

# ACTIVITY REPORT

2020

**A Gambia  
where everyone  
enjoys their  
Fundamental  
Human  
Rights**



**NHRC**  
Let Justice Guide Our Actions  
THE GAMBIA



# Contents

<b>ABBREVIATION AND ACRONYMS</b>	<b>7</b>
<b>ACKNOWLEDGEMENT</b>	<b>9</b>
<b>FOREWORD</b>	<b>10</b>
<b>STATEMENT BY THE EXECUTIVE SECRETARY</b>	<b>12</b>
<b>EXECUTIVE SUMMARY</b>	<b>13</b>
<b>THE COMMISSIONERS OF THE NHRC</b>	<b>15</b>
1. 2020 in Pictures	16
<b>INTRODUCTION</b>	<b>18</b>
<b>DEVELOPING NHRC'S CAPACITY</b>	<b>20</b>
1. Institutional and Capacity Building	20
2. Induction Training for Secretariat Staff	21
3. Study Tour To The Kenyan National Commission On Human Rights (KNCHR)	21
4. The Tri-Partite Partnership Between GANHRI, UNDP and OHCHR (TPP)	22
<i>Training for NHRC Commissioners and staff on engagement with international Human Rights Mechanisms</i>	22
<i>Development of the NHRC Strategic Plan (2021-2025), Resource Mobilization Plan and a Comprehensive Implementation Plan</i>	22
<i>Training on Enabling Environment for Civil Society Participation</i>	23
<i>Training of Trainers on Human Rights Education and Training Methodology</i>	23
5. Development of a Case Management Database System	23
6. Press Briefing on the Commission's 2019 Annual Report	24
7. Development of a Communication Strategy 2020-2025	24
8. Capacity Needs Assessment of the NHRC	24
9. NHRC Annual Staff Retreat (2020)	24
10. In-Country Customised Capacity Building Training Programmes for the Commission	26

<b>11. NHRC’s Participation in International Activities</b>	<b>27</b>
<b><i>PROMOTION AND DEEPENING OF A CULTURE OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS</i></b>	<b>28</b>
1. Review of Bills and Development of Advisory Notes on pertinent Human Rights issues	28
2. Commemoration of International Human Rights Day	28
3. The Sir Dawda Kairaba Jawara Moot Court Competition on Human Rights	29
4. The Establishment of a Civil Society Dialogue Platform	30
5. Participation in the 66th and 67th Ordinary Sessions of the African Commission on Human and Peoples’ Rights (ACHPR)	31
6. Community Outreach	31
<b><i>IMPROVING COMPLIANCE FROM THE STATE ON MATTERS OF HUMAN RIGHTS AND ACCESS TO JUSTICE</i></b>	<b>33</b>
1. Intervention by the NHRC through Advice & Recommendations to alleviate the Impact of Covid 19	33
2. Development and Adoption of a Code of Conduct for the Police, as well as Guidelines for Policing Public Assemblies and Demonstrations in The Gambia	34
3. Monitoring Visits to Places of Detention and Investigations into alleged Human Rights Violations	36
Monitoring Visits to Police Stations and other Places of Detention in the Kanifing Municipality and West Coast Region	36
a. Investigation into allegation of suicide of a Bissau Guinean national while under the custody of the national drug law enforcement agency (NDLEA)	37
b. Investigation into alleged eviction of the Jeshwang Women Gardeners	37
c. Investigation into allegations of torture while in detention committed by Head of the Anti-Crime Unit (27 July 2020)	37
Fact Finding and Monitoring Visits to Mining Communities and Factory Areas	38
a. Monitoring visits to Gunjur, Sanyang and Kartong	38
b. Fact-finding Mission to Salagi and Sukuta	38
c. Follow-up mission to Koina, Garawol, and Diabugu	38
<b><i>CAPACITY BUILDING/TRAINING</i></b>	<b>40</b>
1. Training of 30 Law Enforcement Officers on the Mandate and Functions of the NHRC; and Basic Human Rights Principles, Norms and Standards	40

2. Technical Support Provided to other Institutions and Organisations	40
<b>ACCESS TO JUSTICE</b>	<b>42</b>
1. Investigation into alleged trafficking of young Ladies to Lebanon	42
2. Summary Report on Prisons Visits and Detention Facilities	42
Visit to the Prisons	42
Visit to Police Stations	44
Psychiatric facility (Tanka Tanka), Bakoteh shelter and the home for the elderly	46
<b>ENFORCING HUMAN RIGHTS WITHIN THE JUSTICE SYSTEM</b>	<b>47</b>
1. Complaints Handling and Investigation	47
<b>COURTESY CALLS BOTH ON AND BY THE COMMISSION</b>	<b>48</b>
1. Visit of OHCHR West Africa Regional Director to the NHRC, 5TH March 2020	48
2. Meeting between the IGP, NHRC Chairperson and Heads of selected Civil Society Organisations, 17 July 2020	48
3. Courtesy Call on the Honourable Attorney General and Minister of Justice. 8 September 2020	49
4. Courtesy Call on the Lord Chief Justice of The Gambia, 8 November 2020	50
<b>ACHIEVEMENTS IN 2020</b>	<b>51</b>
<b>CHALLENGES</b>	<b>53</b>
<b>LESSONS LEARNED</b>	<b>54</b>
<b>THE SECRETARIAT</b>	<b>55</b>
<b>OVERVIEW OF FINANCIAL STATEMENT 2020</b>	<b>57</b>
1. 2020 Budget	57
2. 2020 Funding	57
3. 2020 Expenditure	57
4. 2020 Donor Funding	59
<b>OUR PARTNERS</b>	<b>61</b>
<b>ANNEX 1: THE COMMISSION'S RECOMMENDATIONS TO THE STATE IN 2020 THROUGH PRESS STATEMENTS ISSUED</b>	<b>62</b>

1. Recommendations to Support the Monitoring, Prevention and Control of COVID-19 in The Gambia, Issued on 20 March 2020	62
2. Recommendations to the Ministry of Justice and the Judiciary: Rights of Pre-Trial, Remand and Convicted Prisoners during COVID-19 Pandemic, Issued on 25 April 2020	63
3. Recommendations for the State to Enhance Justice for Children, Issued in Commemoration of the 2020 Day of the African Child, 16 June 2020	64
4. NHRC 9 Key Recommendations to the Government with Regards to all Detention Facilities, the Rights of Pre-Trial, Remand and Convicted Prisoners during Covid-19 and Decongestion Of Prisons, Issued on 10 August 2020	65
5. Statement on the Commemoration of International Day of Older Persons, Issued on October 1st, 2020.	66
6. Recommendations of the Joint Investigative Panel into the Alleged Human Rights Violations against Ebrima Sanneh, Issued on 8th October 2020.	66
7. Statement on the Commemoration of International Day of The Girl Child, Issued on 11 October 2020	67
8. Statement on the Commemoration of International Day of Persons with Disabilities, Issued on 3 December 2020	67
<b><i>ANNEX 2: COMMISSIONERS AND STAFF OF THE NATIONAL HUMAN RIGHTS COMMISSION</i></b>	<b>69</b>
<b><i>ANNEX 3: ACTIVITIES CONDUCTED BY THE NHRC IN 2020 IN CHRONOLOGICAL ORDER</i></b>	<b>70</b>
<b><i>MEMORABLE PHOTOS</i></b>	<b>71</b>

## ABBREVIATION AND ACRONYMS

<b>ACDHRS</b>	African Centre for Democracy and Human Rights Studies
<b>APRC</b>	Alliance for Patriotic Reorientation and Construction
<b>AU</b>	African Union
<b>AUC</b>	African Union Commission
<b>CAT</b>	Convention Against Torture
<b>CDD</b>	Centre for Democratic Development
<b>CED</b>	Convention on Enforced Disappearance
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination Against Women
<b>CHRAJ</b>	Commission on Human Rights and Administrative Justice
<b>CPI</b>	Corruption Perception Index
<b>CRC</b>	Convention on the Rights of the Child
<b>CRPD</b>	Convention on the Rights of Persons with Disabilities
<b>CSOs</b>	Civil Society Organisations
<b>DP</b>	Development Partners
<b>DPA/AUC</b>	Department of Political Affairs of the African Union Commission
<b>EIA</b>	Environmental Impact Assessment
<b>ESC</b>	Economic, Social and Cultural
<b>FGM</b>	Female Genital Mutilation
<b>GAMCOTRAP</b>	Gambia Committee on Traditional Practices
<b>GANHRI</b>	Global Alliance of National Human Rights Institutions
<b>GID</b>	Gambia Immigration Department
<b>GMC</b>	Global Compact for Migration
<b>GPF</b>	Gambia Police Force
<b>GPS</b>	Gambia Prison Services
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>ICESCR</b>	International Covenant on Economic, Social and Cultural Rights
<b>ICRMW</b>	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

<b>IHRDA</b>	Institute for Human Rights and Development in Africa
<b>IICI</b>	Institute for International Criminal Investigations
<b>IOM</b>	International Organisation for Migration
<b>JLO</b>	Justice, Law and Order
<b>KNCHR</b>	Kenya National Commission for Human Rights
<b>MoBSE</b>	Ministry of Basic and Secondary Education
<b>MoI</b>	Ministry of Interior
<b>MoLGL</b>	Ministry of Local Government and Lands
<b>NAATIP</b>	National Agency Against Trafficking in Persons
<b>NALA</b>	National Agency for Legal Aid
<b>NANHRI</b>	Network of African National Human Rights Institutions
<b>NEA</b>	National Environment Agency
<b>NGOs</b>	Non-Governmental Organisations
<b>NHRC</b>	National Human Rights Commission
<b>NHRI</b>	National Human Rights Institution
<b>NNHRIWA</b>	Network of National Human Rights Institutions of West Africa
<b>NYC</b>	National Youth Council
<b>OHCHR</b>	Office of the High Commission for Human Rights
<b>OHCHR-WARO</b>	Office of the High Commission for Human Rights-West Africa Regional Office
<b>PBSO</b>	Peace Building Support Office
<b>RFI</b>	Radio France International
<b>SDG</b>	Sustainable Development Goal
<b>TRRC</b>	Truth, Reconciliation and Reparation Commission
<b>UDHR</b>	Universal Declaration of Human Rights
<b>UNDP</b>	United Nations Development Programme
<b>UNFPA</b>	United Nations Population Fund
<b>UNHR PMU</b>	United Nations Human Rights Project Monitoring Unit
<b>UNICEF</b>	United Nations Children's Fund
<b>UNOWAS</b>	United Nations Office for West Africa and the Sahel
<b>UNTJ</b>	United Nations Transitional Justice
<b>UPR</b>	Universal Periodic Review
<b>WHO</b>	World Health Organisation



## ACKNOWLEDGEMENT

Our successes since the establishment of the Commission have been the result of the collective efforts, support, encouragement, and partnership of many institutions in and outside the country. Our achievements in 2020 were due in greater part to the financial and technical support we received from UNDP Banjul Office, OHCHR WARO Office, NANHRI, GANHRI and UN Peace Building Support Office. To them, we are sincerely grateful.

The singular support we received from the Government of The Gambia, especially from the Ministries of Justice and Finance, have been tremendous towards the strengthening of our Secretariat. We know we can depend on their commitment and support as we work towards having a Commission which is fully compliant with all the standards and criteria in the Paris Principles and fulfils its mandate as envisaged in the National Human Rights Commission Act 2019.

We appreciate the great partnership and cooperation we have established with the Gambia Police Force, under the aegis of its dynamic Inspector General of Police, the Civil Society Dialogue Platform and the various Ministries and organisations that are part of the Task Force on the Caste System. They have all added much value to our work.

The NHRC would also like to extend its profound gratitude and appreciation to the following Ministries, institutions and organizations for their support, partnership, and encouragement:

- Ministry of Justice
- Ministries of Interior and Local Government and Lands
- The African Union Commission for seconding to us a very seasoned human rights lawyer and expert, Ms Judy Oder, whose commitment to work was unparalleled. We regret her departure this December 2020.
- International IDEA
- Truth, Reconciliation and Reparation Commission
- Institute for Human Rights and Development in Africa
- TANGO Secretariat and Membership
- Gambia Prisons Services

We recognise that the list is inexhaustive, but to each of our donors and partners we owe a debt of gratitude, we are very proud of our relationship and look forward to further building on this relationship in 2021.

