

# NATIONAL HUMAN RIGHTS COMMISSION

The Gambia



Strategic Plan including Operational and Resource Mobilization Plans

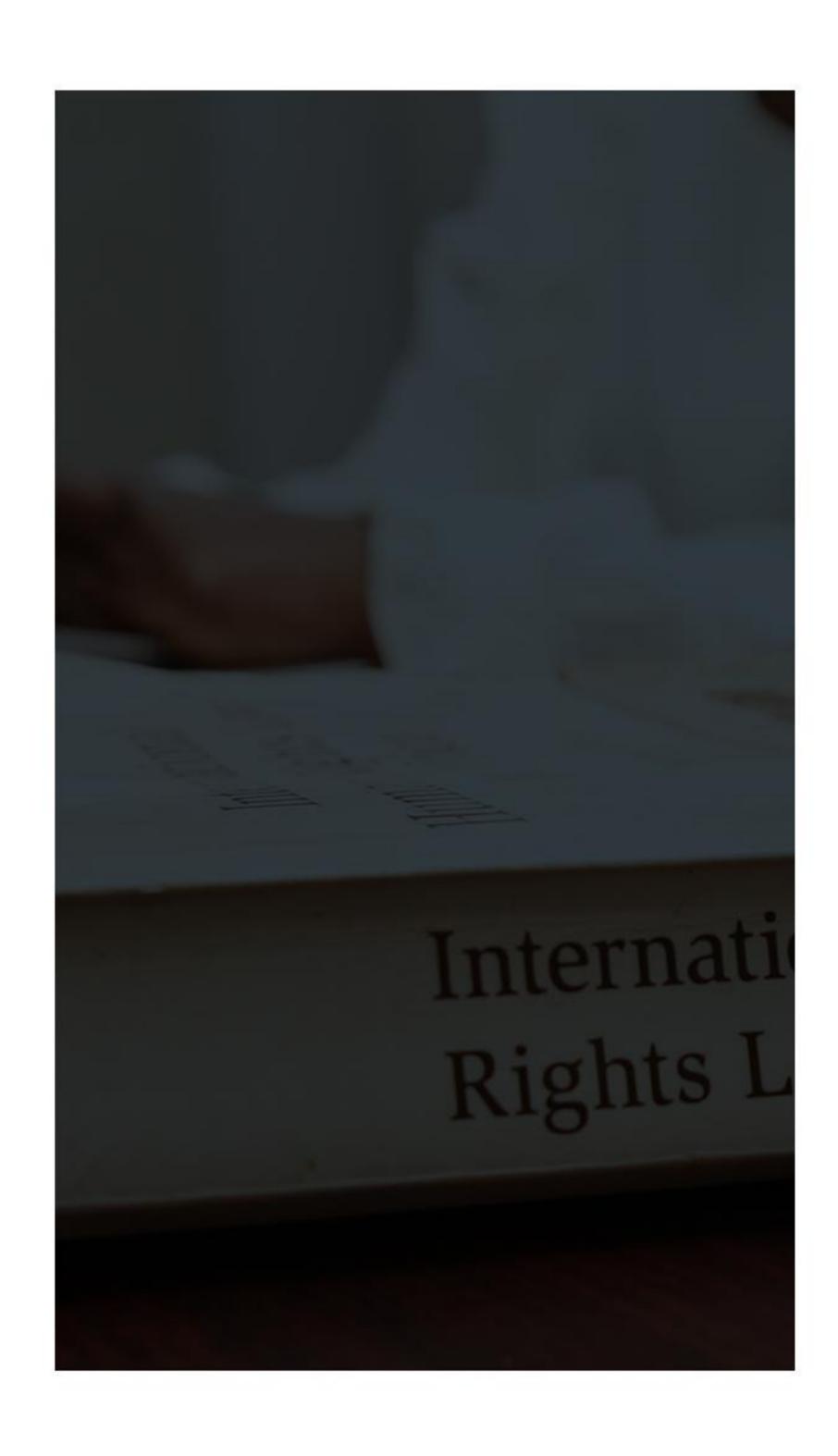
(2021-2025)

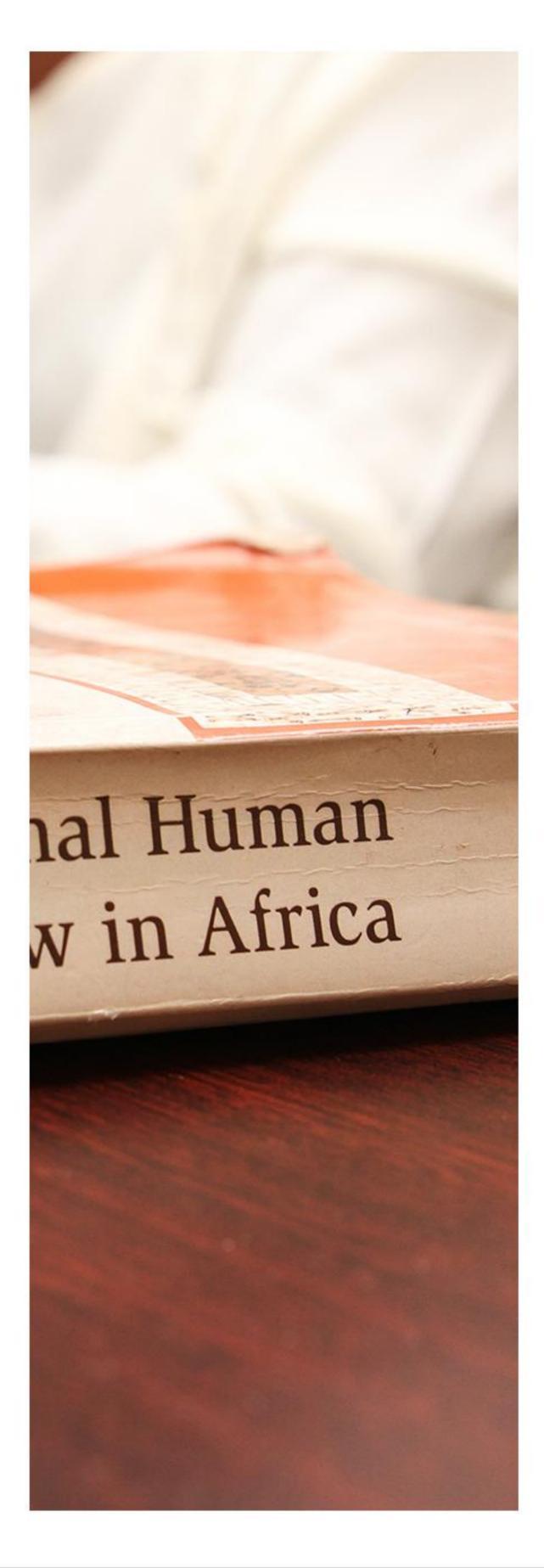


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# National Human Rights Commission - The Gambia

In Partnership with







The development of the NHRC Strategic Plan was funded under the Tri-Partite Partnership for support to National Human Rights
Institutions – a partnership between the Global Alliance of National Human Rights
Institutions (GANHRI), the United Nations
Development Programme (UNDP) and the Office of the High Commissioner for Human Rights (OHCHR).





