



NEWSLETTER



“ This edition features flagship events like the Maiden Moot-Court Competition, the historic development of a code of conduct for the Gambia Police Force, The creation of a taskforce on the caste system, and the routine monitoring visits to detention facilities. ”

NHRC’s Maiden Sir Dawda Kairaba Jawara Moot-Court Competition.

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 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).

This flagship Moot Court Competition aligns with the core functions of the Commission specifically, Section 12 (e) of the NHRC Act 2017, which requires it to promote awareness and respect for human rights through

conducting human rights education and studies in The Gambia. A hypothetical case involving human rights violations that are of relevance to the country was developed and formed the basis of the arguments.

The preliminary rounds of the moot competition kicked off on the 2nd of November 2020 to the 5th of November 2020 with eight (8) teams of two (2). However, only 4 of the teams progressed to the Semi-final which took place on the 1st of December 2020 wherein only two of the teams progressed to the finals.

The climax of the competition was held on the 10th December at the Sir Dawda Kairaba Jawara Conference Center where a fascinating performance was witnessed from brilliant students of the University’s Law faculty.



Chairman Emmanuel Joof during the Moot-Court Final

The event 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 long standing 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 each presented with a cash prize of twenty five thousand dalasis (25,000) and Ida Jatta has started a paid internship of six months at the Commission.

The eminent personalities who served as Judges throughout the competition were: Marie Saine Firdaws (Senior Advocate, African Commission on Human and Peoples' Rights); Gaye Sowe (Executive Director, Institute for Human Rights and Development in Africa); Mansour Jobe (Director, Legal and Investigations, NHRC); Bafou Jeng (Senior State Counsel, Ministry of Justice); Patrick Gomez (Senior State Counsel, Ministry of Justice); Glory Akpore (Senior Lecturer, UTG Faculty of Law); Basiru Bah (Lecturer, UTG Faculty of Law) and Musu Bakoto Sawo (Lecturer UTG Faculty of Law)



Dignitaries during the Moot-Court Final



Highlights of the Moot Court Final

NHRC Conducts Outreach to Communities, 30th October to 1st November 2020.

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 Banjulinding, Busumba and Tanji.

The dialogues in the three communities were attended by Alkalolu, religious leaders, women and youth leaders, members of the Village Development Committees, members of the Council of Elders and other adults. The members of these communities had the opportunity to highlight pertinent and specific human rights issues affecting their communities and which were extensively discussed and advice proffered where necessary.

The discussions focused on the rights and responsibilities of citizens as per the 1997 Constitution of The Gambia, 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.

Participants also learned about the Commission’s work, its complaint handling procedures, and what human rights violations or complaints can be heard and investigated by the Commission.



Participants during the outreach sessions

Monitoring Visits to Prisons and Detention Facilities

In line with its protection mandate, the Commission, in December 2020, embarked on a nationwide tour of detention facilities, including the three main prisons and selected major police stations, to have first-hand information on their conditions, understand the constraints and challenges being faced, and provide recommendations to the State for positive improvements in the treatment of detainees and inmates.

The Commission believes that the State is the primary duty-bearer, and the custodian of the centers of detention, thus, is obliged by law and morality to ensure that the well-being of people deprived of their liberty is done in line with best practices, without compromising their dignity.

We are optimistic that with commitment and endurance, the detaining authorities, will guarantee that minimum basic conditions of detention that respect human rights and human dignity are met.

The monitoring visit teams assessed some of the following areas; conditions under which inmates are being held; compliance with established national and international laws in the treatment of inmates; respect for legal norms and standards that prohibit torture and inhumane treatment of inmates; conditions of the sanitary facilities; current rehabilitation programs in the prisons; and the challenges faced in the management of prisons in the country.

Special attention focused on the living conditions of inmates; size and occupancy level; lighting, ventilation, beds, sanitary facilities; education and vocational training of prisoners; and access to medical/health care (existence of infirmary, medication, medical staff; food/meals (quality, quantity, variety, frequency)). Discussions with the police and prison officers centred on their working conditions, the budgetary allocations from the central Government, and the challenges and constraints they face in the execution of their duty.



Executive Secretary Dr. Cherno Barry talking to Prison officials during the visits



A bathroom at the Jeshwang Prison

Recommendations to the Government:

The Commission's recommendations to the Government include the following:

- *renovate the existing prisons and, in the near future, construct a modern prison which meets international standards;*
- *significant improve to acceptable standards the quality of food of the prisoners as well as the sanitary facilities;*
- *ensure prisoners and detainees have access to the highest attainable standard of health care;*
- *construct female and juvenile wings in all prisons; work with the Judiciary to ensure speedy disposition of cases, including appeals; provide the Prisons and all major Police Stations with operational vehicles; conduct regular health inspection of the prisons;*
- *provide each Prison with quality educational/vocational skills training centres; and ensure all police stations have separate detention facilities for adult men, women, and children.*



Living quarters of prison officials at Jeshwang Prison



The Commission's Maiden Retreat

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 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.

