

SECRETARY-GENERAL'S PEACEBUILDING FUND  
PROJECT DOCUMENT TEMPLATE



United Nations  
Peacebuilding

**PBF PROJECT DOCUMENT**

<b>Country(ies):</b> The Gambia	
<b>Project Title:</b> Support to the implementation and monitoring of the Truth, Reconciliation and Reparations Commission (TRRC) recommendations in The Gambia	
<b>Project Number from MPTF-O Gateway (if existing project):</b>	
<b>PBF project modality:</b>	<b>If funding is disbursed into a national or regional trust fund (instead of into individual recipient agency accounts):</b>
<input type="checkbox"/> IRF	<input type="checkbox"/> Country Trust Fund
<input checked="" type="checkbox"/> PRF	<input type="checkbox"/> Regional Trust Fund
<b>Name of Recipient Fund:</b>	
<b>List all direct project recipient organizations (starting with Convening Agency), followed by type of organization (UN, CSO etc.):</b> UNDP, OHCHR	
<b>List additional implementing partners, specify the type of organization (Government, INGO, local CSO):</b> Ministry of Justice Ministry of Interior Judiciary of The Gambia National Human Rights Commission The Association of Non-Governmental Organizations (TANGO) (Network of local CSOs) African Network against Extrajudicial Killings and Enforced Disappearances (ANEKED) (CSO) Women's Association for Victims' Empowerment (WAVE) (CSO) Women in Liberation and Leadership (WILL) (CSO) The Gambia Centre for Victims of Human Rights Violations (The Victims' Center) (CSO) GAMWORKS (NGO) Gambia Press Union (GPU) (CSO)	
<b>Project duration in months<sup>1 2</sup>:</b> 30 months	
<b>Geographic zones (within the country) for project implementation:</b> Greater Banjul Area with nationwide outreach activities, particularly in victim-dense communities (Essau (North Bank Region), Jambur, Sintet, Sibanor (Foni area, West Coast Region))	
<b>Does the project fall under one or more of the specific PBF priority windows below?</b>	
<input type="checkbox"/> Gender promotion initiative <sup>3</sup>	
<input type="checkbox"/> Youth promotion initiative <sup>4</sup>	
<input type="checkbox"/> Transition from UN or regional peacekeeping or special political missions	
<input type="checkbox"/> Cross-border or regional project	

<sup>1</sup> Maximum project duration for IRF projects is 18 months, for PRF projects – 36 months.

<sup>2</sup> The official project start date will be the date of the first project budget transfer by MPTFO to the recipient organization(s), as per the MPTFO Gateway page.

<sup>3</sup> Check this box only if the project was approved under PBF's special call for proposals, the Gender Promotion Initiative

<sup>4</sup> Check this box only if the project was approved under PBF's special call for proposals, the Youth Promotion Initiative



**Total PBF approved project budget\* (by recipient organization):****OHCHR:** \$ 450,000.27**UNDP:** \$ 3,044,150.00**Total:** \$ 3,494,150.27

*\*The overall approved budget and the release of the second and any subsequent tranche are conditional and subject to PBSO's approval and subject to availability of funds in the PBF account. For payment of second and subsequent tranches the Coordinating agency needs to demonstrate expenditure/commitment of at least 75% of the previous tranche and provision of any PBF reports due in the period elapsed.*

Any other existing funding for the project (amount and source):

<b>PBF 1<sup>st</sup> tranche (25%):</b>	<b>PBF 2<sup>nd</sup> tranche* (50%):</b>	<b>PBF 3<sup>rd</sup> tranche* (25%):</b>
UNDP: \$ 761,037.50	UNDP: \$ 1,522,075.00	UNDP: \$ 761,037.50
OHCHR: \$ 112,500.07	OHCHR: \$ 225,000.14	OHCHR: \$ 112,500.07
<b>Total:</b> \$ 873,537.57	<b>Total:</b> \$ 1,747,075.14	<b>Total:</b> \$ 873,537.57

\* The second and the third budget tranches will be disbursed to the project following completion of specific conditions outlined in the Budget section of the document and subject to availability of funds within the UN Peacebuilding Fund.

**Provide a brief project description (describe the main project goal; do not list outcomes and outputs):**

The Project supports the Government of The Gambia to create awareness of and improve capacities to implement recommendations made by the Truth, Reconciliation and Reparations Commission (TRRC) using a consultative and participatory approach involving key national institutions such as the Police, Judiciary, National Human Rights Commission, and civil society organizations, with a special focus on victims' and women's organizations. The Project employs a broad approach in the design and implementation of its interventions, to include both immediate and prerequisite support to prepare for implementation, but also actual implementation of some recommendations, whilst ensuring the Government buy-in, ownership and commitment to the process and laying the foundation for continued implementation of TRRC recommendations beyond the Project duration.

The TRRC was established by an Act of the National Assembly in December 2017 to investigate and establish an impartial historical record of human rights violations that occurred in The Gambia between July 1994 and January 2017 under former President Yahya Jammeh's rule, grant interim reparations to victims of abuses, recommend persons for prosecution and amnesty, and promote national reconciliation. Its operations commenced in October 2018 following the swearing-in of its 11 Commissioners, and is expected to conclude towards the end of 2021, following the submission of its Final Report to President Adama Barrow, which will include its findings and recommendations. The TRRC heard from 393 witnesses during 23 thematic public hearings over 892 days, producing over 2800 hours of live streamed testimony and other footage on YouTube on other online platforms, and in 2019, was dubbed as the transitional justice event of the year by Fondation Hironnelle's JusticeInfo.net, while several international and national organizations have also highlighted shortcomings regarding the space given to women and the treatment of SGBV crimes. Public, particularly victims', expectations remain high that the final recommendations of the TRRC address their needs and will be implemented by the Government in a timely and comprehensive manner, to achieve justice, including gender-justice, promote national reconciliation and sustainable peace in The Gambia. This project aims to support the transitional justice process with special focus on the recommendations of the TRRC, as well as those coming from civil society,



and an overall objective of continuing the process of successful, peaceful democratic transition in The Gambia.