# MESSAGE from the CHAIRPERSON

Emmanuel D. Joof
Chairman

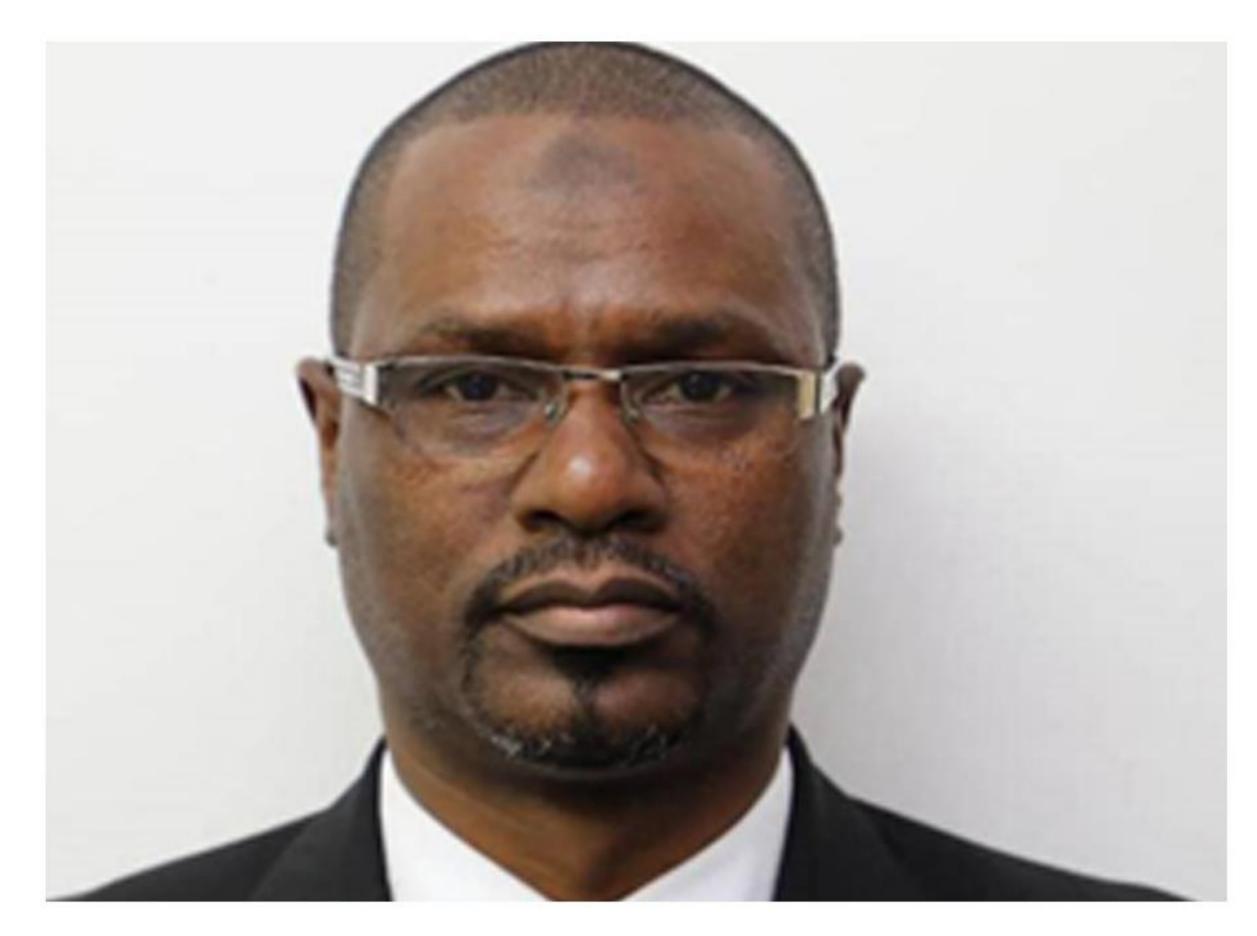
Over the past four years our country has gone through fundamental and

dramatic political, economic and social change. The December 2016 elections have put the country back on the path towards a vibrant, democratic society where an individual's human rights and fundamental freedoms are always respected, and the law is applied evenly to all.

The journey to this stage has been a difficult and heart-wrenching process which has required confronting the abuses of our recent past, and addressing the institutional shortcomings which have enabled it. To this end, the Truth, Reconciliation and Reparation Commission (TRRC) is investigating the human rights violations that occurred between July 1994 and January 2017, and is expected, at the end of the exercise, to make appropriate recommendations to forestall future violations and impunity from justice.

To be successful, the NHRC must transform itself into a strong, respected institution capable of promoting good practices across our nation and holding stakeholders to account. The five-year Strategic Plan highlights our priorities, which include strengthening the human rights culture in the country by holding the State accountable to its commitments and obligations under the regional and international human rights treaties to which The Gambia is a signatory. We will additionally promote the harmonization of domestic laws, policies and practices with international and regional treaties and human rights standards. This will ensure that human rights will be respected, protected and upheld in our country for years to come.





Dr. Cherno Omar Barry Executive Secretary

# Foreword by the Executive Secretary

"Without strategy, execution is aimless. Without execution, strategy is useless."

Morris Chang

It is my pleasure to present the first 5 Year Strategic Plan for the National Human Rights Commission. This plan is the result of a long and exhaustive consultative process which included individuals from across the country, and representatives of international organisations, state institutions, civil society organisations and the Commission staff and Commissioners.

Our mission requires us to inform the public of their human rights, monitor and investigate alleged violations and provide guidance and make recommendations to assist other public institutions to carry out their functions consistent with the country's human rights obligations. Over the next five years, the Commission will work towards greater public understanding of human rights. While there have been efforts in the past to enhance the dissemination and visibility of human rights information and messaging, the NHRC will endeavour to ensure that the public is able to understand their human rights and obligations, and will further report on any violations that need to be addressed. Our Strategic Plan has thus established public awareness strategies towards enhancing a culture of human rights among members of the public, and this will be a key pillar of our activity.

As NHRC implements this new Strategic Plan, we commit to report on the impact of our activities by measuring progress and evaluating the outcomes of our work. We have already established oversight mechanisms, and we will strengthen them over the next five years. We will conduct a mid-term review of this new Strategic Plan in line with best practice.

Report its decision and Monitor, receive, investigate Protect Human Rights in and consider complaints recommendations to an all The Gambia of human rights violations relevant institutions Organize International Promote awareness of and Recommend appropriate remedial action; respect for human rights seminars Liaise and cooperate with Participate in international Encourage government to local and international improve HR laws, rules and human rights organisations activities concerning the procedures to determine promotion and protection of to advance the promotion HR impact human rights and protection of

Review existing human rights legislation and make recommendations to the Government concerning the compliance of the existing legislation with the international treaty obligations of The Gambia

human rights

Figure 1: Key Functions of NHRC

Additionally, the Commission, under section 13 (2) of the NHRC Act 2017 (Amended 2020), has the powers, rights and privileges vested in the high court at a trial to:

- (a) hear any complainant;
- (b) summon witnesses to testify at hearings;
- (c) examine witnesses on oath, affirmation or otherwise;
- (d) compel the production of documents;
- (e) issue an order or request to examine witnesses abroad; and
- (f) enforce its decisions, including measures to protect the life and safety of an individual.