We wish to pay tribute to the late Inspector General of Police, Mr. Momar Jobe, for his efforts in strengthening an enviable relationship between our two institutions and his great commitment to building a Police service which respects and protects human rights. We pray Allah grants him the best place in Jannatul Firdaus.

## FOREWORD



The National Human Rights Commission (NHRC) is pleased to present its second Annual Report covering the period 1<sup>st</sup> January to 31<sup>st</sup> December 2020. The report documents the work of the Commission during the aforesaid period as required by Section 33 (1) of the NHRC Act 2017, which obligates the Commission to submit a report on its business and operations to the National Assembly within three months after the end of each financial year.

This Report provides a summary of the mandate, functions, and powers of the Commission; showcases the achievements registered in the year under review; identifies the challenges encountered and the lessons learned; and reflects on the partnerships and collaboration established by the Commission towards the fulfilment of its broad mandate to promote and protect human rights in The Gambia.

Since the establishment of a fully-fledged Secretariat in mid-2019, the Commission has been effectively popularising its mandate, educating the public on human rights, building the professional capacities of rule of law actors and Civil Society Organisations, proffering recommendations to the Government on how to better promote and protect human rights during the Covid-19 pandemic, receiving and investigating human rights complaints and monitoring human rights across the country and in all sectors. Strong collaboration and cooperation established with the Government, international partners and stakeholders are enhancing and sustaining human rights and fundamental freedom in The Gambia.

In its efforts towards the creation of a culture of respect for human rights and the rule of law, the Commission has issued Advisory Notes on pertinent human rights issues, published guidelines on policing public assemblies and collaborated with the Gambia Police Force to develop and adopt a Code of Conduct for the Police. Through a series of workshops, it has enhanced the professional capacities of law enforcers in various areas of human rights and democratic policing and conducted monitoring visits to prisons and other detention facilities to monitor their compliance with national and international human rights standards.

The Commission recognises the commitment of the Government to the fulfilment of the country's human rights obligations. In a similar vein, the Commission hopes that the Government would fully and effectively implement its recommendations contained in the various Press Statements issued and reports of monitoring and investigations undertaken.

The Commission will, on its part, continue to provide advice and technical support to the Government on its human rights obligations while actively playing its watchdog role to ensure that the rights of all people in The Gambia, the most vulnerable, are respected, protected and fulfilled.

Finally, the Commission extend its profound appreciation to the public. We assure everyone that the Commission is willing and ever ready to be held accountable for the work its does.

**Emmanuel D. Joof**  
Chairperson

## STATEMENT BY THE EXECUTIVE SECRETARY



A ship in the harbour is safe but that is not what ships are built for, says John A. Shedd. Thus, the National Human Rights Commission has, despite the devastating effects of the pandemic in 2020, continued its institutional building steadily and strategically. It developed its Strategic Plan 2021-2025, strengthened its staff capacity, conducted a Capacity Needs Assessment and, with the intention to learn from one of the best NHRIs in Africa, undertook a study tour to the Kenya National Commission for Human Rights. As a testimony of its great teamwork and esprit de corps, the staff of the Commission worked together to develop and/or review its internal administrative and governance documents to further strengthen the institution and make it exemplary and enviable.

*“There is recognition and appreciation, from the Government, the public and all other sectors, of the Commission’s singular role in the promotion and protection of human rights` and the creation of a better and peaceful Gambia. ”*

Our strides and achievements in 2020, despite the challenges that Covid-19 posed to the world and our work, have been significant. The Government responded positively to the many recommendations and advice the Commission made on human rights issues in the country. There is recognition and appreciation, from the Government, the public and all other sectors, of the Commission’s singular role in the promotion and protection of human rights and the creation of a better and peaceful Gambia.

The coming year will a further strengthening of our Secretariat capacity through training and recruitment of additional technical staff. The Commission will also begin to receive its funds directly from the Government consolidated funds as it becomes a budget entity. The Commission will also submit for the first time its annual report of activities and audited finances to the National Assembly for scrutiny and approval.

The Secretariat will continue to make annual reviews of its successes and challenges through an established annual retreat and hopefully, the Gambia will begin to sense the presence of an impartial and independent body that can protect their rights.

**Dr Cherno Omar Barry**  
Executive Secretary

## EXECUTIVE SUMMARY

This Annual Report presents an overview of the activities and achievements of the National Human Rights Commission (NHRC) in 2020.

The Commission investigated several cases of abuses and complaints of human rights violations, including the caste violence in the Upper River Region, the alleged torture of citizens by the Police, trafficking of young ladies to Lebanon and socio-economic rights violations. Press statements were issued on various human rights issues and on International Days commemorated by the Commission.

The activities implemented were achieved in partnership with national and international institutions through the strategies of the NHRC, which include the following:

- a. awareness creation and public education,
- b. capacity building,
- c. networking and partnership building,
- d. advocacy and advisory role,
- e. investigation and monitoring,
- f. institutional strengthening and Complaint's handling

**Awareness creation** was carried out using several platforms such as workshops, community and school outreaches, radio programmes with partners, and publication of newsletters. The positive feedback from and general interest of the public in the work of the NHRC continue to motivate the innovation of multiple methods under the strategies employed to engage, educate, and connect more effectively with the public.

Training workshops were conducted to **enhance the capacity** of both State and Non-State Actors in various aspects of human rights within the mandate and functions of the NHRC. Specific training workshops were also facilitated for the Commissioners and staff of the NHRC which enhanced their knowledge and skills on human rights, leadership, the workings of the various UN and AU treaty bodies, as well as the effective functioning of a National Human Rights Institute (NHRI). To enhance its capacity building efforts, the Commission entered into a Tri-Partite Partnership funding agreement with UNDP, OHCHR and GANHRI.

**Networking and collaboration** are essential to the work of the NHRC. In this vein, the senior management of the Secretariat undertook a study visit to the Kenyan National Commission on Human Rights where better practices and working methods were learned. The Commission is now a full member of NANHRI and has established sustained partnerships with GANHRI, OHCHR and the Civil Society Dialogue Platform.

As part of its **advocacy and advisory role**, the NHRC prepared Advisory Notes on the following subject matters: right to freedom of assembly and association vis-à-vis the Public Order Act, Sexual Harassment in The Gambia, 2020 Final Draft Constitution, Election Act 2001 and Caste and Descent-based Discrimination in The Gambia. The Government has been encouraged to ratify international and regional legal instruments and submit outstanding reports to relevant treaty bodies.

**Investigations** of human rights violations **and monitoring** of prisons and detention centres were carried out by the Commission and recommendations issued to the relevant institutions for implementation.

With regards to **complaints handling** during the year under review, the NHRC considered a total number of 70 complaints of which 63 were concluded. It also investigated allegations of torture by officers of the Anti-Crime Unit as well as discriminatory practices in relation to the Caste System in communities in the Upper River Region.

## THE COMMISSIONERS OF THE NHRC

The NHRC presently has four Commissioners: a lady and three gentlemen. The Chairperson is Mr Emmanuel Daniel Joof and the Vice Chairperson is Mrs Jainaba Johm. The two other Commissioners are Mr Njundu Drammeh and Imam Baba M Leigh. The recruitment of a 5th female Commissioner is near completion.



**Chairperson Emmanuel D Joof**



**Vice Chairperson Jainaba Johm**



**Commissioner Njundu Drammeh**



**Commissioner Imam Baba Leigh**

# 1. 2020 IN PICTURES



Meeting His Excellency, the President to present the Annual Report



National Human Rights Commission (NHRC), The Gambia :  
Training on Office Administration Skills  
1<sup>st</sup> to 5<sup>th</sup> February 2021

Bakary Sanneh giving a vote of thanks after a well-deserved training at SMD Institute



At the retreat when the ladies have just concluded an exciting moment of basketball



National Human Rights Commission (NHRC), The Gambia :  
Training on Office Administration Skills  
1<sup>st</sup> to 5<sup>th</sup> February 2021

SMD's Sana Darboe passionately delivering a lecture



The NHRC Executive Secretary meeting the ACDHR Acting Executive Secretary



Commissioner Drammeh offering the NHRC COVID-19 package to the police in one of the police stations



# THE 2020 ANNUAL REPORT OF ACTIVITIES



# INTRODUCTION

In 2020, the NHRC anticipated a year full of activities and other engagements. However, with the emergence of the COVID 19 Pandemic and the pronouncement of a State of Emergency by the National Assembly in March 2020, numerous outreach activities earmarked for implementation in the 2020 Annual Work Plan that entailed physical contact with the public were postponed to 2021. The NHRC also took precautions to implement the WHO protective measures by providing personal protective equipment (PPE) to staff, practising social distancing, and encouraging staff to work from home as much as possible. The physical interaction with the public was minimised as well.

Despite the challenges faced by the Commission during this reporting period, it made significant progress in the promotion and protection of human rights in The Gambia through capacity building of duty bearers and civil society actors, development, and dissemination of Advisory Notes to the Government, issuance of press statements on relevant human rights issues, monitoring visits and complaints handling and disposition.

## FUNCTIONS AND POWERS OF THE COMMISSION

The Commission's mandate as provided for in Section 12 of the NHRC Act 2017 is broadly as follows:

- a. Promote and protect human rights in The Gambia.
- b. Monitor, receive, investigate, and consider complaints of human rights violations in The Gambia, including violations by private persons and entities.
- c. Communicate its decisions in the form of written reports to the Government and all relevant institutions to take necessary corrective action.
- d. Recommend appropriate remedial action to the Government and seek appropriate redress on behalf of complainants.
- e. Promote awareness of, and respect for human rights through-
  - I. Conducting public awareness and education programmes to promote a culture of human rights in The Gambia,
  - II. Undertaking studies on all matters concerning human rights,
  - III. Assisting the Government in formulating appropriate policies to guarantee human rights,
  - IV. Publishing in the Gazette, an annual report on the state of human rights protection in The Gambia,
  - V. Publishing guidelines, manuals, and other materials to explain the obligations of public officials in the protection of human rights, and
  - VI. Effective cooperation with non-governmental organisations and other public interest bodies engaged in the field of human rights, discrimination, economic and social development, protection of vulnerable groups, universities, faith-based groups, youth advocacy groups and other civil society organisations.

- f. Organise local and international seminars, workshops, and conferences on human rights issues to enlighten the public.
- g. Liaise and cooperate with local and international human rights organisations to advance the promotion and protection of human rights.
- h. Participate in international activities concerning the protection of human rights.
- i. 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.
- j. Encourage the Government to-
  - I. Review draft legislation which may affect human rights,
  - II. Ratify or accede to international human rights instruments,
  - III. Effectively implement international human rights instruments and other agreements to which The Gambia is a party including through independent commentary of periodic reports to be submitted by The Gambia.
- k. Maintain a library, collect data, and disseminate information and materials on human rights generally; and
- l. Perform such other functions as are necessary or expedient under this Act or any other enactment of the National Assembly.

The Commission, under Section 13 (2) of the NHRC Act 2017, has the powers, rights and privileges vested in the High Court at a trial to-

- a. Hear any complaint.
- 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.

# DEVELOPING NHRC'S CAPACITY

## 1. INSTITUTIONAL AND CAPACITY BUILDING

The bulk of the work of the Commission in 2020 focused on the development of its internal working and governance tools, systems and policies, recruitment of staff, and provision of the requisite equipment and materials for the effective functioning of the Secretariat. To this end and to optimise staff performance, a fibre optic internet was installed, a high voltage generator was bought, and a Database Management System was developed for efficient complaint handling, recording and retrieval.



*Some Senior Management Team members in Kenya*

Series of capacity building workshops, most of them virtual, were conducted for various stakeholders and the staff of the Commission. Senior staff of the Secretariat undertook a Study Tour to the Kenya National Commission on Human Rights where better practices were learned. A Capacity Needs Assessment of the Commission was conducted and the first ever Strategic Plan 2021-2025 was developed and validated.

