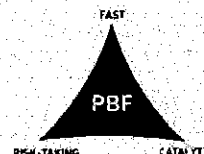


**IRF – PROJECT DOCUMENT**

**TEMPLATE 2.1**



**United Nations Peacebuilding Support Office (PBSO)/ Peacebuilding Fund (PBF)**

<p><b>Project Title:</b> Support the capacity of the Government and national stakeholders to establish credible transitional justice processes and mechanism that promote reconciliation and sustainable peace in The Gambia</p>	<p><b>Recipient UN Organization(s):</b> UNDP</p>
<p><b>Project Contact:</b> Ade Mamonyane Lekoetje United Nations Resident Coordinator <b>Address:</b> UN House, 5 Kofi Annan St. P.O BOX 553 Cape Point, Banjul, The Gambia <b>Telephone:</b> Tel: +220 449 4 820/Mob: +220 335 5596/ +220 775 5596 <b>E-mail:</b> mamonyane.lekoetje@one.un.org</p>	<p><b>Implementing Partners (Government, CSO, etc.):</b> <b>UN:</b> OHCHR <b>Government:</b> President or Vice-President's Office, Ministry of Justice, Ministry of Interior, National Assembly <b>Civil Society Organization</b> <b>Project Location:</b> Republic of The Gambia</p>
<p><b>Project Description:</b></p> <p>This project supports the Government to articulate a comprehensive strategy to guide the process of truth seeking, accountability for past human rights violations and promoting reconciliation in The Gambia, and thereafter help create the core foundations for institutions, guarantees and safeguards to defend the rights of its people in the future. Implementation of the project will be done on a <u>phased</u> approach:</p> <p>In <b>Phase 1</b>, the project will provide:</p> <ol style="list-style-type: none"> <li>1) High-level technical support and advice to Government on transitional justice (TJ) approaches and mechanisms for The Gambia that adhere to international standards and principles (e.g. inclusive, victim centric, based on equal rights, promote national healing, etc.);</li> <li>2) Support to Government and other national stakeholders to elaborate a comprehensive National Strategy on TJ based on broad national consultations, investigations, truth establishment and assessment of needs;</li> <li>3) Support capacity building of important institutions and actors that will lead the implementation of national TJ strategy;</li> <li>4) Support public awareness raising, outreach and communication efforts on TJ issues/processes;</li> </ol> <p>In <b>Phase 2</b> will provide support to:</p> <ol style="list-style-type: none"> <li>5) Review and/or support the development of important legislation, rules and procedures, and institutional (including a national human rights commission) that are essential for the effective TJ implementation;</li> <li>6) Mobilize and coordinate the support of the international community on TJ support.</li> </ol> <p><b>Gender Marker Score:</b> <u> 2 </u></p>	<p><b>Total Project Cost:</b> \$1,400,000</p> <p><b>Approved Peacebuilding Fund:</b> \$1,200,000  <b>1st tranche (60%):</b> \$720,000  <b>2nd tranche (40%):</b> \$480,000</p> <p><b>Government Contribution:</b> In kind</p> <p><b>UNDP:</b> \$200,000</p> <p><b>Proposed Project Start Date:</b> 1 May 2017  <b>Proposed Project End Date:</b> 31 October 2018  <b>Total duration (in months)<sup>1</sup>:</b> 18 months</p>

<sup>1</sup> The maximum duration of an IRF project is 18 months.

<sup>2</sup> PBSO monitors the inclusion of gender equality and women's empowerment all PBF projects, in line with SC Resolutions 1325, 1888, 1889, 1960 and 2122, and as mandated by the Secretary-General in his Seven-Point Action Plan on Women, Peace and Security.


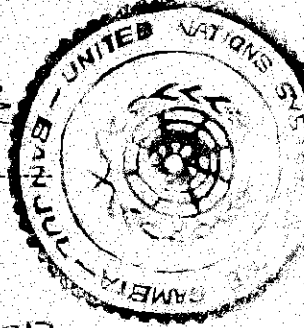
**Project Outcomes:**

**Outcome #1:** The Government of The Gambia is endowed with a comprehensive national TJ strategy – resulting from informed choices, inclusive and participatory consultation processes and international best practices - to ensure truth, healing and accountability for past human rights violations.

**Outcome #2:** Key Gambian society and its State institutions endowed with basic essential capacity and knowledge to participate and oversee the implementation of the transitional justice processes in The Gambia.

**PBF Focus Areas<sup>3</sup>** which best summarizes the focus of the project (*select one*): 2: *Promote coexistence and peaceful resolution of conflicts (Priority Area 2) + (1.2) RoL*

**IRF PROJECT DOCUMENT**

<i>(for IRF-funded projects)</i>	
<p><b>OHCHR<sup>4</sup></b></p> <p><i>Kyle Ward</i></p> <p>Chief, Programme Support and Management Services Office of the United Nations High Commissioner for Human Rights</p> <p>Date &amp; Seal</p>	<p><b>Representative of National Authorities</b></p> <p><i>Mr. Dawda Fadera</i></p> <p>Secretary General and Head of the Civil Service Government of The Gambia</p> <p>Date &amp; Seal <i>11/05/17</i></p> 
<p><b>Peacebuilding Support Office (PBSO)</b></p> <p><i>Oscar Fernandez-Taranco</i></p> <p>Assistant Secretary-General Peacebuilding Support Office, NY</p> <p>Date &amp; Seal <i>18/05/2017</i></p>	<p><b>Resident Coordinator (RC) and UNDP Resident Representative</b></p> <p><i>Ade Mamonyane Lekoetje</i></p> <p>Name of Representative Signature RCO,</p> <p>Date &amp; Seal <i>11/01/2017</i></p> 

<sup>3</sup> PBF Focus Areas are:

1: *Support the implementation of peace agreements and political dialogue (Priority Area 1):*

(1.1) SSR, (1.2) RoL, (1.3) DDR, (1.4) Political Dialogue;

2: *Promote coexistence and peaceful resolution of conflicts (Priority Area 2):*

(2.1) National reconciliation; (2.2) Democratic Governance; (2.3) Conflict prevention/management;

3: *Revitalise the economy and generate immediate peace dividends (Priority Area 3):*

(3.1) Employment; (3.2) Equitable access to social services

4) *(Re)-establish essential administrative services (Priority Area 4)*

(4.1) Strengthening of essential national state capacity; (4.2) extension of state authority/local administration; (4.3)

Governance of peacebuilding resources (including JSC/ PBF Secretariats)

<sup>4</sup> Please include signature block for each RUNO receiving funds under this IRF.

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Length: Max. 15 pages

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- a) Peacebuilding context & Government intentions
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### **II. Objectives of PBF support and proposed implementation**

- a) Project outcomes, theory of change, activities, targets and sequencing
- b) Budget
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### **III. Management and coordination**

- a) Project management
- b) Risk management
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**Annex A:** Project Summary (to be submitted as a word document to MPTF-Office)

**Annex B:** Project Results Framework

## **PROJECT COMPONENTS:**

### **I. Peacebuilding Context and Rationale for PBF support**

#### **a) Peacebuilding context**

Former Gambian President, Yahya Jammeh, went into exile on 21 January 2017, leaving behind a legacy of human rights abuses, near empty coffers, and an institutional vacuum. He ruled for 22 years with an iron fist and little regard for democratic and human rights principles. A culture of fear and silence was imposed on the country through a repressive defense and security apparatus. Under Jammeh, the institutions of the State, including the military, police, Parliament, judiciary, civil service and local administrative structures were progressively politicized and turned into adjuncts of his Alliance for Patriotic Reorientation and Construction (APRC) regime. The entire social fabric significantly degenerated as a result of protracted repressive rule. Given the divisive tactics of Jammeh's regime, ethnic and tribal divides crept into Gambian socio-political discourse, causing antagonistic relations between ethnic groups.

During the Jammeh era, scores of political figures, journalists, civil society activists and students were allegedly harassed, detained, tortured, murdered, made to disappear or forced into exile. The freedom of expression, association and assembly were severely restricted and several critical media houses were closed down. Justice institutions were systematically manipulated to preserve the oppressive regime in power. There was constant interference and arbitrary removal of independent-minded judges by the executive. Consequently, there is limited public confidence in the judiciary, as former President Jammeh dispensed crude justice by throwing opponents in prison, and often determining publicly their sentences. Justice delivery has been slow, and there has been a marked deficit in access to justice. The perception of a compliant judiciary was exacerbated by the role played by the judiciary in trying to extend the President's tenure after he rejected the election result.

The Gambia is among the poorest countries in the world, with nearly half of its population living below the absolute poverty line of US\$1.25 per day. Available data indicate that almost 30% of the active labor force is unemployed, with slightly higher unemployment rate in the rural areas (31.1%) than the urban area (28.4%). Moreover, unemployment is highest for the youth at 39% (Gambia Bureau of Statistics). Among illegal migrants to Europe across the Mediterranean, Gambians are disproportionately represented. According to some estimates, Gambians make up the second biggest contingent of migrants from West Africa, despite the country's small population size.

The population of The Gambia is made of 51% of women and girls. The main national reference documents for addressing The Gambia's commitments to the Beijing Platform for Action (BPFA) is the National Policy for The Advancement of Gambian Women (NPAGW) 1999-2009. The NPAGW policy was reviewed and replaced by the Gender and Women's Empowerment Policy 2010 - 2020. The current policy is designed to address the gaps in the 1999 policy, and to consolidate the progress made so far, and expressly ensure that a gender perspective is incorporated at all levels of planning, resource allocation and implementation of development projects. The priority areas for the 2010-2020 Policy are not only in consonance with the critical areas of concern identified in the Beijing Platform for Action, but they also incorporate the national development standards as follows: 1. Gender and Education, 2. Gender and Health, 3. Gender and Sustainable Livelihoods Development, 4. Gender and Governance, 5. Gender and Human Rights, and 6. Poverty Reduction and Economic Empowerment. In addition to this main policy document, it is worth, noting the existence the national development blue print enshrined in Vision 2020, the Programme of Accelerated Growth and Employment, 2012-2015(PAGE), and all the sectoral policies relevant to the critical areas of concern identified in the Beijing Platform for Action. It is also premised on the 1997 Constitution of The Gambia, under Section 33, subsection (4), which clearly prohibits all forms of discrimination based on gender. In addition to the signing of the Beijing Declaration 1995, the government of The Gambia has signed and ratified several International and Regional Conventions promoting the rights of women and girls, e.g. the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the AU Solemn Declaration on Gender Equality in Africa, the African Charter on Human and People's Rights on the Rights of Women in Africa. In domesticating these conventions, the government signed and promulgated the Women's Act 2010 (2015 Amendment banning Female Genital Mutilation), the Sexual Offences Act 2013, the Domestic Violence Act 2013 and the 2016 Amendment to the Child Act banning Child and Forced Marriage. Despite these strong legal and policy frameworks, women, girls and youth continue to face significant challenges. While the constitution has provisions that ensure gender equality, there are still discriminatory provisions in the Law pertaining to the Personal Status of Women. It is a known fact that

women and girls have suffered human rights violations in the hands of the state and security personnel, but rights violations have remained unreported by the victims and have not been reflected in CEDAW periodic reports, mainly due to the fear that prevailed in the country under the former Government.

Following the tension-filled but peaceful alternation of power from former President Jammeh to President Adama Barrow in The Gambia, there is urgent need for reforms to promote democratic governance, respect for the rule of law and human rights, socio-economic recovery, sustainable development and peace. Since the assumption of office of the new government, there is a strong demand from the public to address the injustices of the past. The litany of previous human rights violations and abuses and testimonies from survivors and family members of those who were allegedly summarily executed, or who are still missing are making the headlines of local newspapers every day, calling for justice, investigations and prosecutions to find out the truth and to receive answers from the new government as to what happened. The Gambian public is increasingly calling for justice and reparation, especially those who were illegally arrested and detained, tortured, dismissed from their jobs, or deprived of their properties (land, vehicles, etc.). The Minister of Justice indicated that if all the emerging complaints were to be lodged in courts, the justice system would be overwhelmed with proceedings and could fail to process them successfully given its currently limited capacities. But on the other hand, if these claims are left unaddressed and the calls for justice and accountability for crimes and human rights violations committed in the past go unheeded, stability in the country could be seriously jeopardized.