### 1.3 Principles of Governance

In fulfilling its mandate, the NHRC will act in accordance with fundamental values and principles of governance as set out in the Constitution and other relevant laws of The Gambia, and shall observe and respect the following 8 governance principles:



Figure 2: 8 Governance Principles

These principles of governance, which are also reflected in this strategic plan, are drawn from international experience and reflect the lessons learned over the past thirty years regarding what makes a NHRI an effective and trusted institution.

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

#### 2.4.2. Stakeholder Analysis

In line with the principle of enhancing ownership of this strategic plan, a stakeholder analysis was conducted through online questionnaires and their subsequent analysis during the SWOT workshops. A stakeholder analysis is a process of identifying the institutions (government ministries, development partners, CSOs, NGOs, etc.) who have a stake or an "interest" in the activities of an organisation or institution, qualitatively analysing those interests with a view to incorporating them in its stakeholder management framework. During the implementation of this strategy, it is also expected that key stakeholders will be engaged to facilitate the meeting of their obligations as presented in table 2 below.

Table 2: Stakeholder Analysis

CATEGORY	NAME	NHRC'S EXPECTATIONS FROM THE STAKEHOLDER	STAKEHOLDER'S EXPECTATION FROM THE NHRC
1. MINISTRIES, DEPARTMENTS AND AGENCIES (MDAS	1.1 Ministry of Justice	<ul> <li>Ratification and domestication of treaties</li> <li>Lead in the implementation of recommendations of the UPR, treaty bodies and special procedures</li> <li>To fulfil human rights reporting obligations</li> <li>Support and representation, when necessary in cabinet</li> </ul>	<ul> <li>Provide a report on the status of human rights in The Gambia</li> <li>Participation in the preparation of State Periodic Reports</li> <li>Issue advisory Notes</li> <li>Hold government Institutions accountable</li> <li>Be a bridge between NGOS, CSOs and the State</li> </ul>
	1.2 Ministry of Finance and Economic Affairs	<ul> <li>Support, including capacity building, in the budget preparation and management process</li> <li>Timely and adequate allocation of resources</li> </ul>	<ul> <li>A realistic programme-based budget submission</li> <li>Timely submission of quarterly cash plans and increased absorptive capacity of budgetary allocations</li> <li>Timely financial audits, certified accounts and their publication</li> </ul>
	1.3 Ministry of Higher Education, Research, Science & Technology	Support and guidance in developing and delivering standardized training curriculum on Human Rights for tertiary and higher education	Partnership in advocacy and support to education on human rights issues
	1.4 Ministry of the Interior	<ul> <li>To ensure that law enforcement officers (immigration, prisons, police, NDLEAG, etc.) follow due process and respect for human rights in the exercise of their duties</li> <li>To support and partner with the NHRC in the preparation and adoption of a standardised Human Rights Training Curriculum for law enforcement officers</li> </ul>	<ul> <li>Support in the adaptation of best practice guidelines and capacity building</li> <li>Cooperation and collaboration in policy formulation and implementation in the ongoing security sector reform process</li> <li>Inspect and audit of the police, prisons and other detention facilities</li> </ul>
	1.5 Ministry of Women, Children and Social Welfare	<ul> <li>Collection of relevant data and statistics, and the referral of cases when necessary</li> <li>Support in the adoption of relevant policies and programmes on human rights</li> <li>Timely submission of periodic State report and implementation of recommendations (CEDAW and the Maputo Protocol)</li> </ul>	<ul> <li>Partner and collaborate with the NHRC in promoting human rights</li> <li>Refer and update them on matters or complaints relevant to their sector</li> <li>Provide human rights capacity building initiatives</li> </ul>
	1.6 National Youth Council	Partnership and collaboration in outreach activities	<ul> <li>Partner and collaborate with youth groups and create platforms for youth engagement on critical human rights issues</li> <li>Support the council's advocacy efforts in the protection of human rights defenders</li> </ul>
	1.7 National Security Adviser	<ul> <li>Referral of abuses for investigation by the NHRC</li> <li>Complete and implement the recommendations of the Security Sector Reform</li> <li>Work with the NHRC in ensuring that the new security policies will be underpinned by human rights principles and standards</li> </ul>	<ul> <li>Collaborate and partner in the reorientation of security forces</li> <li>Partner with the NHRC to develop human rights training curriculum for the Armed Forces</li> </ul>

	1.8 Ministry of Defence	<ul> <li>Respect human rights in dealing with the civilian population</li> <li>Operate in line with their mandate</li> <li>Security officers must be trained on Human Rights and Humanitarian Law</li> </ul>	<ul> <li>Collaborate and partner with the NHRC in creating a culture of HR in the armed forces.</li> <li>Partner with the NHRC to develop human rights training curriculum for the Armed Forces</li> </ul>
	1.9 Office of the Ombudsman	<ul> <li>Referral of cases of Human Rights violations</li> <li>Partnership and collaboration with regards to outreach activities of the Commission</li> <li>Undertake other joint and more strategic interventions</li> </ul>	Partnership and collaboration with regards to outreach activities of the Commission
	1.10 Ministry of Basic and Secondary Education	<ul> <li>Support and guidance in developing and delivering standardized training curriculum on Human Rights for basic and secondary education</li> </ul>	Partnership in advocacy and support to education on human rights issues
2. THE LEGISLATURE	2.1 The Gambia National Assembly, Standing Committee on Human Rights & Constitutional Matters	<ul> <li>To ensure that human rights are streamlined in legislation (enactment of HR friendly laws)</li> <li>To champion and support the work of the NHRC (including the allocation of resources)</li> <li>To facilitate regular consultations with the Commission</li> <li>Holding the executive accountable to address issues raised by the commission</li> </ul>	<ul> <li>Regular updates on NHRC activities</li> <li>Submission of reports (annual report, state of human rights in The Gambia and annual activity and audited financial statements to PAC-PEC etc)</li> <li>Organising capacity building initiatives</li> <li>Provide support for legislative and policy reforms</li> </ul>
3. THE JUDICIARY	3.1 The Courts	<ul> <li>Prompt and fair dispensation of cases</li> <li>Application of Human Rights precedents to cases (enhancing HR jurisprudence)</li> <li>Support the work of the Commission</li> </ul>	<ul> <li>To provide refresher training programmes for the judiciary on the application of internation- al Human rights laws</li> <li>To act as amicus curia (friend of the courts) on human rights issues</li> </ul>
4. DEVELOPMENT PARTNERS	4.1 UNDP 4.2 OHCHR 4.3 UNICEF 4.4 UN Peace Building Fund 4.5 UNFPA 4.6EU Delegation 4.7African Union  4.8ECOWAS 4.9IOM	<ul> <li>Technical and financial support</li> <li>Provide guidance for legislative and policy reforms</li> </ul>	<ul> <li>Regular updates (via the annual reports and other briefs) on the activities of the NHRC</li> <li>Sound fiduciary management system with adequate social accountability frameworks</li> <li>Transparency, through the timely publication of certified financial statements and other reports</li> </ul>
5. CIVIL SOCIETY ORGANISATIONS (CSOS)	<ul> <li>5.1 Gambian Centre for Victims of Human Rights Violations</li> <li>5.2 Gambian Federation of the Disabled</li> <li>5.3 Child Protection Alliance (CPA)</li> <li>5.4 Gambian Bar Association</li> <li>5.5 Gambia Press Union</li> <li>5.6 Gambia Teachers Union</li> <li>5.7 Gambia Labour Union</li> <li>5.8 Civil Society Dialogue Platform</li> </ul>	<ul> <li>Advocacy and referral of cases</li> <li>Partnership and collaboration</li> </ul>	<ul> <li>Regular information on NHRC's activities</li> <li>Fair evaluation of referrals and recommendations for redressing human rights violations</li> <li>Capacity building support on HR matters</li> </ul>
6. NON-GOVERNMENTAL ORGANISATIONS (NGOS)	6.1 African Centre for Democracy & Human Rights Studies 6.2 Institute for Human Rights & Development in Africa 6.3 TANGO 6.4 Network of National Human Rights Institution (NANHRI) 6.5 Global Alliance of National Human Rights Institutions (GANHRI) 6.6 Amnesty International, Senegal 6.7 Article 19, Senegal 6.8 African Commission on Human & Peoples' Rights 6.9 Beakanyang	<ul> <li>Advocacy and referral of cases</li> <li>Partnership and collaboration</li> </ul>	<ul> <li>Regular information on NHRC's activities</li> <li>Fair evaluation of referrals and recommendations for redressing human rights violations</li> <li>Capacity building support on HR matters</li> </ul>

