within CSOs to monitor state compliance or otherwise with its obligations in the implementation of ECOSOC rights.
- The absence of any national action plan and framework on business and human rights.
- Despite the serious challenges posed by environmental degradation and the existence of an appreciable level of NHRC in-house capacity for monitoring environmental rights, there has been very limited monitoring of violations of environmental rights and State obligations as well.

2.5 Mandate & Functions of the National Human Rights Commission of The Gambia

The NHRC is a strategic national institution established to play an important role in Gambian society by contributing to an improved regime of human rights protection as an end, but which should in turn also bring about accountability and good governance through rights-based approaches in the governance structures; enhance the processes of national reconciliation, as a legacy from the TRRC; and ultimately engender human development in the country.

Of interest in this midterm, evaluation is to inquire the extent to which the NHRC has been able to address human rights challenges in Gambian society, and whether it is endowed with the institutional capacity to exercise the powers and functions conferred upon it by its Act as amended in 2020. It must be acknowledged at the outset that the mandate of NHRC is in consonance with the Paris Principles³⁵, and cognisant of that fact in 2022 the NHRC was awarded an A status by the Global Alliance of National Human

³⁰ Report of the National Human Rights Commission, of The Gambia, 2021 cf World Bank Report, p 20.

³¹ *ibid*

³² The Corruption Perception Index 2022 ranked The Gambia at 100 out of 180 countries, with a score of 34/100, Corruption Perception Index 2022.

³³ Although ECOSOC rights are non-justiciable under the operative 1997 Constitution of The Gambia, it is still a right available under some of the human rights treaties that The Gambia is party to, e.g. the African Charter on Human and Peoples Right, 1981, this issue is elaborated below under the section on the mandate and functions of the NHRC.

³⁴ For a more comprehensive discussion of the issues and monitoring undertaken by the NHRC, see Draft Consolidated Fact-Finding Mission, Report, 2020, *op cit*.

³⁵ Principles that Govern the creation and function of National Human Rights Institution, adopted by General Assembly, Resolution 48/134. 20th December 1993.

Rights Institutions (GANHRI) thereby affirming the alignment of its functions and status with the Paris Principles.

The NHRC Act 2017, and NHRC (Amendment) Act 2020, which created the Commission stipulates that the NHRC was established for “the protection and promotion of human rights in The Gambia.” The Commission’s functions are therefore twofold: the protection and promotion of human rights. In promoting and protecting human rights, the NHRC carries out the functions³⁶ and activities specified below:

- Monitor, receive, investigate, and consider complaints of human rights violations, including by private persons and entities;
- Communicate decisions in the form of writing to the Government and all relevant institutions for necessary corrective action;
- Recommend appropriate remedial action to the Government and seek appropriate redress on behalf of complainants;
- Promote awareness and respect of human rights through educational programmes;
- Provide information including being a source of human rights resource materials and documentation;
- Publish guidelines, manuals and other materials which explain the obligation of public officials in the protection of human rights;
- Co-operate with NGOs and other public bodies engaged in human rights protection;
- Review legislation and advise the government on the compliance or otherwise of such legislation with the human rights treaty obligations of the country;
- Advise government on draft legislation, which, if passed, could affect the enjoyment of human rights;
- Advise the government on the preparation of initial and periodic reports as required by treaty obligations undertaken by the country;
- Publish an annual report on the state of human rights in the country.

2.6 Powers of the NHRC

In carrying out its human rights promotional and protection functions, the NHRC Act confers on the Commission certain powers³⁷. The Commission has powers, rights, and privileges like that vested in the High Court which include hearing complaints; enforcing the attendance of witnesses, examining them on oath, compelling the production of documents; making orders or directions and enforcing decisions, including to protect the life and safety of an individual. The 1997 Constitution provides for human rights protection in Chapter IV on Fundamental Rights and Freedoms which guarantees human rights. The draft Constitution of 2020 sought to enhance the human rights regime in The Gambia³⁸.

³⁶ These functions and activities are provided for in section 12 of the NHRC Act, 2017, the listing captures all the functions in the section but did not necessarily follow the order and exact wording as in the Act for ease of readers.

³⁷ These are mostly provided for in section 13 of the Act, 2017

³⁸ The Draft 2020 constitution, unlike the 1997 Constitution provides for the protection of ECOSOC rights in article 62, by making the rights justiciable.

As of 2022, The Gambia had ratified all major UN and other international human rights treaties³⁹ and most African regional human rights instruments⁴⁰. The Constitution, the NHRC Act, and several regional and international human rights instruments⁴¹ afford the Commission a framework for the protection of human rights. As such, the NHRC has jurisdiction in the application of international human rights law including customary international law in the protection of human rights within the jurisdiction of The Gambia⁴².

Accordingly, the NHRC of The Gambia has the authority to protect rights as demonstrated by the normative sources it can draw its powers from for the protection of human rights in The Gambia.⁴³

An important question of this inquiry is: in view of the identified human rights challenges, and human rights issues has the NHRC the powers to address them, and has it also the powers to enforce the decisions it makes?

Read together, sections, 2, 12, 13, 20 and 23 of the NHRC Act, 2017, it can be said this confers on the NHRC competence and jurisdiction over what is referred to as the three generations of human rights: civil and political; economic, social, and cultural rights; and third generational rights, like the right to environment and development. These sets of rights are provided for in the African Charter on Human and Peoples' Rights, 1981 that The Gambia is a party to as envisaged by section 2 of the 2017 Act.

On enforcement of decisions by the NHRC, it is again contended that sections, 12, 13, 20 and 23, confer such powers explicitly and by interpretation. In addition, the NHRC has very competent and dedicated personnel both technical and administrative, to address the human rights challenges in the country⁴⁴ as identified by this report.

³⁹ The International Covenant on Economic, Social and Cultural Rights, (ICESCR) 1978; the International Covenant on Civil and Political Rights, 1979; the Convention on Rights of the Child, 1990; Convention on the Elimination of All forms of Discrimination Against Women (CEDAW), 1993; & Convention for the Protection of Persons with Disabilities, 2015; Convention on the Against Torture, and inhumane and Degrading Treatment 2018.

⁴⁰ The Gambia has ratified the following regional human rights treaties:

African Charter on Human and Peoples' Rights

African Charter on the Rights and Welfare of the Child

AU Convention Governing Specific Aspects of Refugee Problems in Africa

Protocol to the African Charter on Human and Peoples' Rights on the Establishment of the

African Court on Human and Peoples' Rights

Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa

AU Convention for the Protection and Assistance of Internally Displaced Persons in Africa

⁴¹ According to section 2 of the NHRC, 2017, as amended, 2020, "Human Rights" include the fundamental rights and freedoms enshrined in the laws of The Gambia and in the international treaties and other agreements to which The Gambia is a party to".

⁴² Customary international law and treaty law are all sources of international law with same effect on states, see section 38 of the Statute of International Court of Justice, ICJ, it provides that the ICJ whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply:

International conventions, whether general or, establishing rules expressly recognized by contesting states; (b) international custom as evidence of general state practice accepted as law.

⁴³ There is on-going discussion with varied views as to whether the NHRC has adequate powers to enforce its decisions; since sections 22 and 23 of the Act, 2017, 2020 appear not strong enough, some have therefore called for a holistic amendment of the Act to give the NHRC clear and unambiguous powers of enforcement like a High Court.

⁴⁴ During the stakeholder consultations by the international consultant in September 2023, all stakeholders, the MDAs, the CSOs, Development Partners, and individuals/ key informants interviewed were of the view that the NHRC is competent, trusted, has the requisite skills, and are also reliable partners. A development partners who funds the NHRC added further that the financial reports they, NHRC, submits are professionally done and accurate.

2.7 The Management & Administrative Framework of the NHRC

The Commission has five Commissioners comprising the Chairperson and four others who perform the functions specified in the Act⁴⁵. The Act also creates an administrative and managerial structure to give support to and execute policies of the Commission. The entire administrative structure is headed by an Executive Secretary (ES) whose statutory functions are to manage and supervise the staff of the Secretariat. The core administrative and technical Departments include Finance, Human Resources, Legal and Investigation, Communications and Media, and Programmes & Resource Mobilisation.

From the preliminary assessment conducted, the NHRC has the requisite institutional framework, organisational capability, managerial, administrative, and technical skills⁴⁶ to promote and protect human rights in The Gambia. However, some human rights challenges outlined persist in the country begging the question of to what extent have the Strategic Objectives contained in the 2021-2025 Strategic Plan of the NHRC been achieved. Then, the issue becomes should the NHRC continue with these Strategic Objectives and activities that have achieved good results and where there are challenges the issue becomes what needs to be changed to enable it to address the challenge. It is against this backdrop that this Midterm Review has been undertaken by the Commission.

In a published survey by Forayaa.net 77% Gambian citizens think that the NHRC is trustworthy, in yet another survey undertaken by the American Bar Association, The Gambia in 2023, 72% of citizens stated they have confidence in the NHRC.

⁴⁵ Section 3 NHRC Act, 2017, as amended in 2020.

⁴⁶ SOPS developed, Annual Activity reports, the State of Human Rights Reports, advisory notes, partners informed consultant that they are very satisfied with financial reports, audited accounts of the NHRC.