#### Government commitment and intentions

Going forward, President Barrow and his Government have indicated their commitment to respecting, protecting and upholding people's fundamental rights, including ensuring freedom of expression, equal access to justice, the right to the truth, the right to be free from discrimination and the right to take part in the conduct of public affairs. While the Government has announced and reiterated its wish to establish as soon as possible a Truth and Reconciliation Commission to seek accountability for past human rights violations and abuses, it has also indicated its commitment to preserve the national unity and foster reconciliation of all Gambians. In this context, the Government has underlined the need to investigate the alleged human rights violations and abuses committed during former President Jammeh's regime, and to establish mechanisms for truth seeking, justice and healing as a top priority after 22 years of oppression. It has also indicated its willingness to learn from the experiences of other countries before developing the best model for The Gambia.

As a first step, and while considering which model of truth and reconciliation should be adopted, the Government has set up a Panel of missing persons. This panel has received so far complaints of about 33 cases of rape, murder and enforced or involuntary disappearances. The Government has stressed the importance of restoring the trust of the Gambian population in the justice system. During the UN Inter-Agency Mission fielded in February 2017, both the Chief Justice and the Attorney General underscored the need to revise the Constitution in order to ensure the independence of the judiciary, the independence of the media and enhanced civilian and parliamentary oversight of the security services. There is commitment to establish a National Human Rights Commission (NHRC) without delay to monitor human rights, assist victims of violations and contribute to the formulation of national policies on human rights.

The Government also plans to revoke or amend laws that hinder human rights and enact laws, establish institutions and law enforcement practices, which will enlarge and protect the rights and freedoms of all. It reiterated its commitment to sign and ratify international treaties, including the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (hereafter Convention against Torture) and the International Convention for the Protection of all persons from Enforced Disappearances. It stressed the need to monitor the compliance with treaty obligations, including through the Universal Periodic Review of the Human Rights Council. The government is also ready to review and reform legislation pertaining to the freedom of the media.

To initiate all these efforts, the Gambian government underlined that in order to establish a Transitional Justice Mechanism (TJM) additional funding, experience sharing, guidance, accompaniment, and training are required. Assistance is needed to develop and strengthen legal and technical capacities to establish a TJM, including the Truth and Reconciliation Commission (TRC), in compliance with international standards. However, at the moment, the mandate of the future TRC remains undefined. In order to establish a functioning National Human Rights Commission (NHRC) in line with the Paris principles, additional

technical support is needed in terms of legal provisions, procedures, training and support to guarantee the NHRC's independence and operational capacity.

In the short term, the Gambian authorities, together with national and international stakeholders interested in supporting the Transitional Justice Mechanism, should further explore best practices and lessons learned to decide on the modality that would best fit the Gambian context and reality. Technical support is recommended to assist the Government in holding national consultations, an important element to ensure that the transitional justice process is nationally owned, legitimate and has the full support of the public. Technical assistance should also be considered in the drafting of a National Transitional Justice Strategy to address the four pillars of traditional justice - prosecutions, truth seeking, reparations and reforms for non-recurrence - for a sustainable TJM. Technical assistance should be considered for the establishment of the National Human Rights Commission (NHRC).

#### **b) Mapping of existing peacebuilding activities and gaps:**

The Gambia is determined to build from scratch a new democratic society compliant with the rule of law and human rights. Even though many partners have expressed interest in supporting The Gambia to achieve national reconciliation and build a lasting peace, no significant peacebuilding activities have yet started on the ground.

The International Center for Transitional Justice conducted early March 2017 an exploratory mission to The Gambia and expressed interest in supporting the Government in the transitional justice area. No specific project exists yet. The UK has committed to deploy a Gambian Senior Advisor to support the government in its constitutional and institutional reform agenda. The International Committee of Red Cross has expressed interest in supporting the country in the areas of detention and penitentiary reforms, missing persons and migration. The ECOWAS is planning to support efforts to set up an international contact group on The Gambia and strengthen the National Peace infrastructure. The European Union-funded project on Access to Justice is due to close down in July 2017. As for Government initiatives, the Minister of Interior established a Panel of missing persons tasked to collect testimonies from families and relatives of persons who have not been accounted for following their arrest or abduction under the previous regime. On the other hand, the Government has initiated prosecution of senior security officers accused of serious human rights violations and crimes. With all these initiatives announced, the need for proper coordination of donor efforts on political reforms, human rights, reconciliation and TJ appear more evident.

In addition to the existing capacity within the UNDP The Gambia on governance and human rights, support has been provided by the OHCHR Office for West Africa, a Human Rights Officer and a Rule of Law Advisor deployed by DPA and UNDP as part of the surge capacity team to provide temporarily support to the UNCT in The Gambia in delivering support on rule of law, justice, security and human rights, including transitional justice. There is a necessity to support the various stakeholders on a permanent basis in the country, while for the sake of coordination and sustainability (after the PBSO funding) longer term capacity on rule of law, transitional justice and human rights within the UNCT needs to be ensured, with initial support of this project.

With respect to conflict prevention, the West Africa Network for Peacebuilding (WANEP), a prominent civil society organization, has a presence in The Gambia and is partnering with UNDP in election-related conflict prevention initiatives through the Civil Society Coalition on Elections. The Inter-Party Committee established prior to the December elections with UNDP support also serves as a forum for dispute resolution among political parties. The Working Group on Women Peace and Security in The Gambia conducts awareness creation on UN Security Council Resolution (UNSCR) 1325 (2000). However, these initiatives are ad-hoc, uncoordinated and mainly elections focused. Most importantly none of them has conducted a conflict analysis of The Gambia to inform their interventions.

**Table 1 – Mapping of peacebuilding activities and gaps**

Project outcome	Source of funding (Government/development partner)	Key Projects/ Outputs and Activities	Duration of projects /activities	Budget in \$	Description of major gaps in the Outcome Area, program-matrix or financial

<i>Support to timely, inclusive and comprehensive transitional justice processes</i>	Government of The Gambia  UK Government  The International Committee of Red Cross  ECOWAS  European Union	A Panel of missing persons set up and tasked to collect testimonies from families and relatives of missing persons  Arrest and on-going prosecution of alleged perpetrators of serious crimes and human rights violations.  Provision of a Gambian Senior Advisor to support the Ministry of Justice in constitutional and institutional reform  Provision of support in the areas of detention and penitentiary reforms, missing persons and migration.  Help set up a contact group on The Gambia and strengthen National Peace infrastructure  The access to Justice project is due to close down in July 2017.			<i>The end of the EU project will worsen the existing capacity gaps with the National Agency for Legal Aid, the Gambian Bar Association and Domestic Human Rights organizations (FLAG, IHRDA, etc ) delivering access to justice services to the population.</i>
<i>Electoral cycle support</i>	1)UNDP/DPA	1)Support to Inter-party Committee (IPC) MoU by registered political parties on peaceful co-existence  2) Support to West Africa Network for Peacebuilding (WANEP) for election 'situation room' and election conflict early warning monitoring			<i>Lack of Capacity for collaborative leadership and political dialogue  Limited mechanisms and capacity for inclusive politics and citizens engagement  Absence of conflict analysis</i>
<i>Community mediation</i>	1)UNDP 2)EU 3)Ministry of Justice	1)Support to Alternative dispute Resolution  2)Training of community Mediators  Advocacy and Peace Messages			<i>Operational in only three out of 7 regions</i>
<i>Awareness raising on UNSCR 1325 on Women Peace and Security</i>	1)ECOWAS	1)Support to Working Group on Women Peace and Security in West Africa and Sahel, Gambia Chapter			<i>Non-implementation of Gambian National Action Plan on UNSCR 1325</i>

### c) Rationale for this IRF

During the UN Inter-Agency Mission to The Gambia in February 2017, the Government indicated the establishment of transitional justice mechanisms and the setting up of a Human Rights Commission as two of its urgent priorities to help diffuse and manage mounting tension and pressure from the population to know the truth and see justice done following the abuses and human rights violations and abuses that they have suffered during the Jammeh's regime.

Following the Inter-Agency Mission, the Resident Coordinator and UNCT held a series of meetings with various authorities including the Minister of Justice and the Minister of Interior. All of them have explicitly requested support from the UN to strengthen their capacities and help establish transitional justice mechanisms, including a Truth and Reconciliation Commission.

To ensure that families of victims and survivors enjoy their rights to know the truth, to see justice done, to receive reparations and be protected against further violations of their rights, the UN has committed to support the initiative of the Gambian Government to embark on its transitional justice project without delay.

In this regard, the PBF is considered to have unique comparative advantages to support the Gambian Government to quickly start the sensitive but crucial endeavors, which will entail the designing of a comprehensive strategy for TJ for The Gambia.

In this regard, the PBF supported project will give the chance to the government and all stakeholders including victims associations, the population at large, the media, the donor community, individual experts and international organizations (International Center for Transitional Justice, Human Rights NGOs, etc.) to contribute inclusively and substantively to the development of a comprehensive transitional justice strategy in a coordinated and orderly manner, and avoid gaps, duplication and mistakes inherent to the proliferation of ad-hoc and uncoordinated efforts and initiatives on this important matter. As a result, it is expected that the victims and the population will feel reassured and the current tension will drop, which ultimately will contribute to sustain the peace in the country. In addition, the creation of a National Human Rights Commission will send a strong signal of relief and assurance to the population that not only the Government has started dealing with past violations, but also structures and institutions are in place to protect them against future human rights violations.

### **Project strategy and sequencing**

The changed political context in The Gambia presents great opportunity to advance justice, healing, accountability and reconciliation. This project will provide catalytic initiatives that will lay the necessary foundation for full-scale transitional justice. It will be implemented in a phased manner with two main phases:

In the **Phase 1**, the project will provide: the following support:

1. High-level technical support and advice to Government on transitional justice (TJ) approaches and mechanisms for The Gambia that are in line with international standards and principles (e.g. inclusive, victim centric, based on equal rights, promote national healing, etc.);
  - a. **Deployment of Senior Advisor on Transitional Justice** and creation of appropriate technical support capacity to work on the project (terms of reference of posts in Annex ...);
  - b. Fielding of an **advisory mission by the Special Rapporteur** on the promotion of truth, justice, reparation and guarantees of non-recurrence to The Gambia for high-level government engagements on TJ approaches and mechanisms;
  - c. Support to convene an inclusive National Conference on TJ processes and approaches
  - d. Undertake **comprehensive needs assessment** to identify key areas, which will be the focus of a national transitional justice strategy and its implementation.
2. Convening of a **National Stakeholders' Conference** on justice and human rights to provide a forum for inclusive dialogue and primary consultations prior to the formulation of a transitional justice strategy. The conference will identify key challenges, needs, gaps and priorities, taking into account the historical, political, social and cultural context and discuss the merit of the main pillars or axis that would form the Gambian TJ strategy. The conference will also agree on a roadmap or action plan. Beyond the TJ problematic, the conference will explore key areas such as: i) Building/strengthening the human rights architecture /institutions; ii) Constitutional review and legal reform (including media law review); iii) Justice and penitentiary sector reform; and iv) Civil Society and Media Engagement (including engagement of youth and women's empowerment). The conference will examine how all these areas are inter-related and will adopt recommendations that would serve in the formulation of the TJ strategy. As prescribed by the Guidance Note of the Secretary-General, on the United Nations Approach to Transitional Justice, the at each stage of the consultative process including the stakeholders' Conference, arrangements will be made to ensure the participation of disadvantaged groups including children who have suffered violations of their rights. Since children also have the right to express their views in matters and proceedings affecting them, in accordance with their evolving capacities, child-friendly policies and procedures will be put in place to protect the rights of child victims and witnesses of crime involved.
3. With complementary funding (from UNDP), organization of a **study tour** to South Africa and Sierra Leone for government officials to learn from the lessons and experiences of these countries on policy, strategy and implementation of transitional justice mechanisms;
4. Through the project help to kick-start essential support efforts to strengthen the foundation and knowledge base of key actor and participation for the proposed TJ strategy and mechanisms for broader stakeholder participation with regard to accountability for past abuses through:



- a. Targeted institution and capacity building activities for stakeholders to support strategy development efforts;
  - b. Support the strengthening of the justice system to ensure justice for disadvantaged groups, especially women and children. With regard to children, to provide restorative and child friendly services to children victims of human rights violation and support the rehabilitation of the most vulnerable children, especially girls, exposed to human rights violations during the Jammeh's regime;
5. Support to Government and other national stakeholders to **elaborate a comprehensive National Strategy on TJ** based on broad national consultations, and assessment of needs;
  6. Support **outreach and communication of information and knowledge** on TJ and TRC processes - the design of appropriate public awareness raising, outreach and communication efforts on TJ and TRC issues/processes in order to encourage the importance of broad public participation;

The **Phase 2** will provide support to:

7. Review and/or support the **development of important legislation, rules and procedures, and institutions** (including a framework for a National Human Rights Commission) that are essential for the effective TJ implementation;
8. Strengthen **capacities of important institutions and actors** that will lead the implementation of national TJ strategy, and strengthening the capacity of Government and State institutions responsible for implementing accountability, justice, human rights and reconciliation to include:
  - a. Technical and logistical support for substantive activities like (gathering of evidence and testimonies, investigation, hearings, victims and witness protection, etc.);
  - b. provide technical expertise such as forensic experts, senior investigators or pathologists to enable the High courts to conduct proper investigations into high profile cases during the TJ process;
  - c. Support capacity building for law enforcement officers on investigation of international crimes, including dealing with mass graves, training and experience sharing on victim and witness protection;
  - d. Capacity building for judges and prosecutors to process international crimes;
  - e. Capacity building for lawyers on cases of international crimes, support legal aid service provision for victims and defendants of international crimes;
  - f. Support to enable the Government of the Gambia to strengthen justice for disadvantaged group, including children system that will provide child friendly services to children victims of human right violation in view of rehabilitating them and repairing the damage caused to them by the violation.
9. **Mobilise resource for TJ follow-up activities** to include – efforts to identify, outsource and mobilize expertise and resources, in a coordinated manner from the international community on TJ.

The present project-document will elaborate only on outcomes, outputs and activities pertaining to the first phase. Activities that would be implemented during the second phase will be contingent on the results of a needs assessment that would be carried out at the end of the first phase.

### **Gender mainstreaming**

A gender perspective will be mainstreamed into all the components and activities that will be implemented under this project. During the consultations, the victims' needs assessment will integrate specific questions on the need of men and women, data gathered will be aggregated by sex. Specific gender issues embedded in the social, institutional and cultural environment will be researched and their possible correlation with past human rights abuses will be established, if any.

While promoting an inclusive and victim centered approach (through a constant engagement with victim groups), the implementing agencies will ensure that when dealing with any target group, the opinions of men and women will be equally sought on the different aspects of the future TJ mechanisms whether through questionnaires or focus group discussions. The organization of interviews and focus groups discussions will take into account not only language barriers but also the gender dimension to enable women and men to express themselves freely and without prejudice, discrimination or stigmatization. The composition of the

teams implementing the project will be gender-balanced and questions on sexo-specific initiatives within society, de-facto or de jure discrimination, gender equality, sexual and gender-based violence will be asked to men and women in assessing their needs.

The composition of the team carrying out the study tour as well as the participants involved in the stakeholders' Conference and national consultations should be gender balanced. Also, the agenda, timing and logistical aspects shall take into account the gender perspective. All efforts will be made during the implementation of the project to face and mitigate gender-related challenges such as stereotypes on women, gender skepticism, opinion according to which the gender aspects are over-emphasized or perceived incompatibilities between the local culture and gender-equality.

## **II. Objectives of PBF support and proposed implementation**

### **a) Project outcomes, theory of change, activities and targets**

#### **(i) Outcome statement**

Overall this project aims to support The Gambia in its effort to deal with the legacies of the past human rights violations and abuses, and to help the delivery of justice, truth and healing its society. The first phase of this project aims at supporting the Government in developing a comprehensive and inclusive strategy for accountability for past abuses, fostering healing and national reconciliation while the second phase will provide a limited and catalytic support to create a key institution by way of a National Human Rights Commission (NHRC), and capacity to begin to establish a strong culture of respect for human rights in The Gambia.

#### **Theory of change**

*IF* the legacy of past human rights violations and abuses is addressed in a comprehensive, inclusive, principled, rights-based, victim-centered manner, *THEN* the healing of past grievances will be promoted *AND* the population can build new confidence and trust in State institutions.

#### **ii) Expected outcomes**

**Outcome 1:** The Government is endowed with a comprehensive national TJ strategy – resulting from informed choices, inclusive and participatory consultation processes and international best practices - to ensure truth and accountability for past human rights violations.

**Output 1.1.** Capacities of the Government and victims associations strengthened to conduct and participate in inclusive, nation-wide consultations and learn best practices from other countries in the region in order to make informed choices while developing their transitional justice strategy and plan.

#### **Phase 1:**

**Activity 1:** Identify and deploy a high-profile international expert on Transitional Justice (at P5 level) and a small technical support team (led by a Project Coordinator, P4) to advise and guide the Government on alternative strategies and approaches for implementing its transitional justice in The Gambia, and to gather and/or prepare the essential background reference documents (including a conflict analysis);

**Activity 2:** Field the Special Rapporteur Trust, Justice, Reparations and Guarantees of Non-recurrence to consult and advice leadership in The Gambia on reconciliation and accountability approaches and mechanisms;

**Activity 3:** Support the organization of a governmental seminar on transitional justice to help decision-makers better understand the process and challenges, understand the importance of adopting a human rights based and gender-sensitive approach to TJ, harmonize internally their views and approaches, conduct a proper and realistic programming and better manage rights holders' expectations.

**Activity 4:** Government to set up and maintain an inclusive and gender-balanced Technical Committee designed to hold on-going consultations with relevant stakeholders and elaborate a national strategy for

transitional justice, addressing the four traditional pillars: prosecutions, truth seeking, reparations and reforms for non-recurrence.

Activity 5: Support a joint delegation of Gambian authorities and a representative of victims groups to conduct a study tour to South Africa and Sierra Leone to learn from their TJ experience and best practices;

Activity 6: Support the organization of a National Stakeholders' Conference on justice and human rights. Among others, the conference will provide a forum for inclusive dialogue and consultations regarding the design of a national transitional justice strategy in The Gambia. It will identify key challenges, gaps, priorities and a roadmap/action plan.

This support includes among others:

- a) *Supporting the visit of the UN Special Rapporteur on Truth, justice, reparation and guarantees of non-recurrence ideally during the stakeholder's forum to identify, exchange and promote good practices and lessons learned;*
- b) *Identifying and ensuring the participation of renowned international experts in the field of transitional justice who will be resource persons, moderators or facilitators.*
- c) *Provision of expert advice and covering logistical needs.*

*NB: The High Commissioner for Human Rights or his representative will be represented at the Conference and will actively participate.*

Activity 7: Support the organization of nation-wide and inclusive consultations involving all components and sectors of the Gambian society through a sampling methodology that ensures a fair representation of all ethnic or tribal groups and socio-professional categories, including political parties, victims and marginalised groups, as well as women's associations (to ensure the transitional justice process is nationally owned, legitimate and has the full support of the public). These consultations would serve as a small-scale perception study. The activity will include media outreach activities to secure broad participation. It will also entail from the UN:

- a) *Supporting the recruitment for one month of one international expert and one national Assistant expert who have experience in conducting national consultations related to transitional justice or similar surveys.*
- b) *Provision of technical advice by UN experts;*
- c) *Supporting the implementation of the consultations by covering logistical needs (transportation, and consultation fees (2 weeks) for data collectors (2 teams of 2 data collectors supervised by one team leader for each rural region and 3 teams of 2 data collectors supervised by one team leader in urban regions), data entry specialists, catering services, stationary, etc.*
- d) *Supporting the presentation and validation of the findings and recommendations contained in the survey report.*

Activity 8: Provide technical and logistical support to the *Committee for the Victims of Jammeh's Atrocities* to facilitate the mobilization of victims' families and survivors and enable their full involvement and participation or representation throughout to the consultative processes. This includes among others, support to the following preparatory activities:

- Development of communications strategy including outreach activities;
- Capacity building for the media and other multipliers;
- The collection of data and creation of a database following the mapping of victims and human rights violations cases or incidents;
- Experience sharing seminar with the participation of representatives of victims associations from Sierra Leone (TRC) and Dakar (Hussein Habré's victims)
- Mental and psychosocial counseling.

### Phase 2:

Activity 7: Support the development of comprehensive public awareness raising, outreach and communication efforts on TJ issues/processes;

**Output 1.2:** Substantive and logistical support is provided to the Ministry of Justice and its Technical Committee for the drafting and validation of a comprehensive transitional justice strategy that reflects the choices of the Government and captures the needs of the victims including gender aspects throughout the process.

**Phase 1**

**Activity 1:** Provide expertise and advice to the Technical Committee in the drafting of the national strategy by focusing on the legal, institutional and strategic frameworks that would best fit Gambia's specificities including by:

- a) Participating to the working sessions of the Technical Committee
- b) Providing guidance and advice on various issues
- c) Collecting, compiling & sharing material on best practices in the field of TJ
- d) Translating key findings and recommendations from the study tours, Stakeholders' Conference and national consultations into the national strategy

**Activity 2:** Support the organization of a workshop aiming at validating the National strategy on transitional justice.

**Phase 2:**

**Outcome 2:** Key Gambian society and its State institutions with basic essential capacity and knowledge to participate and oversee the implementation of the transitional justice processes in The Gambia.

**Output 2.1:** Technical and advisory support provided to ensure that the draft Bill and the National Assembly Act establishing the National Human Rights Commission (NHRC) are compliant with the Paris Principles.

**Activity 1:** UN Human Rights specialists to provide technical assistance to the Ministry of Justice, to ensure that the Draft Bill establishing the NHRC and the appointment of the members of the Commission are compliant with the Paris Principles.

**Activity 2:** Provide technical assistance to the National Assembly Members during the discussions on the draft bill (Parliamentary hearings)

**Activity 3:** UN Human Rights specialists to provide technical assistance to Human Rights Organizations to increase their understanding of the concept of NHRI and Paris Principles and equip them for sound advocacy activities aiming at their successful involvement in the process of selection and appointment of the commissioners.

**Activity 4:** Support the organization of at least two - 3-day workshops to help for prospective members of the NHRC obtain a shared understanding of their mandate and of the Paris Principles

**Activity 5:** Support the development of an interim work plan or a strategic plan the Commission

**Output 2.2:** Support the mobilization and coordination of donor support for transitional justice in The Gambia.

**Activity 1:** Support the Resident Coordinator to help the Government to mobilize and coordinate donor support for the implementation of the National TJ Strategy and Capacity Building for relevant State Institutions.