6. NON-GOVERNMENTAL ORGANISATIONS (NGOS)	<ul> <li>6.1 African Centre for Democracy &amp; Human Rights Studies</li> <li>6.2 Institute for Human Rights &amp; Development in Africa</li> <li>6.3 TANGO</li> <li>6.4 Network of National Human Rights Institution (NANHRI)</li> <li>6.5 Global Alliance of National Human Rights Institutions (GANHRI)</li> <li>6.6 Amnesty International, Senegal</li> <li>6.7 Article 19, Senegal</li> <li>6.8 African Commission on Human &amp; Peoples' Rights</li> <li>6.9 Beakanyang</li> </ul>	<ul> <li>Advocacy and referral of cases</li> <li>Technical assistance and networking</li> <li>Undertake joint initiatives</li> <li>Public Private Partnership (The GCCI)</li> <li>Partnership in designing initiatives for Corporate Social Responsibility (CSR) in HR activities (GCCI)</li> </ul>	<ul> <li>Regular information on NHRC's activities</li> <li>Fair evaluation of referrals and prosecution</li> <li>Participation in its activities and networks</li> <li>Mentorship</li> <li>Sharing of best regional and international practices</li> <li>Regular information on NHRC's activities</li> <li>Participation in its activities and networks</li> </ul>
7 PRIVATE SECTOR	7.1 The Gambia Chamber of Commerce and Industry		
8 NHRC COMMISSIONERS AND STAFF	8.1 Commissioners	Leadership, guidance and profile	Determined pursuit of objectives of the NHRC
AIND STAFF	8.2 Staff	<ul> <li>Thorough and transparent investigations and provision of technical assistance</li> <li>Adherence to NHRC's service standards, rules and regulations</li> <li>Meeting performance targets and delivering quality work</li> </ul>	<ul> <li>Adequate security and protection</li> <li>Acceptable remunerations and welfare schemes</li> <li>Conducive working environment and tools</li> </ul>
9 THE GENERAL PUBLIC	Promote and protect the human rights and freedoms of fellow citizens and other members of the public		<ul> <li>Provide HR education and sensitisation</li> <li>Support in providing appropriate redress where HRs are violated</li> </ul>
10 OTHER STRATEGIC PARTNERS	10.1 Other NHRIs	<ul> <li>Networking, visibility</li> <li>Sharing of information during study visits and other benchmarking exercises</li> </ul>	<ul> <li>Regular information on NHRC's activities</li> <li>Participation in its activities and networks</li> </ul>
11 OTHER PARTNERS	11.1 Gambia Football Federation 11.2 Children National Assembly of The Gambia	Advocacy and referral of cases	<ul> <li>Regular information on NHRC's activities</li> <li>Fair assessment of referrals and recommendations for prosecution</li> </ul>

# 3.2. Theory of Change

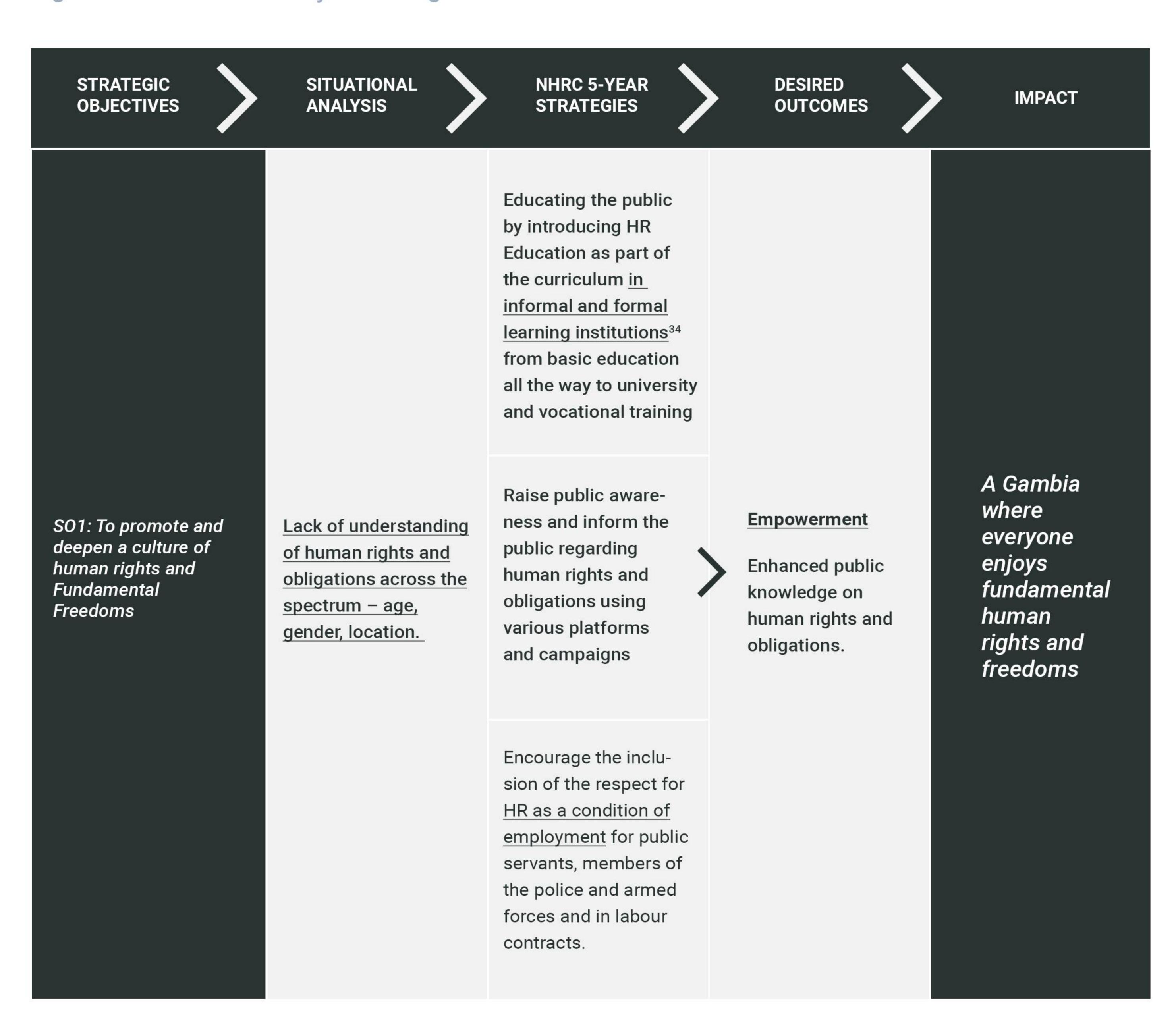
An effective theory of change helps to guide the development of evidence-based strategies, informs monitoring and provides a framework for evaluation. NHRC's theory of change is anchored on our vision of "A Gambia where everyone enjoys fundamental human rights and freedoms". It presents how change will happen, and how interventions can shape that change.