The overall objectives of this retreat was to enable the Commission to engage in critical appraisal of its working methods after its first full year of operations. Thus, the retreat served as an opportunity for the Commission to identify how it can work more efficiently and effectively in 2021 and beyond, finalise its 2021 Annual Work Plan, create greater understanding of its Strategic Plan 2021-2025 and identify working methodologies which would strengthen excellent team spirit and relationships towards the realization of the vision of the Commission.

The Commissioners and staff of the Secretariat had fruitful discussions and interactions during which innovative ways of improving the working environment and keeping staff motivated and equally responsible and accountable were identified. The Commissioners and staff of the Secretariat had fruitful discussions and interactions during which innovative ways of improving the working environment and keeping staff motivated and equally responsible and accountable were identified.



Commissioners and Staff of the Commission during a discussion at the retreat

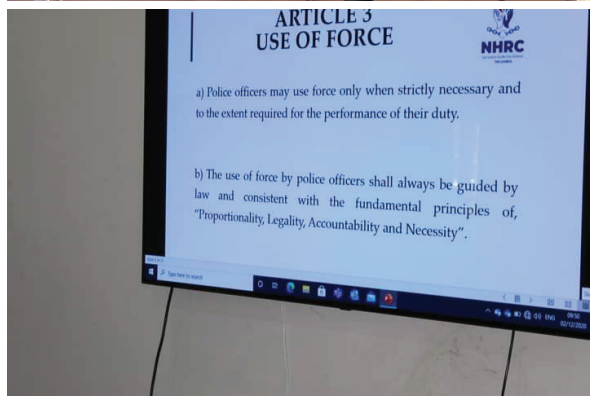
NHRC and Gambia Police Force Develop a Police Code of Conduct

In its efforts towards the creation of a culture of respect for human rights, the Commission worked with the Gambia Police Force to develop a Code of Conduct for police officers which was validated during a workshop held at Tendaba and finally adopted by the Police high command on 2nd December 2020 during a joint meeting at the NHRC headquarters. The adoption of the said document 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.

The Code of Conduct, which sets out ethical standards for police officers in the dispensation of their duties, has twenty-two

Articles covering areas such as use of force; prohibition of torture, cruel, inhuman and degrading treatment; protection of victims; corruption and abuse of office; unlawful orders; appearance; harassment and use of appropriate language.

The Code of Conduct will be made available to every member of the Police Force and would be subject to periodic review and updating. The NHRC reiterates its commitment to supporting and working with the Gambia Police Force in its drive to entrench the highest ethical standard in its work and relationship with the public. It is hoped that the provisions of the Code of Conduct will be adhered to by all members of the police force.



NHRC and the Police (including their leadership) during the validation of the code of conduct

CREATION OF A TASKFORCE ON THE CASTE SYSTEM

On 18th June 2019, the Commission issued a press release following reports of serious discriminatory practices being meted out on some members of the Serahule tribe in Kantora District, Upper River Region, who are regarded as "slaves". In the Press Release, the Commission not only condemned this practice but also made it categorically clear that discrimination based on tribe, ethnicity, race, gender, religion and/or social status is illegal under the laws of The Gambia and the international human rights instruments that The Gambia is a State Party to.

To fully understand the prevalence and magnitude of the caste system, descent-based discrimination and their drivers or factors, the Commission has embarked on monitoring and investigation visits to various communities in the Upper River Region and holding 'listening sessions' with members of

these communities. The reports of the visits, with recommendations to promote and protect the human rights of all persons, especially marginalized and vulnerable groups and minorities, have been shared with the relevant State authorities for their actions.

These visits led to the creation of a task force, comprising representatives from the Ministry of Interior, Ministry of Justice, Ministry of Lands and Regional Government, Supreme Islamic Council, and The Association of Non-Governmental Organizations, has been established to look into issues relating to the caste system in The Gambia and find durable solutions to them. A Term of Reference and a comprehensive two-year work plan, which contains series of activities, have been developed to guide the work of the Task Force.



Commissioners and Staff of NHRC engaging with communities in URR



FREQUENTLY ASKED QUESTIONS ON NHRC ?

What are the powers of the NHRC?

The NHRC of The Gambia has the powers, rights, and privileges vested in a High Court at trial. It can receive and hear complaints from the public on human rights violations, recommend appropriate remedial actions to the Government, and seeks appropriate remedial actions on behalf of victims.

The Commission can summon any person, official, or authority to appear before it. Such individuals or authorities can be:

- asked to testify as witnesses.
- asked to produce any document or record that is needed as part of the Commission's investigations.
- asked questions that will assist in investigating human rights complaints or omissions and;
- required to disclose any information that is relevant to the Commission's investigations.

The Commission also has the power to investigate suspected cases of human rights violations and to report to the Government and all relevant institutions on any such investigations.