Chapter 3

Strategic Design



In this model, we outline the key elements and strategies of the Strategic Plan. Specifically, the model outlines the vision, mission, core values and objectives of NHRC The Gambia. The strategic model provides a framework for the Commission to achieve its objectives and remain on track towards its vision.

3.1 Vision, Mission, Core Values



Vision:

A Gambia where everyone enjoys their fundamental human rights and freedoms.



Mission:

To promote and protect the fundamental human rights and freedoms of everyone through law, policy, education, and partnership.



- ❖ Independence
- ❖ Diversity
- ❖ Integrity
- ❖ Impartiality
- ❖ Equality
- ❖ Confidentiality
- ❖ Accountability
- ❖ Accessibility

3.2 The Focus Areas:

- Inform the public of their human rights.
- Monitor and investigate alleged human rights violations.
- Provide guidance to assist other public institutions to uphold human rights principles.
- Work towards greater understanding of human rights among members of the public.
- Assess compliance with human rights standards and norms.
- Promote and protect human rights in the country.

In carrying out the revision of the strategic objectives, and the accompanying activities, the following were taken into consideration:

- The vision, mission, and core values of the NHRC.
- The contextual analysis and the dynamics thereof.
- The analysis and conclusions from the literature review and other secondary sources.
- The critical analysis of the Strategic Plan implemented activities, achievements, lessons learnt and challenges.
- The findings, conclusions, and recommendations from the national stakeholder consultations.
- The consultations and interviews with NHRC staff and Commissioners.

3.3 Revised Strategic Objectives:

1. To strengthen State institutions, civil society organisations, communities, and leadership for the promotion and protection of human rights.
2. To ensure improved compliance from the State on matters of human rights, rule of law and access to justice.
3. To develop NHRC's capacity to advance human rights in the country.
4. To advance the realisation of Economic, Social, Cultural and Environmental Rights.

Chapter 4

The Revised Strategic Plan



To deliver “A Gambia where everyone enjoys their fundamental human rights and freedoms” during the second and final phase of the 2021-2025 Strategic Plan implementation, this Strategy will specifically seek to strengthen state institutions, civil society organisations, communities, leadership for the promotion and protection of human rights; ensure compliance of these institutions to human rights principles, rule of law and access to justice; build the capacity of the NHRC to advance and oversee human rights in The Gambia; and facilitate the realisation of economic, social and environmental rights. These focal areas are addressed by the strategic objectives below.

4.1 Revised Strategic Objectives:

1. To strengthen state institutions, Civil Society Organisations, communities, and leadership for the promotion and protection of human rights.
2. To ensure improved compliance from the State on matters of human rights, rule of law and access to justice.

3. To develop NHRC's capacity to advance human rights in the country.
4. To advance the realisation of, Economic, Social, and Environmental Rights.

4.1.1 Strategic Result Area 1:

Strengthening leadership, communities, State, and non-state institutions to promote and protect human rights.

Strategic Objective 1:

To strengthen State institutions, Civil Society Organisations, communities and leadership for the promotion and protection of human rights.

Strategic Outcome 1:

Communities, State and non-state institutions and leadership strengthened for the promotion and protection of human rights.

Activities:

- I. *Advocacy* – Conduct human rights accountability, audit, advocacy, and campaigns.
- II. *Awareness creation*- Engage local government authorities on human rights budgeting, gender budgeting and awareness raising on human rights.
- III. *Curriculum incorporation* - Popularise a culture of human rights through education programmes in learning institutions, including security sector training schools.
- IV. *NHRC- CSO Engagement* – Institutionalise regular forums with CSOs on the status of human rights promotion and protection in the country.
- V. *Community engagement* – Schedule community engagement meetings with diverse community actors and opinion leaders, such as religious leaders, traditional rulers, and women leaders, to discuss human rights issues and how to relate the same to culture, tradition and religion.
- VI. *Regular consultation and engagement* with the National Assembly Standing Committee on Human Rights & Constitutional matters.
- VII. *Collaboration and networking* - Arrange collaboration and networking events among different human rights organisations in the country.
- VIII. *Training* - Provide human rights training for CSOs, law enforcement officers, the Judiciary and other rule of law actors.
- IX. Arrange quarterly press conferences to engage the Media on human rights monitoring and ethical reporting.

Table 3: Results Matrix for Strengthening leadership, communities, state, and non-state institutions to promote and protect human rights.

Input	Activity	Output	Action by	Budget (GMD)	Timeline
Commission officers (NHRC), activists, advocates, Target groups	<i>Advocacy</i> - Engage in human rights accountability, audit, and advocacy platforms and campaigns.	Number of groups impacted by the audit exercise	Director of Legal and Investigation Director Programmes and Resource Mobilisation Director of Education, Research & Training	2,000,000	Year 4 (Q3-4) Year 5 (Q1-2)
Members of the public, media, rights activists, and experts, formatted messages	<i>Sensitisation</i> - Inform the population about their human rights and obligations	Proportion of the public reached by the messaging	Director Programmes and Resource Mobilisation Director of Education, Research & Training	1,500,000	Year 4 (Q3 - 4) Year 5 (1-2)
Learning institutions and security sector training schools, curriculum experts, activists, NHRC	<i>Curriculum incorporation</i> - Popularise a culture of human rights through education programmes in learning institutions, including security sector training schools.	Category and number of institutions implementing the syllabus incorporating human rights programme	Director of Legal and Investigation Director Programmes and Resource Mobilisation Director of Education, Research, Training & Public Awareness Raising	5,000,000	Year 4-5 (Q1-4)

NHRC, Facilitators, Activists, CSOs,	<i>Town hall forums</i> – Convene regular forums with CSOs and other non-state institutions on the promotion and protection of human rights.	Number of CSOs covered by the Town Hall forums	Desk officer for CSOs/ under Director for Programmes	800,000	Year 4-5 (Q2-4)
Targeted members of the community, NHRC, activists, facilitators	<i>Community engagement</i> – Schedule community engagement meetings with diverse groups of religious leaders, traditional rulers, and other opinion leaders to discuss human rights issues & culture, tradition & religion	Proportion and diversity of the targeted groups reached by the messaging	Director Programmes and Resource Mobilisation Director of Education, Research & Training	1,500,000	Year 4 – 5 (Q1-4)
Trainers, NHRC, MDAs, Manual	<i>Training</i> – Conduct regular training of MDAs on human rights issues.	Number of MDAs trained on human rights mainstreaming	Director of Legal & Investigation Director of Education & Training	1,000,000	Year 4 (Q2-4) Year 5 (Q2-3)
Trainers, NHRC, Government officials, the police, the judiciary, activists	<i>Training</i> – for CSOs, law enforcement officers, the Judiciary and rule of law actors.	Number and category of officers trained on human rights	Director of Legal and Investigations	1,500,000	Year 4 (Q4) Year 5 (Q2 - 3)
				13,300,000.00	

4.1.2 Strategic Result Area 2:

State compliance with the principles and obligations of human rights, rule of law and access to justice.

Strategic Objective 2:

To ensure improved compliance from the State on matters of human rights, rule of law and access to justice.

Strategic outcome 2:

State's compliance with the principles and obligations of human rights, rule of law and access to justice improved.

Activities:

- I. Mobilise civil society - including NGOs - to advocate for human rights, the rule of law and access to justice.
- II. Exercise quasi-judicial function by, *inter alia*, arranging public inquiry functions to gather evidence from members of the public on rights violations (testimonies, videos, photos etc.)
- III. Apply to be joined in cases involving broader human rights implications and of public interest as amicus curiae.
- IV. Conditions of places of detention monitored regularly and reports produced to show compliance with the Mandela principles.
- V. Publish an advisory opinion on the relationship between human rights and traditional practices.
- VI. Coordinate and chair a national committee on the monitoring of the White Paper on the Report of the TRRC and in so doing lead campaigns to encourage active participation of citizens and victims-focused organisations in monitoring government actions.
- VII. Develop a human rights compliance dashboard with real-time overview of the human rights situation in the country (with data on human rights indicators)
- VIII. Create an accessible anonymous portal for reporting human rights violations and access to justice issues.
- IX. Publish and apply a manual with a scorecard for monitoring and documenting government actions and policies based on their alignment with human rights principles.

- X. Advocate for the development of laws or policies that align with human rights best practices.
- XI. Lead the establishment and function of a National Human Rights Preventive Mechanism.
- XII. Submit periodic reports to human rights mechanisms to report on Government compliance with its human rights obligations.