**Summarize the in-country project consultation process prior to submission to PBSO, including with the PBF Steering Committee, civil society (including any women and youth organizations) and stakeholder communities (including women, youth and marginalized groups):**

This Project is the outcome of an inclusive and consultative process with implementing partners and stakeholders. At the inception state of the proposal development, brainstorming sessions were initiated by UNDP and OHCHR with key partners (Ministry of Justice, Ministry of Interior (Police), TRRC, NHRC, Judiciary and CSOs) to discuss issues surrounding the post-TRRC context, identify potential obstacles towards the implementation of the TRRC recommendations, and consequences of non-implementation of the recommendations on national reconciliation, non-recurrence, consolidation of democratic gains and peacebuilding.

The result of these consultations was presented to the Government through the Ministry of Justice, which responded by establishing a technical team to work with UNDP and OHCHR to develop the project proposal. The technical team held 4 working sessions between June and September 2021, chaired by the Ministry and including the TRRC, NHRC and CSOs: the Gambia Center for Victims of Human Rights Violations (Victim's Center), the Gambia Bar Association (GBA), the Female Lawyers Association (FLAG), the Association of Non-Governmental Organizations in The Gambia (TANGO), the Center for Research and Policy Development (CRPD), the African Network against Extrajudicial Killings and Enforced Disappearances (ANEKED), the Gambia Federation of Persons with Disabilities (GFD), the Never Again Network, the Gambia Press Union (GPU), the Women's Association for Victims' Empowerment (WAVE), Women in Liberation and Leadership (WILL), the Gambia Press Union (GPU), and the International Centre for Transitional Justice (ICTJ).

A meeting with the EU Delegation in The Gambia revealed ongoing programme development for The Gambia, for 2022-2029, with priority areas in Governance and Sustainable/Environmentally friendly Development. On Governance, although still under consideration, the EU notes its intention to support a reoriented approach to SSR, as well as support to the rule of law sector. Whilst in the past, the EU had prioritized national budget support over projects in The Gambia, this approach is equally being reconsidered. Indicators on post-TRRC issues/the implementation of TRRC recommendations are likely to be included as requirements for the release of budget support, especially considering the implementation of the EU Human Rights and Democracy Country Strategy (2021 – 2024), which reflects the following areas as key support areas for the EU in The Gambia, namely, support to the Judiciary to handle caseload, support to the National Assembly with legal technical expertise to review laws, improvement on treatment of prisoners, support to any possible post-TRRC accountability mechanism, and promotion of decentralized memorialization initiatives.

**Project Gender Marker score<sup>5</sup>: 2**

<sup>5</sup> **Score 3** for projects that have gender equality as a principal objective and allocate at least 80% of the total project budget to Gender Equality and Women's Empowerment (GEWE)

**Score 2** for projects that have gender equality as a significant objective and allocate between 30 and 79% of the total project budget to GEWE



Specify % and \$ of total project budget allocated to activities in pursuit of gender equality and women's empowerment: **31.99 % or \$ 1,117,795.08**

**Briefly explain through which major intervention(s) the project will contribute to gender equality and women's empowerment <sup>6</sup>:**

Women have already been and will continue to be involved as active co-creators of Project interventions, and specific Project interventions that explicitly aim to empower women and reduce gender inequality include:

- capacity building (training and workshops) with dedicated components on gender and enhancing women's participation in the transitional justice/post-TRRC process for national institutions and justice sector actors
- support to academia and think tanks to produce analysis and knowledge products including on GEWE issues, as well as engage in strategic advocacy on gender components of the TRRC recommendations and beyond, with a view to influencing further policy change
- partnership with women led CSOs and investment in strengthening their institutional capacities
- awareness raising on gender equality and women's empowerment as it relates to transitional justice processes

**Project Risk Marker score<sup>7</sup>: 2**

**Select PBF Focus Areas** which best summarizes the focus of the project (*select ONLY one*)<sup>8</sup>:  
1.2 Rule of Law

If applicable, SDCF/UNDAF **outcome(s)** to which the project contributes: UNDAF outcome 1.2: Governance and Human Rights: Improving governance and fighting corruption - Institutional reforms implemented to ensure rule of law and guarantee the protection of the human rights of all, including access to justice, gender equality, access to basic services, and democratic participation in decision-making processes.

**Sustainable Development Goal(s) and Target(s)** to which the project contributes:

5: Achieve gender equality and empower all women and girls

Targets

- 5.1: End all forms of discrimination against all women and girl everywhere
- 5.5: Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic, and public life
- 5.c: Adopt and strengthen sound policies and enforceable legislation for the promotion of

**Score 1** for projects that contribute in some way to gender equality, but not significantly (less than 30% of the total budget for GEWE)F

<sup>6</sup> Please consult the **PBF Guidance Note on Gender Marker Calculations and Gender-responsive Peacebuilding**

<sup>7</sup> **Risk marker 0** = low risk to achieving outcomes

**Risk marker 1** = medium risk to achieving outcomes

**Risk marker 2** = high risk to achieving outcomes

<sup>8</sup> **PBF Focus Areas** are:

(1.1) SSR, (1.2) Rule of Law; (1.3) DDR; (1.4) Political Dialogue

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

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

(4.1) Strengthening of essential national state capacity; (4.2) extension of state authority/local administration; (4.3) Governance of peacebuilding resources (including PBF Secretariats)



gender equality and the empowerment of all women and girls at all levels

16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable, and inclusive institutions at all levels

Targets

- 16.3: Promote the rule of law at the national and international levels and ensure equal access to justice for all
- 16.5: Develop effective, accountable, and transparent institutions at all levels
- 16.7: Ensure responsive, inclusive, participatory, and representative decision-making at all levels

17: Strengthen the means of implementation and revitalize the global partnership for sustainable development

Targets

- 17.17: Encourage and promote effective public, public-private and civil society partnerships, building on the experience and resourcing strategies of partnerships Data, monitoring and accountability

**Type of submission:**

- New project  
 Project amendment

**If it is a project amendment, select all changes that apply and provide a brief justification:**

**Extension of duration:**  Additional duration in months (number of months and new end date):

**Change of project outcome/ scope:**

**Change of budget allocation between outcomes or budget categories of more than 15%:**





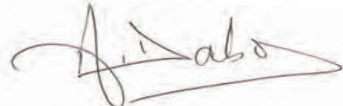
**Additional PBF budget:**  Additional amount by recipient organization: USD XXXXX