As part of efforts to strengthen financial accountability and probity, an Internal Auditor was recruited and is providing the requisite oversight, support, and vigilance.

## 2. INDUCTION TRAINING FOR SECRETARIAT STAFF

Following the recruitment of all the key staff of Secretariat, an induction/orientation workshop was organised to ensure a common appreciation of the broad mandate and powers of the Commission, its working and governance tools, functions of various Directorates and the legal instruments, frameworks and standards which underpin its work. It provided an opportunity for the strengthening of team relationships and bonding, clarifications of roles and expectations and identification of strategies to effectively fulfil the mandate of the Commission.

## 3. STUDY TOUR TO THE KENYAN NATIONAL COMMISSION ON HUMAN RIGHTS (KNCHR)

Senior staff of the Secretariat, under the leadership of the Executive Secretary, embarked on a study visit to the Kenya National Commission on Human Rights (KNCHR) to learn best practices which would help the NHRC effectively and efficiently fulfil its mandate. Through interactive engagements and discussion, the staff learned about the efforts KNCHR undertook to become an “A” Status NHRI, the challenges of a human rights institution and what measures could mitigate their effects, and how to leverage on technology to improve accountability, efficiency, and effective result-based reporting.



*The NHRC Executive Secretary handing over a gift to the KNCHR CEO*

As a result of this visit, findings and monitoring reports are now published and widely disseminated; staff buy-in and unanimity are sought and ensured on any position taken by the Commission on a human right issue; children are primary targets in the creation of a culture of human rights; a reward system has been set up to boost staff efficiency and optimal performance; and great partnership has been established with the National Assembly Standing Committee on Human Rights and Constitutional Matters who would be provided technical guidance so that they can effectively scrutinise the compliance of bills with human rights standards.

#### **4. THE TRI-PARTITE PARTNERSHIP BETWEEN GANHRI, UNDP AND OHCHR (TPP)**

Under an agreement between UNDP, OHCHR, GANHRI and NANHRI, known as the Tri-Partite Partnership (TPP), the Commission implemented several capacity building activities which strengthened its role as a human rights protector. The following activities were implemented under the Agreement:

##### ***TRAINING FOR NHRC COMMISSIONERS AND STAFF ON ENGAGEMENT WITH INTERNATIONAL HUMAN RIGHTS MECHANISMS***

This training was facilitated by officials from the treaty body branch of OHCHR Head Office in Geneva and the Transitional Justice and Human Rights Project Management Unit (TJHR PMU) and attended by staff of the Commission. It enhanced the participants' understanding of the Gambia's reporting obligations to the UN treaty bodies, what strategies and opportunities are available for effective and active engagement with these human rights mechanisms, and how to improve the follow up and monitoring of the UN recommendations and Concluding Observations at the country level. Better practices were also learned from the NHRIs of Kenya and Uganda. As a result of this workshop, the Commission developed frameworks for the monitoring of the 2019 UPR Recommendations and engaged the Ministry of Justice on the submission of the pending State reports to the relevant treaty bodies. Advocacy has begun for the establishment of the National Mechanism and Reporting and Follow-up (MNRF).

##### ***DEVELOPMENT OF THE NHRC STRATEGIC PLAN (2021-2025), RESOURCE MOBILIZATION PLAN AND A COMPREHENSIVE IMPLEMENTATION PLAN***

With the support of a consultant hired under the TPP Agreement, the Commission developed its first Strategic Plan 2021-2025 to serve as a roadmap for its systematic functioning, facilitate the evaluation of the impact of its programmes and activities and serve as the foundation for its accountability to the Gambian public. Stakeholder and partner consultations were carried out to ensure their views, opinions and expectations inform the development and content of the Strategic Plan.

Through series of participatory, inclusive inhouse workshops/exercises, staff analysed the Commission's strengths, weaknesses, opportunities, and threats (SWOT), reformulated the Mission, Vision and Core Values and identified key outcome indicators. Six Strategic Objectives have been identified through which the Commission is expected to contribute significantly to the creation of a culture of respect for human rights in the country.

## ***TRAINING ON ENABLING ENVIRONMENT FOR CIVIL SOCIETY PARTICIPATION***

The NHRC plays a central role in ensuring the existence of an enabling and effective political environment which guarantees civil society's right to participate in the development of frameworks, laws and policies that enhance the legitimacy and sustainability of decisions by the State. Towards this end, the Commission organised a training workshop for its Commissioners, staff, and representatives of key CSOs to expand their knowledge on how to effectively promote and protect the right to participate in public affairs, increase engagement between the NHRC and CSOs and strengthen collaboration between the NHRC and the transitional justice mechanisms. The training was led by two experts from OHCHR's Rule of Law and Democracy Section who designed and facilitated the training workshop. "Guidelines for States on the effective implementation of the right to participate in public affairs" developed by OHCHR served as the basis for the training.

## ***TRAINING OF TRAINERS ON HUMAN RIGHTS EDUCATION AND TRAINING METHODOLOGY***

The three-day virtual Training of Trainers workshop, designed and facilitated by two experts from the Methodology, Education and Training Section (METS) of OHCHR Geneva office, enhanced the capacity of NHRC staff and Commissioners on human rights training methodologies, conceptualization, planning, implementation, and evaluation. The participants were guided on how to design a human rights education training programme, training materials and resource tools. Through an individual exercise, each participant developed a human rights module and an implementation methodology. The workshop has enabled the Commission to have its own pool of trainers who can design human rights training programmes and modules.

## **5. DEVELOPMENT OF A CASE MANAGEMENT DATABASE SYSTEM**

The complaints mechanism is at the heart of the work of the NHRC and, since its inception, the Commission has considered several cases of human rights violations which have steadily increased. To minimise delay and unexpected challenges in the investigation and disposition of complaints and to ensure the security and confidentiality of information received, the Commission hired the services of a reputable firm to develop a case management database system which is now up and running.

The development of a user-friendly case management system is ensuring timely processing and management of complaints. Through the system, the Commission is producing thematic case reports, disaggregated data and allowing access to encrypted complainant information through a user-level based coding system. This has increased the Commission's efficiency and effectiveness in complaints handling.

## **6. PRESS BRIEFING ON THE COMMISSION'S 2019 ANNUAL REPORT**

Following the publication and submission of its 2019 NHRC Annual Report to the National Assembly Standing Committee on Human Rights and Constitutional Matters in compliance with Section 33 of the NHRC Act 2017, and its distribution to all Government Ministries, Departments, International Development Partners including the diplomatic community, CSOs and NGOs, both nationally and internationally, the Commission organised a briefing with the media to highlight its achievements, challenges and lessons learned in 2019 and its envisaged plans for 2020. Also discussed with the media were the findings in the 2019 Status of Human Rights in The Gambia Report and the key recommendations made to the Government on the protection and fulfilment of human rights, as well as the findings of the Commission's monitoring visits and published Advisory Notes.

## **7. DEVELOPMENT OF A COMMUNICATION STRATEGY 2020-2025**

To scale up its human rights promotion programme and initiatives in a systematic manner, the Commission hired a consultant to develop its Communications Strategy 2020-2025 which provides a framework for an effective, efficient, coherent, and consistent strategic communication that accurately reflects the mission, vision, and objectives of the NHRC. The Strategy was developed through an inclusive, participatory approach which saw the active involvement of all the Commissioners and staff.

With the Communication strategy fully operational, the Commission's work is getting more visible, engagements with the public and relevant stakeholders more pronounced, and messages customised and delivered through the appropriate media.

## **8. CAPACITY NEEDS ASSESSMENT OF THE NHRC**

The NHRC hired the service of a Consultant to conduct a Capacity Needs Assessment of its operations to ensure it is implementing its mandate in line with the Paris Principles thereby enhancing its effectiveness. The following areas were identified and assessed: capacity, strengths and needs of the Commission; current capacity to implement the mandate; gaps in complying with the Paris Principles; and priority capacity gaps that should urgently be addressed. Strategies, including tailored capacity development strategies, were identified, and recommended to address identified capacity gaps. A practical capacity assessment tool that can be used for self-assessment on a regular basis by NHRC was also developed.

With the strategies identified in the Capacity Needs Assessment, the Commission now has a framework to ensure the implementation of its programmes are in line with the Paris Principles and contribute to enhancing its effectiveness, visibility and credibility, and realisation of its mandate.

## **9. NHRC ANNUAL STAFF RETREAT (2020)**

As part of its organizational development, a stock taking retreat was organized from 16th to 19th December 2020 at Sindola Lodge in the West Coast Region. It brought together all the Commissioners and staff of the Secretariat who critically assessed their journey so far in the creation of a culture of human rights in The Gambia.





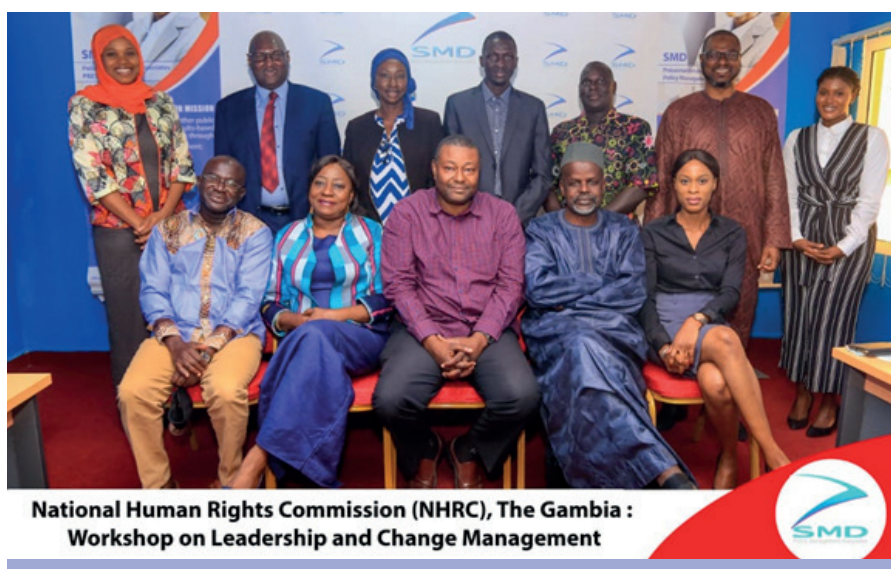
During the retreat, the Commissioners and staff engaged in critical appraisal of its performance after its first full year of operations, identified more efficient and effective working methods which would provide optimal results in 2021, finalised the 2021 Annual Work Plan and discussed the implementation strategies of the Strategic Plan 2021-2025.



The retreat provided an opportunity for excellent team building and interactions and frank discussions of individual and collective responsibilities towards the realization of the vision of the Commission. Innovative ways have been identified to improve the working environment and keep Commissioners and staff motivated, responsible and accountable for their performance.

## 10. IN-COUNTRY CUSTOMISED CAPACITY BUILDING TRAINING PROGRAMMES FOR THE COMMISSION

Through a reputable training institution, the Commission organised three separate in-country training workshops for Commissioners and senior management, middle level managers and junior level staff, including drivers and auxiliary employees. The topics, specialist in nature, were tailor made or customised to the functions and responsibilities of each of the categories.



With new competencies and skills in leadership, change management and Results Based Management, the Commissioners and senior managers can lead the Commission towards the realisation of its mandate and vision. The middle level managers have enhanced capacity in project proposal development, monitoring and evaluation and understand what contributions they should make towards the implementation of the NHRC Strategic Plan 2021-2025. Junior staff, whose training focused on teamwork, electronic records management and essential administrative, communication and office management skills, now understand their roles in the Commission's work, especially in the implementation of the Strategic Plan.