**b) Budget:**

**Table 2: Project Activity Budget**

Outcome/	Output name	Output	UN budget category	Any remarks (e.g. on types
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Output number		budget by RUNO	(see table below for list of categories)	of inputs provided or budget justification)
<b>Outcome 1: The Gambian Government is endowed with a comprehensive national TJ strategy – resulting from informed choices, inclusive and participatory consultation processes and international best practices - to ensure truth and accountability for past human rights violations.</b>				
Output 1.1	<i>Capacities of the Government and victims associations strengthened to conduct and participate to inclusive, nation-wide consultations and learn best practices from other countries in the region in order to make informed choices while developing their transitional justice strategy and plan.</i>	<b>1,250,000</b>	1. Staff and other personnel 2. Supplies, Commodities, Materials 3. Furniture and equipment's costs 4. Contractual services 5. Travel 6. Transfers and Grants to Counterparts	- Project staffs costs; - Expert costs - to provide support during workshops, seminars and meetings free of charge; - Cost for study tours to learn about other countries experience; - Consultants (national and international) to support the consultative process; - Seminars costs; - Resources persons and experts, UN Special Rapporteurs (DSA and travel costs) for training delivery or experience sharing Workshops.
Output 1.2	<i>Substantive and logistical support is provided to the Ministry of Justice and its Technical Committee for the drafting and validation of a comprehensive transitional justice strategy that reflects the choices of the Government and captures the needs of the victims including gender aspects throughout the process.</i>	<b>120,000</b>	1. Staff and other personnel 2. Supplies, Commodities, Materials 3. Furniture and equipment's costs 4. Contractual services 5. Travel 6. Transfers and Grants to Counterparts	- Guidance, advice & expertise provided by project staff. - Costs for seminars, meetings and workshops for drafting and validation of the strategy, - Experts travel costs and DSA - Grants provided to support victims through their association to enable their full participation with an accent on specific needs of women and child victims.
<b>Outcome 2: Technical and advisory support provided to ensure that the draft Bill and the National Assembly Act establishing the National Human Rights Commission (NHRC) are compliant with the Paris Principles.</b>				
Output 2.1	<i>Technical and advisory support provided to ensure that the draft Bill and the National Assembly Act establishing the National Human Rights Commission (NHRC) are compliant with the Paris Principles.</i>	<b>5,000</b>	1. Supplies, Commodities, Materials	Seminars/meeting costs mostly for national assembly members & other stakeholders  For the remaining, project staff will provide technical support free of charge
Output 2.2	<i>Technical and advisory support provided to ensure that the draft Bill and the National Assembly Act establishing the National Human Rights Commission (NHRC) are compliant with the Paris Principles.</i>	<b>25,000</b>	1. Supplies, Commodities, Materials 2. Contractual services	- Consultant costs to help throughout the strategic planning exercise to equip the newly established NHRC with a well-drafted strategic plan. - Seminar/meeting costs

**Table 3: Project Budget by UN categories**

In line with PBF Guidelines, the project budget will be released in two tranches based on the following performance benchmarks:

		(% of Total Budget)	(US\$)

Draft consolidated TJ Strategy document with inputs of key stakeholders and aligned to outcome of the National Stakeholders' Conference and nation-wide consultations.	2nd Tranche (40%)	560,000
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**Table 3: Project budget by UN categories**

UN Categories	1st Tranche (60%) (US\$)	2nd Tranche (40%) (US\$)	TOTAL (US\$)
1. Staff and other personnel			
2. Supplies, Commodities, Materials			
3. <u>Equipment, Vehicles, and Furniture</u> (including Depreciation)			
4. Contractual services			
5. Travel			
6. Transfers and Grants to Counterparts			
7. General Operating and other Direct Costs			
<b>Sub-Total Project Costs</b>	<b>840,600</b>	<b>526,400</b>	<b>1,367,000</b>
8. Indirect Support Costs* (7%) applied only to PBF funding.			24,000
<b>TOTAL</b>	<b>840,600</b>	<b>560,400</b>	<b>1,401,000</b>

\* The rate shall not exceed 7% of the total of categories 1-7, as specified in the PBF MOU and should follow the rules and guidelines of each recipient organization.

**Table 4: DETAILED BUDGET**

- \*Corresponds to the salary of ONE year and \*\* corresponds to the salary of 6 months
- The 60% and 40% respectively are applied to the total in yellow or blue.
- Yellow indicates PBF funding and the blue UNDP funding.

	Observations	1st Tranche (60%) (US\$)	2nd Tranche (40%) (US\$)	Total (US\$)
1. Staff and other personnel		506,739	337,826	844,565
TJ Advisor P5	1	233,710*	159,882**	393,592
HR /TJ Specialist P4	1	200,000*	136,791**	336,791
Administrative and	1	45,202*	22,601**	67,803

Finance Assistant NOD				
Other STAFF and personnel cost	1	27,827*	18,552*	46,379
2. Supplies, Commodities, Materials		50,511	33,674	84,185
	3 DESKTOP (1400USD x 3)	4,200	-	4,200
	3 printers (550USD x 3)	1,650	-	1,650
	Stationary for project staff	1,500	1,500	3,000
	Stationary for project activities	43,161	32,174	75,335
4. Contractual services	Consultants <sup>5</sup> for JT consultative process and other	64,350	42,900	107,250
6. Transfers and Grants to Counterparts	Victim's associations and NHRC	50,000	32,000	82,000
	Grant to Victims associations	35,000	22,000	57,000
	Grant to NHRC for start-up & strategic planning exercise	15,000	10,000	25,000
	Total			
	Office Rent	4,500	3,000	7,500
	Utilities + Internet	1,500	1,000	2,500
	Security company costs	18,000	12,000	30,000
	Staff cost sharing	36,000	24,000	60,000
<b>Sub-Total Project Costs</b>	<b>Sub-Total Project Costs</b>			
<b>Sub-Total Project Costs minus UNDP contribution</b>	<b>Sub-Total Project Costs</b>			
8. Indirect Support Costs* 7%	8. Indirect Support Costs*	50,400	33,600	84,000
Total PBSO contribution		720,000	480,000	1,200,000
Total UNDP Contribution		120,000	80,000	200,000
<b>TOTAL</b>		<b>840,000</b>	<b>560,000</b>	<b>1,400,000</b>

<sup>5</sup> a) Nationwide consultations cost during 1<sup>st</sup> phase (See details below)

Senior consultant: fees: 600 USD x 30 = 18,000 + dsa: 250 USD x 30 = 7,500.

Assistant Consultant: Fees including DSA: 125 USD x 30 = 3750 USD

Fees including DSA for 32 Data collectors: 50 USD per day per person x 15 days x 32 = 24,000 USD

FEES including DSA FOR 7 team leaders: 60 USD per day per person x 15 days x 7 = 6,300 USD

Fees for 4 Data entry Specialists: 60 USD x 4 x 5 days = 1200 USD

2-day training for data collectors, supervisors and entry specialists: 3600 USD

b) At the end of phase I, an independent evaluation of the project will be conducted by a consultant. To that effect, a provision of USD 42,900 is set aside and included in phase 2 to cover consultant fees, travel and DSA. To cover costs related to the consultant's activities on the ground, an additional provision not to exceed USD 17,100 can be deducted from the budget line related to supplies, commodities and materials. **Total amount of this evaluation would be USD 60,000, which is 5% of the total budget cost (1,200,000) as required by PBSO procedures.**

c) [REDACTED] :

Table 5: Overview of RUNO funding in the country				
	RUNO 1: NAME?	Key Source of Funding (government, donor etc.)	Annual Regular Budget in \$	Annual emergency budget (e.g. CAP)
Previous calendar year				
Current calendar year				

### III. Management and coordination

#### a) Project management:

##### OHCHR and UNDP Cooperating Agreement:

OHCHR and UNDP have entered into a cooperating agency agreement to facilitate for the implementation of this project. OHCHR does not have office presence in The Gambia while UNDP has a full-fledged country office. Under this memorandum of understanding, UNDP serves as the Recipient UN organization (RUNO) for this project with full accountability for project resources. On the substance of transitional justice, OHCHR will be the Lead Agency in providing technical expertise and guidance, while UNDP will retain responsibility for the management of the project. OHCHR as the specialized agency on Transitional Justice matters will be responsible for i) the substantive activities of the project, i.e. technical planning, identification/selection of experts, and lead on strategy design, consultation and drafting functions, and quality assurance. Release of project resources will be done by UNDP working in close consultation with OHCHR and the Resident Coordinator. OHCHR will take the lead on preparing project working budgets for implementation by UNDP and in close consultations with the Resident Coordinator.

##### UN Agency(s) Capacity

OHCHR has developed a longstanding experience in providing substantive technical support to countries undergoing transitional justice processes in many parts of the world on varieties of transitional justice contexts and will draw on expertise from other parts of the UN systems as required. For instance, at its headquarters in Geneva, OHCHR has a team of rule of law and transitional justice specialists who have, inter alia published a number of Rule of Law tools for post-conflict societies, including prosecution, truth seeking, reconciliation and institutional reform.

UNDP Gambia Country Office currently has a Governance and Human Rights Team comprising of one Programme Analyst, one Programme Specialist and one Programme Associate. The Deputy Resident Representative for Programme and Operations supervises the team and will have the responsibility for the daily oversight and quality assurance function of this project. Overall the Country Office manages an overall budget of USD 7 million. Given the nature of the previous national administration, the Country Office has over the past 3 years spent approximately USD 500,000 USD per annum on governance interventions.

In addition to the existing capacity within the UNDP- Gambia on governance and human rights, support is provided by the OHCHR Office for West Africa on human rights; and a Human Rights Officer, a Peace and Development Advisor and a Rule of Law Advisor was deployed as part of the Surge capacity team, providing temporarily support to the UNCT in The Gambia delivering support on rule of law, justice, security and human rights, including transitional justice. However, there is a necessity to support the various stakeholders on a permanent basis in the country. While for the sake of coordination and sustainability (after the PBSO funding) longer term capacity on rule of law, transitional justice and human rights within the UNCT needs to be ensured, with initial support from this project.



Concerning programme initiation and planning, the Country Office as part of its broader Rule of Law and Justice programme and in collaboration with OHCHR will also be recruiting one Transitional Justice Advisor at P5, who will supervise the whole Transitional Justice work. He will be the Project Coordinator and will be assisted by a P4 Human Rights/Transitional Justice Specialist, preferably with knowledge and expertise in Program management. The Team will have an appropriate Project Management Unit including one G6 Administrative and Finance Assistant with expertise in project management (Refer to the Project Organizational Structure below). All of them will be part of the Project Management Unit and will work as a seamless team under the leadership of the Transitional Justice Advisor to provide technical and advisory inputs into the implementation and the day-to-day administration of the project.

It should also be highlighted that the Project Team and the UN Country Office can draw on the expertise of its Bureau Programme and Policy Support (BPPS), the UNDP Regional Hub in Addis Ababa as well as other UNDP Country Offices such as South Africa, Sierra Leone, Ghana, Guinea, Kenya, Togo and others with recent experience in transitional justice processes to augment its knowledge base and capacity. In addition technical and substantive guidance will be provided by a number of UN Special Rapporteurs as mentioned in the narrative through WARO.

#### Coordination arrangements with Government

In addition, it is anticipated that the Technical Committee referred to in the narrative could serve as an oversight body for this project in consultation with national counterpart ministries, department and agencies.