Figure 14 below, describes what results will be achieved and how one level of results – outcomes, leads to another level of results – ultimate impact.

Our strategic objectives are key to building the theory of change as they provide a broad direction for how change will happen, and directly influence the types of activities and other interventions needed to achieve results. Our choice of strategies is based on:

- 1. Our core values and guiding principles,
- 2. The local context and related challenges and
- 3. Considerations for effectiveness, efficiency and sustainability.

Figure 14: NHRC's Theory of Change



S06: Advance Human Rights by Addressing Poverty Economic, social and cultural rights not adequately recognised and factored in economic development planning..

Recognition of the link between civil and political rights and economic, social and cultural rights, explicit protection from discrimination for people who experience poverty and hunger, ensure that proposed strategies to address poverty are responsive to human rights.

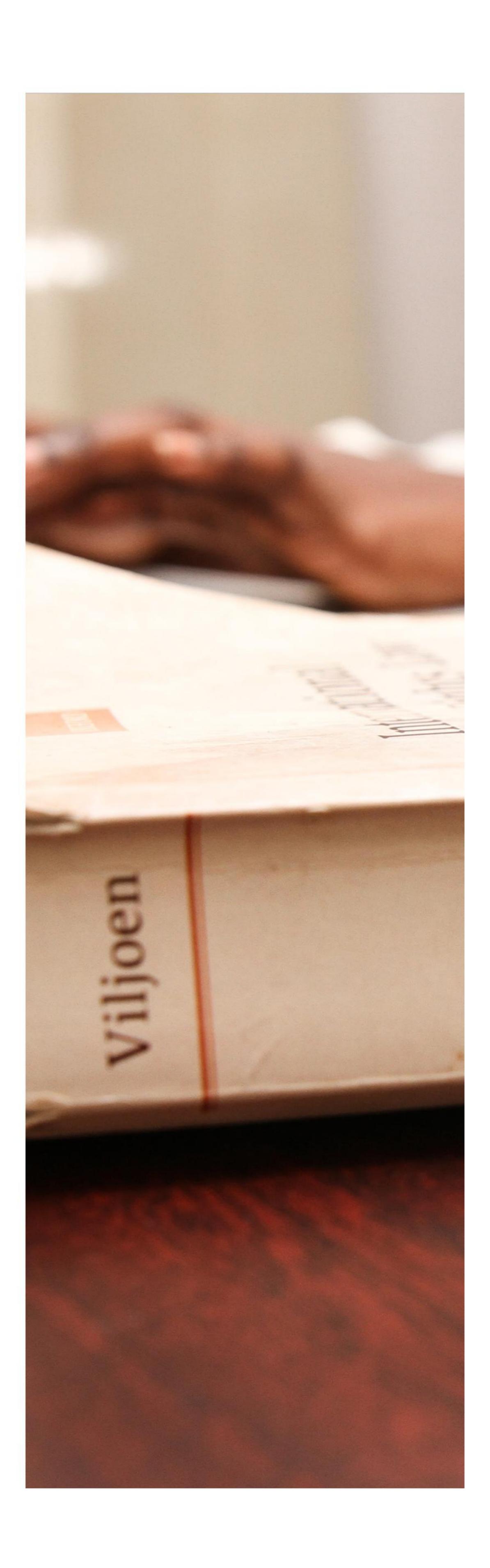
competence for people

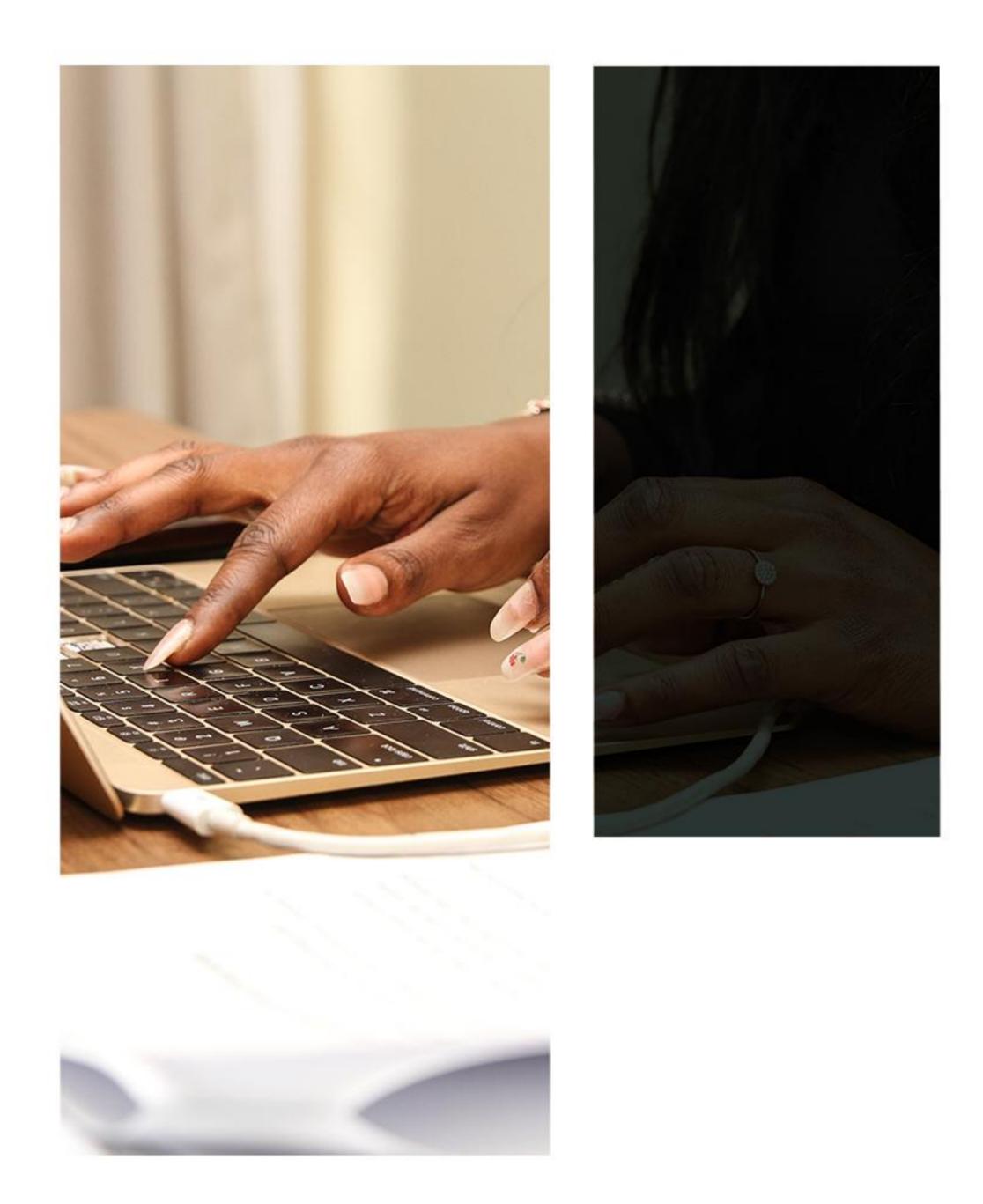
who work throughout

the justice system.

Articulation and pro-poor policies

A clearer link between human rights and development A Gambia where everyone enjoys fundamental human rights and freedoms





## 3.3.1 MISSION

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

## 3.3.2 VISION

A Gambia where everyone enjoys fundamental human rights and freedoms.

#### 3.4. Strategic Objectives, Strategies, Outcomes and Key Stakeholders

For the next five years (2021-2025), we will pursue six (6) strategic objectives with a view to realising the ultimate goal of achieving human rights and freedoms for all. In pursuance of this strategic goal we will therefore deploy a number of cross-cutting and complementary strategies. The strategic objectives are as presented in table 3 below.

Table 3: NHRC's strategic objectives

Strategic Objective N°	Description			
1	To promote and deepen a culture of human rights and fundamental freedoms			
2	To enable people whose rights have been violated to have access to appropriate redress			
3	To ensure improved compliance from the State on matters of human rights and access to Justice			
4	To develop NHRC's capacity to be a credible, trustworthy and knowledgeable "agent" to advance human rights and equality			
5	To enforce human rights within the justice system			
6	To advance human rights by addressing poverty			







Table 4: Strategic objective, strategies and outcomes

Strategic objective 1: To promote and deepen a culture of human rights and fundamental freedoms				
Strategies : During the 5-year period, the NHRC will	Outcomes: After 5 years, we expect that:			
<ol> <li>Integrate human rights principles and standards in informal and formal learning institutions</li> <li>Engage in human rights accountability, audit and advocacy platforms and campaigns</li> <li>Encourage the inclusion of the respect for Human Rights as a condition of employment for public servants, members of the police and armed forces and in labour contracts.</li> <li>Inform the population about their Human Rights and Obligations.</li> </ol>	<ol> <li>Human rights will be a regular part of youth education, including in the curriculum</li> <li>Human rights competence will be identified as an essential requirement and measure of competence for education professionals</li> <li>Children, youth, caregivers and educators will feel empowered and able to stand up for human rights without fear of reprisal</li> <li>Professionals who take part in The Gambia's education system will show greater understanding of human rights and responsibilities</li> <li>Discrimination will be unacceptable</li> </ol>			