**Brief justification for amendment:**

*Note: If this is an amendment, show any changes to the project document in RED colour or in TRACKED CHANGES, ensuring a new result framework and budget tables are included with clearly visible changes. Any parts of the document which are not affected, should remain the same. New project signatures are required.*



### PROJECT SIGNATURES:

<p><b>Recipient Organization(s)<sup>9</sup></b></p> <p><b>Aissata De</b> Aissata De Signature Resident Representative, UNDP Date &amp; Seal</p> <p>NTC</p> <p><b>Eldon Pearce</b>  Signature Chief, Finance &amp; Budget Section, PSMS, OHCHR Date &amp; Seal 25 November 2021</p> 	<p><b>Representative of National Authorities</b></p> <p><b>Dawda A. Jallow</b>  Signature Attorney General and Minister of Justice Date &amp; Seal 26/11/2021</p>
<p><b>Head of UN Country Team</b></p> <p><b>Seraphine Wakana</b>  Signature Resident Coordinator Date &amp; Seal 26/11/2021</p>	<p><b>Peacebuilding Support Office (PBSO)</b></p> <p><b>Awa Dabo</b>  Signature Deputy Head and Officer-in-Charge, Peacebuilding Support Office Date &amp; Seal 29 November 2021</p>

<sup>9</sup> Please include a separate signature block for each direct recipient organization under this project.



## I. Peacebuilding Context and Rationale for PBF support (4 pages max)

- a) A summary of **conflict analysis findings** as they relate to this project.

### Background: Transitional Justice in The Gambia - 2016 to 2021

Following his defeat in the 2016 presidential election, former Gambian President Yahya Jammeh went into exile on 21 January 2017, leaving behind a legacy of grave human rights abuses and nearly empty state coffers in The Gambia. He had ruled for 22 years with an iron fist and little regard for democratic and human rights principles. Following the tension-filled but peaceful alternation of power from former President Jammeh to President Adama Barrow in January 2017, there was an urgent need for wide-ranging reforms to instil democratic governance, respect for justice and the rule of law and human rights, socio-economic recovery, sustainable peace, and development and ensure a peaceful transition. A key area of reform that the new Government prioritised has been transitional justice and human rights frameworks. The UN Peacebuilding Fund (PBF) was an early supporter and donor to this process, having approved a total of \$18.6 million from 2017 to 2020 for the country's peacebuilding priorities, ranging from transitional justice and security sector reform to support for youth empowerment and social cohesion initiatives, and resolution of land conflict and climate change induced tensions.

While considering the appropriate human rights and transitional justice mechanisms to establish, the Government set up a Panel of Missing Persons under the Ministry of Interior in February 2017, which over five months received about 40 complaints relating to unlawful killings, sexual violence and enforced disappearances. The Commission of Inquiry into the Financial Activities of Public Bodies, Enterprises and Offices, also known as the "Janneh Commission" was established in July 2017 to investigate corruption by former President Yahya Jammeh, his family members and close associates as related to public bodies. Moreover, following nationwide consultations during which Gambians from a large cross-section of society expressed their views, concerns, and expectations on how to address human rights abuses and bring about transitional justice, the National Assembly in December 2017 passed the Truth, Reconciliation and Reparations Commission (TRRC) Act, the Constitutional Review Commission (CRC) Act, and the National Human Rights Commission (NHRC) Act.

Despite limited government resources and an unfavorable socio-economic climate, The Gambia's approach to transitional justice has been participatory and holistic,<sup>10</sup> even with shortcomings regarding equal gender representation at decision-making positions. According to the most recent Labor Survey by The Gambia Bureau of Statistics (2018), 35.2% of the active labor force is unemployed, with slightly higher unemployment in rural areas than the urban areas, and moreover, unemployment is highest among the youth (18 to 35 years old). The high level of engagement on transitional justice demonstrates the level of priority that both the Government and the people of The Gambia have placed on human rights in the post-Jammeh era. In 2020, a nationwide Perception Survey showed that 90% of Gambians (from a sample of 1,200 Gambians) felt that the TRRC was performing "very well" or "well," described the TRRC to be "very independent" and believe that its outcome would positively contribute to peace in The Gambia. While recognizing the great achievements, in October 2020 some 50 individuals, many of them women, victims and survivors published a Manifesto urging Gambian authorities to appoint more women in decision-making positions on transitional justice, whilst also calling upon stakeholders to actively include women and seek to be more inclusive towards victims.

<sup>10</sup> <https://www.justiceinfo.net/en/43511-one-year-truth-telling-gambia.html>



The UN Peacebuilding Commission (PBC) has since its first visit to The Gambia in March 2017, and at the request of the Government, contributed to maintaining international attention on the situation in The Gambia, as well as providing coherent and coordinated support to the Government's peacebuilding priorities, whilst applauding the spectacular progress achieved through the work of the TRRC, and the Government's consideration for transparency and inclusivity. In May and October 2019, the PBC convened two meetings, with briefings from the Attorney General and Minister of Justice of The Gambia, during which the Commission followed and expressed support for challenging reforms in the areas of security, transitional justice, constitutional review, human rights, women, and youth empowerment, press freedom and anti-corruption, all of which are being supported by the PBF. Similarly, in 2020, on 15 June and 23 November, the PBC held two separate meetings on the socio-economic impact of COVID-19 in The Gambia, and on the transitional reform processes in The Gambia with a view to being kept abreast by senior Government officials, as well as civil society, on progress and challenges and specifically, what the PBC can do to continue supporting the peacebuilding priorities of The Gambia.

### The Truth, Reconciliation and Reparations Commission (TRRC)

The TRRC was mandated to establish an impartial historical record of human rights violations<sup>11</sup> committed between 1994 and 2016 under the rule of former President Jammeh, grant interim reparations to victims and promote national reconciliation. The Commission, composed of 11 Commissioners, commenced its work in October 2018. The TRRC was due to conclude its mandate on 30 September 2021, when it was scheduled to submit its Final Report to President Adama Barrow but announced on the same day that the submission would be postponed as the Report was not completed. A new submission date had not been announced at the time of the submission of this Project proposal, but consultations with the TRRC revealed that only 4 out of its 16 thematic reports are pending review and finalization. Equally, consultations with the Minister of Justice revealed that the Government would seek to immediately schedule a new submission date for the TRRC once the Commission informs the Ministry of completion.