## 11. NHRC'S PARTICIPATION IN INTERNATIONAL ACTIVITIES

The NHRC participated in the following high-profile meeting:

- a) **High Level Panel Discussion on Covid-19 and NHRIs organized by UNDP Liberia on 16 September 2020:** Chairperson of the Commission, Mr. Emmanuel D. Joof, served as a panellist/discussant and presented on "The Impact of the COVID-19 Pandemic on the Rule of Law in the subregion of West Africa with special reference to the Gambia".
- b) **High Level Panel Discussion organized by OHCHR Geneva as an online event at the margins of the GANHRI held on Wednesday 2nd December 2020:** Chairperson of the Commission, Mr. Emmanuel D. Joof, served as a panellist/discussant and presented on the theme: "Public Participation: Experience in Facilitating Civil Society Participation, Including the Creation of a Civil Society Dialogue Platform for Human Rights at the level of NHRIs.
- c) **ECOWAS Commission Training Workshop on Human Rights Protection and Reporting held in Accra, Ghana, from 10-14 February 2020:** The workshop, attended by Legal Officer Sainey Bah, was designed to enhance the capacity of National Human Rights Institutions (NHRI's) in preparing and submitting the status of human rights in their respective counties, in line with Article 35 (2) of the Protocol on Democracy and Good Governance and using the ECOWAS human rights reporting framework. As a result of the Commission's participation in this workshop, it prepared and submitted to the ECOWAS Secretariat its Human Rights Report 2020.

# PROMOTION AND DEEPENING OF A CULTURE OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

## 1. REVIEW OF BILLS AND DEVELOPMENT OF ADVISORY NOTES ON PERTINENT HUMAN RIGHTS ISSUES

As per Section 12 (i) of the NHRC Act 2017, the Commission is tasked with the responsibility of reviewing legislation and making recommendations to the Government concerning their compliance with the international treaty obligations of The Gambia. During the period under review, the Commission reviewed four Bills namely: the 2020 Draft Constitution, Access to Information Bill 2020, Petroleum Commission Bill 2020, and Persons with Disabilities Bill 2020; issued five Advisory Notes and, in collaboration with the Gambia Police Force, prepared and adopted 'Guidelines for Policing Public Assemblies' as well as 'Code of Conduct for Police Officers'. These documents were developed, published, and shared with the relevant Institutions.

They were an Advisory Note on:

- a) the Right to Freedom of Assembly and Association vis-à-vis the Public Order Act.
- b) Sexual Harassment in The Gambia.
- c) the 2020 Final Draft Constitution
- d) the Election Act 2001
- e) the Caste and Descent-based Discrimination in The Gambia.

These Advisory Notes have stirred discussions and engagements on the key themes they addressed. Consequently, UNDP Banjul Office had agreed to work with the Commission to fund a study on sexual harassment in the workplace as well as develop a Policy on Sexual Harassment in the Workplace. There is also in place, under the aegis of the Commission, a national task force to address caste and descent-based discrimination in The Gambia.

## 2. COMMEMORATION OF INTERNATIONAL HUMAN RIGHTS DAY

As part of its commemoration of the 2020 International Human Rights Day, the Commission conducted radio programmes to popularise the theme and issued a Press Statement which highlighted the plights of vulnerable groups in The Gambia amidst the COVID 19 pandemic and urged the Government to take measures to ameliorate their conditions.



### **3. THE SIR DAWDA KAIRABA JAWARA MOOT COURT COMPETITION ON HUMAN RIGHTS**

The Commission, in partnership with the Faculty of Law, University of The Gambia, organized the maiden 'Sir Dawda Kairaba Jawara Human Rights Moot Court Competition as part of its activities for the commemoration of International Human Rights Day. The Competition is named after the late President Sir Dawda K Jawara for his instrumental leadership in the adoption of the African Charter on Human and Peoples' Rights which earned it the sobriquet 'Banjul Charter' and democratic credentials which made The Gambia the choice as host of the Secretariat of the African Commission on Human and People's Rights (ACHPR).



A hypothetical case that is of relevance to the country and the work of the Commission was developed and formed the basis of the arguments. Students at the Faculty of Law, who were the competitors, were divided into teams and they progressed according to their performance and scores. The final round was held at the Sir Dawda Kairaba Jawara Conference Center and was attended by a cross section of the society, including senior Government officials, members of the Diplomatic Corps, National Assembly, Judiciary, Gambia Bar Association, Civil Society Organisations, UN Agencies, and students from the University of The Gambia and selected schools in the Greater Banjul Area. Statements were delivered by the Minister of Justice, the UN Resident Coordinator, the Deputy Vice Chancellor (Academic) of the University of The Gambia and the Chairperson of the Commission.

The main funders of the event, who are also longstanding partners of the Commission, were UNDP and the Office of the High Commissioner for Human Rights. Prizes, including the ‘Kairaba’ which is the autobiography of the late President, were awarded to all those who participated in the Moot Competition. The winning team, which comprised Ida Jatta and Muhammed Jeng, were presented with a cash prize and given a paid internship of one year at Commission.

#### **4. THE ESTABLISHMENT OF A CIVIL SOCIETY DIALOGUE PLATFORM**

Civil Society organisations (CSO) in The Gambia play an important role in the promotion and protection of human rights, especially in public education, capacity building and research. In recognition of this work, the Commission established the Civil Society Dialogue Platform as an interface to foster collaboration and partnership between the Commission and CSOs and for the active participation of non-State actors in the work of the Commission. The Platform is entirely managed by its members and focuses on key thematic human rights areas and vulnerable and marginalised groups. Its members have participated in the Commission’s capacity building workshops and monitoring visits of places of detention and care institutions.



## 5. PARTICIPATION IN THE 66<sup>TH</sup> AND 67<sup>TH</sup> ORDINARY SESSIONS OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS (ACHPR)

The Commissioners and Staff participated in the 66<sup>th</sup> and 67<sup>th</sup> Ordinary Sessions of the African Commission on Human and Peoples' Rights (ACHPR) which were held virtually due to the COVID 19 restrictions on travels.

The Chairperson of the NHRC participated in the "Forum on the Participation of NGOs in the 67th Ordinary Session of The African Commission on Human & Peoples' Rights" and delivered the Closing Remarks on the Theme: **Post Covid-19: Rebuilding a Just and Peaceful Society in Africa based on Human Rights and Good Governance.**

The participation of the NHRC in these sessions of the ACPHR provided the Commissioners and staff the opportunity to gain insights on the challenges and lessons learned from NHRIs across the continent while implementing and fulfilling their human rights mandate and advisory roles. It also provided an opportunity to have a grasp of the human rights situation across Africa, challenges, and best practices.



## 6. COMMUNITY OUTREACH

As part of its efforts to raise awareness of the public on its mandate, functions, powers and complaint procedures, and human rights in general, the Commission, in partnership with the National Council for Civic Education, conducted outreach activities in the communities of Banjulunding, Busumba and Tanji in the West Coast Region.

The dialogues were attended by cross sections of people in these communities while the discussions focused on the Commission’s work, mandate and complaint handling procedures, the rights, and responsibilities of citizens as per the 1997 Constitution of The Gambia, law making in the Gambia and the rights of vulnerable and marginalized groups such as women, children, the youth, the elderly, and persons with disabilities. The Women’s Act 2010 and the Children’s Act 2005, and their amendments, served as the basis for these discussions.





# IMPROVING COMPLIANCE FROM THE STATE ON MATTERS OF HUMAN RIGHTS AND ACCESS TO JUSTICE

## 1. INTERVENTION BY THE NHRC THROUGH ADVICE & RECOMMENDATIONS TO ALLEVIATE THE IMPACT OF COVID 19

Between March and August 2020, the NHRC engaged the Ministry of Justice, the Judiciary, the Police and Prison Services, the Office of the President and the National Assembly Standing Committee on Human Rights and Constitutional Matters on the measures to put in place for the implementation and observance of the World Health Organization covid-19 prevention guidelines in all detention facilities, to respect and fulfil the rights of pre-trial, remand and convicted prisoners during COVID-19 and to decongest the prisons.

On 25th March 2020, the Commission through a letter to the Attorney General and Hon. Minister of Justice and urged the Ministry to investigate the plight of detainees in police cells, remand prisoners and convicted prisoners as part of efforts to fight the spread of COVID-19 in the country. It made the following recommendation.

- a) To prevent prolonged detention, measures be put in place to ensure that alleged offenders of offences that are nonviolent in nature be granted bail (maybe at the police level)
- b) For the benefit of preventing and curtailing the spread of this virus, measures, be put in place such as granting bail to alleged offenders of nonviolent crimes in remand and awaiting trial. This will in addition to avoiding prolonged detention, decongest the prison and curtail the spread of this virus.
- c) That inmates that has committed nonviolent crimes and have served three-fourth /75 percent of their sentences be eligible/considered for released to reduce the spread of the virus.

Following its petition and recommendations to the authorities, the President of the Republic exercised his prerogative of mercy powers, as per Section 82 of the 1997 Constitution to pardon about 125 prisoners who were serving various prisons terms as part of efforts to decongest the prisons.

Following the continuous assessment of the impact of the COVID 19 on the trial process, prisons, police cells and detention facilities, The NHRC on the 10th of August again wrote to the Ministry of Justice reiterating its concerns and made the following recommendations:

- a) That ventilation in all police cells and detention centres be greatly improved. The NHRC's routine monitoring of detention facilities found the ventilation in sites visited to be extremely poor.

- b) That face masks be provided to all detainees, remanded, and convicted prisoners, police officers, prison officers and all those who meet detainees.
- c) That before people are remanded into custody in the remand wing of any of the three Prisons, they are tested for COVID-19.
- d) That prisoners in all the three prisons are tested for COVID- 19 and those found to be positive isolated from the other prisoners.
- e) That alleged offenders charged with offences that are nonviolent and/or not of a sexual nature be granted bail on lenient conditions.
- f) That alleged offenders charged with nonviolent offences and/or crimes that are not of a sexual nature who are already in remand and awaiting trial be released on bail on lenient conditions.
- g) That inmates who have committed nonviolent crimes and crimes that are not of a sexual nature and have served three-fourth /75 percent of their sentences be eligible/considered for immediate released to reduce over congestion in prisons to curb the spread of the virus.
- h) That in the interest of fair and speedy trial the Judiciary considers instituting Mobile Courts within the premises of Mile 2 Central, Jeshwang and Janjangbureh prisons. As you may be aware, Mobile Courts have been very effective in expediting criminal trials and consequently decongesting prisons in some jurisdictions.
- i) That the Ministry of Justice urges the President to again exercise his powers as per Section 82 of the 1997 Constitution (Prerogative of Mercy) especially towards those convicts who are serving time for offences that are nonviolent or not of a sexual nature.

The NHRC has continued to monitor The Government of The Gambia’s COVID-19 pandemic response, to ensure that it is human rights compliant, in accordance with international standards-routine visits to detention facilities and providing supplies of detergents, bleach and sanitizers. It has also continued its continuous engagement of the government authorities especially the MOJ, MOI, Office of the IGP, MOH and civil society organizations to make sure that vulnerable groups are not adversely affected.

## **2. DEVELOPMENT AND ADOPTION OF A CODE OF CONDUCT FOR THE POLICE, AS WELL AS GUIDELINES FOR POLICING PUBLIC ASSEMBLIES AND DEMONSTRATIONS IN THE GAMBIA**

In its efforts towards the creation of a culture of respect for human rights, the Commission worked with the Gambia Police Force to develop “Guidelines on Policing Public Assemblies and Demonstrations in The Gambia” and a “Code of Conduct for Police Officers” which were adopted by the Police high command on 2nd December 2020.



The adoption of the said documents is an expression of the police leadership's commitment towards the development of a vibrant, effective, and efficient police service that upholds and protects the fundamental human rights of the people.



They have been printed in large quantities and handed over to the Police for onward distribution to all Police Officers in The Gambia. The Code of Conduct would be periodically reviewed and updated.



### **3. MONITORING VISITS TO PLACES OF DETENTION AND INVESTIGATIONS INTO ALLEGED HUMAN RIGHTS VIOLATIONS**

By virtue of Sections 12 and 20(1) of the NHRC Act, the Commission is mandated to monitor the human rights situation in The Gambia including violations by private persons and entities. In the exercise of this mandate, the Commission can open inquiries, and undergo monitoring and fact-finding missions to investigate human rights violations in Government offices, facilities, and places of detention.

#### ***MONITORING VISITS TO POLICE STATIONS AND OTHER PLACES OF DETENTION IN THE KANIFING MUNICIPALITY AND WEST COAST REGION***

In June 2020, the investigating officers of the Commission conducted monitoring visits to the Anti-Crime Unit in Bijilo and the Bundung, Bakau and Brikama Police Stations to assess the conditions of detainees therein and their compliance with human rights standards. Interviews were held with the detainees and the records and registers of the Stations were examined.