Table 5: Strategic objective, strategies and outcomes

Strategic objective 2: To enable people whose rights have been violated to have access to appropriate redress			
Strategies : During the 5-year period, the NHRC will	Outcomes: After 5 years, we expect:		
1. Systematically identify avenues and channels with which human rights violations occur in The Gambia	A clearer and more precise mapping of challenge and dysfunctions in The Gambian Society,		
2. Proactively and reactively inquire into violations of Human rights by the State or negligence of such a violation by private persons and entities	2. An accountable government and private entities on matters of human rights and		
3. Enforce human rights and reduce systemic violations by seeking accountability in the justice system	3. An improved confidence and effectiveness of the justice system.		

Table 6: Strategic objective, strategies and outcomes

Outcomes After Events we sweet
Outcomes: After 5 years, we expect:
More credible and equitable legal and judicial system
2. Conditions for prisons and detention centres,
consistent with the international standards
committed to by the Government of The Gambia.
3. A generation of security officers with the
understanding of their duty to protect

Table 7: Strategic objective, strategies and outcomes

Strategic objective 4 : To develop NHRC's capacity to be a credible, trustworthy and knowledgeable "agent" to advance human rights and equality		
Strategies : During the 5-year period, the NHRC will	Outcomes: After 5 years, we expect:	
Revise rules and procedures to expedite the complaints handling process	A clearer, transparent and accessible complaint process	
2. Strengthen internal organization and the creation of regional offices	2. A more efficient, responsive and accessible NHR	
3. Strengthen internal organization and the creation of regional offices		

Table 8: Strategic objective, strategies and outcomes

strategies : During the 5-year period, he NHRC will	Outcomes: After 5 years, we expect:
. Leverage government-led initiatives related to the	1. Strong and transparent human rights
justice system to make sure that systemic viola tions are identified, acknowledged and addressed	accountability systems within the justice system
	2. Increased public awareness regarding the plight
. Use our public inquiry functions strategically to	of people at risk of systemic human rights
highlight the experience of people (victims and or	violations
witnesses) that have come into contact with	
systemic human rights violation.	3. A more credible police force who meets the
	expectations for equal protection under the law

Table 9: Strategic objective, strategies and outcomes

Strategies : During the 5-year period, the NHRC will	Outcomes: After 5 years, we expect:
1. Support the recognition of the connection	1. Public awareness: bringing to light the reality
between civil and political rights and economic,	of people who experience poverty and
social and cultural rights	marginalization and fostering public conversation
	that explores the link between poverty and
2. Ensure the explicit protection from discrimination	systemic discrimination.
for people who experience poverty and hunger	
	2. A clearer link between human rights and
3. Ensure that proposed strategies to address	development
poverty are responsive to human rights	
	3. Recognition of the need to progress as an
	equitable society.

We present the Commission's five-year strategic plan which will be operationalized through annual rolling budgets, consistently with the Programme-Based Budgeting (PBB) Framework recently adopted by the Government of The Gambia.