The TRRC has received 2,600 statements from victims and other witnesses to human rights violations that occurred during the Jammeh regime. The majority of statements received were from victims – 1,520. Over 892 days, the TRRC held 23 public hearings, each lasting 3-4 weeks, and heard live testimonies from 393 witnesses (315 men and 78 women (which amounts to less than 20%), 80 confessed or alleged perpetrators, 229 victims, 8 expert witnesses and 36 virtual testimonies over Skype). Sexual and gender-based violence (SGBV) was a reoccurring theme of TRRC public hearings, whereby dozens of survivors, which included both men and women, publicly testified about SGBV they encountered, from forced nudity and abortion to molestation, sexual assault, and rape. In most of these instances, these violations were committed against young women, except during the “witch hunt” campaigns, where mostly, elderly women were kidnapped and eventually sexually violated. Furthermore, though sexualized torture by state security officials affected men in The Gambia more than women, women were 3 times more likely to experience SGBV during unlawful detentions by state security officials, and these violations were nearly always perpetrated by senior government officials, including President Jammeh himself, according to the TRRC.

Section 30 of the TRRC Act lays out the Government's obligations towards the Commission's Final Report. Under this section, President Barrow is obliged within 30 days to share the Report with the National Assembly, the UN Secretary General, and other regional and international organisations that

<sup>11</sup> Mandate (trrc.gm): Including killings, disappearances, torture and persecution, arbitrary imprisonment, false HIV treatment



the Minister of Justice may determine, following which the Minister of Justice shall, in consultation with the TRRC Executive Secretary, make copies or summaries of the Report “widely available in public.” The Act also requires that the Government’s response to the recommendations made by the TRRC, which is likely to take the form of a “White Paper,” must be published for public consumption no later than six months following the TRRC final submission.

Considering the revelations made during its public hearings, as well as the nature and scope of its activities, the TRRC is expected to make findings and recommendations on many issues, including reparations for victims, the establishment of national reconciliation mechanisms, memorialization, security sector and other institutional reform, legislative (including Constitutional) reform, amnesty and the prosecution of persons responsible for the most serious human rights violations investigated by the TRRC. It is to note however, that few organizations, including victims’ and women organizations were consulted during the development of the recommendations, as well as during the disbursement of monetary reparations to victims. The TRRC’s 2018-2019 Interim Report states that “violations and abuses committed were massive, horrifying and varied,” and this statement has been reiterated by the Chairperson, Commissioners and Lead Counsel of the TRRC on many occasions, including on 28 May 2021, during a ceremony to mark the closing of its public hearings.

The TRRC process has not always been smooth. Whilst the Commission has been internationally recognized for adopting a participatory, and accessible process, TRRC revelations have increased tensions between its supporters, the victim community and perceived or confessed perpetrators, as well as the political party of Mr. Jammeh, the Alliance for Patriotic Reorientation and Construction (APRC), which continues with its political activity. Since early 2017 following the installment of the new Government, victims of human rights abuses have been demanding reparations, through investigations into specific incidents and violations, particularly enforced disappearances, and persecution. The Government, in response, has repeatedly asked for the patience and cooperation of victims, for the TRRC to complete its investigations and present its findings and recommendations, which resulted in high expectations from victims following the conclusion of the TRRC process.

#### Lack of meaningful gender inclusion

Several critical senior positions within the TRRC (Chairman, Executive Secretary, Lead Counsel, Head of Investigations etc.) were headed by men, a fact that was criticized by the October 2020 Manifesto by CSOs, which urged the Government to appoint more women in decision-making positions related to transitional justice. In addition, the TRRC disproportionately heard male victims and witnesses (women represented less than 20% of the witnesses). For instance, while it devoted an entire three-week session on the conditions in the infamous Mile 2 prison, it only investigated crimes that were reported in the male wing and failed to examine conditions in the female wing, despite allegations of SGBV committed on female detainees. Although a Women’s Affairs Unit was established within the TRRC, several CSOs including the International Center for Transitional Justice (ICTJ), the Toufah Foundation (survivor led organization) and ANEKED criticized the TRRC for its failure to adequately focus on women’s experience and highlighted shortcomings in that regard. The TRRC admitted in a report that “most women lost confidence in ensuring meaningful participation in political processes as those who attempted were almost always harassed, and sometimes detained, tortured, and sexually violated. (...) this has led to setbacks for gender equality, women, and empowerment in the country.”<sup>12</sup>

#### Concerns about the transitional justice process in a climate of heightened political tensions

<sup>12</sup> TRRC Report: Gender Dimensions of the 22-year-old Regressive Rule of Jammeh



Beyond the TRRC, tensions in The Gambia have been exacerbated by the public's efforts to assert their rights, as young Gambians in particular, consistently, and increasingly vocalize their concerns about future threats to human rights and dissatisfaction with the overall pace of reform processes, resulting in street protests and even violent clashes with the police. The public and victims frequently express frustration over levels of impunity as alleged perpetrators — including members of former President Jammeh's hit squad, the "Junglers" — are released, remain or are even being promoted in the security.<sup>13</sup> Several CSOs, both international and national, have also expressed criticism towards the TRRC for its failure to adequately focus and offer space for women's experience and highlighted shortcomings in that regard. The public has also expressed reservations and diminished confidence in the Government due to setbacks in key reform processes such as the rejection of the draft Constitution and the Security Sector Reform, and what is perceived to be the low level of implementation of the recommendations of the Janneh Commission into financial and other irregularities during the Jammeh era. Furthermore, Jammeh's supporters, in turn, perceive the TRRC as a witch-hunt that aims to punish and marginalize the Jola people of Foni District (Mr. Jammeh's ethnic group and support base) from the national development agenda.

The December 2021 presidential election, which will take place in the context of political pluralization, is also a possible conflict trigger due to strong partisanship and heightened political tensions. Political parties and other power factions, such as religious and community leaders, have instrumentalized the TRRC public hearings to score political points, and social media is awash with deep sentiments bordering on hate speech with ethnic undertones, over the political landscape. Victims' organizations and human rights activists are also expressing fears that political bargaining ahead of the presidential election in December 2021 may prevent the full implementation of TRRC recommendations, especially in the wake of the recent alliance between the President Barrow's party, the National People's Party, and Mr. Jammeh's party, the APRC. Added to this, the presence of regional ECOMIG forces in The Gambia (mainly comprised of Senegalese troops) continues to be viewed as an unnecessary foreign force and confirmation of the President's mistrust of national security forces. The extension of the ECOMIG mandate until December 2021, following which it will be converted into a police mission in January 2022, has generated negative responses from the population.