Is the NHRC of The Gambia an independent institution, if so how independent is it?

Yes, the NHRC is an independent institution in line with the Paris Principles. Section 16 of the National Human Rights Commission Act also states:

'In the performance of its functions, the Commission shall not be subject to the direction or control of any person or authority.'

In as much as the NHRC is independent, it:

- must act in accordance with the Constitution of The Gambia;
- must conduct its investigations in a transparent, fair, and impartial manner; and
- must exercise its function without fear, favour or prejudice; it is accountable to National Assembly for the efficient performance of its functions.

Section 9 of the NHRC Act 2017 requires members of the Commission not to act in a partisan manner or be involved in a political party.

Sections 5 and 9 of the NHCR Act 2017 provides for a transparent process of appointment and removal from office of Commissioners that ensures that they are independent and fully accountable in the execution of their mandate.

To ensure financial independence, Section 7 of The NHRC Act 2017 stipulates that the personal emoluments of the Commissioners shall not be varied 'to the member's disadvantage during his or her tenure of office'.

Section 10 of the NHRC Act 2017 provides immunity to members of the Commission from civil or criminal proceedings or personal liability for any act done or not done in the performance of their functions

Is the NHRC a Non-Governmental Organisation (NGO)?

No, the NHRC is not an NGO, but a State created independent institution. It is also not a Government department or agency. (see question 1 above)

Where does the Commission get its funding?
The National Human Rights Commission of The Gambia, like all other National Human Rights Institutions the world over, is created by the State and thus gets its allocation from the national budget. However, it can also receive funding support from development partners such as the UN Agencies, European Union, African Union and others in so far as donations and gifts made to the Commission are not inconsistent with its functions or other enactment of the National Assembly.

The Commission may also levy fees, charges and other moneys or properties which may become payable to or vest in the Commission in respect of the performance of its functions.

What selection criteria does the Commission use when taking up cases for investigation? For what grievances can I approach the NHRC?

The Commission will receive any complaints of human right violations. Thus, any case categorized as such can be handled by the Commission. A human rights violation is a breach or infringement of any right provided for in the Constitution or any international human rights legal instrument which The Gambia is a party to or has ratified.

However, according to the NHRC Act 2017, the Commission cannot investigate human rights violations that occurred before 24

January 2017 unless they are continuing violations.

Can the NHRC represent me in court?

The NHRC does not act as legal counsel or legal practitioner for complainants. It does not provide legal representation services since it has an independent oversight role over human rights matters. Complainants requiring legal representation services for personal matters are referred to the National Agency for Legal Aid and other Civil Society Organizations, such as Female Lawyers Association-Gambia and the Gambia Bar Association, which offer such services.

What happens after the Commission makes recommendations on cases received and investigated?

The Commission will:

- provide feedback to the complainants e.g. advising them on the appropriate course of action to take, including seeking redress in a court of law,
- communicate its decision to the Government and all relevant institutions and individuals to take the necessary corrective action
- seek appropriate redress on behalf of complainants.

Can the Commission access Government offices or information and detention centres without restriction in the course of its investigation?

The Commission has access rights, when it is investigating human rights violations, to all Government offices, Government facilities, places of detention and all non-classified information in Government documents.

However, if a Government official thinks that certain information cannot be publicly disclosed due to national security or its sensitive and confidential nature, he or she will have to explain the reasons before the Commission.

Is there any protection for an Informant?

A person who discloses or reports a human rights violation to the Commission, known as an 'informant', is protected against civil or criminal prosecution.

If the Commission is convinced that the informant, his/her family, or his/her property could be harmed, it can direct any institution, such as the Gambia Police Force, to protect the informant or his or her property.

Is there any protection for a Witness?

A person who testifies about a human rights violation before the Commission, known as a 'witness', is protected against civil or criminal prosecution.

If the Commission is convinced that the witness, his/her family, or his/her property could be harmed, it can direct any institution, such as the Gambia Police Force, to protect the witness or his or her property.

Is the NHRC in all the regions of The Gambia?

The Commission is not yet decentralized. Currently, its main office is situated at Kotu in the Brikama Municipality. There are plans afoot to have Memorandum of Understanding with relevant agencies in the regions and CSOs/NGOs who could register complaints of human rights on its behalf and pass them to the Commission for appropriate action. People who want to register complaints can come directly to the Office of the National Human Rights Commission alternatively also visit the Commission's website at www.gm-nhrc.org and fill out the Complaint Register Form.

About NHRC

The National Human Rights Commission (NHRC) is a permanent and independent institution established by an Act of National Assembly in 2017 to protect and promote human rights in The Gambia.

Motto

Let Justice Guide Our Actions.

Vision

A Gambia where everyone enjoys human rights and freedom.

Mission

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

NHRC Values?

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

For suggestions/comments Contact

Lamin E. Fatty

Communications and Media Officer National Human Rights Commission

Tel: +220 5200263 / Email: lfatty@gm-nhrc.org