Table 4: Results Matrix for State compliance with the principles of human rights, rule of law and access to justice

Input	Activity	Output	Action by	Budget	Timeline
NHRC, Activists, CSOs	<i>Mobilise civil society - including NGOs - to advocate for human rights and the rule of law.</i>	An activated CSO community advocating for human rights	Director of Programmes and Resource Mobilisation, OIC of advocacy/ Desk Officer for CSOs	500,000	Year 4 (Q3 - 4)
NHRC Victims Activists	<i>Conduct public inquiry as part of the exercise of its quasi-judicial functions to gather evidence from members of the public on rights violations (testimonies, videos, photos etc.)</i>	A repository of evidence on human rights violations (in audio, video, and photograph forms)	Directors of Legal & Investigations Director of Communication & Media	1,000,000	Year 4 (Q2 - 4) Year 5 (Q2 - 4)
NHRC Human rights champions	<i>Coordinate a national committee on the monitoring of the White Paper on the Report of the TRRC and using the same Lead campaigns to encourage active participation of citizens and victims-focused organisations in monitoring government actions (public oversight).</i>	A community of human rights champions monitoring government actions	Director Programmes and Resource Mobilisation, OIC of public oversight/ Director of Communication & Media/ TRRC desk officer	3,000,000	Year 4 (Q1 -4) Year 5 (Q1 - 4)
NHRC, Tech companies ICT Team	<i>Develop and implement a human rights compliance dashboard with real-time overview of the human rights situation in the country (with data on human rights indicators)</i>	A robust HR compliance dashboard implemented	Directorate of Legal and Investigation, ICT Officer	2,000,000	Year 4 (Q1-4)

NHRC Tech companies ICT Team	<i>Create and roll out an accessible anonymous portal</i> for reporting human rights violations and access to justice issues.	A portal for reporting HR violations implemented	Director of Communication, OIC of ICT	1,000,000	Year 4 (Q1-4)
NHRC	<i>Publish and apply a manual with a scorecard</i> for monitoring and documenting government actions and policies based on their alignment with human rights principles.	A manual for monitoring Government actions and policies implemented	Directors Programmes and Resource Mobilisation Director of Legal & Investigations	750,000	Year 5 (Q1-4)
NHRC Research team	<i>Conduct a study</i> on avenues and channels through which human rights violations occur in The Gambia.	Report on channels of human rights violations in the country published	Director of Legal and Investigation Director of Education, Research, Training and Public Awareness	1,000,000	Year 4 (Q2-3)
NHRC Activists	<i>Advocate for the development of laws/policies</i> that align with human rights best practices and their enforcement/implementation.	Laws and policies that align with international human rights standards	Director of Legal and Investigations Director of Communications and Media	500,000	Year 4-5 (Q1-4)
NHRC, Partners	Serve as <i>amicus curiae</i> in cases of public interest with general human rights implications.	Cases championed in court as amicus curiae.	Directors of Legal & Investigations and Director of Communication and Media	300,000	Year 4-5 (Q1-4)
NHRC, Partners	Submit periodic reports to human rights mechanisms to report on Government compliance with its human rights obligations.	State compliance with human rights obligations enhanced	Director of Legal and Investigation	500,000	Year 4 – 5 (Q1 – 4)
				9,050,000.00	

4.1.3 Strategic Result Area 3:

Advancing human rights in the country through capacity building of the NHRC.

Strategic Objective 3:

To develop NHRC's capacity to advance human rights in the country.

Strategic Outcome 3:

The capacity of the NHRC strengthened to advance human rights in the country.

Activities:

- I. Conduct continuous training for Commissioners and staff on human rights principles, international legal instruments, and national laws.
- II. Carry out legal training to enhance the ability of Commissioners and staff to research, analyse, interpret, and apply human rights laws effectively including the exercise of its quasi-judicial powers.
- III. Organise comprehensive training for Commissioners and staff on environmental, cultural, social, business rights, group rights, and climate change.
- IV. Facilitate benchmarking and partnerships with CSOs and international human rights organisations to leverage collective expertise.
- V. Strengthen the technical capacity of Commissioners and staff, especially in the regional offices, to monitor human rights violations in the country.
- VI. Strengthen the technical capacity of Commissioners and staff to support the work of the Commission.
- VII. Convene Donor roundtable to explore and diversify resource envelopes to avail adequate and sustainable funding for programmes.
- VIII. Survey existing infrastructure to verify if it meets operational needs (offices, equipment, systems,).
- IX. Prepare a budget that allocates funds for office space, equipment, and vehicles (advocate for budgetary support).
- X. Carry out office and systems upgrades, expansion, renovation, or construction of physical infrastructure.
- XI. Develop M & E systems and tools to monitor the capacity of the Commission.

Table 5: Results Matrix for Advancing human rights in The Gambia through capacity building of the NHRC.

Input	Activity	Output	Action by	Budget	Timeline
NHRC staff, Facilitators	<i>Conduct continuous training</i> for Commissioners and staff on human rights principles, international conventions, and national laws.	Number and category of Commissioners and staff trained	Director of Legal and Investigations, OIC of Training	1,500,000	Year 4-5 (Q3)
NHRC staff, Facilitators	<i>Carry out legal training</i> to enhance the ability of Commissioners and staff to research, analyse, interpret, and apply human rights laws effectively (Legal aid clinics on HR laws) and exercise of quasi-judicial powers	Number and category of HR staff trained	Director of Legal & Investigations Director of Education, Training, Research & Public Awareness raising	1,500,000	Year 4-5 (Q1)
HR staff Facilitators	<i>Organise comprehensive training</i> for Commissioners and staff on cultural, social, and environmental rights—with a focus on business and human rights, group rights, and climate change.	Number and category of HR staff trained	Director of Programmes and Resource Mobilisation Director of Legal and Investigation / Project officer for ECOSOC rights & Education, Research, Training & Public Awareness	1,000,000	Year 4 (Q2)
HR staff, Facilitators, Partners	<i>Facilitate benchmarking and partnerships</i> with CSOs and international human rights organisations to leverage collective expertise.	Benchmarking activities and partnerships organised	Director of Programmes and Resource Mobilisation, OIC of Resource Mobilisation	2,000,000	Year 4 (Q3)
HR staff, Facilitators	<i>Strengthen the technical capacity of Commissioners and staff</i> to monitor human rights violations in the country, especially in the regional offices.	Number and category of HR staff trained	Director of Legal and Investigations	1,000,000	Year 4-5 (Q3)

HR staff, Facilitators	<i>Strengthen the technical capacity of Commissioners and staff to support the work of the Commission.</i>	Number and category of staff and Commissioners trained	Director of Human Resources	1,500,000	Year 4 (Q2) Year 5 (Q1)
NHRC Donors Partners	<i>Convene Donor roundtable to explore and diversify additional resource envelopes to avail adequate and sustainable funding for HR programs.</i>	Additional funding sources secured	Director Programmes and Resource Mobilisation OIC of Resource Mobilisation	300,000	Year 5 (Q4)
NHRC, Administrative and Operational team.	<i>Survey existing infrastructure to verify if they meet operational needs (offices, equipment, systems)</i>	Infrastructural, systems, and equipment gaps identified	Director of Human Resources	300,000	Year 4 (Q3)
NHRC Finance team	<i>Prepare a budget that allocates funds for office space, equipment, and vehicles (advocate for budgetary support).</i>	Level of Maintenance and Equipment budget approved	Director of Finance	100,000	Year 4 - 5 (Q2 -4)
NHRC Operations and Maintenance Team	<i>Carry out office and systems upgrades, expansion, renovation, or construction of physical infrastructure.</i>	Improved and expanded operational capacity.	Director of Human Resources	25,000,000	Year 4-5 (Q1-4)
NHRC Commissioners and staff, Partners	<i>Develop M & E systems and tools to monitor the capacity of the Commission.</i>	Impact of NHRC interventions enhanced.	Director of Programmes and Resource Mobilisation, M&E Officer	1,000,000	Year 4 (Q2 - 4)
				35,200,000.00	

4.1.4 Strategic Result Area 4:

Advancement of Economic, Social, and Environmental Rights

Strategic Objective 4:

To advance the realisation of, Economic, Social, and Environmental Rights.

Strategic Outcome 4:

Improved enjoyment of Economic, Social, and Environmental Rights in the country.

Activities:

- I. Raise awareness about the importance of economic, social, environmental and group rights.
- II. Organise a workshop to equip Civil Society Organisations with the skills and methodology of demanding their economic and social rights.
- III. Engage with the Government on situations that amount to violations of economic and social rights.
- IV. Popularise UN Guiding Principles on BHRs.
- V. Conduct a baseline study on business and human rights in The Gambia, findings of the report to be used to hold consultations with stakeholders on the UN Guiding Principles on Business & Human Rights, 2011.
- VI. Support the development of the National Action Plan on BHR.
- VII. Promote the adoption and enforcement of environmental protection laws.
- VIII. Support policies and programmes on the progressive realisation of ECOSOC rights.
- IX. Advocate for laws and policies that protect the rights of minorities, and vulnerable groups and key populations.
- X. Monitor violations of environmental rights in the country
- XI. Organise seminars on human rights and corruption.
- XII. Engage in climate justice activities in relation to human rights.