#### Human rights and institutional gaps to realize the implementation of the TRRC's recommendations

The transitional justice agenda of The Gambia is grounded in human rights and institutions like the NHRC, and the National Assembly are key in advancing the human rights agenda. The NHRC was established to address future human rights violations and promote and protect human right and its mandate includes the power to monitor, receive and investigate any human rights violations in the Gambia by both State officials and Non-State officials. In addition, the NHRC has the powers to amongst other things, hear complaints, summon witnesses to testify at hearings, examine witnesses on oath and enforce its decisions, including measures to protect the life and safety of an individual.

The activities in the framework of this Project will build on the work and technical expertise provided by OHCHR and the UN human rights mechanism. For the transitional justice and human rights agenda particular attention should be drawn to the visits of the UN Special Procedures, including the visits of the Special Rapporteur on the Promotion of Truth, Justice, Reparations and Guarantees of Non-recurrence (Pablo de Greiff and Fabian Salvioli) and Working Group on Enforced Disappearances that provided substantial recommendations to the Gambian authorities on the transitional justice agenda.

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<sup>13</sup> Preliminary Observations from the Official Visit to The Gambia by the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Fabián Salvioli from 20 to 27 November 2019



Furthermore, OHCHR has provided technical support to the Gambian authorities on reporting to UN Treaty Bodies and provided technical support to the MoJ with the submission of its report for the Universal Period Review. OHCHR continues to provide support to ensure the Gambia continues to fulfil its international obligations regarding implementation of recommendations from human rights mechanisms. OHCHR has also supported missions of other UN Independent Experts and UN Special Procedures to the country, including the visit of the SR Truth (Pablo de Greiff and Fabian Salvioli, SR on the Sale and Sexual Exploitation of Children, Maud de Boer-Buquicchio and visit of the UN Working Group on Enforced Disappearances). OHCHR has been consistently supporting Gambian authorities in drafting legislations, for instance the Disabilities Bill, the NHRC Bill and the TRRC Bill as well providing input in pertinent legislation such as supporting the CRC in the drafting of the new Constitution and has conducted advocacy to underline the importance of using the Criminal Code review process and the Constitutional Review Commission as opportunities to strengthen the protection and promotion of human rights. Furthermore, the transitional justice agenda has advanced the promotion and protection of human rights and peacebuilding by, *inter alia*,<sup>14</sup> making significant progress on the establishment of a National Mechanism for Reporting and Follow-Up (NMRF), ratification of key international human rights instruments, review, and enactment of progressive legislation in line with international human rights standards and the strengthening of the judiciary. On follow-up and advocacy for long-term gains, the Project notes that the NHRC is well positioned and committed to put in place strong mechanisms to monitor and advocate for the implementation of TRRC recommendations and has indicated its commitment to play a pivotal role in this regard. The NHRC can also play an important role in investigating new incidents of human rights abuses related to the TRRC's recommendations and human rights violations that were omitted by the TRRC, whereas CSOs have committed to supporting the process through advocacy and have united with the NHRC to map a way forward. Both CSOs and the NHRC have been exposed to and will continue to benefit from continued engagement with UN human rights mechanisms including human rights special procedures.<sup>15</sup> Finally, the public has shown a high level of interest in the TRRC, especially young people, who are eager to ensure the full realization of their rights.

The Government has repeatedly expressed its willingness and commitment to implement the recommendations of the TRRC. The conclusion of the TRRC mandate is an opportunity for the Government to reflect on the report findings and consolidate the gains achieved thus far towards a more peaceful Gambia. It remains critical, five years following the transfer of power from former President Jammeh to President Barrow, to address the gross human rights violations and abuses including widespread sexual violence, repression, and harassment by the former regime by delivering justice for the victims. New challenges will emerge and post-TRRC Gambia will require re-galvanizing of efforts, hope and confidence in the national authorities and State institutions. Duty bearers will require support in critical areas of prosecution, investigations, reparations with a victim centered approach, reconciliation, memorialization, and institutional reform to ensure non-recurrence.

With the Government being under considerable pressure to meet the aspirations of the Gambian people for reparations and justice, the main Government institutions that the Project aims to strengthen include the justice sector (Ministry of Justice (and its agencies – National Agency for Legal Aid (NALA), and Alternative Dispute Resolution Secretariat (ADRS)), Police and Judiciary), which has been systematically underfunded during the Jammeh regime, and suffer from a lack of physical facilities, human resources and adequate specialized trainings, including legal and scientific training an equipment for criminal investigation, which is a major impediment to access to fair justice and service delivery. Project interventions in this area would build on and complement existing support provided

<sup>14</sup> CRC, institutional and civil service reforms, including SSR, criminal prosecution against nine former NIA officials.

<sup>15</sup> Example Monitoring Matrix in Sierra Leone <http://www.sierraleonetrcc.org/index.php/resources/recommendations-matrix>



under the UNDP Rule of Law, which in 2020 and 2021, had already commenced training the Judiciary on the adjudication of international criminal law within the existing Gambian legal framework. Furthermore, the Project aims to support those Government institutions to be articulated the Government White Paper as mandated to manage reparations for victims, promote national reconciliation, propel institutional reform, and implement memorialization initiatives.

- b) A brief description of how the project aligns with/ supports **existing** Governmental and UN **strategic frameworks**<sup>16</sup>, how it ensures **national ownership**.

This Project aligns itself with the UNDAF 2017-2022 and the subsequent UN Sustainable Development Cooperation Framework that will commence in 2023 and contributes in particular to the implementation of SDG 16 that promotes peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels. The Project also aligns itself with the National Development Plan 2018-2021, the National Human Rights Policy 2021-2025, the National Strategy on Transitional Justice, the National Security Policy, and the National Security Sector Strategy.