The Technical Committee is expected to be gender-balanced and composed of nine (9) members including:

#### **Government:**

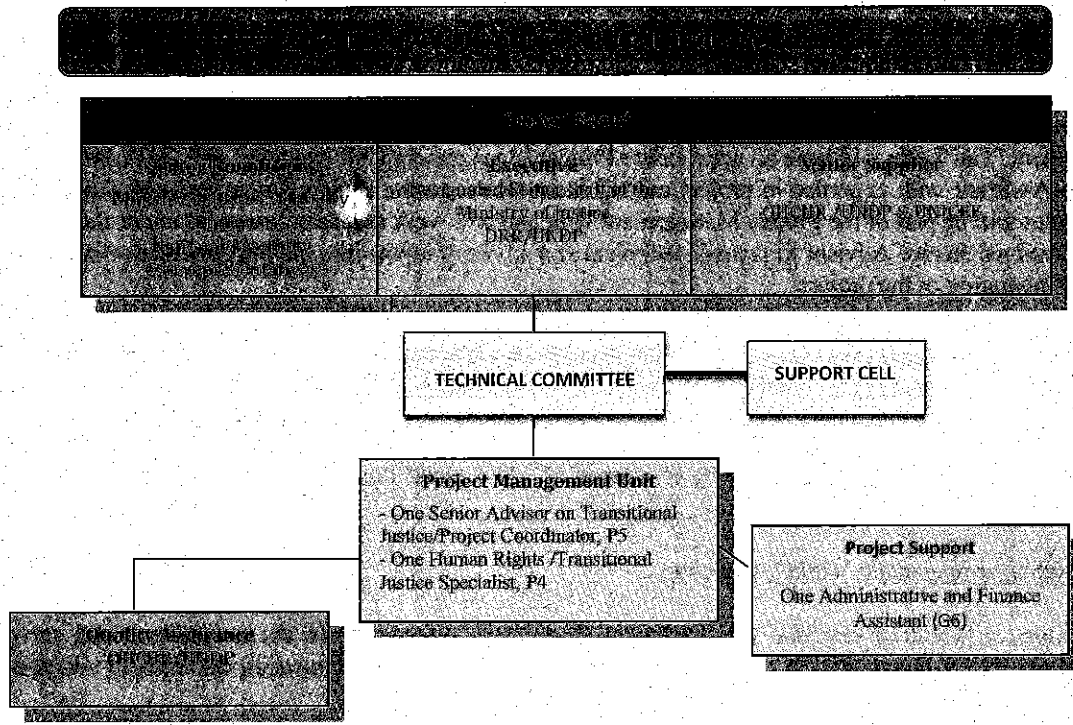
1. Presidency or the Office of Vice-President: 1 representative
2. Ministry of Justice: 2 representatives
3. Ministry of Interior: 1 representative (from the Office of the Inspector General of Police)
4. Women Bureau: 1 representative
5. National Assembly: 1 representative (Chair of Legal Committee)

#### **Civil society organizations:**

6. Human Rights Non-Governmental Organization/Victims association: 1 representatives
7. Youth organisation: 1 representative
8. Religious groups and traditional chieftaincies: 1 representative

It is suggested that the governing body of the Technical Committee be composed of a Chairperson, a Vice-Chairperson and a Rapporteur or Secretary.

The draft ToR for the Technical Committee also provides for a Support Cell composed of technical experts from the United Nations, the ECOWAS, the African Union Commission for People and Human Rights, the European Union Delegation, United Kingdom, the United States of America's Embassies and representatives of international NGOs such as the International Centre for Transitional Justice will assist the Technical Committee and other stakeholders.



### Project coordination

The project will be implemented under the direct implementation modality. The UNDP, with substantive input from OHCHR will assume direct responsibility for the implementation in liaison with the Office of the Minister of Justice. A Programme Management Unit will be established to work with the Technical Committee and coordinate the activities under this programme. The management structure described in the chart above is a structure specifically designed to manage the project to its conclusion, and it consists of roles and responsibilities that bring together the various interests and skills involved in, and required by, the project.

### The Project Board

A **Project Board (PB)** will be established and chaired by the Minister of Justice. Members of the Board will be limited, and comprise a representative of UNDP, OHCHR, Ministry of Justice, Ministry of Interior, ECOWAS, and other national and international stakeholders may be invited at the Board's discretion and may be called upon to provide technical clarity on implementation of the project activities on which they are collaborating with OHCHR, UNDP and the Project Team. The UNDP Project Management Unit (PMU) will provide Secretariat services to the board. The Board will meet on a quarterly basis, or more frequently as required.

A **Project Management Unit (PMU)** will be the dedicated unit that administers and manages the project. The PMU will be responsible for the day-to-day running of the project and will serve as a Secretariat to the PB.

### OHCHR

Through its regional Office based in Dakar and the Senior Human Rights Advisor, OHCHR will provide substantive input and guidance throughout the implementation of the project.

### United Nations Development Programme (UNDP)

UNDP through its Inclusive Governance and Human Rights Unit will serve as a senior supplier to the Project Board for project quality assurance through undertaking of oversight and independent assessments of the project activities, results, reporting and internal and external audit.

**b) Risk management:**

**Table 6 - Risk management matrix**

<b>Risks to the achievement of PBF outcomes</b>	<b>Likelihood of occurrence (high, medium, low)</b>	<b>Severity of risk impact (high, medium, low)</b>	<b>Mitigating Strategy (and Person/Unit responsible)</b>
1. Political – Lack of political leadership and ownership by the Government to engage in TJ process	Low	High	UN to facilitate coordinated approach with national and international stakeholders including ECOWAS and bilateral partners
2. Political - Political tensions threatening consensus on TJ processes	Medium	High	Project includes establishment and support to political dialogue based on the framework of national consultations; The project team will ensure engagement of large range of stakeholders including Government, National Assembly, CSOs, UN Special Rapporteurs and other international actors to facilitate consensus and a joint vision for TJ
3. Social – TJ process and reconciliation stagnated due to disillusionment, perception of exclusion, political polarization, witch hunting, underlying tribalism leading to tensions	Medium	High	Increased advocacy for adoption of a victim-cantered approach, support to CSOs for intensification of outreach and social mobilization program to explain the importance of TJ processes and obtain the buy-in, full support and ownership of the initiative by the majority of the population.
4. Inadequate national capacities	Medium/High	Medium	Targeted training and close accompaniment of key national stakeholders throughout all stages of the project through the support of project team members and transfer of expertise, including use of Gambians expertise in the diaspora
5. The National Assembly has not passed a Bill establishing a National Human Rights Commission or the Bill passed does not have a high rate of compliance with the Paris Principles	Low	Medium	Provision of UN expertise in aligning the Draft Bill with the Paris Principles before it is submitted to the National Assembly. Parliamentary Hearing sessions to build the capacity of the Members of the Parliament on National Human Rights Institutions and the Paris Principles.

**c) Monitoring & evaluation:**

Project monitoring and evaluation (M&E) will be conducted in line with the Country Programme Document (CPD) and the UNDAF Plus. The Project Board will be in charge of overall project oversight. The Board will hold regular meetings to discuss the project implementation and assess its progress. The Results and Resources Framework (RRF) incorporated in this document will be the touchstone for

performance monitoring and reporting. The Government of The Gambia and UNDP will be responsible for setting up the necessary M&E mechanisms (see further below) in order to ensure continuous M&E of the project's results and impact, as well as to ensure efficient resource utilization, accountability, transparency and integrity.

### **M&E Plan**

Tracking the achievement of planned results for each activity within the annual work plan and reporting progress to the Project Board and giving feedback to the implementing partners will be the responsibility of the Project Manager via an M&E Plan. The Project Manager, in collaboration with the Project Board will ensure that selected implementing partners will develop a results-based monitoring plan. The plan will have gender-sensitive SMART indicators, which will facilitate effective monitoring. The Project Manager will provide semi-annual reports to the Project Board or as often the Board requires as.

The specific mechanisms that will be used to monitor the achievement of results will include:

- Semi-annual progress and financial reports, prepared by the Project Manager for review by the Project Board; a standard reporting format will be used;
- Annual progress report, technical and financial report prepared by the annual work plan implementing agency and/or the ERP Atlas system at the end of the year;
- At the end of 'Year 1' a Mid-Term Assessment will take place, which will include lessons learned exercise and documenting good practices; this report will be presented to the Project Board for consideration and action. A final independent review will take place at the end of the Project;
- Semi-annual meetings of the Project Review Board will be convened to review progress reports and to ensure the Project results are achieved and where necessary, recommend a change in implementation strategy. The Project Review Board's Executive will report to the Resident Coordinator post each semi-annual meeting;
- A final report will be prepared by UNDP, which includes lessons learned and good practices, within 3 months of the end of the Project and submitted for review and consideration by the Project Review Board.

The project will be subject to an independent evaluation to be done in consultation with PBSO before its closure and a budget of up to a maximum of about 5% of total budget will be set aside for this exercise.

#### **d) Administrative arrangements** (This section uses standard wording – please do not remove)

The UNDP MPTF Office serves as the Administrative Agent (AA) of the PBF and is responsible for the receipt of donor contributions, the transfer of funds to Recipient UN Organizations, the consolidation of narrative and financial reports and the submission of these to the PBSO and the PBF donors. As the Administrative Agent of the PBF, MPTF Office transfers funds to RUNOS on the basis of the signed Memorandum of Understanding between each RUNO and the MPTF Office.

### **AA Functions**

On behalf of the Recipient Organizations, and in accordance with the UNDG-approved "Protocol on the Administrative Agent for Multi Donor Trust Funds and Joint Programmes, and One UN funds" (2008), the MPTF Office as the AA of the PBF will:

- Disburse funds to each of the RUNO in accordance with instructions from the PBSO. The AA will normally make each disbursement within three (3) to five (5) business days after having received instructions from the PBSO along with the relevant Submission form and Project document signed by all participants concerned;

- Consolidate narrative reports and financial statements (Annual and Final), based on submissions provided to the AA by RUNOS and provide the PBF consolidated progress reports to the donors and the PBSO;
- Proceed with the operational and financial closure of the project in the MPTF Office system once the completion is notified by the RUNO (accompanied by the final narrative report, the final certified financial statement and the balance refund);
- Disburse funds to any RUNO for any costs extension that the PBSO may decide in accordance with the PBF rules & regulations.

### **Accountability, transparency and reporting of the Recipient United Nations Organizations**

Recipient United Nations Organizations will assume full programmatic and financial accountability for the funds disbursed to them by the Administrative Agent. Such funds will be administered by each RUNO in accordance with its own regulations, rules, directives and procedures.

Each RUNO shall establish a separate ledger account for the receipt and administration of the funds disbursed to it by the Administrative Agent from the PBF account. This separate ledger account shall be administered by each RUNO in accordance with its own regulations, rules, directives and procedures, including those relating to interest. The separate ledger account shall be subject exclusively to the internal and external auditing procedures laid down in the financial regulations, rules, directives and procedures applicable to the RUNO.

Each RUNO will provide the Administrative Agent and the PBSO (for narrative reports only) with:

- Bi-annual progress reports to be provided no later than 15 June;
- Annual progress reports to be provided no later than 15 November;
- Final (end of project) narrative reports, to be provided no later than three months after the operational closure of the project;
- Annual financial statements as of 31 December with respect to the funds disbursed to it from the PBF, to be provided no later than four months (30 April) after the end of the calendar year;
- Certified final financial statements after the completion of the activities in the approved programmatic document, to be provided no later than six months (30 June) of the year following the completion of the activities.
- Unspent Balance at the closure of the project would have to be refunded and a notification sent to the MPTF Office, no later than six months (30 June) of the year following the completion of the activities.

### **Ownership of Equipment, Supplies and Other Property**

Ownership of equipment, supplies and other property financed from the PBF shall vest in the RUNO undertaking the activities. Matters relating to the transfer of ownership by the RUNO shall be determined in accordance with its own applicable policies and procedures.

### **Public Disclosure**

The PBSO and Administrative Agent will ensure that operations of the PBF are publicly disclosed on the PBF website (<http://unpbf.org>) and the Administrative Agent's website (<http://mptf.undp.org>).