The plan describes strategic objectives, program areas, and activities. Figure 15 describes the logic of the document.

Each strategic objective will form a "program area" anchored by the key activities the NHRC intends to implement over the next five years. Forecasts are also made on the funding required to implement these activities thereby contributing towards the NHRC fully achieving its mandate and realising its vision. This chapter therefore, presents realistic estimates of the outputs and the associated costs of these programs and activities. The implementation plan also identifies the time frame for undertaking each of the activities over the five-year period. Each year's plan will form the basis for the development of the NHRC's Annual Work Plan and Budgets (AWPB).

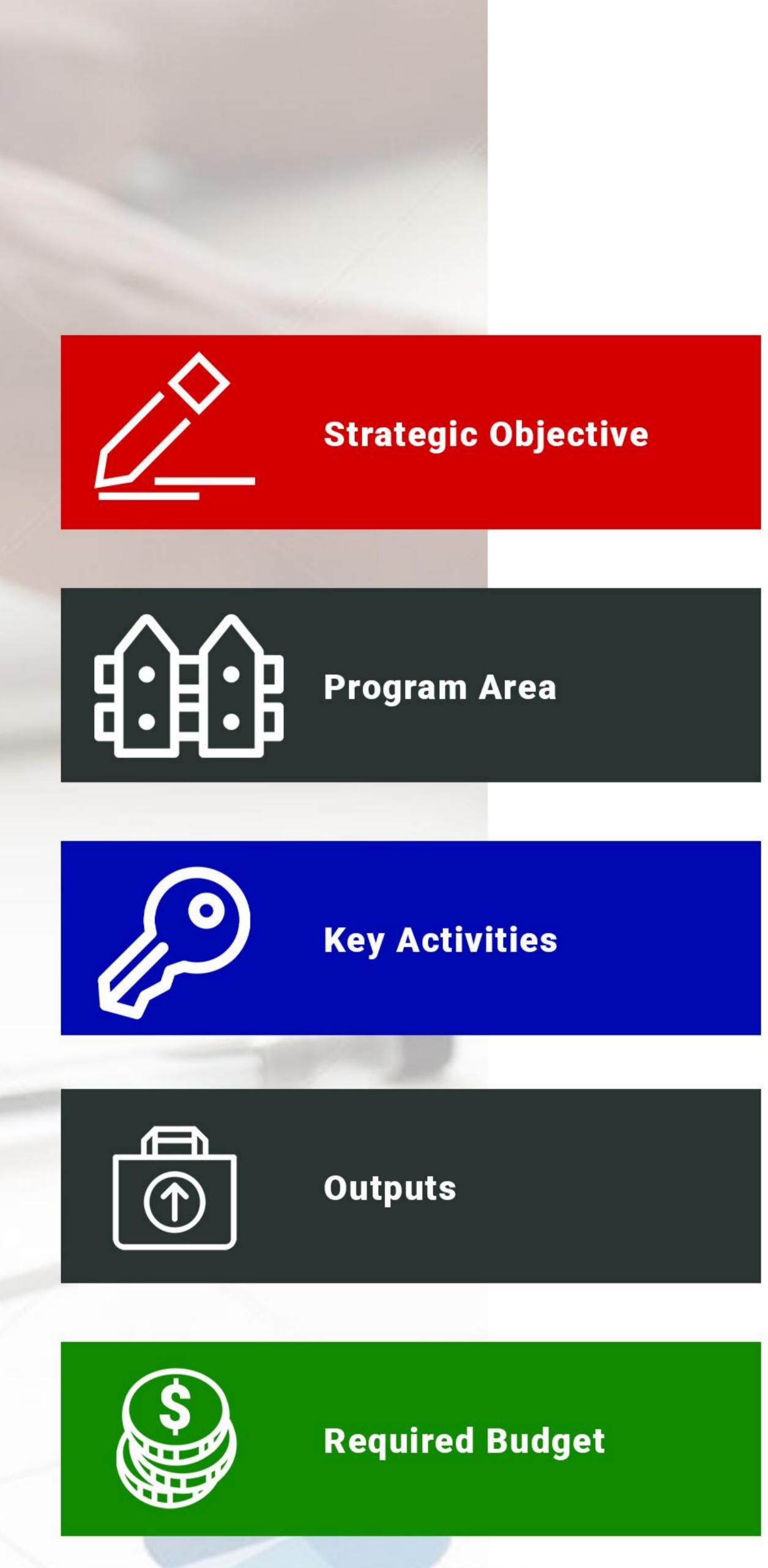


Figure 15: Implementation Plan logic

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### 5.1.1 Financial Projections

Our target is to raise GMD 396 million (equivalent to US\$7.9 million) over the next five years to implement our strategic plan. The table below shows the 5-year annual projections for each strategic objective (program and activities).

Table 16: Financial Projections

Strategic objective		ln	ndicative budget '000	
N	Name		GMD	US\$
1	To Promote and strengthen a culture of human rights and fundamental freedoms		109,200	2,184
2	To enable people whose rights have been violated to have accest to appropriate redress	ss	40,500	790
3	To ensure improved compliance from the State on matters of human rights and access to justice		24,000	480
4	To develop NHRC's capacity to be a credible, trustworthy and knowledgeable "agent" to advance human rights and equality		130,000	2,200
5	To enforce human rights within the justice system		13 050	261
6	To advance human rights by addressing poverty		28,000	520
	Total		344,750	6,895
	15% contingency (inflation, etc.)		51,172	1,034
	Grand Total		396,462	7,929

#### 5.2. Current Situation

The Commission is aiming to receive funding from multiple partners. While it is difficult to predict the actual makeup, it is seeking to get a healthy balance of funding. Figure 5.2 illustrates the desired makeup of the funding