Discussions were also held with the officers in these Stations, including the officers of the National Drug Law Enforcement Agency (NDLEA), and Gambia Immigrations Department (GID) to understand the various challenges they face in carrying out their duties. Recommendations have been made as to how to ensure greater compliance with human rights in the treatment and conditions of detainees.

**a. *Investigation into allegation of suicide of a Bissau Guinean national while under the custody of the national drug law enforcement agency (NDLEA)***

In April 2020, the Commission investigated the reported the suicide of a national of Guinea Bissau, Mr. Januario Wande Beducande Findem, while under the custody of the National Drug Law Enforcement Agency (NDLEA). The deceased was arrested with suspected cocaine and subsequently charged with possession of prohibited drug for the purpose of drug trafficking contrary to the Drug Control Act 2003. However, the Chief Justice, acting pursuant to the Coroner's Act (Cap 7: 04, Law of the Gambia), designated a Principal Magistrate at the Kanifing Magistrates' Court, Her Worship Mrs. Isatou Janneh-Njie, as Coroner who established that the cause of death of deceased was by suicide. Consequently, the Commission's investigation was terminated.

**b. *Investigation into alleged eviction of the Jeshwang Women Gardeners***

In May 2020, the Commission investigated allegations of forced evictions and destruction of the gardens of women at the Jeshwang Women's Garden. More information on this allegation is being sought from the Ministry of Local Government, Lands and Religious Affairs to enable the Commission advice the Government accordingly.

**c. *Investigation into allegations of torture while in detention committed by Head of the Anti-Crime Unit (27 July 2020)***

Following allegations of torture by one Ebrima Sanneh against the head of the Anti-Crime Unit of the Gambia Police Force, the Commission, in collaboration with the Gambia Police Force, set up a five-member Investigation Panel comprising representatives from TANGO, the Gambia Police Force, Gambia Bar Association and Ministry of Interior. Chaired by the Vice Chairperson of the Commission. Seventeen (17) witnesses, including the complainant, respondent and the Medical Doctor who examined the complainant, testified before the Panel.



The Panel's report was submitted to the Inspector General of Police with its findings and recommendations which included disciplinary action against the respondent, compensation for the complainant and training of the Police on human rights and related topics. Nearly all the recommendations have been implemented by the IGP. The Panel's Report can be found on the Commission's website at [www.gm-nhrc.gm](http://www.gm-nhrc.gm)

## **FACT FINDING AND MONITORING VISITS TO MINING COMMUNITIES AND FACTORY AREAS**

### ***a. Monitoring visits to Gunjur, Sanyang and Kartong***

Following reports by concerned indigens about environmental hazards and damages posed by sand mining and fish meal factories in the West Coast Region, the NHRC embarked on a monitoring visit to the communities of Gunjur, Sanyang and Kartong. It saw at first hand the damages sandmining and the fishmeal factories have caused, including the environmental pollution and the disposal of waste from the fish meal factories into the seas. Meetings were held with environmental activists in these communities, the Chief of Kombo South and community leaders. The relevant Government Ministries and Agencies are being engaged to find lasting solutions to these environmental problems.

### ***b. Fact-finding Mission to Salagi and Sukuta***

Through the monitoring of human rights matters in the media, the Commission came to learn about the demolition of properties, evictions, and arrests of landowners in Salagi carried out by the Police Intervention Unit (PIU) in collaboration with the Department of Physical Planning. A factfinding mission was undertaken to Sukuta and Salagi, and information was received from relevant witnesses and parties regarding the disputed areas. Interviews were conducted with the affected landowners and the number and values of properties demolished were ascertained from the landowners. However, the Commission has been informed that this matter is in court and thus could not proceed with its investigation as per its Rules of Procedure on Complaints Handling.

### ***c. Follow-up mission to Koina, Garawol, and Diabugu***

The underlying factors which precipitated the violence between the so called 'nobles' and 'slaves' in the said three communities were also investigated. With the aim of finding durable solutions to caste-based discrimination in The Gambia, the Commission has set up a multi-sectoral task force, comprising representatives from the Ministries of Justice, Interior and Local Government and Lands, TANGO and Supreme Islamic Council, which is devising strategies that could significantly contribute to tackling the phenomenon in the country.



It has developed its own work plan that it is implementing and has had series of engagements with affected communities in URR.



## CAPACITY BUILDING/TRAINING

Cultivating a culture of human rights is integral to the NHRC, both internally and externally. In the year in review, the Commission planned and implemented several capacity strengthening trainings and orientation sessions to achieve this goal.

### 1. TRAINING OF 30 LAW ENFORCEMENT OFFICERS ON THE MANDATE AND FUNCTIONS OF THE NHRC; AND BASIC HUMAN RIGHTS PRINCIPLES, NORMS AND STANDARDS

From the 22nd -24th June 2020, the Commission organized a 3-day capacity building training for 30 law enforcement officials in the Greater Banjul Area. The training focused on the establishment, role, and functions of the NHRC; basic human rights principles, norms, and standards; and the role of law enforcement officers in supporting the work of the NHRC towards the creation of a culture of human rights in The Gambia.



### 2. TECHNICAL SUPPORT PROVIDED TO OTHER INSTITUTIONS AND ORGANISATIONS

Staff of the Commission served as technical resource persons or facilitators in the following training workshops:

- i. Training of security persons on covid-19 prevention measures, public order management and human rights obligations (6-17 April 2020)



- ii. Capacity Building of Security Officers of the Gambia Armed Forces, Immigration and Fire Services on COVID=19 prevention measures, public order management, human rights, and children’s issues during the COVID-19 Crisis (27 May – 12 June 2020)
- iii. Capacity Building: Orientation Training for Community radio journalists on ethical reporting of sexual and gender-based violence (9 June 2020)
- iv. Virtual Training of NCCE staff on Fundamental Human Rights vis a vis the 1997 Constitution and Chapter VI of the 2020 draft Constitution.
- v. Training workshop on human rights and rule of law for NGO’s and CSO’s (22-23 July 2020)

## 1. INVESTIGATION INTO ALLEGED TRAFFICKING OF YOUNG LADIES TO LEBANON

Following the return of 38 young ladies alleged trafficked to Lebanon, the Attorney General Chambers and Ministry of Justice requested the Commission to investigate the circumstances surrounding their recruitment and conditions of stay in Lebanon. The Commission was also tasked to determine the role played by any individual, institution or agency in the recruitment and transportation of the victims; identify the support required/needed from Government and other stakeholders for their re-integration back to the society; and to make appropriate recommendations to the Government with regards to trafficking in persons and how to curb the phenomenon.

Through collaboration with the Network of Girls against Human Trafficking, all the victims were interviewed, investigations mounted on some of the alleged perpetrators living in The Gambia and needs assessment done for each of the victims. The Investigation Report has been submitted to the Hon. Attorney General and Minister of Justice with specific recommendations on the psychosocial support and reintegration needs of the victims, law enforcement, prosecution of the traffickers and awareness raising on human trafficking.

## 2. SUMMARY REPORT ON PRISONS VISITS AND DETENTION FACILITIES

As part of its functions, NHRC monitors institutions with statutory obligations to respect, protect and fulfil human rights. In 2020, the NHRC, from 24th to the 26th of December, undertook its annual monitoring visits to all the 3 prisons and numerous Police Stations across the country. The objective of these visits was to follow-up on the status of the implementation of the recommendations made in the NHRC 2019 Annual Report and to assess the condition of detention facilities and how they meet international human rights standards and requirements. Two senior officers of the Gambia Police Force participated in the monitoring visits.

### VISIT TO THE PRISONS

The monitoring teams visited all the prisons: Mile II, Jeshwang and Janjangbureh Prisons. The monitoring and assessment focused on some of the following areas: general conditions of the prison buildings and cells; accommodation of the inmates; conditions of the sanitary facilities; quality of the food served to prisoners; prisoners' access to learning and skills development; health care conditions of prisoners; working conditions of prison officers; availability of office equipment; and conditions of accommodation of prison officers. Private interviews were conducted with inmates, including those who are on remand and/or have their appeals pending in court.



While the NHRC noted improvements in the prisons and conditions of prisoners, the following, among many other things, were observed:

- a. Overcrowding in some cells; poor lighting and ventilation particularly at Jeshwang and Mile II Prisons; and limited toilet facilities, which exacerbates the overall sanitary conditions of the inmates.
- b. Prolonged detention for those awaiting trial (at the Remand Wings) and inordinate delay in the hearing of appeal cases.
- c. Limited access to free and timely legal services, particularly for children at the Juvenile Wing and inmates accused of capital offences.
- d. Limited access to medical services (inadequate drugs, absence of trained medical personnel, lack of ambulances, lack of infirmary, etc.).
- e. Inadequately equipped vocational training workshops.
- f. Poorly equipped offices; and
- g. Staff quarters that need extensive renovation.

A comprehensive monitoring report has been prepared to be discussed with all the relevant Government Ministries and Agencies, including the Ministry of Interior and the Gambia Prisons Service for their implementation which would be monitored by the Commission.

## VISIT TO POLICE STATIONS



The following Police Stations were visited during this monitoring trip: Basse, Bansang, Janjangbureh, Kaur, Farafenni, Soma, Sibanorr, Kalagi and Police Stations. The offices, cells, Station Diary, and other documents were inspected. Interviews were held with the Station Officers, Police Child Welfare Officers, and detainees where they were found or met. The working conditions of the officers, including their equipment, were assessed. The following were some of the concerns observed:

- a. Some of the Police Stations do not have separate cells for women or children.
- b. The cells of most of the Stations are tight, with poor ventilation and lighting.
- c. Most of the Stations lack operational vehicles.
- d. The station diaries and other documents of most of the Stations are not regularly updated.
- e. Nearly all the Stations visited do not have a designated space or office for interviewing children or women.
- f. Most of the Stations have inadequate sanitary facilities for officers and detainees.

Recommendations to the Gambia Police Force for improvement in the areas assessed during the monitoring include the following:

- a. The cells, ventilation, and sanitary facilities in most of the Stations visited need renovation.
- b. All Police Stations should have separate detention facilities for men, women, and children, in line with the Children's Act 2005 and other legal instruments. This should be factored when new police stations are being built or current ones renovated.
- c. Every Police Station should be provided functioning vehicles and/or motorcycles for operational and administrative purposes, to facilitate effective dispensation of services.
- d. Enough office equipment should be supplied to all Police Stations for effective Police work.
- e. Every Police station should ensure that these Police Child and Gender Welfare Officers have their own offices in which they can carry out their work in privacy.

**PSYCHIATRIC FACILITY (TANKA TANKA), BAKOTEH SHELTER AND THE HOME FOR THE ELDERLY**

On 12 November, the NHRC embarked on a monitoring visit to Tanka Tanka Psychiatric Hospital and Bakoteh Shelter and Home of the Elderly. The objectives of the visit were to monitor and inspect the living conditions, available facilities, and service for the patients and/or occupants and their compliance with human rights standards. The visit also assessed the challenges faced by the staff managing the said institutions. NHRC intends to intensify advocacy to review mental health in the Gambia.



# ENFORCING HUMAN RIGHTS WITHIN THE JUSTICE SYSTEM

## 1. COMPLAINTS HANDLING AND INVESTIGATION

The National Human Rights Commission (NHRC) is mandated by sections 12 (b) and 13 (2) (a) of the NHRC Act 2017 to receive and hear complaints of human rights violations that fall within the jurisdiction of the Commission. The NHRC can also suo moto initiate investigation into alleged human rights violations. Complaints that meet the admissibility criteria as stipulated in the Commission's Rules of Procedure on Complaints Handling are assessed, investigated and appropriate redress recommended. However, complaints that are found inadmissible are referred to institutions with appropriate subject matter redress mechanisms such as the Industrial Tribunal, Office of the Ombudsman, Labour Department, or the Gambia Police Force.