Table 6: Results Matrix for Improving Environmental, Economic, Cultural, Social, and Group Rights

Input	Activity	Output	Action by	Budget	Timeline
NHRC, Members of the public	Raise awareness about the importance of environmental, economic, cultural, social and group rights.	A more informed society about various rights	Director of Programmes and Resource Mobilisation/ Project officer for ECOSOC rights	800,000	Year 4 - 5 (Q1 - 4)
NHRC CSOs Activists Facilitators	Organise a workshop to equip Civil Society Organisations to demand their economic and social rights.	An empowered network of CSOs advocating for human rights.	Director of Education, Research, and Training Director of Legal and Investigation Project Officer for ECOSOC rights	400,000	Year 4 (Q3)
NHRC State officials Activists	Engage with the Government on situations that amount to violations of economic and social rights.	Fostering accountability within state institutions regarding human rights	Director Legal and Investigation/ Project Officer for ECOSOC rights	400,000	Year 4 (Q2) Year 5 (Q1)
NHRC Research team	Conduct a baseline study on business and human rights in The Gambia findings of the report to be used to hold consultations with stakeholders on the UN Guiding Principles on Business & Human Rights, 2011.	An enhanced understanding of business and human rights in The Gambia, providing a foundation for informed policy.	Director of Education, Research, Training/ Project Officer for ECOSOC Rights	1,500,000	Year 4 (Q2 - 3)
NHRC Activists Experts of environmental law	Promote the adoption and enforcement of environmental protection laws.	A more protected environment as a result of protection laws.	Director of Programmes and Resource Mobilisation, Director of Legal and Investigation/ Project Officer ECOSOC rights	300,000	Year 4-5 (Q1)
NHRC, Activists	Support policies and programmes on the progressive realisation of ECOSOC rights	ECOSOC rights improved	Director of Programmes and Resource Mobilisation, / Director of Legal and Investigations, Project Officer ECOSOC rights	400,000	Year 4-5 (Q1-4)
NHRC, Activists	Advocate for policies that protect the rights of minority and vulnerable groups	A more just and inclusive society with strengthened rights for the vulnerable	Director of Communications & Media Director of Legal and Investigations	800,000	Year 4-5 (Q1-4)
				4,600,000	

NB:

Communication & Media and Gender shall be mainstreamed into all activities of the NHRC; they are therefore deemed to be inherent in all activities to be embarked upon. Given the high priority of gender issues, it is proposed that it be embedded in the office of the DES to work with all Directorates, both technical and administrative to ensure organisational compliance. All activities, internal policies and decisions shall be subjected to the gender-sensitive test. In addition, the responsibility for the delivery of some activities that cut across Directorates, the relevant Directorates may have to work together for optimal delivery.

Chapter 5

The Implementation Plan

In view of the changes in the socio-economic context since 2021 when the Strategic Plan was developed, and the new priorities that have emerged informing the revision of the Strategic Objectives, correspondingly the organogram and responsibilities have also changed. The new proposed additional Directorate is the Directorate of Education, Research and Training designed to lead human rights sensitisation and reduce the creeping effect of religious intolerance, the emergence of hate speech and the use of traditions and culture to undermine human rights especially the rights of the girl child and women, especially with reference to FGM/C, child marriages and SGBV cases.

Again, instructed by the identified priority of advocating and advancing economic, social, and environmental rights, a Unit is to be established within both the Directorates of Programmes and Legal and Investigation jointly that will be working on ECOSOC rights generally but focus on business and human rights with the view that over time it could grow to become a Directorate on its own.

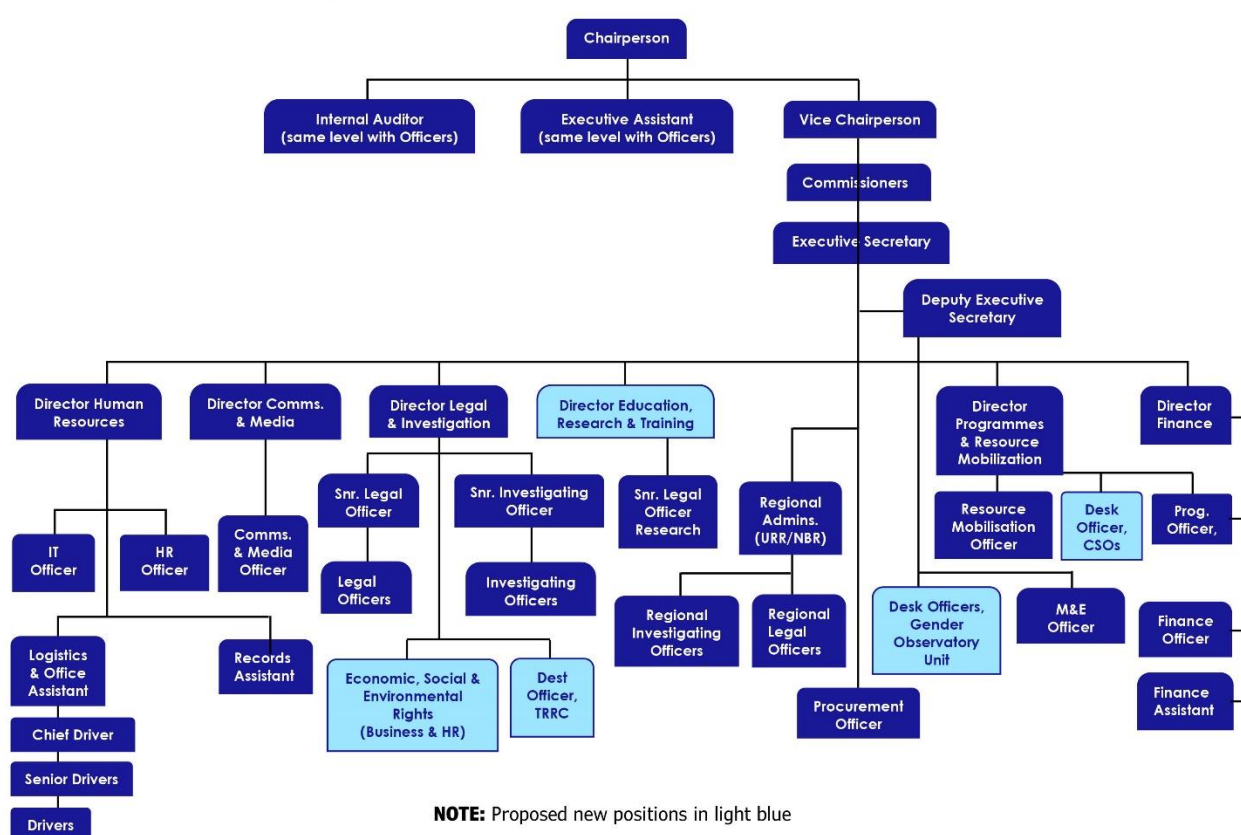
5.1 Organogram:

The Commission is comprised of the Chairperson, the Vice Chairperson and three other Commissioners, with oversight responsibilities of all the Directorates of the NHRC, both administrative and technical or programmes. The NHRC Secretariat is headed by the Executive Secretary and deputised by a Deputy Executive Secretary (DES). Originally, the Secretariat had five Directorates - two in Administration, Finance and Human Resources, and Technical Directorates, comprised of Communication and Media, Legal and Investigation and Programmes and Resource Mobilisation. In view of the new priorities, as stated, the new additional Directorate of Education, Research, and Training is to educate the population on the emerging human rights issues particularly religious extremism and intolerance coupled with the violations which take place in the name of culture and traditions. This is a long-term approach to deal with deep-seated cultural practices that cannot just be legislated out of existence or even criminalised as the case is of, say FGM/C or child marriage and other forms of SGBV. Even where there is legislation, there should be education and sensitisation alongside the law to ensure that there is a change in cultural behaviour.

The other addition is the new Unit on the advocacy and advancement of economic, social, and environmental rights. This will be a Unit for the short and medium term under both Directorates of Programmes and Resource Mobilisation, and Legal and Investigation. Some of its focus will be business and human rights as it also undertakes an initial mapping of issues involving socio-economic and environmental rights.

Finally, there are three Desk Offices to be created. The Desk Office for CSOs, whose tasks are to oversee CSO relationships, including managing the institutionalised regular meetings of the NHRC and CSOs. The Desk Officer will report to the Director of Programmes. Then there is also the Gender Observatory Unit embedded within the office of the DES, with a function of ensuring gender compliance with internal institutional policies and practices and also activities of Directorates. The Desk Officer for monitoring the White Paper on the Report of the TRRC will be reporting directly through the Legal and Investigation Directorate to the Chairperson, who will also be the oversight Commissioner given its national strategic importance. Below is the revised proposed organogram.

Organogram of The National Human Rights Commission



Chapter 6

Financing the Plan

Since implementation of the Revised Strategic Plan will require financial and other resources, this revised Plan proposes other resource mobilisation and collaboration strategies to raise the resources needed. The sources outlined in this report are pursuant to the resource mobilisation strategy included in the original Strategic Plan 2021-2025 and should be read together with it.

The resource envelope of the Commission is comprised of the following:

- I. Annual Government budget allocation.
- II. Charities – The Commission may mobilise donations from individuals or organisations committed to promoting and protecting human rights to fund activities such as advocacy, awareness campaigns, and support for those in need.
- III. Grants and foundations – The research team at the NHRC may apply for funds from various foundations that focus on human rights issues.
- IV. Public-Private-Partnerships - The Commission can seek support from private actors whose strategic goals align with those of the NHRC through their Corporate Social Responsibility (CSR) programmes.
- V. Trust funds – The Government may create, and ring-fence funds dedicated to the implementation of specific NHRC activities.
- VI. Development Aid and Donor funding – The NHRC may receive funding from international organisations, foreign governments, or CSOs (including NGOs) that are dedicated to promoting human rights.
- VII. Corporate sponsorship - Strategic partnerships to be sought with other organisations that share programme goals or with a vested interest in the strategic objectives of this plan.
- VIII. Donations – financial, material, or in-kind contributions from philanthropic individuals, organisations, or partners.
- IX. Budget cuts – money and resources freed up during implementation where cost reduction is possible.
- X. Grant writing - grant opportunities by organisations, governmental agencies, or organisations to be explored during the implementation period. Project officers are expected to develop competitive proposals addressed to donors – with the help of consultants, where necessary.
- XI. Partnership with other State Institutions - since some of the activities in this plan overlap with those already scheduled for nationwide action by the national government, multi-agency and multi-sector collaboration can help free up some resources to defray the costs of some programmes proposed in this plan.