**Annex A: Project Summary (to be submitted as a word document to MPTF-Office)**



**PEACEBUILDING FUND  
PROJECT SUMMARY**

<b>Project Number &amp; Title:</b>	PBF/ ..... Support the capacity of the Government and national stakeholders to establish credible transitional justice processes and mechanism that promote reconciliation and sustainable peace in The Gambia	
<b>Recipient UN Organization:</b>	UNDP	
<b>Implementing Partner(s):</b>	<b>Government: President or Vice-President's Office</b> , Ministry of Justice, Ministry of Interior, Parliament. OHCHR <b>CSO: IHRDA, FLAG, GBA</b>	
<b>Location:</b>	<b>The Gambia</b>	
<b>Approved Project Budget:</b>	<b>USD 1,400,000.00</b>	
<b>Duration:</b>	<b>Planned Start Date: 1 May 2017</b>	<b>Planned Completion: 31 October 2018</b>
<b>Project Description:</b>	<p>This project supports the Government to articulate a comprehensive strategy to guide the process of truth seeking, accountability for past human rights violations and promoting reconciliation in The Gambia, and thereafter help create the core foundations for institutions, guarantees and safeguards to defend the rights of its people in the future. Implementation of the project will be done on a <u>phased</u> approach:</p> <p>In the <b>Phase 1</b>, the project will provide:</p> <ol style="list-style-type: none"> <li>1) High-level technical support and advice to Government on transitional justice (TJ) approaches and mechanisms for The Gambia that adhere to international standards and principles (e.g. inclusive, victim centric, based on equal rights, promote national healing, etc.);</li> <li>2) Support to Government and other national stakeholders to elaborate a comprehensive National Strategy on TJ based on broad national consultations, investigations, truth establishment and assessment of needs;</li> <li>3) Support capacity building of important institutions and actors that will lead the implementation of national TJ strategy;</li> <li>4) Support public awareness raising, outreach and communication efforts on TJ issues/processes;</li> </ol> <p>The <b>Phase 2</b> will provide support to:</p> <ol style="list-style-type: none"> <li>5) Review and/or support the development of important legislation, rules and procedures, and institutional (including a national human rights commission) that are essential for the effective TJ implementation;</li> <li>6) Coordinate the support of the international community on TJ support.</li> </ol>	
<b>PBF Focus Area:</b>	Promote coexistence and peaceful resolution of conflicts (Priority Area 2)	

<p><b>Project Outcome:</b></p>	<p>This project supports the Government to articulate a comprehensive strategy to guide the process of truth seeking, accountability for past human rights violations and promoting reconciliation in The Gambia, and thereafter help create the core foundations for institutions, guarantees and safeguards to defend the rights of its people in the future. Implementation of the project will done on a phased approach:</p> <p>In the <b>Phase 1</b>, the project will provide:</p> <ol style="list-style-type: none"> <li>1) High-level technical support and advice to Government on transitional justice (TJ) approaches and mechanisms for The Gambia that adhere to international standards and principles (e.g. inclusive, victim centric, based on equal rights, promote national healing, etc.);</li> <li>2) Support to Government and other national stakeholders to elaborate a comprehensive National Strategy on TJ based broad national consultations, investigations, truth establishment and assessment of needs;</li> <li>3) Support capacity building of important institutions and actors that will lead the implementation of national TJ strategy;</li> <li>4) Support public awareness raising, outreach and communication efforts on TJ issues/processes;</li> </ol> <p>The <b>Phase 2</b> will provide support to:</p> <ol style="list-style-type: none"> <li>5) Review and/or support the development of important legislation, rules and procedures, and institutional (including a national human rights commission) that are essential for the effective TJ implementation;</li> <li>6) Coordinate the support of the international community on TJ support.</li> </ol>
<p><b>Key Project Activities:</b></p>	<ul style="list-style-type: none"> <li>▪ Fielding of experts in relevant fields (One Transitional Justice Advisor, P5; Project Coordinator P4)</li> <li>▪ Fielding of Special Rapporteur to advise government leadership on reconciliation and accountability mechanisms</li> <li>▪ Support to the organization of a governmental seminar on transitional justice</li> <li>▪ Government to set up and maintain an inclusive and gender-balanced Technical Committee</li> <li>▪ Support a study tour to Sierra Leone and South Africa</li> <li>▪ Support for the organization of a Stakeholders' Conference on justice and human rights</li> <li>▪ Provision of support to the <i>Committee for the Victims of Jammeh's Atrocities</i></li> <li>▪ Provision of adequate expertise and advice to the Technical Committee for the drafting of a national strategy on transitional justice</li> <li>▪ Catalytic support and assistance to the Ministry of Justice, to ensure compliance of the Draft Bill establishing the NHRC with the Paris Principle and equip the NHRC with a strategic plan upon its creation.</li> <li>▪ Support to the elaboration of public outreach, communication strategy on TJ processes and mechanisms.</li> </ul>

## **Chief Technical Advisor - Rule of Law, Justice, Security**

**Location :** Banjul, THE GAMBIA  
**Application Deadline :**  
**Type of Contract :** FTA International  
**Post Level :** P-5  
**Languages Required :** English  
**Duration of Initial Contract :** 1 year

### **Background**

In The Gambia, during the past 22 years of authoritarian regime, justice institutions were systematically manipulated to preserve the oppressive regime in power. There was constant interference and arbitrary removal of independent-minded judges by the Executive. Consequently, there is limited public confidence in the judiciary, as former President Jammeh dispensed crude justice by throwing opponents in prison, and often determining publicly their sentences. The perception of judiciary was further worsened by the role played by the judiciary in trying to extend the President's tenure after he rejected the presidential election result last year. While most of the court system and justice institution exist, their role and capacity has been undermined under the past regime.<sup>6</sup>

The new Government is under pressure to urgently meet the aspirations of the Gambian people for justice. To address the grievances of the Gambians of human rights violations experienced under the former regime, there is an urgent need to the design of a National Transitional Justice Strategy and the, establishment and implementation of transitional justice mechanisms. At the same time, the justice sector is underfunded and suffering from a lack of physical facilities and human resources.<sup>7</sup> Justice delivery has been slow and perceived unfair, and consequently there has been a marked deficit in access to justice for the population. No state support mechanism or legal aid services are available for victims, and only limited legal aid services are available for defendants. While the former regime built an abusive state security apparatus as a main means for repression, the role of the Gambia Police Force in charge of internal security service and as a key institution of the criminal justice system was undermined. Consequently, the Gambia Police Force lacks adequate quantity and quality of human resources as well as scientific training and equipment for criminal investigation, which is a major impediment to access to justice and fair justice service delivery.

Building an inclusive and effective justice system based on rule of law and human rights is a key element for a stable democracy and sustaining peace in The Gambia – and the realization of SDG 16 - promoting a peaceful and inclusive society for sustainable development, providing access to justice for all and build effective, accountable and inclusive institutions at all levels. Legal reform as well as reform and capacity building of the justice system is imperative to re-establish standards and procedures, to enhance the capacity, accountability and oversight of the judiciary and justice institutions in line with basic principles of independence of the judiciary, to ensure fair justice service delivery to all Gambians, and to deal with the past and address grievances and prepare the future to build democracy based on rule of law and human rights.

The United Nations are supporting the Government of The Gambia to undertake justice and security sector reforms, strengthen rule of law of law and enhance justice and security service delivery through a sector-wide project. Solution for improved access to justice will be piloted at regional level; capacities of key justice actors will be strengthened and coordination mechanisms will be put in place to ensure sector-wide planning of the reform process strengthening the rule of law and justice service delivery to all Gambians. The United

<sup>6</sup> Report of United Nations Inter-Agency Mission to The Gambia, 12-21 February, 2017

<sup>7</sup> EU Technical Assistance to the Access to Justice and Legal Education Component of the Governance Programme in The Gambia, Draft Final Report, 2012



Nations are also supporting the Government of The Gambia to elaborate and implement a national strategy for transitional justice, to establish a national human rights commission in compliance with the Paris Principles.

The Chief Technical Advisor (CTA) will be responsible for the technical guidance and advices for the effective implementation of the programme and achievement of expected results. Likewise, s/he will also facilitate and promote coordination and collaboration with other actors in these sectors both national and international.

### **Duties and Responsibilities**

Under the general supervision of the Resident Coordinator/Resident Representative and direct supervision of the UNDP Deputy Representative, the CTA will work closely with other UNDP programmes, OHCHR, UNICEF as well as other UN agencies and UN HQ in the context of the Global Focal Point (GFP) on rule of law arrangement.

In close collaboration with UN Senior Management, the CTA shall provide high-level policy advice to the relevant national counterparts, provide programmatic oversight, lead policy advocacy, and liaise with UN Agencies, Government officials, technical advisors and experts, multi-lateral and bi-lateral donors and civil society in the areas pertaining to the Rule of Law portfolio. The CTA will also assure coordination and close collaboration with UNDP's HQ unit on ROLJSHR Team at the Bureau for Programme and Policy Support (BPPS) and alignment with the UNDP/BPPS Global Programme on Rule of Law and the GFP arrangement.

The CTA will also assume responsibilities for the management of the Rule of Law, Justice and Security portfolio, provide strategic planning and technical oversight to the joint strategy/programme/projects and ensure coherence and coordination with other UN portfolios. S/he will create and maintain strategic partnerships with the Government, judiciary, security forces civil society organizations, and key bilateral and multilateral actors. S/he will provide in-depth analysis of the legal and judicial systems and advise on strategies to enhance access to justice, in particular for vulnerable groups, including women and children. S/he will perform the quality assurance functions for the *Joint UN Project Strengthening rule of law and enhancing justice and security service delivery* and other UN/UNDP projects in the area of rule of law, justice security and human rights.

### **Summary of Key Functions:**

- Promote UN's mandate and corporate policy and provide senior high level policy advice to government and other partners;
- Strategic guidance and advice to UN Senior Management on *Joint UN Project Strengthening rule of law and enhancing justice and security service delivery* as well as other projects in the area of rule of law, justice, security and human rights;
- Strategic Planning, Quality Assurance of the Strategic and Results framework of the UN joint projects, and coordinate the day to day management of the justice component;
- Ensure resource mobilization and partnerships across the justice and security sectors;
- Ensure Knowledge management within the unit and other counterparts.

**The CTA shall promote UN's mandate and corporate policy and provide senior high level policy advice to government and other partners by undertaking the following:**

- Promote rule of law, justice and security results, ensuring appropriate levels of visibility and public awareness on results and ongoing activities;
- Provide policy advice to UN Senior Management in The Gambia, government counterparts, donors and other partners on issues rule of law, justice and security;
- Develop a close partnership with the Ministry of Justice, Ministry of Interior and other key national partners; and
- Represent UN/UNDP, as requested by the Resident Coordinator/Resident Representative, UNDP

Deputy Representative, in meetings related to rule of law, justice and security.

**Strategic guidance and advice for the implementation of the Joint Projects for Rule of Law, Justice and Security focusing on a sector-wide and coordinated approach to rule of law, justice and security focusing on achievement of the following results:**

- Advise UN/UNDP country programme on strategies and responses to changes in the rule of law context, oversee rule of law programming, and develop and implement a rule of law programming approach with increased coordination of various rule of law projects;
- Manage, supervise and provide strong leadership for UNDP Country Office and other agencies' staff working in the area of rule of law, justice and security and an overall strategic vision for all rule of law-related work with a view to building national capacities and strengthening the rule of law to support the overarching peace-building objective of the UN;
- Invoke the Global Focal Point arrangement such that it supports existing rule of law efforts on the ground;
- Ensure the integration of cross-cutting issues, such as gender and SGBV, peace building, and human rights into rule of law project design, monitoring and evaluation;
- Ensure regular monitoring and evaluation, including but not limited to, regular field visits and participation in Project Board and/or Steering Committee meetings;
- Provide strategic guidance and advice to national justice sector institutions and actors on policy issues; strategic planning, research and monitoring and evaluation, including key performance indicators, strategic plans for various organizations and research into various issues which impact on institutional performance, especially for criminal justice, and access to justice;
- Advice on identifying entry points to achieve a mixture of short-term and medium term results which produce tangible improvements to restoring basic justice functions and improve access to justice at local level;
- Ensure the technical work undertaken across the joint programme is in line with international good practice and adapted to the local context;
- Contribute to building a strong understanding of the political dimension of the justice sector to identify the drivers and blockers of change and then develop strategies to ensure that project implementation is achieving impact;
- Ensure technical soundness of project activities and achievement of project outputs and outcomes.