The Project also aligns with the Government's commitment to establishing a culture of human rights in The Gambia. Since January 2017, the Government has amended a series of laws inconsistent with international human rights norms, including the Criminal Code, the Criminal Procedure Code, Evidence Act, Sexual Offences Act and Legal Practitioners Act, as well as introduced progressive laws aimed at promoting and protecting the rights and freedoms of all Persons with Disabilities (PwDs), access to information and media freedoms. The Torture Bill and International Crimes Bill, currently under review, seek to domesticate the Convention against Torture and Rome Statute respectively. Pending the passing of the new Criminal Code, which removes the death penalty from the Laws of The Gambia, President Barrow in February 2018 announced an official moratorium on executions, and a year later, commuted the death sentences of all inmates remaining on death row.

The Government also continues to engage with international and regional human rights mechanisms.<sup>17</sup> In 2018, the Government submitted the second state report to the African Commission on Human and People's Rights covering 1994 to 2018, and in 2019, the Government accepted all recommendations on transitional justice during The Gambia review at the 34<sup>th</sup> session of the Universal Period Review (UPR). In 2019, the Government extended an invitation to the UN Special Rapporteur on the Promotion of Truth, who issued recommendations applicable to the post-TRRC period, and in March 2019, following the ratification of the Convention for the Protection of all Persons from Enforced Disappearances, the Government submitted its first report to the Committee on Enforced Disappearances.

- c) A brief explanation of how the project fills any strategic gaps and complements any other relevant interventions, and a brief **summary of existing interventions**.

This Project builds directly on the recently concluded PBF funded Transitional Justice and Human Rights Project (TJHR Project), jointly implemented by OHCHR and UNDP between May 2017 and July 2021 and aimed at increasing the capacity of the Government to establish and oversee credible transitional justice and human rights mechanisms and processes that promote reconciliation and

<sup>16</sup> Including national gender and youth strategies and commitments, such as a National Action Plan on 1325, a National Youth Policy etc.

<sup>17</sup> 2019 UPR 34<sup>th</sup> review, extended invitation to the Special Rapporteur on Truth, submission of periodic report 1994-2018 to ACHPR, presentation of initial state report on CED.



peacebuilding in The Gambia. The TJHR Project provided a broad range of support to the Government, the National Assembly, TRRC, NHRC, victims and several local CSOs. The support included strategic policy development and implementation, technical assistance, capacity building initiatives, communication, outreach, and awareness raising, provision of dedicated services for victims of human rights abuses and violations, and procurement of basic, essential goods and services. This Project ensured the development and implementation of The Gambia's National Strategy on Transitional Justice and significantly contributed to the adoption of legislation and policies that promote human rights. This Project also significantly contributed to an inclusive and highly consultative and participatory transitional justice process in The Gambia, supported gender and age responsive truth-seeking initiatives and strengthened the active participation of local CSOs.

This new Project is built on the achievements, challenges, lessons learnt and best practices of the TJHR Project, including existing partnerships. The project also responds to the TJHR Project's sustainability plan, which *inter alia*, notes the importance of supporting the Government during the post-TRRC phase, as well as the independence, financial autonomy, and capacity of the NHRC to exercise its mandate, including advocating for the full implementation of the TRRC recommendations.

On gender equality and women's empowerment, the TJHR Project rated its support in this area as "1" because it contributed in some way to gender equality, but not significantly (15% of budget). This previous Project noted that despite strong legal and policy frameworks, women and girls continue to face significant discriminatory provisions in the law pertaining to the Personal Status of Women, and that the representation of women in political and public life remains a significant challenge in The Gambia, with only 5 out of the 53 members of the National Assembly being women. As the Project's conflict analysis aptly puts it, "these figures not only demonstrate the disparity in The Gambia's commitment to attaining gender equality in political participation but also indicate the volume of work at hand to building a democratic society where every citizen regardless of gender becomes a meaningful and active participant."

Against this backdrop, the TJHR Project aimed to mainstream gender perspectives into key activities, focused on incorporating gender analysis and objectives in policy documents (including the National Strategy on Transitional Justice), supporting the establishment of a Women's Affairs Unit at the TRRC to mainstream gender, and the TRRC SGBV Taskforce, as well as the establishment of the CSO coalition on promoting gender equality and women's empowerment in transitional justice processes (also known as the Gender Platform), whilst supporting the investigation of specific gender issues embedded in the social, institutional and cultural environment and their correlation with past human rights abuses. The TJHR Project also provided capacity building on gender for the TRRC and CSOs, and directly implemented dozens of activities aimed at promoting the participation of women in the TRRC process- 11 private listening circles, women-led community dialogues in 15 communities and women's trade fair in 5 communities. Following the establishment of the SGBV Taskforce, and with \$275,000 from the Government of Ireland, the TRRC witnessed close to 300% increase in the number of statements from SGBV survivors (women and men) between January 2019 and January 2020 (from approx. 100 statements to 373), and combined, the TRRC with support from the TJHR Project interacted directly with 2,775 women on the importance of giving statements and generally, engaging with the Commission, yet only about 20% of the persons that provided statements or testified at TRRC were women- a figure that is not indicative of the efforts or intention of the TRRC or CSOs on women participation at the Commission.

Furthermore, in addition to the Victim Centre and the Female Lawyers Association (FLAG), which were provided grants to map human rights violations in the country, the TJHR Project disbursed funds to 6 other CSOs under a Responsible Party Agreement, 3 of which were strong, upcoming women and



victim-led organizations (ANEKED, WILL and WAVE), and all of which implemented activities aimed at increasing women’s participation in the TRRC process. Combined, these women-led organizations have made immense contributions to the work of the TRRC and the wider transitional justice discourse in The Gambia, and one of them, WILL, was one of the few organizations whose written recommendations to the TRRC were accepted and informed, would, to a large extent, be included as part of their recommendations to President Barrow. However, as noted in the October 2020 Manifesto, there remained much room for greater inclusion of women in the TRRC, this remains the case on transitional justice after the closure of the TRRC.