Chapter 7

Monitoring and Evaluation Framework

The successful implementation of this Plan will depend on how effectively the planned activities and outputs are monitored and evaluated by the Commission during consultative meetings to ensure that the Plan remains on course. As such, monitoring and evaluation is an integral component of strategic plan implementation because the effectiveness of the Plan can only be determined by examining success factors that define strategic objectives.

In this revised Plan, relevant success factors to be monitored and evaluated include:

1. Strengthened State institutions, civil society organisations, communities, and leadership for the promotion and protection of human rights.
2. Improved compliance from the State on matters of human rights, rule of law, and access to justice.
3. The capacity of the Commission to advance human rights in the country.
4. The realisation of Economic, Social, and Environmental Rights.

The monitoring and evaluation exercise will be continuous and based on overall programme goals and performance targets set for the period between 2023-2025. Accordingly, the M&E baseline will be based on the success factors outlined above. Key to M&E is Performance Management which involves periodic review meetings, and institutionalised meetings at the Head Office, the regions and between the regional offices and the Head Office, checking on progress made during implementation, challenges faced, decision-making from matters arising, data collection etc. Specifically, the Performance Management will deploy the following mechanisms:

- a) Performance contracts aligned to this Plan, signed by the Executive Secretary.
- b) Formulation of performance targets or milestones.
- c) The setting of clear performance indices.
- d) Budgets and expenditure review.
- e) Management reports.
- f) Programme implementation schedule.
- g) Performance monitoring and appraisal.
- h) Annual Strategic plan review.

7.1 Performance Indices for Monitoring & Evaluation

On strengthening State Institutions, Civil Society organisations, Communities, and Leadership for the promotion and protection of human rights, M&E will focus on-

- Whether and how effectively the Commission advocates for human rights accountability and audit through campaigns.

- The extent to which local government authorities have been engaged on human rights-based budgeting, gender budgeting and awareness raising on human rights.
- How regularly the National Assembly Standing Committee on Human Rights & Constitutional matters is engaged and consulted.
- Whether and to what extent the NHRC sensitises the population about their human rights and obligations.
- Whether human rights issues are incorporated in the curricula of educational establishments and training schools of law enforcement agencies.
- How regularly and effectively the town hall forums are convened to promote and protect human rights?
- How regularly and effectively community engagement meetings with religious leaders, traditional rulers and opinion leaders are held to discuss human rights issues and how they interface with culture, tradition, and religion?
- Whether and how effectively training for MDAs is conducted.
- Whether collaboration and networking events among different human rights organisations in the country are arranged.
- Whether and how effectively law enforcement officers, CSOs, and rule of law actors are trained on human rights issues.

On State compliance with the principles of human rights, rule of law and access to justice, M&E will focus on-

- Whether or not, and to what extent, CSOs are mobilised to advocate for human rights and the rule of law.
- Whether or not, and to what effect, the NHRC has been able to exercise its quasi-judicial powers through, *inter alia*, public inquiry functions is convened to gather evidence from members of the public on rights violations with testimonies, videos, photos etc.
- To what extent NHRC can coordinate and convene the national committee on the monitoring of the implementation of the White Paper on the Report of the TRRC and relatedly how the citizens and victims-focused organisations participate in monitoring government actions?
- Whether a human rights compliance dashboard with real-time overview of the human rights situation in the country has been developed (with data on human rights indices).
- Whether – and to what effect - an accessible anonymous portal has been created for reporting human rights violations and access to justice issues.
- Whether a manual with a scorecard for monitoring and documenting government actions and policies has been developed, published, and applied based on their alignment with human rights principles.
- Establish if a research report has been published documenting avenues and channels through which human rights violations occur in The Gambia.
- What policies or laws have been developed that align with human rights best practices?
- Whether or not the Commission leads the establishment and function of a National Human Rights Preventive Mechanism.
- Whether the Commission monitors childcare centres and places of detention.

On strengthening the capacity of the NHRC to advance human rights in The Gambia, M&E will focus on-

- Whether continuous training for Commission members on human rights principles, international legal instruments, and national laws has been conducted.
- Whether legal training to enhance the Commission's ability to research, analyse, interpret, and apply human rights laws effectively including the exercise of its quasi-judicial powers has been carried out.
- Whether benchmarking and partnerships with CSOs and international human rights organisations to leverage collective expertise have been carried out.
- The extent to which the Commission's technical capacity - especially in the regional offices - to monitor human rights violations in the country has been strengthened.
- Whether a donor roundtable to explore and diversify resource envelopes to avail adequate and sustainable funding for HR programs has been convened.
- Whether a survey of existing infrastructure to verify if they meet operational needs has been conducted.
- Whether a budget that allocates funds for office space, equipment, and vehicles has been appropriated.
- The extent to which office upgrade, systems upgrade, expansion, renovation, or construction of physical infrastructure has been carried out.
- Whether an M & E system and tools to monitor the capacity of the Commission have been developed and implemented.

On improving Economic, Social, and Environmental Rights, M&E will focus on-

- Whether workshops have been organised to equip Civil Society Organisations to demand their economic and social rights.
- By what means and to what extent adoption and enforcement of environmental protection laws have been promoted?
- Determining the extent to which policies and programmes on progressive realisation of ECOSOC rights are identifiable.
- Establishing policies that protect the rights of minority and vulnerable groups are in place.
- The proportion of people aware of the importance of Economic, Social, and Environmental Rights.
- Whether the development of a National Action Plan on Business and Human Rights has been carried out.
- The extent of monitoring violations of environmental rights in the country.
- Whether climate justice activities have been conducted in relation to human rights.
- The extent to which the UN GPs have been prioritised.
- To what extent the government has been engaged about situations that amount to violations of economic and social rights?
- The extent to which policies and programmes that protect cultural diversity, address poverty, and reduce economic inequality have been supported.

PART II

Mid-term Review



Chapter 8

Situational Analysis

8.1 Rationale for Situational Analysis:

In management terms, situational analysis helps develop a basis for understanding the context in which a plan is delivered. It provides a common reference point for the planning process and prioritises actions. In this Revised Strategic Plan, we have applied situational analysis as a mechanism to determine the extent to which implementation of the Strategic Plan is headed in the right direction. The situational analysis helps to survey the internal and external realities underpinning the implementation. The analysis of this Strategy involved the SWOT, stakeholder views, and risk management. These perspectives helped gauge the relevance of the Plan; in identifying opportunities to be taken advantage of; assessing risks to be minimised; and in guiding adjustments to the strategy in the face of evolving circumstances.

8.2 SWOT Analysis:

This assessment of the institutional capacity of the NHRC has been undertaken through a SWOT analysis. Following the literature review, and consultation with staff, and other stakeholders, the original NHRC SWOT of 2021 was reviewed, considering changes in the national and institutional contexts; so, this revised SWOT therefore overrides the SWOT of 2021 in the SP report.

Table 1: SWOT Analysis

Strengths	Weaknesses
<p>I. NHRC Act, 2017 as amended in 2020, confers a broad mandate that enables the NHRC to perform its function of promotion and protection of human rights.</p> <p>II. The Public trust in the work of the NHRC at 72%.⁴⁷</p> <p>III. The existence of a competent, highly skilled staff and Commissioners with different backgrounds, skills and experiences helps in a good understanding of international human rights.</p>	<p>I. Limited human resources to enhance advocacy and sensitisation efforts.</p> <p>II. Ineffective coordination and collaboration with relevant Government departments and ministries.</p> <p>III. The creation of Regional offices is a laudable achievement but there is a need for a regionalisation policy aimed at strategically integrating them into the HQ and the absence of Policies to guide the operations of the regional offices.</p>

⁴⁷ This was the findings of a survey undertaken by the American Bar Association, (ABA) The Gambia office, in 2023. Also, Foroyaa net in its own survey carried out this year, 2023, found that as high as 77.3% Gambian citizens think that NHRC is trustworthy, published on 29th March 2023.

IV.	Existence of clear and well-thought-out Special Operation Procedures (SOPs), work plans, website for transparency and visibility in accordance with the Paris Principles.	IV.	The relationship between the NHRC and CSO is not very structured / lack of institutionalised meetings.
V.	The NHRC in its decision-making always refers to internal documents/policies.	V.	The Quasi- Judicial powers conferred on the NHRC by the NHRC Act, 2017 are rarely invoked.
VI.	Existence of qualified administrative and financial personnel and an efficient financial management and procurement system.	VI.	Yet to use its statutory function of being an <i>amicus curiae</i> to help elaborate human rights law and understanding in the country.
VII.	Efficient in receiving and addressing complaints of human rights violations.	VII.	Lack of standardised referral mechanism between the NHRC and key institutions such as (Ombudsman, NALA, GBA, Department of Labour, ADRS, NCCE, Ministry of Gender, Children and Social Welfare.
VIII.	Existence of an enabling legislation which mandates the NHRC to mobilise other resources in addition to what is received from the Government.	VIII.	Absence of a functional M&E Unit within the Programmes Directorate.
IX.	Existence of in-house knowledge of the Government machinery.	IX.	NHRC is inadequately equipped (office equipment, vehicles, database, generator, CITs material and internet connectivity).
X.	Strong cooperation with development partners and CSOs.		
XI.	Creation of regional offices contributing to the enhancement of Access to Justice in The Gambia.		
XII.	Since the advent of the Strategic Plan, the staff strength has improved, adding up to 48. There are 40 at the HQ and 8 in the regions.		