**Strategic Planning and Joint Programme/projects Quality Assurance focusing on achievement of the following results:**

- Provide advice and guidance for the strategic planning and the implementation of the joint rule of law projects and work plans, ensuring appropriate coordination;
- Ensure the results specified in the annual work-plan of the joint projects meet the required standard of quality, in a coordinated way and within the specified constraints of time and cost;
- Liaison between all relevant UN entities, including GFP arrangement at HQ on issues pertaining to rule of law support;
- Coordinate day to day management and guidance of the joint unit work;
- Supervise and support the work of the UN Transitional Justice Project Manager, the UN Rule of Law project coordinator and the SSR specialist and their teams;
- Formulate an effective monitoring and evaluation system of the Joint projects and report on progress, including reporting to UNDP;
- Facilitate and ensure quality assurance of reports including Progress Reports, Financial Reports, Annual Progress Reports, etc. and ensure timely completion of technical reports for the Joint Programme/Projects.

**Quality assurance of the Strategic and Results framework of the Joint Rule of Law projects:**

- Provide advice and guidance for the strategic planning and the implementation of the strategic and results framework of joint rule of law projects;
- Provide strategic and technical advice and guidance to ensure that Joint Programme/Joint Projects funded meet the required standard of quality and are designed in a coordinated way and within the specified constraints of time and cost;
- Formulate an effective monitoring and evaluation system of the strategic and results framework of

joint rule of law projects and ensure quality assurance of reports and timely completion of projects;

**Resource mobilization and partnerships across the justice and security sectors focusing on achievement of the following results:**

- Engage in a dialogue with donors, identify funding opportunities and endeavor to ensure sufficient resource mobilization for the programme in close consultation with Senior Management and be responsible for reaching the annual resource mobilization targets;
- Support UN/UNDP efforts for resource mobilization for joint rule of law projects;
- Coordinate programme activities with other UNDP initiatives as well as other United Nations agencies, donors, and other international partners, to develop inter-agency synergies and build complementarities with other programs;
- Raise visibility of the Joint rule of law projects through knowledge sharing and well developed communication materials;
- Develop pilot initiatives for functional partnerships between justice sector stakeholders and non-governmental organizations, local media and the public;
- Support joint communication efforts;
- Liaise regularly and forge close linkages with other UN programmes, agencies and entities, as well as other international and national stakeholders concerned with or providing assistance on rule of law, justice and security issues in The Gambia;
- Ensure high-quality and timely reporting to donors and other partners involved in the programme;
- Contribute to the harnessing of effective partnerships and competitive selection of partners for implementation of UN projects; and promote joint programming, especially as part of the GFP arrangement, and UN reform, and collaborate effectively in established frameworks for UN and other international coordination.

**The CTA shall ensure knowledge management focusing on achieving the following results:**

- Identification and synthesis of best practices and lessons learned from the project area for organizational sharing and learning as well as external information;
- Active participation in UNDP knowledge networks and taking advantage of best practices and lessons learned that are available in the region and globally, and encouraging project staff to do so by creating a culture of knowledge sharing and learning;
- Promoting the participation of UNCT/UNDP The Gambia in regional programmes and regional activities related to the project area as appropriate; and
- Supporting capacity and knowledge building of national counterparts.

**Impact of results**

- Functions of the justice system and of the criminal justice chain are improved, and justice service delivery is enhanced;
- Skills and competencies of actors in the justice sector enhanced;
- Police capacities strengthened and community security improved;
- Justice and security sector coordination mechanisms functional and effective;
- Victims of grave human rights violations benefit from minimal assistance; legal aid service delivery enhanced;
- Local and national processes enabling peace building and transitional justice are supported within an approach based on the rights of victims

**Competencies**

**Advocacy/Advancing a Policy-Oriented Agenda**

**Influencing the public policy agenda**

- Builds consensus concerning UN/UNDP Rule of Law strategic agenda with partners on joint initiatives
- Dialogues with national counterparts and other stakeholders to strengthen advocacy efforts,

incorporating country, regional and global perspectives

### **Results-Based Programme Development and Management**

#### **Achieving results through programme design and innovative resourcing strategies**

- Identifies country needs and strategies using a fact-based approach
- Makes use of a variety of resources within UNCT and UNDP to achieve results, such as cross-functional teams, secondments and developmental assignments, and collaborative funding approaches
- Ensures the full implementation of country programme and Financial Resources to obtain results
- Demonstrated programme management skills including: results-based orientation, preparation of work plans, monitoring and evaluation, and leading cross-cultural teams;

### **Building Strategic Partnerships**

#### **Building strategic alliances**

- Makes effective use of UNCT's and UNDP's resources and comparative advantage to strengthen partnerships;
- Creates networks and promotes initiatives with partner organizations.

### **Innovation and Marketing New Approaches**

#### **Fostering innovation in others**

- Creates an environment that fosters innovation and innovative thinking;
- Conceptualizes more effective approaches to programme development and implementation and to mobilizing and using resources.

### **Resource Mobilization**

#### **Developing resource mobilization strategies at country level**

- Contributes to the development of resource mobilization strategies at Country Office level;
- Actively develops partnerships with potential donors and government counterparts in all sectors at country level;
- Strengthens the capacity of the country office to mobilize resources.

### **Promoting Organizational Learning and Knowledge Sharing**

#### **Participating in the development of policies and innovative approaches and promoting their application throughout the organization**

- Promotes UN/UNDP as learning/knowledge sharing organizations.

### **Job Knowledge/Technical Expertise**

#### **Expert knowledge of own discipline**

- Possesses expert knowledge of advanced concepts in primary discipline, a broad knowledge of related disciplines, as well as an in-depth knowledge of UNDP organizational policies and procedures (knowledge of DPKO organizational policies and procedures are an asset);
- Applies a broad knowledge of best management practices; defines objectives and work flows, positions reporting relationships in such a way as to obtain optimum effectiveness for the unit/branch;
- Keeps abreast of new developments in area of professional discipline and job knowledge and seeks to develop him/herself personally;
- Demonstrates comprehensive knowledge of information technology and applies it in work assignments;
- Demonstrates expert knowledge of the current programme guidelines and project management tools and manages the use of these regularly in the work assignment.

### **Global Leadership and Advocacy for UNDP's Goals**

## **Influencing global and national initiatives**

- Advocates for increased priority given to human development issues internationally and in national planning frameworks;
- Advocates for increased resources at international and national level.

## **Client Orientation**

### **Meeting long-term client needs**

- Anticipates constraints in the delivery of services and identifies solutions or alternatives;
- Proactively identifies, develops and discusses solutions for internal and external clients, and persuades management to undertake new projects or services;
- Advises and develops strategic and operational solutions with clients that add value to UNDT/UNDP programmes and operations.

## **Core Competencies:**

- Promoting ethics and integrity, creating organizational precedents;
- Building support and political acumen;
- Building staff competence, creating an environment of creativity and innovation;
- Building and promoting effective teams;
- Creating and promoting enabling environment for open communication;
- Creating an emotionally intelligent organization;
- Leveraging conflict in the interests of the UN& setting standards;
- Sharing knowledge across the organization and building a culture of knowledge sharing and learning;
- Fair and transparent decision making; calculated risk-taking.

## **Required Skills and Experience**

### **Education:**

- Advanced university degree (Master's Degree or equivalent) in law, criminology, human rights, human/social sciences or other related field.

### **Experience:**

- At least 10 years of relevant professional experience, including at least five years in a senior position in an international development in area rule of law, justice and security;
- Experience in managing and supervising projects aimed at developing the capacities of the justice sector;
- Experience of sector wide approaches to justice and security sector reform, including experience working with all of the major actors of the justice and security sector is required;
- Experience on access to justice practices and policy making is required;
- Understanding of protocol and processes related to cultural norms of driving change processes with judicial and security personnel;
- Experience with inter-agency collaboration and joint programming desirable;
- Previous experience in Africa and in fragile contexts preferably with the UN / UNDP is required.

### **Language:**

- Excellent command of written and spoken English
- Good working knowledge of French will be an advantage.

## **Annex B - Draft ToR**

### **Human Rights/Transitional Justice Specialist**

<b>Location :</b>	Banjul, THE GAMBIA
<b>Application Deadline :</b>	
<b>Additional Category :</b>	Governance and Peacebuilding
<b>Type of Contract :</b>	FTA/TA International
<b>Post Level :</b>	P-4
<b>Languages Required :</b>	English
<b>Starting Date :</b> (date when the selected candidate is expected to start)	01-June-2017
<b>Duration of Initial Contract :</b>	1 Year

## **Background**

As a direct result of 22 years of authoritarian rule, rule of law institutions in the Gambia face significant challenges. During those years, social stability was maintained through state force and coercion. As a result, Gambians were routinely subjected to harassment, arbitrary arrest, torture and extrajudicial executions, in a climate of total impunity.

Human rights violations were reported to be widespread and the UN, a number of NGOs and human rights defenders have documented such alleged violations. In most cases, there was no effective investigation and perpetrators have not been brought to justice.

Although the Constitution of The Gambia provides for independence of the judiciary, the Gambian judiciary under the former government was subject to various forms of interference. Consequently, there is limited public confidence in the judiciary. In addition, justice delivery has been slow, and there has been a marked deficit in access to justice.

To address the grievances of the Gambians of human rights violations experienced under the former regime, the current Gambian government is seeking urgent assistance in designing of a National Strategy for Transitional Justice and in establishing and implementing transitional justice mechanisms. In addition, the criminal justice system requires reform and capacity building. The new government in The Gambia has also resolved to improve the country's human resources capacity, its constitutional, legal and institutional framework, as well as the quality of its strategies, policies and programs, in order to consolidate democracy and comply with international human rights standards.

The United Nations is supporting the new Government of The Gambia in designing and implementing a National Strategy for Transitional Justice and to establish a national human rights commission in compliance with the Paris Principles.

Under the general supervision of the Resident Coordinator/Resident Representative and direct supervision of OHCHR Regional Representative, the Human Rights/Transitional Justice Specialist will also work closely with UNDP Deputy Representative as well as other UN agencies.

## **Duties and Responsibilities**

### **Policy Advice & Technical Assistance:**

- Assist the Transitional Justice Advisor in providing policy advice and technical assistance, including best practices, to the Government on all transitional justice issues, namely: truth, justice, reparations and guarantees of non-recurrence;
- Provide substantive contributions on the design and implementation of a comprehensive National Strategy on Transitional Justice, including truth, justice, reparations and guarantees of non-repetition, and provide advice on related concepts, principles and international standards, bearing in mind the critical importance of gender mainstreaming, victim-centered approach and other forms of inclusiveness;
- Formulate advice to the government on developing a witness protection strategy and mechanism.
- Contribute to the Provision of expert advice to the government should it wish to conduct human rights mapping, including development of a case management tool;
- Contribute to the capacity building of judicial institutions and law enforcement agencies as necessary for a fair and effective transitional justice process;

- Provide technical advice to decision-makers on the importance of consultation with all stakeholders, including civil society organizations, on transitional justice and judicial reform matters and facilitate such consultations;
- Provide advice on establishing programs to enhance access to justice, as well as a legal aid system; Contribute to effective donor coordination on transitional justice and the rule of law in The Gambia.