In this new phase of support, this Project will build on the existing partnerships between women and victim led CSOs and double its efforts on gender equality and women’s empowerment to match at least 31.56% or \$ 1,102,815.08 of its total resources. As it is apparent from the first phase of support that the lack of women in decision making positions has a direct and adverse effect on the inclusion of women and gendered issues throughout the process, the Project will from the onset support strong advocacy on the appointment of women in upcoming decision-making positions, post-TRRC. Equally, all capacity building initiatives will include gendered perspectives and institutional support to CSOs, and state institutions will include support on gender mainstreaming, and women and victim led organizations will continue to be made Project Responsible Parties, to ensure the active implementation of gender equality and women’s empowerment focused initiatives. Overall, however, this Project notes that due to the deeply rooted patriarchal and other beliefs against women and girls in The Gambia, shrewd around an equally deep culture of silence around issues affected women and girls, there needs to be a long-term, intentional commitment to improving gender equality and women’s empowerment in The Gambia. Unlike the TJHR Project, this Project will ensure that men in decision making positions are equally in the center of project interventions, as critical agents of change regarding the situation of Gambian women. All TRRC recommendations, and especially those with direct impact on the lives of women and girls, or other marginalized persons, will be supported-through adequate review and in other ways to ensure their comprehensive, participatory and inclusive implementation.

This new post-TRRC Project will also expand the support to transitional justice and human rights in The Gambia in the way that the TRRC recommendations and Government projects it, which means that the Project in its scope may be casted wider than solely looking at the TRRC recommendations in an isolated manner. Thus, this phase of supporting the implementation and monitoring of TRRC recommendations in The Gambia could potentially afford the UN insightful opportunities to apply a truly comprehensive approach to transitional justice, not just in The Gambia but the region and continent at large. This approach entails, for instance, that support provided via the project aims to seek progress in all pillars of transitional justice (meaning truth, justice, reparation, and guarantees of non-recurrence) and strives to ensure women’s rights ensures the centrality of victims. It also means that assistance provided will need to be coordinated with the broader rule of law initiatives while engaging in effective coordination and partnerships in support to the implementation of the TRRC recommendations.

<b>Project name (duration)</b>	<b>Donor and budget</b>	<b>Project focus</b>	<b>Difference from/ complementarity to current proposal</b>
UNDP Strengthening Rule of Law and Enhancing Justice and Security Sector	UNDP Core Resources (TRAC) 1,25 million USD	Rule of Law sector reform	This is a broad project that supports the rule of law sector in The Gambia, thus, this new post-TRRC Project will reinforce this broader project, building the capacity of justice actors to



Delivery (Rule of Law Project)  (July 2017 – December 2021)			effectively respond to the TRRC's recommendations. This complements the ongoing capacity building interventions on Rule of Law and PBF supported Community Access to Justice Project noted below in terms of building capacity of justice and security institutions and personnel. This Project is however different from the broader UNDP's Rule of Law interventions because it specifically focuses on supporting the implementation of transitional justice recommendations- on reparations, reconciliation, and memorialization for example.
UNDP Security Sector Reform (January – December 2021)	UNDP Core Resources (TRAC) 90,000 USD	Security Sector Reform (SSR)	Recommendations of the TRRC may include SSR and therefore, this Project would support the objectives of the SSR Project in concert with the work under the Rule of Law, which includes support to police and prisons services. Whilst noting the intricate differences and complexities of SSR and working closely with the UNDP SSR Adviser and UNDP CTA for Rule of Law.
UNDP, UNICEF, UNFPA Strengthening Community Access to Justice, Community Policing and Effective SGBV Responses (March 2020 – March 2022)	PBF 1,649,988 USD	Increase community access to justice, enhance community policing and the rule of law sector's response to SGBV	As described above, this new post-TRRC Project will reinforce the broader Rule of Law support, which includes the PBF supported Strengthening Community Access to Justice, Community Policing and Effective SGBV Responses ensuring that efforts are coordinated, complementary and focused on strengthening the rule of law, security, and justice sector. The added value of this new Project is already explained above.
UNICEF, UNDP Strengthening Inclusive Citizen Engagement for more accountable Governance in The Gambia (January 2020 – Jan 2022)	PBF 1,650,000 USD	Facilitate transparent and inclusive exchanges between right holders and duty bearers	Both this and the post-TRRC Project support the on-going efforts of transition to democratic governance, but this Project does not focus on the justice sector, but rather on transparent and inclusive exchanges between rights holders and duty bearers, with a view to improving performance, transparency and accountability



			amongst public sector leadership as well as strengthen dialogue of political parties and actors to reduce political polarization.
African Transitional Justice Legacy Fund (ATJLF)  (2021 – 2024)	MacArthur Foundation	Provision of grants (5,000 USD - 50,000 USD) to organisations to implement transitional justice interventions	ATJLF is a transitional justice grant-maker providing funding and technical support to community-based organizations, survivor-led groups and non-governmental organizations working on transitional justice issues across Africa, beginning in West Africa. The Fund also collaborate with governments as strategic partners to facilitate an enabling environment for CSOs, CBOs, and other groups to undertake impactful transitional justice initiatives at local, national, and regional levels. In The Gambia, 8 CSOs have been awarded grants in 2019 and 2020, totaling 245,662 USD. It's continued initiatives post-TRRC will complement the objectives of this Project.
American Bar Association Rule of Law Initiative (ABA ROLI)  Promoting Rights and Justice in the Gambia (2021 – 2026)	USAID 7,800,000 USD	Rule of Law sector	The ABA ROLI's Promoting Rights and Justice in the Gambia is a 5-year project that seeks to strengthen the efficiency of the justice system in The Gambia and to empower civil society organizations to increase accountability and public participation. This Project will work closely with the ABA Team in The Gambia to ensure non-duplication of activities and the creation of synergies. This Project, however, is broader in its scope as it supports Government and other institutions beyond the justice sector.

**II. Project content, strategic justification, and implementation strategy (4 pages max Plus Results Framework Annex)**

a) A brief **description of the project** focus and approach

The project's overarching goal is to contribute to continued peaceful transition in the post-Jammeh regime within a major and politically sensitive area of transitional justice and national reconciliation. In particular, the project aims to ensure that the frameworks required for a smooth transitional justice process (both legal for prosecutions or to realize other areas of recommendations, and financial for



reparations), fully consider recommendations by the TRRC and civil society, including victim representatives. The project will support the Government capacity to implement these recommendations transparently and fairly as well as ensure that the NHRC and CSOs are well equipped to disseminate and advocate for implementation in a well-coordinated, effective manner, and that the implementation of key recommendations have commenced, and where possible, even concluded before the Project's closure, following close monitoring and reporting of gains by the NHRC and CSOs. The implementation of the recommendations of the TRRC would have bearings on how Gambian society heal and develop and how it will be able to prevent a repetition of past human rights violations. In addition to the broader institutional reforms, including strengthening justice and security institutions, the effective implementation of the TRRC recommendations will urge the Gambian state more accountable, accessible, and responsive to the rights of its citizens and in particular the needs of the victims of past human rights violations.