Opportunities	Threats
<p>I. Draft 2020 Constitution if adopted will confer on the NHRC an entrenched constitutional status as distinguished from the current statutory status.</p> <p>II. Strong partnership with the National Assembly Standing Committee on Human Rights and Constitutional matters.</p> <p>III. The Transitional Justice process and scope for monitoring the implementation of the TRRC recommendations do two things: affirms and justifies the mandate of the NHRC of constantly monitoring human rights in the country.</p> <p>IV. The mandate of the NHRC is anchored as a national normative priority in the National Development Plan (2023 -2027), which is good governance and human rights.</p> <p>V. There appears to be a high political will for the existence and operations of the NHRC.</p> <p>VI. Leveraging on NGO/CSO presence in the regions to popularise its mandate.</p> <p>VII. Potential technical support from partners, AU, UNDP, OHCHR, GANHRI, NANHRI, NHRI, and others.</p>	<p>I. The negative freedoms and concept of rights without justifiable limits.</p> <p>II. The monitoring of the Government White Paper on the Report of the TRRC may divert the Commission, if not managed strategically with a good balance struck.</p> <p>III. Culture of resistance to human rights.</p> <p>IV. A misconception that human rights are only civil and political rights.</p> <p>V. Independence can be lost if the balancing act between advising the Government while scrutinising it, is not carefully balanced.</p> <p>VI. National security, public interest, law, and order may be invoked by the Government to curtail certain vital information for human rights protection.</p> <p>VII. Challenges of funding and resources can affect the rate of implementation of activities in the Strategic Plan.</p> <p>VIII. The view held by sections of the public that NHRC protection of rights of persons should not include the key population community in the country and advocating against the violation of their rights as persons amounts to an endorsement of their status.</p>

8.3 Risk Analysis:

A Risk Analysis was conducted in this review to understand potential risks that have the potential to impact NHRC's operations, reputation, and ability to achieve its vision. As the Commission seeks to inform the public of their human rights, monitor, and investigate alleged human rights violations, assist other public institutions to uphold human rights principles and lead public awareness about human rights, it faces risks that can impact its mission and stakeholders.

The risks include financial uncertainties, fluctuations in the economic condition of the Commission and the country, as well as operational vulnerabilities such as data loss or infrastructural challenges. Also, the Commission must prepare to tackle emerging trends surrounding human rights that impact its mandate and activities. A risk analysis beforehand allows the Commission to identify, assess and mitigate the potential risks to cushion it from shocks occasioned by the risks. Best practice demands that a risk management framework should include regular risk assessments, clear policies and procedures, contingency plans, and ongoing monitoring and reporting mechanisms. The Risk Management table below conducts a risk analysis by examining the risk category, the consequences, and their mitigation.

Table 2: Risk Analysis

Risk	Consequences	Mitigation
<u>Financial uncertainty:</u> Inadequate and inconsistent funding from Government. Development partners fund activities on an ad hoc basis	Failure to implement planned activities/Partial implementation of activities/work plan.	Advocate for adequate budgetary allocation from the Government. Develop a Resource Mobilisation Strategy and engage in vigorous resource mobilisation and fund-raising initiatives. Stick to the principles of prudent financial management. Focus on less resource-intensive but highly impactful activities.
<u>Operational risks:</u> Inactive Civil Society Dialogue Platform; Lack of cooperation from key government institutions like the Gambia Police Force and the Ministry of Lands	Ad-hoc engagement with CSOs. Inordinate delays in the resolution of complaints at the Commission. Mistrust of the Commission by complainants.	Revive the Civil Society Dialogue Platform and involve its members and other NGOs and INGOs in the work of the Commission; Intensify engagements with the high command of the Gambia Police Force, and the Minister and Permanent Secretary of the Ministry of Lands.
<u>Technical/technological risks:</u> Data breach threats; hardware/software failure; integration issues	Compromised systems integrity and security; Data loss; incompatibility.	Implement ICT policy; Data protection through regular security audits; Regular maintenance of data systems with backup plan; Staff training;

		Ensuring compatibility following close assessment.
<u>Staff related risks:</u> Incompetence; Turnover, attrition; Demotivation.	Low staff retention; Poor staff performance; Understaffing.	Offer in-house capacity building and professional development opportunities; Competitive remunerative packages; Recruitment of qualified personnel.
<u>Reputational risks:</u> Negative perceptions;	Lack of cooperation from aligned government agencies like the IGP; Delayed investigations; Media misinformation; Loss of trust; Legal repercussions; Loss of credibility.	Regular engagement with aligned authorities like the Police; Work closely with the media; Enforce strict code of ethics; Uphold integrity; Institute performance contracting; Stick to accreditation terms.
<u>Policy and regulatory changes:</u> The threat of policy change; Repeal of Women's (Amendment) Act 2015;	Increased abuse of the rights of women and girls; Legal penalties, compliance problems, disruption of ongoing programmes.	The Commission will be updated about policy and regulatory changes; Need to create a Compliance Office; Need to advocate for the creation and entrenchment of the NHRC in the Constitution.
<u>Political instability/interference:</u> Use of social media to criticise the Commission; Hate speech and bigotry	Threat to human rights; Threat to the independence of the Commission, its integrity and mandate; Undermine public trust in the Commission; Loss of funding; disruption of operations; and safety concerns for staff.	Remain politically neutral; Engage with political parties and political leaders to appreciate the mandate of the Commission; Regular engagement with the public and CSOs on the work of the Commission – this can minimise political interference. Implement a Business Continuity Plan; Implement a Crisis Communication Plan/Guidelines
<u>Corruption</u>	Undermine the promotion and protection of human rights. Undermine the reputation of the Commission; Loss of development partners and donors with interest in human rights.	Have in place a Conflict-of-Interest Policy, and Commissioners and Staff must declare conflict of interest; Implement the Commission's Fraud, Bribery and Corruption Prevention and Control Policy; Conduct annual audit of the finances of the Commission; Strengthen the Commission's ethical issues.

Chapter 9

Rationale for the Mid-term Review, Revision of the Strategic Plan and Overview of Activities and Achievements

9.1 Rationale for Review and Revision of the 2021-2025 Strategic Plan:

Annual and midterm reviews and revisions of a Strategic Plan are standard procedures for ensuring organisational adaptability during the implementation stages of the Plan. With time, circumstances surrounding the context of the plan implementation often change, necessitating the need for continuous review to assess the efficacy of the Plan considering emerging opportunities and unforeseen challenges. The mid-term review and the revision arising from it allow for a strategic focus on the goals of the Plan, ensuring they remain aligned with the vision and mission of the organisation. Regular reviews are best practices because they lay a firm foundation for continuous improvement, enabling the incorporation of lessons learnt from challenges faced in the interest of optimal performance. This review feeds from an assessment of the situation at the mid-term point and from two previous annual reports in 2021 and 2022. After consultations with the management, technical and administrative teams of The Gambian NHRC, and other key stakeholders in the implementation of the Strategy, it was determined that it is necessary to look back into the concluded half period to review matters arising from the operational environment and use that information to formulate a revised strategy for the organisation towards implementing the Plan during the second and final phase.



Accordingly, the goal of the Mid-Term review is to align the Strategic Plan with prevailing realities to enhance the effective coordination, planning, implementation, monitoring, and evaluation of the NHRC programmes. The review process will enable the NHRC to reprioritise its strategies for relevant and effective mobilisation of resources for the promotion and protection of fundamental human rights and freedoms of people in The Gambia through law, policy, education, and partnership. As such, an independent international consultant was tasked to carry out the following specific tasks as per the Terms of Reference:

- (1) Conduct a review of the Strategic Plan 2021-2025 by assessing how far the strategic objectives have been achieved up to the mid-term point.
- (2) Assess whether resources (human, financial, technological) have been allocated effectively for implementing the Plan.
- (3) Carry out a risk assessment to identify emerging risks or changes in the context with the potential to undermine the Plan and suggest mitigation strategies.
- (4) Revise and refocus realistic goals and objectives for the second half of the Strategic Plan implementation period based on stakeholder engagement and feedback.
- (5) Examine and evaluate the strategic design to verify whether the plan remains aligned with the vision, mission, and core values of the NHRC.
- (6) Analyse the key performance indices and the results matrix to establish whether the NHRC is on course to realise its strategic targets.

The review process included:

- 1) A desk review of NHRC policy documents, the Strategic Plan, and Annual Reports
- 2) Gathering stakeholder feedback (collecting views from partners, ordinary citizens, programme actors, and other relevant parties) to gain perspectives on the Plan's progress.
- 3) Carrying out a SWOT on the Strategic Plan to identify challenges and opportunities surrounding the implementation.
- 4) Identifying and analysing risk factors that threaten the Plan's success and suggest mitigation strategies.
- 5) Reviewing the budget for implementing the Plan to establish whether there is a need for adjustments.
- 6) Creating a time-action plan with specific steps for implementing the revised Strategic Plan.
- 7) Updating the Monitoring and Evaluation framework and performance indices for the Plan.
- 8) Development of a risk management matrix.
- 9) Convening a validation meeting for the revised Strategic Plan.