During the year under review, the NHRC received a total number of 72 complaints, out of which 63 were investigated and recommendations issued, and 9 complaints declared inadmissible and referred to the appropriate institutions as mentioned above for resolution. To further improve service delivery to the public, the NHRC has developed a Case Management System for complaints handling.

The table below show a graphic picture of the complaints received, and the nature of the alleged violations.

Sr: #	Alleged Violation Type	# of complaints
01	Torture, inhumane and degrading treatment, or punishment	7
02	Protection from deprivation of property (Right to Property)	19
03	Labour Rights	15
04	Right to fair trial	4
05	Right to Health	5
06	Freedom of Speech, Assembly, Association and Movement	2
07	Freedom from Discrimination	8
08	Right to liberty and security of the person	13
09	Right to Education	1
10	Protection from Enforced Disappearance	1
11	Sexual and Gender Based Violence	1

## COURTESY CALLS BOTH ON AND BY THE COMMISSION

### 1. VISIT OF OHCHR WEST AFRICA REGIONAL DIRECTOR TO THE NHRC, 5TH MARCH 2020

Mr. Andrea Ori, the Regional Director of the Office of the High Commissioner for Human Rights West Africa Regional Office (OHCHR-WARO), paid a courtesy call on the NHRC Chairperson. Matters related to partnership for the efficient execution of the Commission's mandate were discussed.

### 2. MEETING BETWEEN THE IGP, NHRC CHAIRPERSON AND HEADS OF SELECTED CIVIL SOCIETY ORGANISATIONS, 17 JULY 2020

The Chairperson of the NHRC, together with heads of TANGO, Gambia Bar Association and Gambia Press Union held a meeting with the Inspector General of Police, Mr. Mamour Jobe, following the arrest of a prominent Human Rights campaigner, Madi Jobarteh. Several matters of interests were discussed, including national security, human rights, role of civil society in the furtherance of good governance, public expectations of the Police in the new dispensation and how to improve and sustain the relationship between the Police and society.





### 3. COURTESY CALL ON THE HONOURABLE ATTORNEY GENERAL AND MINISTER OF JUSTICE. 8 SEPTEMBER 2020

The Commissioners of the NHRC accompanied by the Executive Secretary made a courtesy visit to the newly appointed Hon. Attorney General and Minister of Justice, Hon. Dawda Jallow. The Chairperson of the Commission, Commissioner Emmanuel D. Joof, briefed the Honourable Minister about the mandate of the Commission, some of the programmes and activities undertaken and the tremendous support received from the Ministry of Justice since its establishment. The meeting also discussed the Commission's expectations of the Ministry and the support from the Government to ensure the Commission is fully Paris Principles compliant.



The Ministry of Justice is one of the key partners of the Commission in its work to promote and protect human rights in The Gambia. It has been effectively collaborating with the Commission since the swearing-in of the five Commissioners in February 2019.

#### 4. COURTESY CALL ON THE LORD CHIEF JUSTICE OF THE GAMBIA, 8 NOVEMBER 2020

The Commissioners of the NHRC, under the leadership of Chairperson Emmanuel D. Joof, paid a courtesy call on the Lord Chief Justice, Alhaji Hassan B. Jallow, and Honourable Justices of the Supreme Court. The discussions centred on how the Judiciary and the NHRC could work together to strengthen human rights, good governance, and access to justice in the country, and what support the Judiciary could provide the Commission in the enforcement of its recommendations and decisions. The Chief Justice assured the Commission of the collaboration and support of the Judiciary in the implementation of its mandate.

The two organs of the State agreed to meet again, to further discuss the collaboration and what mechanisms could be put in place for the enforcement of decisions and recommendations the Commission makes. Present at the meeting were Supreme Court Justices Raymond Sock and Mam Yasin Sey and the Judicial Secretary Ms Isatou Jallow-Sey.



## ACHIEVEMENTS IN 2020

The Commission registered the following achievements despite the enormous challenges that Covid-19 pandemic posed to its work in the year:

1. Established the Civil Society Dialogue Platform as an interface to strengthen its relationship with civil society organisations in The Gambia.
2. Undertook a Study Tour to the Kenyan National Commission on Human Rights (KNCHR) to learn better practices and innovative approaches in human rights delivery from an “A” status NHRI.
3. Published Advisory Notes which have contributed to the understanding of thematic human rights issues and provided guidance to the State on how to better protect and fulfil the rights of the people. The Advisory Notes published are:
  - Guidelines on Policing Public Assemblies in The Gambia
  - Advisory note on the right to freedom of assembly and association
  - Advisory note on sexual harassment
  - Advisory note on the 2020 Draft Constitution
  - Advisory note on the Elections Act
4. Developed the ‘Code of Conduct for the Police Officers’ and ‘Guidelines on Policing Public Assemblies in The Gambia’ which have contributed to the strengthening of the Gambia Police Force as a human right and rule of law institution.
5. Set up a fully functional National Secretariat with almost all the key technical staff in place to effectively implement the mandate of the Commission.
6. Conducted trainings for 30 Junior and middle level officers from the various Units of the Gambia Police Force on the mandate of the NHRC, rights of vulnerable groups, Chapter IV of the 1997 Constitution dealing with fundamental rights and freedoms, and human rights principles and standards.
7. Developed a Strategic Plan (2021-2025) and Implementation Plan to guide the strategic and programmatic objectives of the Commission towards the realisation of its mandate and the creation of a culture of human rights in the country.
8. Developed a Resource Mobilisation Plan to guide the Commission in its resource mobilisation and fundraising initiatives.
9. Undertook a comprehensive Capacity Needs Assessment to guide the Commission in its capacity building initiatives, conformity with the Paris Principles and realisation of its mandate and vision.
10. Investigated the torture allegations against the Anti-Crime Unit of the Police and recommended for the revamping of the Unit into an entity that is now anchored on respect for human rights and the rule of law.
11. Established a multi-institutional Task Force on the Caste System which is driving the efforts for the eradication of caste and descent-based discrimination in the country, with the Commission spearheading this initiative.

12. Investigated human trafficking in The Gambia and recommended for the Government to rigorously combat the practice and provide victims with the necessary support for their rehabilitation and reintegration.
13. Investigated the trafficking of Gambian ladies to Lebanon and made recommendations to the Government.
14. Commemorated the following international Days:
  - a. Day of the African Child
  - b. International Albinism Awareness day
  - c. International Day of Older Persons
  - d. International Day of the Girl Child
  - e. Day for People with Disability (Disability Day)
  - f. International Day for the Elimination of Violence Against Women and 16 Days of Activism
  - g. International Human Rights Day
15. Through the Sir Dawda Kairaba Jawara Human Rights Moot Court Competition, strengthened the skills of the students of the Faculty of Law in legal research and advocacy and ignited their interest in the work of the Commission and in regional and international human rights legal instruments and mechanisms.
16. Produced and shared the second edition of the NHRC newsletter to partners and stakeholders, including the Ministries, Agencies and Department as well as international institutions and organizations in the country.

## CHALLENGES

The Commission continues to strive harder to maintain and eventually exceed the high expectations of the public as the premier champion and protector of human rights and the architect of a just, equitable society which puts the highest premium on the rule of law and due process. Nonetheless, the Commission is grappling with its own challenges which have been exacerbated by the Covid-19 pandemic.

Currently, the core funding of the NHRC funding comes from the Government and receives technical and financial support from the UNDP and OHCHR. This leaves the Commission with funding gaps to facilitate the implementation of programmes, the proper setting up of the Investigations Unit and the establishment of regional offices, among other initiatives. To effectively serve the population and implement its mandate countrywide, the Commission would need adequate technical and financial resources to effectively implement its Strategic Plan 2021-2025. To this end though, the Commission is establishing partnerships and identifying strategies through which it can mobilize resources locally and internationally.

The NHRC is currently renting at its office premises which takes up a part of the financial support from the State. Thus, it would be essential that the Government, as per the Paris Principles governing the establishment of National Human Rights Institutions, provides the Commission with a permanent office premises.

The emergence of COVID 19 and the eventual pronouncement of a State of Emergency by the National Assembly in March 2020 compelled the Commission to postpone to 2021 numerous outreach activities earmarked for implementation in the 2020 Annual Work. This has negatively impacted the envisaged outcomes for 2020.

The effective functioning of the Commission was, to some extent, hindered due to the measures taken to implement the WHO and Ministry of Health guidelines and measures regarding the prevention of Covid-19. The implementation of a rotation system which enabled staff to work from home as much as possible impacted the progress of complaints and other cases which were being investigated.

## LESSONS LEARNED

Within the year in review, the NHRC has learned valuable lessons that will enhance its effectiveness and efficiency in serving the public. Key areas include:

1. **Prioritization:** As a newly established institution which is growing its technical capacity, and constrained by limited resources, how we prioritise our work and programme interventions will determine the impact we make in the short to medium term.
2. **Positioning the NHRC:** Our ability to strengthen our technical capacity and position ourselves financially to be able to serve and expand our reach nationwide will depend on the nature and sustainable character of the partnerships we establish with national institutions, NGOs, and Development Partners.
3. **Building Partnerships and Collaboration:** Achieving impact in the fulfilment of our mandate, while minimizing conflict in the messages we give on human rights, would require that we strengthen partnership and collaboration with statutory bodies and rule of law institutions such as the Office of the Ombudsman, National Council for Civil Education, National Agency for Legal Aid, and the Gambia Police.
4. **Promotion of the Indivisibility of human rights:** People generally think that human rights are only about civil and political rights. Creating a better appreciation and significance of human rights in national development and progress would require that our advocacy and awareness efforts put greater emphasis on economic, social and group rights and the indivisibility and interrelatedness of human rights.
5. **Expanding our geographical accessibility:** Our physical presence is currently only in the Greater Banjul Area which limits access to our services for those in rural Gambia. Ensuring accessibility and equity to the services we deliver would require that we establish presence in all the regions of the country, or, as a temporary measure, enter a Memorandum of Understanding with key statutory institutions with mandate to promote and protect human rights and have physical presence thereafter. Growing to scale may require seeking additional funds.

# THE SECRETARIAT

*The Secretariat is composed of the following:*

Positions	NOs
Executive Secretary	1
Deputy Executive Secretary	1
Director, Finance	1
Director, Human Resources	1
Director, Legal and Investigations	1
Director, Communications & Media	1
Legal Officers	3
Investigating Officers	4
Communications & Media Officer	1
Procurement Officer	1
Executive Assistant	1
Internal Auditor	1
Finance Officer	1
Logistics and Office Assistant	1
Records Assistant	1
Drivers	7

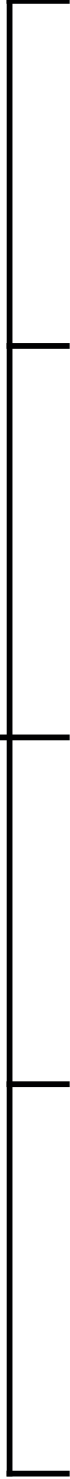
Of the 32 staff members of the NHRC, there are eight females, sixteen youth and more than half acquiring undergraduate degrees. The staff bring to the NHRC expertise and experiences from different fields of endeavour and are motivated to contribute meaningfully for the institution to achieve its goals. Our organizational culture is such that every member of staff is seen as a valuable team member and as such, is accorded the opportunity to contribute his or her part. Therefore, with such highly motivated staff, we are confident that the National Human Rights Commission will live up to expectation and achieve its mandate.



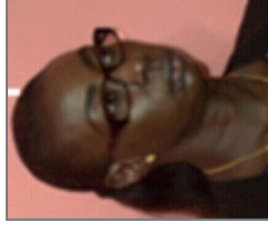
**Dr Cherno Omar Barry**  
Executive Secretary



**Matilda Mendy**  
Deputy Executive Secretary



**Mansour Jobe**  
Director  
Legal and Investigations



**Isatou Jagne Kolley**  
Director  
Finance



**Alieu S. Nyanh**  
Director  
Programmes and Resource  
Mobilisation



**Isatou Njai Cham**  
Director  
Communication and Media



**Paul C Mendy**  
Director  
Human Resources



# FINANCIAL OVERVIEW 2020

## 1. 2020 BUDGET

The total budget of Government Local Funds (GLF) for the year 2020 was GMD45.15m. This amount comprised the total recurrent expenditure estimate.