#### **Programme Management & Implementation:**

- Assist in the coordination of the strategic planning, formulation and monitoring of programmatic issues with the UNDP senior management, the Office of the United Nations High Commissioner for Human Rights (OHCHR), PBSO, as well as other UN entities;
- Assist the project Coordinator in the management and implementation of the IRF PBF project on transitional justice and reconciliation, including work planning, procurement, recruitment, monitoring and evaluation and reporting functions;
- Prepare annual work plans and procurement plans in line with the project outputs and objectives;
- Closely monitor the delivery status and prepare written monthly progress updates – both narrative and financial – in relation to the agreed work plan and implementation strategy;
- Conduct regular programmatic reviews, including strategic guidance on activity planning, implementation strategies and future project/programme orientation;
- Provide support in advancing thematic coordination, including by identifying programmatic entry points and by ensuring consistency and complementarity in relation to other UN/UNDP programmes;
- Ensure the integration of cross-cutting issues into the design, implementation, and monitoring and evaluation of all programme activities;
- Ensure synergies of the activities in the justice sector with other initiatives in the field of reconciliation and social cohesion;
- In close collaboration with the M&E analyst, ensure regular monitoring and evaluation of UN's support to the Ministry of Justice and other justice sector institutions;
- Assist in the building of effective partnership to support mobilization of financial resources and help establish communications with key donors;

#### **Financial & Operational Management:**

- Ensure integrity of financial and administrative procedures as well as a consistent application of PBF /UNDP procedures, rules and regulations;
- Prepare and submit in a timely manner requisitions, purchase orders and payment requests in ATLAS, and ensure monthly delivery updates to the United Nations Resident Representatives and UNDP Deputy Representative on financial delivery performance;
- Contribute to provide leadership and oversight to ensure that qualitative services are provided to national partners, including by putting in place fair and transparent procurement processes and by providing efficient operational support.

#### **Impact:**

- A coordinated and appropriate response is provided to the challenges of transitional justice in partnership with all key partners of this sector;
- The justice sector reform is developed by the national actors, in partnership with all key partners of this sector.

#### **Competencies**

##### Corporate Competencies:

- Show integrity by putting forward the values and morals of the United Nations;
- Show flexibility and adaptation to differences related to culture, gender, religion, race, nationality and age.

#### Functional Competencies:

##### Knowledge Management and Learning:

- Good knowledge of the country and/or region of assignment, including the political, economic and social dimensions, and their relation to the main engines of instability and conflict;
- Sound knowledge and exposure to a wide range of post-conflict, peacebuilding, good governance, human rights and development-related issues;
- Ability to lead strategic planning, results-based management and reporting;
- Actively works towards continuing personal learning, acts on learning plan and applies newly acquired skills;
- Ability to advocate and provide timely policy advice;
- Ability to identify issues and to use sound judgment in applying technical expertise to resolve a wide range of problems.

##### Development and Operational Effectiveness:

- Ability to establish and maintain contacts with senior level officials of the host government required;
- Excellent interpersonal skills are essential part of the job. Ability to communicate effectively, both orally and in writing, for effective advocacy and influence on policy makers;
- Ability to perform a variety of specialized tasks related to Results-Based Management, including support to design, planning and implementation of programme, managing data, reporting;
- Good knowledge of institutional mandates, policies and guidelines pertaining to reintegration, recovery and development issues, peace and security and sound knowledge of the institutions of the UN system;
- Ability to analyze is required to obtain, evaluate and interpret factual data and to prepare accurate and complete reports and other documents;
- Ability to develop a strategic planning, the management based on achievement and reporting;
- Ability to formulate, implement and ensure the monitoring and the evaluation of projects / programs of development and resources mobilization;
- Ability to formulate and manage budgets, contributions and investments, and transactions;
- Solid knowledge and experience in programme management and financial resources management.

##### Management and leadership:

- Develop strong relationships with customers, focus on results for the customer, respond positively to the feedback;
- Develop a work approach with energy and a positive and constructive attitude. Ability to implement new systems and have a positive impact on the change of the staff attitude;
- Excellent communication (spoken and written) skills, including the ability to draft/edit a variety of written reports and communications and to articulate ideas in a clear and concise style;
- Ability to plan own work, manage conflicting priorities and work under pressure of tight and conflicting deadlines;
- Fully proficient computer skills and use of relevant software and other applications;
- Very good interpersonal skills and ability to establish and maintain effective partnerships and working relations;
- Very strong leadership capacities to guide a multi-cultural team in difficult circumstances. Demonstrates openness to the change of ability to manage complex situations.

#### **Required Skills and Experience**



Education:

- Minimum of Master degree in law, human rights, political science, international development or related field.

Experience:

- A minimum of 7 years of working experience in the field of human rights, justice or peacebuilding of which at least two years on transitional justice, including designing of strategies and working with national and international counterparts, as well as experience in developing, managing, advising and implementing programmes related to rule of law, transitional justice processes;
- Experience in coordination and strategic planning;
- Work experience on conflict prevention/resolution and social cohesion;
- Previous experience with the United Nations in fragile settings is desirable;
- Track record in promoting and mainstreaming gender issues;
- Knowledge of project management procedures in the context of UN agencies is an advantage;
- Have a positive attitude to work and be able to work under pressure in a multicultural environment;
- Good computer skills;
- In-depth knowledge and understanding of national and regional socio political context.

Language:

- Perfect command of English.

## Annex C: IRF Results Framework

<b>Country name: The Gambia</b>							
<b>Project Effective Dates: Planned Start Date: 1 May 2017 - Planned completion : 31 October 2018</b>							
<b>PBF Focus Area:</b> Promote coexistence and peaceful resolution of conflicts (Priority Area 2)							
<b>IRF Theory of Change:</b> IF the legacies of past human rights violations and abuses is addressed in a comprehensive, inclusive, principled, rights-based, victim-centered manner, THEN The Gambian society will feel that justice has been done AND this will contribute to a sense of closure for victims and help promote national healing that restores the population's confidence and trust in the State.							
Outcomes	Outputs	Indicators	Means of Verification	Year 1	Year 2	Milestones	
Outcome 1: The Gambian Government is endowed with a comprehensive national TJ strategy – resulting from informed choices, inclusive and participatory consultation processes and international best practices - to ensure truth and accountability for past human rights violations.		<p><b>Outcome Indicator 1 a</b> <b>A comprehensive nationally owned, inclusive, gender-sensitive and victim-centered Strategy of high quality on TJ is available for implementation</b></p> <p>Baseline:  <ul style="list-style-type: none"> <li>- Absence of strategy</li> <li>- Uncoordinated initiatives from various state institutions and civil society in a piece meal approach</li> <li>- Absence of consultation and dialogue regarding the type of TJ needed</li> <li>- Insufficient national capacities on TJ</li> <li>- Absence of state institution at technical level mandated to conduct the ground work in preparation of TJ processes</li> </ul> </p> <p>Target:  <ul style="list-style-type: none"> <li>- High quality Strategy Document drafted and validated</li> </ul> </p>	Document of strategy validated by all national stakeholders	X			<ul style="list-style-type: none"> <li>- A multi-stakeholder Technical Committee on TJ established</li> <li>- Consultative processes have taken place including all stakeholders</li> <li>- National capacities in TJ Increased through induction training for decision-makers, study tours, experience sharing both at Government level and for CSOs</li> </ul>
	Output 1.1 <i>Capacities of the Gambian Government and victims associations strengthened to conduct and participate to inclusive, nation-wide consultations and learn best practices from other countries in the</i>		<p><b>Output Indicator 1.1.1</b> <b>- Number of key national stakeholders (Government &amp; Civil society) involved in TJ experience learning from other actors in Gambia or abroad</b></p> <p>Baseline:</p>	Reports on related activities	X		

	<p><i>region in order to make informed choices while developing their transitional justice strategy and plan.</i></p>	<p><b>- Very few national stakeholders (Government &amp; Civil society) have some knowledge about the concept of TJ and the experience of other countries</b></p> <p>Target: <b>Key national stakeholders exposed to the concept of TJ and have learnt from best practices demonstrated by other countries</b></p>																							<p>capacities strengthened</p> <ul style="list-style-type: none"> <li>- Government Seminar on TJ held</li> <li>- Study tours organized in two countries of the region for decision-makers and Victims' associations.</li> </ul>
	<p><b>Output 1.2</b> <i>Substantive and logistical support is provided to the Ministry of Justice and its Technical Committee for the drafting and validation of a comprehensive transitional justice strategy that reflects the choices of the Government and captures the needs of the victims including gender aspects throughout the process.</i></p>	<p><b>Output Indicator 1.2.1</b> <b>A comprehensive nationally owned, inclusive, gender-sensitive and victim-centered Strategy of high quality on TJ is available for implementation</b></p> <p>Baseline: <b>Absence of a National Strategy Document on TJ</b></p> <p>Target: <b>The Technical Committee tasked</b></p>	<p>Reports on Technical Committee's activities</p> <p>Successive drafts of the Strategy</p> <p>Final draft</p>		X																				<p>Briefing, training and coaching sessions for the members of the Technical Committee</p> <p>Fielding of experts to support the Technical Committee and experience sharing.</p> <p>Organization of one drafting workshop and one validation workshop</p>

		with the drafting of the Strategy is equipped in capacities and resources and has drafted a good strategy that has been validated									
Outcome 2: Key Gambian society and its State institutions with basic essential capacity and knowledge to participate and oversee the implementation of the transitional justice processes in The Gambia		<p>Outcome Indicator 2 a</p> <ul style="list-style-type: none"> <li>- Level of compliance of the draft Bill submitted to the National Assembly for consideration and level of compliance of the National Assembly Act establishing the National Human Rights Commission (NHRC) with the Paris Principles</li> <li>- Existence of a strategic plan to help the NHRC start operating without delay.</li> </ul> <p>Baseline:</p> <ul style="list-style-type: none"> <li>- Absence of National Assembly Act establishing the National Human Rights Commission (NHRC) compliant with the Paris Principles</li> <li>- Absence of a strategic plan to guide the National Human Rights Commission (NHRC)</li> </ul> <p>Target:</p> <ul style="list-style-type: none"> <li>- The Gambia is equipped with a National Assembly Act compliant with the Paris Principles, that establishes a National Human Rights Commission (NHRC)</li> <li>- The National Human Rights Commission (NHRC) is equipped with a strategic plan to start operating</li> </ul>	<ul style="list-style-type: none"> <li>- The draft Bill submitted to the National Assembly for consideration</li> <li>- The National Assembly Act establishing the National Human Rights Commission (NHRC)</li> <li>- Report of Parliamentary Hearings and advocacy activities related to the Bill.</li> </ul>	X	X	X				<p>Provision of Legal advice to the Ministry of Justice on the compliance of the draft Bill with relevant international standards including the Paris Principles.</p> <p>Parliamentary Hearings</p> <p>On-going advocacy activities</p>	
	<p>Output 2.1</p> <p><i>Technical and advisory support provided to ensure that the draft Bill and the National Assembly Act establishing the National Human Rights Commission (NHRC) is</i></p>	<p>Output Indicator 2.1.1</p> <ul style="list-style-type: none"> <li>- Level of compliance of the draft Bill submitted to the National Assembly for consideration and level of compliance of the National Assembly Act establishing the National Human</li> </ul>	<ul style="list-style-type: none"> <li>- Copy of initial draft Bill</li> <li>- Copy of UN Legal advice and comments aiming at aligning the Bill with the Paris</li> </ul>	X	X	X				<p>Regular meetings and discussion with the national counterparts on the Bill.</p> <p>Transmission of UN Legal advice to the Ministry of Justice</p>	

<p>Parliamentary Hearings</p> <p>On-going advocacy activities</p>							X	X	X	<p>Principles and transmission letter.</p> <p>- The copy of the draft Bill submitted to the National Assembly for consideration</p> <p>- The National Assembly Act establishing the National Human Rights Commission (NHRC)</p>	<p>Output Indicator 2.2.1</p> <p>Existence of a proposal to promote social cohesion</p> <p>Baseline: Absence of coordinated donor support for TJ</p> <p>Target: All donor support for TJ captured and monitored under one system of the government</p>	<p>Government with effective instruments for coordinating donor support on TJ</p> <p>Output 2.2</p>	
<p>Donor coordination and resource mobilization plan facilitate by the UN</p>													