9.2 Overview of Achievements in 2021 and 2022

This section is dedicated to an overview of the activities, achievements, lessons learnt, and challenges as contained in the annual reports. This is because they provide a composite impression of NHRC's performance in implementing the Strategic Plan in the past two and half years. From these reports, we understand the progress made so far in achieving the Strategic Objectives of the Plan. The reports also provided an appreciation for the activities, achievements, and challenges faced during the period under review, and lessons learnt.

9.2.1 Overview of Activities, Achievements, Challenges & Lessons Learnt in 2021

The activities implemented and achievements realised by the Commission for the 2021 period are presented under each specific strategic objective. Further below are lessons learnt and challenges faced during this period.

Strategic Objective 1: "To promote and deepen a culture of human rights and fundamental freedoms."

- I. Reviewed the curricula of Basic and Secondary Education Levels to integrate human rights.
- II. Consultative meetings with Stakeholders (Meetings with the NEA and Department of Geology, Consultative meetings with the Ministry of Gender, Children and Social Welfare, engaging with various actors including the IEC and political parties to commit to upholding human rights and promote violent free elections).
- III. A Consultative meeting that brought together over 100 Imams, religious scholars, opinion leaders, and traditional communicators and agreed to use their influence and platforms to advocate against all forms of caste-based discrimination.
- IV. Training workshops conducted to enhance the capacity of both State and Non-State actors on various aspects of human rights. The NHRC also implemented promotional activities, including radio talk shows, community outreach and awareness-raising activities, and Public Service Announcements.
- V. Sensitisation of community associations, youth groups, and women groups on laws related to the caste system.
- VI. A Sir Dawda Kairaba Jawara Moot Court Competition for Students of the Law Faculty of the University of The Gambia was held to enhance the knowledge of law students about human rights law and invariably foster a national human rights culture.

Strategic Objective 2: “To enable people whose rights have been violated to have access to appropriate redress.”

- I. The Commission investigated alleged cases of human rights violations, published Advisory Notes on pertinent human rights issues, held consultations with relevant State and Non-State Actors to advance respect for human rights, held community outreaches and awareness programmes, conducted monitoring visits to detention facilities, organised training for stakeholders and monitored all the phases of the Presidential, election.
- II. The Commission received 41 complaints of alleged human rights violations, of which 24 were resolved. An additional 259 complaints (216 of them from female complainants) were received through its Legal Mobile Aid Clinic organised in rural communities.
- III. Publication of Advisory Note on environmental rights in The Gambia⁴⁸. In the report, the issue of environmental challenges arising from fishmeal farming, mining, and pollution of the sea due to the disposal of waste materials was investigated⁴⁹.

Strategic Objective 3: “To ensure improved compliance from the State on matters of human rights and access to justice.”

- I. Application of human rights standards in policing duties by the police. As a result of training carried out by the NHRC, there have been fewer complaints against the police on the issue of detention beyond 72 hours as required by law, and there has been a significant drop in reported cases of police brutality during campaigns and political rallies.
- II. Adoption of the human rights compatibility framework by the National Assembly Standing Committee on Human Rights & Constitutional matters. This compatibility framework is to be employed by lawmakers when scrutinising bills before the Parliament to ascertain their compatibility with human rights standards contained in treaties that The Gambia is a party to. The framework was adopted after a workshop between the NHRC and the Standing Committee on Human Rights and Constitutional Matters.
- III. Stakeholder Workshop on the NHRC 2020 Monitoring Report on Detention Facilities (Prisons and Selected Police Stations) in The Gambia.

⁴⁸ See Draft Report, on Consolidated Fact-Finding Report to Kombo South, June 2020.

⁴⁹ Ibid

Strategic Objective 4: “To develop NHRC’s capacity to be a credible, trustworthy, and knowledgeable “agent” to advance human rights and equality.”

- I. Training of Commissioners and staff on the role of the NHRC in Promoting and Protecting the Human Rights of Migrants.
- II. Training of Commissioners and staff on Human Rights Monitoring in the context of Election.

Strategic Objective 5: “To enforce human rights within the justice system.”

- I. Development of a system and tools to track progress in the implementation of the TRRC recommendations.

Strategic Objective 6: “To Advance Human Rights by Addressing Poverty.”

- I. Public consultations and fora on GOTG’s commitments for a National Action Plan (NAP) on the United Nations Guiding Principles (UNGPs) on Business and Human Rights (BHRs).

The Lessons Learnt during the 2021 period included-

- I. Need for Prioritisation, since how the Commission prioritises its work and programme interventions determines the impact of planned activities.
- II. The need to strengthen partnerships and collaboration with statutory bodies and institutions such as the Office of the Ombudsman, National Council for Civic Education, National Agency for Legal Aid, the Gambia Police Force, the Centre for Victims of Human Rights Violations, and the Department of Labour among others.
- III. The need to promote other human rights involving economic, social and group rights through advocacy and awareness-raising efforts.
- IV. The need to expand coverage of services to all regions of the country including rural Gambia.
- V. The need to address ‘sensitive’ human rights issues through continuous dialogue and engagement with target communities.
- VI. The need to ensure the sustainability of efforts towards the creation of a culture of human rights.

The challenges faced were:

- Inadequate funding as the government covers mainly operating costs with less funding for programming which undermines programme implementation.
- The COVID-19 pandemic caused some planned activities to be suspended.

9.2.2 Overview of Activities, Achievements, Challenges & Lessons Learnt in 2022

The activities implemented and achievements realised by the Commission for the 2022 period are likewise presented under each specific strategic objective. Further below are lessons learnt and challenges faced during this period.

Strategic Objective 1: “To Promote and Deepen a Culture of Human Rights and Fundamental Freedoms.”

- I. Popularised the Government White Paper on the TRRC Report in all regions of the country through workshops and community social mobilisations. A Committee was established to support monitor the implementation of the White Paper.
- II. Conducted a number of Post TRRC Project Activities (implemented - between September and December 2022 - Development of an M&E tool for assessing the implementation of the TRRC White Paper; Establishment of a multi-stakeholder monitoring committee; regional sensitisation and popularisation of the TRRC recommendations in Central River, North Bank and Upper River Regions with 147 participants; Nationwide caravan on the TRRC recommendations; Production and broadcasting of the TRRC recommendations in English and 5 local languages - Jola, Wolof, Mandinka, Fula and Serahule for radio and television; Production and broadcast of a sign language video on the White Paper of the TRRC report; Development of a Factsheet on the TRRC Recommendations; Capacity Building for the effective monitoring of the implementation of the TRRC Report; Engagement with the National Assembly on the TRRC White Paper).
- III. Conducted a Curricula Review of basic and secondary schools to integrate human rights into the education curriculum, with Recommendations submitted to the line Ministry for action.
- IV. Organised training on Human Rights, Democracy, and the Rule of Law for various actors during the 2022 Parliamentary election.
- V. NHRC-led inter-agency UPR monitoring committee (created to monitor the implementation of the UPR recommendations to The Gambia) validated a mid-term report and popularised the recommendations.

- VI. Developed a business relations programme and signed an MOU with relevant stakeholders (e.g. National Council for Civic Education, traditional communicators, etc.) to intensify outreach activities.
- VII. Conducted sensitisation campaigns through radio/TV programmes, booklets, posters, leaflets, policy briefs, newsletters, and billboards, with materials translated into vernacular. Radio talk shows and press briefings were held. Press releases and statements were issued.
- VIII. Organised human rights competitions for formal and non-formal learning institutions.
- IX. Contributed towards nurturing the culture of human rights by convening an international edition of the 3rd Sir Dawda K. Jawara Moot Court Competition. This brought together law students from eight African universities to argue a case of alleged human rights violation before a fictional African Court on Human and Peoples Rights.

Strategic Objective 2: "To Enable People whose Rights have been Violated to have access to Appropriate Redress."

- I. Investigated several complaints of human rights violations and abuses, including caste-based discrimination and allegations of police brutality. 87 of the 104 complaints received were successfully investigated and recommendations were forwarded to the relevant institutions for redress.
- II. Signed Six (6) MoUs with different institutions and departments to which some alleged human rights violations may be referred.
- III. Organised legal aid clinics on human rights laws in the communities of Kunting, Kuntaur Fulla Kunda, Jelani, Bati Ndar, and Simbara Hai in CRR North.

Strategic Objective 3: "To ensure improved compliance from the state on matters of human rights and access to justice."

- I. Organised a joint conference on speedy access to justice with stakeholders in the country; a key outcome of which was the adoption of a 31-point communique on how to enhance speedy access to justice.
- II. Trained the Principal Recipients of the Global Fund Grants, their Sub-Recipients (SRs), Service providers, and the Key and Vulnerable Population (KPs) on the rights of persons living with HIV (PLHIV) and barriers to accessing TB/HIV services.
- III. Enhanced the Capacity of Duty Bearers through public awareness and education programmes. Five (5) trainings and several awareness-raising events were conducted to promote and protect human rights in The Gambia.