## 2. 2020 FUNDING

As a non-budget entity, the NHRC received a subvention of GMD36.2m from the Government, through the Ministry of Justice, from January to December 2020. The amount received for the year is 19.8% below the GMD45.15m expectation.

Allocations from government in 2020 were as follows:

	<b>Funds Received GMD</b>
Jan-20	1,000,000
Feb-20	5,000,000
Mar-20	3,000,000
Apr-20	2,500,000
May-20	3,000,000
Jun-20	2,500,000
Jul-20	3,000,000
Aug-20	4,000,000
Sep-20	3,000,000
Oct-20	3,000,000
Nov-20	2,500,000
Dec-20	3,700,000
	<b>36,200,000</b>

## 3. 2020 EXPENDITURE

Expenditure from Government Local Funds amounted to GMD 38.7m for the year ended 31st December 2020. This amount represents a total absorption rate of 85.6% of the budget for the year. The COVID-19 pandemic negatively impacted the implementation of some key activities earmarked for the period and efforts were therefore concentrated on further strengthening the infrastructure of the Commission and on carrying out activities that allowed for reasonable social distancing.

Aside from remuneration of staff and Commissioners and office running costs, expenditure as of 31st December 2020 centred mostly on the following (summary report of activities can be found in the 2020 Annual Activity report):

### Programme and Promotional Activities

- » Retreat with the senior command of the police force on the Code of Conduct for police officers.
- » Validation workshop for the Code of Conduct for police officers.
- » Training of law enforcement officers on Human Rights.
- » Launching of the Civil Society Dialogue Platform.
- » Field and archival research culminating in the publication of “The Gambia as a Bastion of Human Rights Advocacy in Africa 1965-1994: an historical overview”
- » SDK Human Rights Moot Court Competition.
- » Community Outreach activities.
- » Airing of a NHRC jingle on radio stations.
- » Training of traditional communicators in collaboration with TANGO.
- » Printing and dissemination of NHRC brochures; NHRC 2019 Annual report and State of Human Rights in The Gambia report; Monitoring visit to prisons report and recommendations; the NHRC Act 2017, NHRC Act 2020 and the Gazettes of the NHRC 2017; the UNDR pocket size books; the NHRC admissibility criteria; guidelines on policing public assemblies in The Gambia; Human Rights Investigators Handbook and 100 copies of wall hanging calendars, 100 copies of desktop calendars, and 200 diaries bearing the NHRC logo.

### Monitoring and Investigations

- » Investigations into alleged police brutality.
- » Investigations into the plight of the 38 returnees from Lebanon
- » Follow up monitoring visits to prisons and detention centres.
- » URR caste system task force activities

### Strategic Planning

- » NHRC staff general induction workshop.
- » Study tour to Kenya by the Executive Secretary accompanied by key staff.
- » 2021 – 2025 Strategic Plan SWOT analysis workshops
- » Commissioners and staff end of year retreat.
- » Commissioners and staff training towards operationalizing the NHRC (2021-2025) strategic plan- leadership and change management for the NHRC Commissioners and senior staff; project identification and management for NHRC middle management; office management skills for NHRC Junior staff

### Administrative and Infrastructure

- » Installation of GAMTEL fibre optic internet in preparation for the implementation of the IFMIS system.
- » Office 365 Business premium annual subscription and anti-virus license.
- » COVID 19 safety measures and protective items.
- » Procurement of a Nissan minibus.
- » Procurement of a 100KVA generator including installation costs.
- » Procurement of two sets of the Laws of The Gambia.
- » Additional equipment (including audio-visual equipment) and furniture.
- » Annual office rent.

- » Further office partitioning to accommodate new staff and construction of outside space for the security personnel and a generator house.

Contribution to International Organizations

- » Annual membership contribution to NANHRI (Network of African National Human Rights Institutions).

The Commission was able to spend more than the GMD36.2m allocated in 2020 due to a surplus of funds carried over from 2019 amounting to GMD3.1m. As at the end of 2020, the balance of funds remaining is GMD 649,400.00.

The above report is not a reflection of the audited accounts. As at the time of going to print the audit of the finances was yet to be conducted.

#### 4. 2020 DONOR FUNDING

In 2020, the NHRC was also supported by the United Nations through the UN Transitional Justice Project under the Peace Building Fund (PBF) and the Tri-Partite Partnership between GANHRI, UNDP and OHCHR (TPP).

The total amount of support was USD 160,699 (One hundred and sixty thousand six hundred and ninety nine US Dollars) which is GMD 8,034,950 (Eight million and thirty-four thousand nine hundred and fifty Dalasi) as shown in the table below:

FUNDING	AMOUNT	AMOUNT
	USD	GMD
Financial Support from PBF	61,022	3,051,100
Financial Support from TPP	99,677	4,983,850
<b>TOTAL</b>	<b>160,699</b>	<b>8,034,950</b>

*USD@GMD 50.00*

The key areas of support under a Direct Implementation arrangement (funds were expended directly by the donor) are as shown below. A detailed report of activities can be found in the 2020 Annual Activity Report.

**TPP – Tri-Partite Partnership Project**

- Training on engagement with international human rights mechanisms
- Consultancy: Comprehensive situational analysis and development of a 5-year Strategic Plan, including Operational Plan and Resource Mobilization Plan
- Training on enabling environments for civil society participation in decision-making.
- Consultancy: Design, development, deployment, and maintenance of a secure database
- Training on designing and managing human rights trainings.
- Purchase of book- Kairaba

**PBF – Peace Building Fund**

- Awareness raising on Albinism
- Consultancy: Development of Communications Strategy
- Consultancy: Development of Database/Case management system
- Commemoration Day of the African Child
- Printing of several publications on human rights situation in The Gambia
- Consultancy: Development of NHRC logo and standard templates
- Moot Court Competition
- Consultancy: Capacity Needs Assessment
- Consultancy: Development of two documents: a Sexual Harassment in the Workplace Study and a Sexual Harassment in the Workplace Policy
- Support to the initial activities of the CSO Dialogue Platform

## OUR PARTNERS

Our main partners on this journey have been the UN, with the UNDP and the OHCHR being the primary ones.

Ms Judy Oder, the human rights expert seconded to the Commission by the African Union, has been a great technical advisor whose expertise and experience enriched the work of the Commission.

The Government of The Gambia, through the Ministry of Justice, is perhaps the greatest partner in such a challenging endeavour. Despite the challenges of the Covid-19 pandemic, the Government had ensured that the budgetary allocations of the Commission were honoured or fulfilled.

Without the cooperation of national agencies and departments, security services, and civil society organisations, much of the activities would not have happened. The CSOs were very responsive and cooperative in the Commission's efforts to coordinate their common efforts to see a Gambia where every body's right is respected.

### **How donors can help**

The priorities of the Commission for the coming years are well articulated in its Strategic Plan (including Operational and Resource Mobilisation Plan) 2021-2025 which identifies six (6) Strategic Objectives which would contribute to its Vision 'A Gambia where enjoys their fundamental human rights and freedoms'. An intensive resource mobilisation drive would be undertaken to garner the necessary funding support for the implementation of the Strategic Plan. Through its efforts to ensure accessibility to its services, at least two regional offices would be opened in 2021.

# ANNEX 1: THE COMMISSION'S RECOMMENDATIONS TO THE STATE IN 2020 THROUGH PRESS STATEMENTS ISSUED

## 1. RECOMMENDATIONS TO SUPPORT THE MONITORING, PREVENTION AND CONTROL OF COVID-19 IN THE GAMBIA, ISSUED ON 20 MARCH 2020

1. The Government to provide adequate resources to the National Health Emergency Committee, for effective national response to COVID-19. This Committee should be the coordinating body for all parties or bodies involved in the fight against COVID-19, to maximize impact and efforts as well to prevent the dissemination of confusing information to the public.
2. To strengthen public safety and confidence, the government should ensure that people suspected of having the coronavirus or coming from high-risk countries are quarantined as per national or WHO guidelines. Such places of quarantine, however, should meet standards which preserve human dignity and wellbeing.
3. For the benefit and general good of the public, the Government should put in place measures, such as introducing sanctions and encouraging social distancing, to enforce the banning of public gatherings. However, these measures should consider the standards of legality, necessity, and proportionality in accordance with risks being evaluated.
4. The Ministry of Health, through its Health Education Directorate, should have in place an effective public education and awareness strategy or mechanism through which proper and timely information is communicated to the people, including those with physical limitations, learning difficulties or other challenges. Misinformation and disinformation must be effectively addressed to prevent a social panic. For this purpose, the Directorate should work with all media houses in the country, to ensure they disseminate the proper and right information to the public.
5. The Government to provide adequate essential personal protective equipment (PPE) such as surgical masks, alcohol-base hand sanitizers, and other protective equipment to the Ministry of Health, for quick distribution to medical and public health personnel who are combating COVID-19.
6. The Ministry of Trade to work with the Gambia Chamber of Commerce and Industry and the business community, to ensure the public can have access to and easily purchase essential needs including masks and hand sanitizers at a fair price.

7. The Government to provide special social safety net measures targeting low-income earners, people living in rural and remote areas, persons with disabilities, the aged and elderly and prisoners to ensure that they can have access to necessary health protection equipment, health care and overall protection in a timely manner.
8. People should carefully consider information received from sources that are not official or authentic in order not to forward inaccurate information to the public causing fear, panic, and misunderstanding.
9. The media and citizens should avoid using words or content which can discriminate against or cause social stigmatization against those who have COVID-19, which can potentially increase the contraction of the virus.

**2. RECOMMENDATIONS TO THE MINISTRY OF JUSTICE AND THE JUDICIARY: RIGHTS OF PRE-TRIAL, REMAND AND CONVICTED PRISONERS DURING COVID-19 PANDEMIC, ISSUED ON 25 APRIL 2020**

1. Alleged offenders charged with offences that are nonviolent and/or not of a sexual nature be granted bail on lenient conditions.
2. Alleged offenders charged with nonviolent offences and/or crimes that are not of a sexual nature who are already in remand and awaiting trial be released on bail on lenient conditions.
3. Inmates that have committed nonviolent crimes and crimes that are not of a sexual nature and have served three-fourth /75 percent of their sentences be eligible/ considered for immediate released to reduce over congestion in our prisons and the spread of the virus.
4. If the courts are closed for a prolonged period of more than one month, the judiciary should consider instituting Mobile Courts within the premises of Mile 2 Central Prison, Jeshwang Prison and Janjangbureh Prison. As you are aware, Mobile Courts have been very effective in decongesting prisons in some jurisdictions.
5. The Ministry of Justice urges the President to exercise his powers as per Section 82 of the 1997 Constitution (the Prerogative of Mercy), especially towards those convicts who are serving time for offences that are non-violent or not of a sexual nature.

### **3. RECOMMENDATIONS FOR THE STATE TO ENHANCE JUSTICE FOR CHILDREN, ISSUED IN COMMEMORATION OF THE 2020 DAY OF THE AFRICAN CHILD, 16 JUNE 2020**

1. Establish Children's Courts in each region of the country, as provided for in the Children's Act 2005, and provide them with adequate human, technical and financial resources.
2. Establish a juvenile wing in the provinces, with separate sections for boys and girls.
3. Strengthen the technical capacity and knowledge of the panel members of the Children's Courts, social workers and police officers in child protection, child development and all aspects of child justice administration.
4. Enhance the technical and human resources capacity of the Department of Social Welfare to be able to provide psychosocial and psychological support and services to children in the justice system.
5. Enhance the professional, technical, and human resources capacity of the Police Child Welfare Unit to be able to effectively provide the requisite services for children in contact with the justice system.
6. Provide adequate budgetary allocation to the Department of Social Welfare to employ probation officers and more social workers.
7. Develop and effectively implement a comprehensive national policy and strategy on child justice administration.
8. Effectively popularize the 'After-Arrest Procedures'.
9. Ensure the Cadi and Customary Courts adhere to the 'best interests' principle when dealing with issues or matters relating to or affecting children.
10. Support a comprehensive rehabilitation and reintegration services and programmes for children in contact with the justice system.
11. Urge the Children's Courts, and other Courts which hear children's matters, to effectively utilize alternative measures to detention or imprisonment, as provided for in the Children's Act 2005.
12. Ensure police stations have separate detention facilities for children.
13. Identify and support vulnerable families and children living in difficult circumstances.