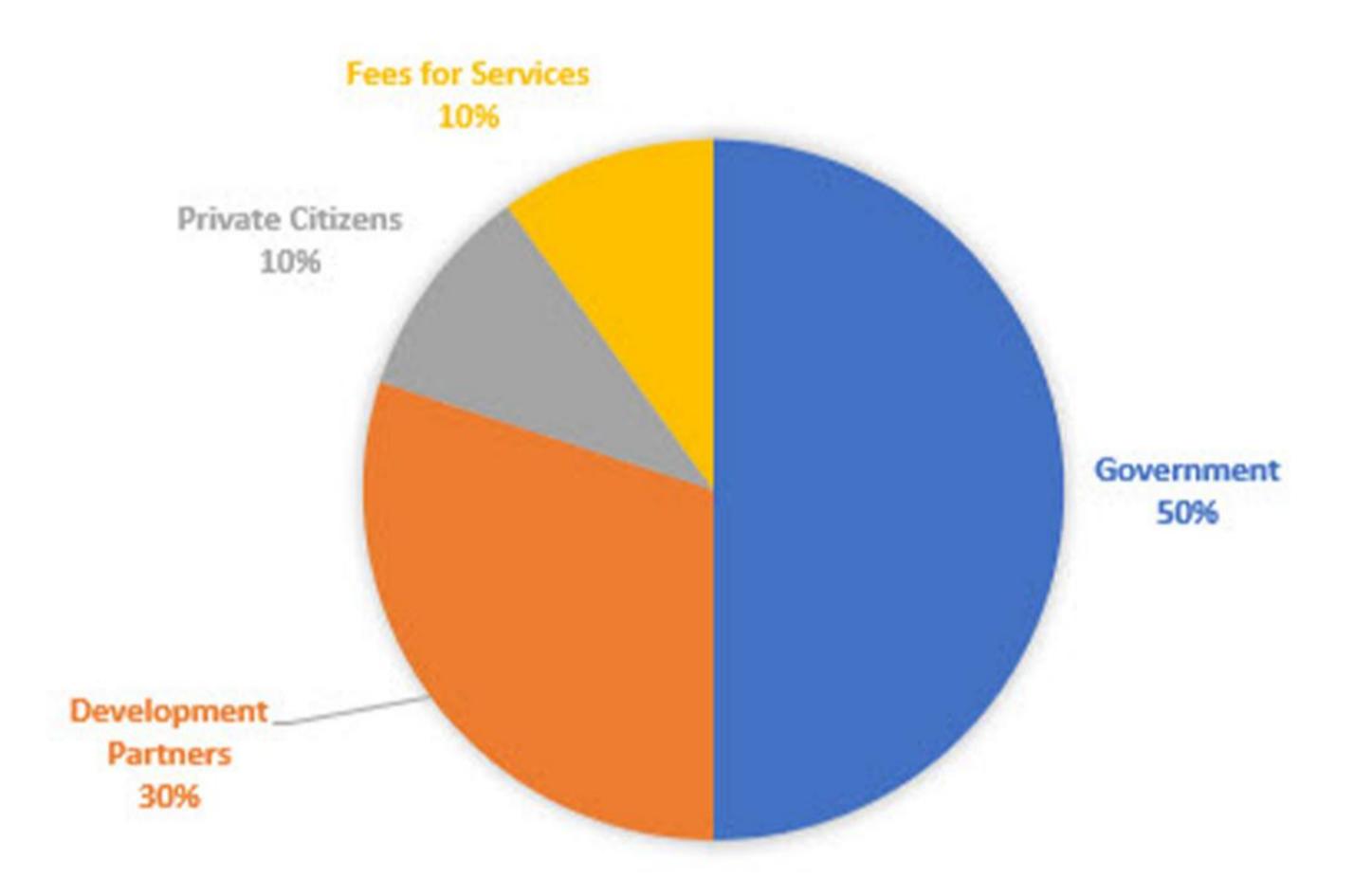
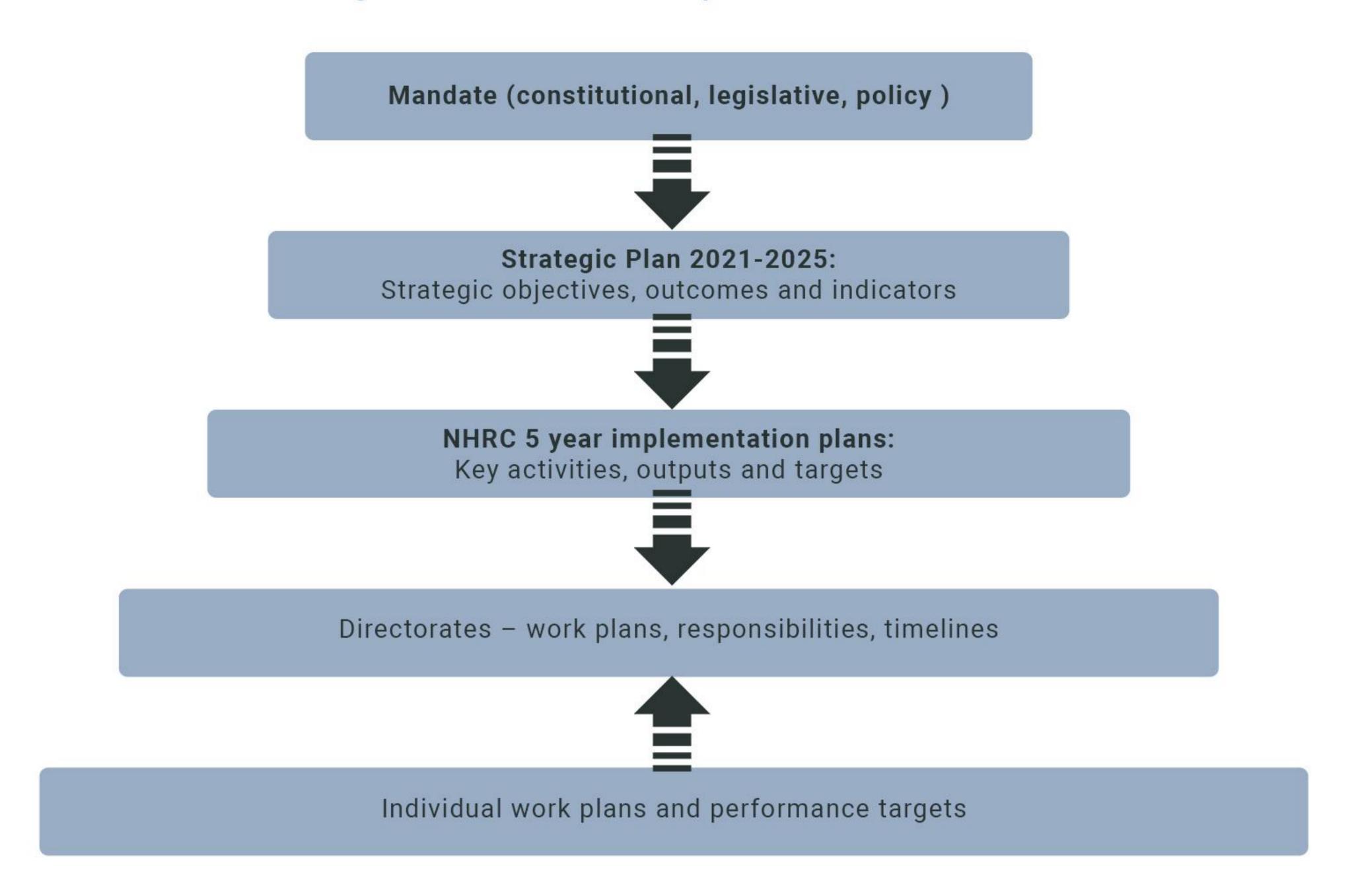


Figure 16: Figure 2: Desired Allocation of Funds

To retain existing donors and gain new partnerships, The NHRC will focus on demonstrating value for money through more efficient processes, greater accountability and increased transparency by providing timely reports on the use of funds with evidence of outcomes and impact. Its revenues and expenses will be audited by an external auditor and its findings will be published in the Commission's Annual reports. This is also in line with the Public Financial Management reforms undertaken by The Gambia Government.

Figure 20: Framework to Operationalise the Plan



# NHRC 2021-2025

#### In Partnership with





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