- IV. Trained officials of the National Drug Law Enforcement Agency (NDLEG) on the application of human rights standards in the execution of their functions, especially on the rights of suspects. As an outcome of the capacity-building support, NDLEG has developed Standard Operating Procedures (SOPs) that mainstream human rights in their work.

Strategic Objective 4: “To develop NHRC’S capacity to be a credible, trustworthy, and knowledgeable “agent”.

- I. Established 2 Regional Offices at CRR (Janjangbureh) and NBR (Farafenni) overseeing URR and LRR respectively. Both offices cover rural communities and are functional.
- II. Organised a successful donor roundtable and was able to secure funding from development partners, including the Open Society Foundation, South Africa, and the Swiss and French Embassies in Dakar.
- III. Conducted a benchmarking visit to South Africa to learn how the recommendations of the South African Truth Commission are implemented.

Strategic Objective 5: “Enforce human rights within the Justice System.”

- I. Convened a National Conference on Accelerating the Effective Implementation and Monitoring of the Government White Paper on the TRRC Recommendation.

Strategic Objective 6: “To advance human rights by addressing poverty.”

- I. Identified the gaps in the national regulatory framework for environmental control and the standards contained in the UN Guiding Principles on Business & Human Rights.

The key lessons learned in 2022 included:

- I. The need for prioritisation of activities and interventions to harness the greatest impact of the Commission’s work.
- II. The need to build partnerships and collaboration, especially at the grassroots level and in remote communities.
- III. Need to promote other human rights involving economic, social, and cultural rights and interrelatedness of human rights.
- IV. The need to address ‘sensitive’ human rights subjects such as tackling entrenched discriminatory practices against marginalised and vulnerable populations.
- V. The need to decentralise human rights services to all the regions.

The key challenges were:

- I. Inadequate in-house technical capacity on emerging human rights issues such as Business and Human Rights, human rights and climate change, protection of key populations and post-ante evaluation of policies.
- II. Lack of witness protection facilities to provide adequate protection to the Commission's complainants, witnesses, and respondents.
- III. Absence of a nationally standardised education curriculum on human rights (need to introduce human rights education in the education system).
- IV. Inadequate material resources to effectively support the operations of the NHRC (office space, equipment, vehicles, and generator for both central and regional offices).
- V. Insufficient funding to embark on massive and prolonged human rights awareness and education and conduct studies and research on pertinent human rights issues.
- VI. Inadequate financial support to continue the opening of offices in the remaining regions of the country.
- VII. Inadequate vehicles to enable the Commission to conduct extensive community social mobilisation, monitor and investigate human rights violations in remote communities of the country.
- VIII. Lack of permanent infrastructure for the Head Office and Regional Offices which compromises its independence as per the Paris Principles and the high cost of rents eats into the Commission's financial allocation from the Government.

9.2.3.1 Overall Assessment of SP Results (2021 - 2022)

The Monitoring and Evaluation (M&E) mechanism to assess implemented activities for this period involved conducting a Beneficiary Impact Survey by administering an online and face-to-face questionnaire to a sample of participants who took part in some of the activities conducted in the year. A total of 89 interviews were conducted with respondents from Government institutions, CSOs, religious leaders, students, scholars, victim focus organisations, and community members. The questionnaires were administered via email, with data collectors meeting with the interviewees along with meetings with recipients especially those in rural committees.

When asked if the objectives of activities participated in were fully met, 47.2% rated them as met while 19.1% and 11.2% said the objectives were partially or not met respectively. Regarding the **relevance of NHRC activities**, respondents were asked how they would rate the relevance of the activities attended to their work. In response, 42% indicated that the activity attended was very relevant, 40% reported relevant, 5% said partially relevant and 13% said the activities they attended were not relevant.

To assess the **effectiveness of the activities**, respondents were asked if the activities attended were effectively conducted and contributed to improving services in the participant's institutions or organisations/communities. 15.7% of the respondents replied that the contribution from the activities attended was very high, 60.7% reported the effect as high, while 19.1% and 4.5% reported that it was low or very low respectively. Thus, there is a need to strengthen NHRC interventions to close the significant gap of 23.7%.

On **usefulness**, 76.4% of the participants who attended various NHRC activities for the period under review responded that they were useful. They indicated that the activities increased their knowledge and understanding of human rights issues and the mandate of the NHRC. The respondents also stated that decentralisation of the Commission eases their access to the services offered.

Relevance: Regarding the impact of the intervention on the work/institution/community of participants, respondents were asked using the rating of very impactful, impactful, and not impactful. The results revealed that 21.3% and 66.3% rated the interventions as very impactful and impactful respectively, while 12.4% rated the interventions as not impactful.



Chapter 10

Methodology

To carry out a comprehensive mid-term review of the NHRC's Strategy Plan, it was necessary to commence by assessing the progress of the Plan, identify areas that needed improvement, and inquire into the alignment of the Plan with the goals of the NHRC. This subsection therefore outlines the key steps that were taken in conducting the review.

The first step involved an engagement with Commissioners and staff of the NHRC on preliminary preparations such as an inception meeting and discussion of the broad overview of the assignment. The next step was gathering all relevant information and documents regarding the Strategic Plan, the 1997 Constitution, the 2022 constitution draft, and the NHRC Act, 2017, as amended in 2020. This included conducting a thorough review of the Strategic Plan report under implementation, assessment of the performance indices, studying the Annual Reports, the State of Human Rights Report to the National Assembly and the Presidency, the SOPs, and any other relevant information. The review covered the nature of the national context, literature on the national context (the politics, the socio-economic issues, dynamics of the context, i.e. what factors remain the same and those that have changed) that informed the formulation of the Strategic Objectives, specific human rights challenges in the country, the mandate of the NHRC, the organogram used in implementing the Strategic Plan, the Strategic Results Areas, the Strategic Objectives, the Implementation Plan, the Funding Plan, and the Monitoring and Evaluation Framework.

The third step was very crucial as it involved consultations with the different categories of stakeholders with whom interviews were held to gather data and as an engagement for qualitative feedback on the implementation and impact of the Plan. Interviews were held with small focus groups. The stakeholders identified were from civil society organisations, Professional Associations, Ministries, Departments and Agencies (MDAs), the Judiciary, Development Partners, and donors, along with Commissioners and staff of the NHRC. Additionally, a field visit was conducted to meet with staff in the regional offices in the North Bank region and Lower River Region. Meetings were also held with stakeholders in the regions during the said visit.

Open-ended interview guidelines were designed for the focus group discussions and individuals as the key informants. Although the questionnaires had common themes, the consideration was to design sets of different questionnaires for each group of stakeholders, given the varied nature of partnership and collaboration that NHRC has with the stakeholder. An e-mail questionnaire was also administered where applicable, that sought to elicit responses to questions about the national context; the Strategic Objectives and their formulation; the activities undertaken, the success and challenges; what new priorities are needed in the country given the dynamics of the national

context; the implementation plan; the capacity of the NHRC to execute its mandate, any gaps; the organogram; resources mobilisation, successes and challenges, and the specific questions directed at particular groups. The revisions proposed by this report are based on findings and recommendations from the staff, Commissioners and stakeholder consultations, and a literature review of relevant materials (please see attached herewith the list of stakeholders, persons and organisations consulted and interviewed from the Appendix).

Analysis of the data collected through the interviews and stakeholder engagement meetings was the fourth step. At this stage, progress made in achieving the strategic goals and objectives was assessed. The goals, performance indices and time-action plans were reviewed. Actual performance data were matched with targets set in the Plan to establish whether the NHRC is on course to achieve its goals. Also, a SWOT analysis was carried out to identify challenges and opportunities surrounding the programme. Finally considered at this stage is an analysis of the risk factors that threaten the success of the Plan with recommendations for mitigation.

The final step in the process was the revised strategy involving the development of recommendations and an action plan moving into the final phase of the Strategic Plan. Recommendations included adjustments to the planned goals, objectives, strategies, and partnerships. The revised results framework specifies inputs, activities, outputs, responsible actors, and timelines taking care to align all activities with the mission, vision, and core values of the NHRC. The mid-term review findings were presented during the validation meeting with Commissioners and staff of the NHRC.

Scope of Assignment and the Limitations:

The midterm evaluation review assignment was faced with resource constraints. The scope of the evaluation was broad and required a long period for the consultant to have been in the field to undertake more consultations and engage directly with staff and Commissioners on detailed matters of the Strategic Plan. However, the NHRC was constrained in the allocation of adequate resources for the evaluation. The intended field stay had then to be reduced to enable the assignment to be undertaken within the limited budget. Despite these limitations, the consultant endeavoured to do the best in the circumstances with the full cooperation and support of the NHRC Team.

A second limitation is that it was not within the scope of the evaluation to assess staff capacity for the delivery of the SP. Given the quality of project delivery, and results achieved so far, coupled with its attainment of A status, it was inferred, and rightly so, that there is an appreciably high staff capacity to deliver on the mandate of the NHRC as conferred by the Act, 2017, amended 2020.

The lack of a functional M & E Unit to undertake regular monitoring of the progress of projects made it difficult for the consultant to get monitored data to lay the ground for measuring performance against set targets. The annual activity reports for 2021 and 2022 were nonetheless helpful.

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