**4. NHRC 9 KEY RECOMMENDATIONS TO THE GOVERNMENT WITH REGARDS TO ALL DETENTION FACILITIES, THE RIGHTS OF PRE-TRIAL, REMAND AND CONVICTED PRISONERS DURING COVID-19 AND DECONGESTION OF PRISONS, ISSUED ON 10 AUGUST 2020**

1. Ventilation in all police cells and detention centres be greatly improved. The NHRC's routine monitoring of detention facilities found the ventilation in sites visited to be extremely poor.
2. Face masks be provided to all detainees, remanded, and convicted prisoners, police officers, prison officers and all those who meet detainees.
3. Before people are remanded into custody in the remand wing of any of the three Prisons, they are tested for COVID-19.
4. Prisoners in all the three prisons are tested for COVID- 19 and those found to be positive isolated from the other prisoners.
5. Alleged offenders charged with offences that are nonviolent and/or not of a sexual nature be granted bail on lenient conditions.
6. Alleged offenders charged with nonviolent offences and/or crimes that are not of a sexual nature who are already in remand and awaiting trial be released on bail on lenient conditions.
7. Inmates who have committed nonviolent crimes and crimes that are not of a sexual nature and have served three-fourth /75 percent of their sentences be eligible/ considered for immediate released to reduce over congestion in prisons to curb the spread of the virus.
8. In the interest of fair and speedy trial the Judiciary considers instituting Mobile Courts within the premises of Mile 2 Central, Jeshwang and Janjangbureh prisons. As you may be aware, Mobile Courts have been very effective in expediting criminal trials and consequently decongesting prisons in some jurisdictions.
9. The Ministry of Justice urges the President to again exercise his powers as per Section 82 of the 1997 Constitution (Prerogative of Mercy) especially towards those convicts who are serving time for offences that are nonviolent or not of a sexual nature.

**5. STATEMENT ON THE COMMEMORATION OF INTERNATIONAL DAY OF OLDER PERSONS, ISSUED ON OCTOBER 1ST, 2020.**

1. Ratify and domesticate the Protocol to the Africa Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa as required of all member States of the AU.
2. Review Chapter 4 of the 1997 Constitution of The Gambia to include provisions on the rights and protection of older persons as was reflected in Section 63 of the Draft 2020 Constitution.
3. Provide a comprehensive health insurance and social protection coverage countrywide for older persons.
4. Ensure that older persons, particularly older women, have a significant voice in the formulation of elderly-friendly policies and in decision making processes at all levels.
5. Partner with NGOs that are involved in advocating for the rights of older persons to harmonize efforts for effective human rights-based care and support.
6. Identify and support vulnerable families that are caring for older persons.
7. Ensure older persons with disabilities have access to specialized care which responds to their needs within their communities.
8. Ensure that retirees are provided with minimum income security.

**6. RECOMMENDATIONS OF THE JOINT INVESTIGATIVE PANEL INTO THE ALLEGED HUMAN RIGHTS VIOLATIONS AGAINST EBRIMA SANNEH, ISSUED ON 8TH OCTOBER 2020.**

1. The Police to pay monetary compensation to Ebrima Sanneh for the wrongfully inflicted pain and suffering.
2. The Inspector General of Police to take disciplinary measures against Commissioner Gorgi Mboob, and to consider his redeployment from the Anti-Crime Unit.
3. The Inspector General of Police to always ensure that police officers follow, always, due process in the arrest and detention of suspects. Law enforcement officers have the obligation to fully respect the rights and liberties of suspects no matter the gravity of their alleged crimes.
4. The Inspector General of Police to provide all police officers, as soon as is practicable, pocket notebooks for record keeping as well as registers to record the detention and release of all persons under their custody.

5. The Inspector General of Police to ensure that no detainee under the custody of the Police anywhere is subject to forced labour of any kind. The Police should hire the services of people to perform cleaning, clearing and other menial work.
6. In collaboration with the Police, NHRC should support in the design and implementation of relevant training on human rights-based approaches to policing and human rights in general, especially for officers of the Anti-Crime Unit. This should be preceded by a training needs assessment to effectively inform capacity building programmes.

## **7. STATEMENT ON THE COMMEMORATION OF INTERNATIONAL DAY OF THE GIRL CHILD, ISSUED ON 11 OCTOBER 2020**

1. Initiate full enforcement and implementation of the laws banning FGM and child marriage as part of its obligation to fulfil the fundamental human rights of girls.
2. Prosecute alleged perpetrators of rape, sexual harassment, and sexual abuse to end impunity and build confidence in the justice system for many girls and their families who may be reluctant to report such cases.
3. Review the Children's Act to include ratification of laws against all forms of discrimination against girls including discrimination in education, skills development, and training.
4. Promote girls' awareness of and participation in social, economic, and political life.
5. Strengthen the role of the family in improving the status of girls.
6. Create safe spaces and platforms for girls at all levels of society, including in schools, through which they can articulate their concerns and aspirations.
7. Make life skills education an integral part of the education curriculum, especially at the primary and secondary levels.
8. Invest in skills training and empowerment, across all the regions of the country, for girls who have become victims of child marriage.

## **8. STATEMENT ON THE COMMEMORATION OF INTERNATIONAL DAY OF PERSONS WITH DISABILITIES, ISSUED ON 3 DECEMBER 2020**

1. Expedite the enactment of the Disability Bill, as well as the development of a National Disability Policy, and ensure adequate financial and technical support for their effective implementation.

2. Ensure that every child with a disability in every school has access to disability-friendly learning materials, including braille machines, braille cards, audiotape recorders with cassettes and batteries.
3. Enhance the capacity of itinerant teachers so that they can meet the educational needs of children with disabilities.
4. Make sign language interpretation obligatory for the public television (synchronized television programs) and all public gatherings where speeches or statements would be delivered.
5. Provide relief support to persons with disabilities and organisations of persons with disabilities to ameliorate the effects of COVID-19 on their lives.
6. Put in place measures which would make all public or mainstream services and public buildings accessible to persons with disabilities.
7. Build more learning facilities for those children with disabilities whose special conditions and needs will make their integration in mainstream education difficult, especially in the rural Gambia where no such currently facility exists.
8. Put in place measures to enhance the economic empowerment of women with disabilities, protect them from all forms of gender-based violence and facilitate the access of girls with disabilities to education.
9. Put in place measures which would facilitate and guarantee the participation of persons with disabilities in national development and discourses.
10. Advise the Independent Electoral Commission to ensure the electoral voting process is inclusive and accommodates the needs of persons with disabilities.
11. Sign and ratify the AU Convention on the Rights of Persons with disabilities in Africa and domesticate thereafter.
12. Popularize and implement the Regional Action Plan on Albinism in Africa adopted by the Executive Council of the AU in July 2019.

## ANNEX 2: COMMISSIONERS AND STAFF OF THE NATIONAL HUMAN RIGHTS COMMISSION

<b>Emmanuel Daniel Joof</b>	Chairperson
<b>Jainaba Johm</b>	Vice Chairperson
<b>Njundu Drammeh</b>	Commissioner
<b>Imam Baba M. Leigh</b>	Commissioner
<b>Dr Cherno Omar Barry</b>	Executive Secretary
<b>Matilda Mendy</b>	Deputy Executive Secretary
<b>Isatou Jagne Kolley</b>	Director, Finance
<b>Mansour Jobe</b>	Director, Legal and Investigations
<b>Isatou Njai Cham</b>	Director, Communications and Media
<b>Paul C. Mendy</b>	Director, Human Resources
<b>Fatou Gaye</b>	Legal Officer
<b>Sainey Bah</b>	Legal Officer
<b>Sirrah Jah</b>	Legal Officer
<b>Modou Sowe</b>	Investigating Officer
<b>Sidy Saidykhan</b>	Investigating Officer
<b>Baboucarr Njai</b>	Investigating Officer
<b>Aminata L.B. Ceessay</b>	Investigating Officer
<b>Andy Secka</b>	Procurement Officer
<b>Lamin E. Fatty</b>	Communications and Media Officer
<b>Jacqueline Jarrga Njie</b>	Executive Assistant
<b>Sheikh Tijan Kuta</b>	Finance Assistant
<b>Metta Mboob</b>	Logistics and Office Assistant
<b>Lamin Jammeh</b>	Records Assistant
<b>Bubacarr Saine</b>	Chief Driver
<b>Bakary Manneh</b>	Senior Driver
<b>Lamin Ndong</b>	Senior Driver
<b>Ebrima Darboe</b>	Senior Driver
<b>Mamadou Alieu Bah</b>	Generator Mechanic
<b>Salifu Bah</b>	Senior Driver
<b>Alieu Camara</b>	Senior Driver
<b>Pateh Huma</b>	Driver

## ANNEX 3: ACTIVITIES CONDUCTED BY THE NHRC IN 2020 IN CHRONOLOGICAL ORDER

Date	Activity	Theme
28 <sup>th</sup> – 30 <sup>th</sup> Jan.	Training on Engagement with International Mechanism (TPP,	Institutional building
7 <sup>th</sup> – 8 <sup>th</sup> Feb.	Community Outreach Activity	Awareness creation
19 <sup>th</sup> – 20 <sup>th</sup> Feb.	Induction Training for Secretariat Staff	Institutional building
24 <sup>th</sup> – 27 <sup>th</sup> Feb.	Study Tour to the Kenya National Commission on Human Rights (KNCHR)	
5 <sup>th</sup> March	Establishment of the Civil Society Platform	Institutional building
March	Communication Strategy	Institutional Building
24 <sup>th</sup> April – 14 <sup>th</sup> May	The 66 <sup>th</sup> Ordinary Session of the African Commission on Human and Peoples' Rights (ACHPR)	Institutional building
13 <sup>th</sup> June	Commemoration of International Albinism Awareness Day	Awareness Creation
June	Submission of the 2019 NHRC Annual Report to the National Assembly	Institutional building
16 <sup>th</sup> June	Commemoration of the day of the African Child	Awareness creation:
22 <sup>nd</sup> – 24 <sup>th</sup> June	Capacity Building of Police Officers on the Mandate and function of the NHRC	
June	5 Year Strategic Plan	Institutional Building
2 <sup>nd</sup> –3 <sup>rd</sup> July	Retreat on the Development and Adoption of a Code of Conduct and for the Police as well as a Guidelines for Policing Assemblies	Capacity building/training
30 <sup>th</sup> Sep – 1 <sup>st</sup> & 8 <sup>th</sup> Oct	Training on Enabling Environment for Civil Society Participation	Capacity building/training
1 <sup>st</sup> October	Commemoration of the Day of Older Persons	Awareness Creation
11 <sup>th</sup> October	International Day of the Girl Child	Awareness Creation
25 <sup>th</sup> Nov	International Day for the Elimination of all Violence Against Women and 16 Days of Activism	Awareness Creation
13 <sup>th</sup> Nov – 3 <sup>rd</sup> Dec	67 <sup>th</sup> Ordinary Session of the African Commission on Human and Peoples' Rights (ACHPR)	Institutional Building
November-December	Capacity Needs Assessment of the NHRC	Institutional Building
3 <sup>rd</sup> Dec	Commemoration of the Day for People Living with Disability (Disability Day)	Awareness Creation
10 <sup>th</sup> December	Commemoration of International Human Rights Day	Awareness creation:
14 <sup>th</sup> December	Case Management Database System	Institutional Building
16 <sup>th</sup> – 19 <sup>th</sup> Dec	NHRC Annual Retreat	Institutional Building
24 <sup>th</sup> – 26 <sup>th</sup> Dec	Annual Monitoring Visit to Prisons and Detention Facilities	Monitoring & Investigation

# ANNEX 4

## Memorable Photos












 **Kotu, The Gambia**

 **info@gm-nhrc.org**

 **www.gm-nhrc.org**



[facebook.com/NHRCGambia/](https://facebook.com/NHRCGambia/)



[@NHRCGambia](https://twitter.com/NHRCGambia)