Like the previous TJHR Project, this Project will be implemented using a phased approach, and provide solution-oriented strategic support to a broad range of actors involved in the implementation of TRRC recommendations, commencing with the Ministry of Justice, who, as a first step in a post-TRRC Gambia, is required to respond to recommendations by the TRRC through a Government White Paper due six months after the submission of the TRRC Final Report to the President. The nature, scope, quality, and eventual success of the post-TRRC context would be highly influenced by the Government's White Paper, as a policy document setting out the considerations and priorities of the Government. Thus, activities aimed at supporting this "pre-implementation" of the TRRC recommendations up to the issuance of the White Paper on the implementation of the TRRC recommendations will constitute Phase I of the Project. All other activities, thereafter, will constitute Phase II of the Project.

As a matter of principle, the Project will work with a broad range of implementing partners throughout the Project, beyond the Ministry of Justice, to ensure that key authorities and institutions that would play a critical role in the transitional justice process are equipped with the basic capacities to contribute to the process, namely, the justice sector (Ministries of Justice, Interior and Judiciary), the NHRC and civil society organizations, including The Association of Non-Governmental Organizations (TANGO), The Gambia Bar Association (GBA), victims' and women's associations as well as the academia. Special focus would be provided to supporting victims, women and youth led organizations.

The project will focus on providing upstream policy level support and supporting the implementation of policies or laws, as well as better coordination and enhanced national ownership of the post-TRRC process. Downstream support and technical capacity building initiatives will be provided to ensure transfer of knowledge and skills, and this Project will provide materials (basic, essential furniture and equipment) to institutions when deemed as a critical capacity gap to implementation of the White Paper.

b) Provide a **project-level 'theory of change'**

*IF* most Gambians are aware of and satisfied with the recommendations of the Truth, Reconciliation and Reparations Commission,

*IF* the recommendations of the Truth, Reconciliation and Reparations Commission are implemented in a comprehensive, inclusive, consultative, principled, rights-based, victim-centred manner,

*IF* the institutional and legislative deficiencies that led to rights violations and abuses are addressed so that they provide for safeguards against future violations and abuse,



*THEN* the population will have greater confidence and trust in governance institutions,

*AND* the healing of past grievances and social cohesion can be fostered.

**c) Provide a narrative description of key project components**

The project will be implemented in two phases:

Phase 1 is the immediate “pre-implementation” stage of the TRRC recommendations, which commences once the TRRC has submitted its Final Report to the President and lasts for six months, when the Government publishes its White Paper responding to the TRRC recommendations.

The support that this Project provides on the White Paper during this phase will be informed by and in line with international human rights norms and standards and best practice on transitional justice. The Project will therefore provide support to the Government as it develops its White Paper by facilitating enhanced engagements with national institutions and experts in an inclusive manner, ensuring in particular that women and youth are adequately represented, sharing with the Government best practices from other similar contexts, to help inform their efforts in developing the White Paper, and supporting the establishment and operations of a national coordination mechanism on the implementation of the TRRC recommendations. This support has been highlighted by the Minister of Justice in several forums as critical area, noting as well current technical and human capacity gaps at the Ministry of Justice, vis-à-vis the sheer volume of the expected action called for in the TRRC’s Final Report.

Furthermore, during this period the Project will commence its support to the NHRC and CSOs, firstly, to disseminate the TRRC recommendations as widely as possible and call for their implementation, while calling for gender equality and impunity for SGBV crimes to be addressed. The Project will support coordination between CSOs and the NHRC to strengthen impact of their related interventions. Considering its mandate, the NHRC will also be supported during this phase, and beyond, to provide evidence-based advice to the Government on peoples’ expectations on the implementation of TRRC recommendations, as well as correlations between these and other recommendations by the Special Rapporteur on Truth, the Working Group on Enforced or Involuntary Disappearances, recommendations from the Human Rights Committee and the Universal Periodic Review. Due to the Presidential election scheduled on 4 December 2021, political parties and groups will be targeted if relevant during this Phase to enhance political understanding and necessity for the implementation of the TRRC recommendations.

A small aspect of Phase I includes supporting the skeletal TRRC Secretariat and relevant stakeholders to wrap up, store information collected in a safe and secure manner and document lessons learnt. Before starting Phase II, the Project will undertake a mini internal reflection and seek to adjust the Phase II support activities to the evolving context, while continuing to support the agreed Outcomes and Outputs and focus on legitimacy, transparency and inclusiveness of the process.

Phase 2 of the project will be triggered by the publication of the White Paper, which will be a condition for the release of the second tranche. The second tranche of the Project will only be released if in addition to the publication of the White Paper, the Government proposes a broad implementation of the TRRC recommendations. Furthermore, an additional condition for the release of Tranche 2 would be an email of continued support and brief assessment of the transitional justice progress so far by the Resident Coordinator, informed by the Project team, paying particular attention to what the Project has



done already to support and to monitor stakeholder inclusion and buy-in/discussion of TRRC recommendations, especially vis-a-vis women and victims, towards greater legitimacy of the process.

Thus, Phase 2 of the Project should commence after the White Paper is published or shortly thereafter, and focus heavily on support to the actual implementation of TRRC recommendations in a holistic and well-coordinated manner, including gender and other sensitivities and inclusiveness, which includes laying the normative and legislative frameworks for change, including regarding gender equality and parity, enhancing capacities of relevant state, justice and CSO actors, monitoring, reporting and engagements on the status of implementation with a view to addressing bottlenecks, and bridging understanding and efforts between the Government/State institutions, non-governmental organizations and the people.

Reparations are critical and an essential part of a comprehensive and people-centered approach to transitional justice, and the Project will therefore specifically and as a matter of priority support the Government in the implementation of the TRRC's recommendations on reparations, in consultation and coordination with victims' groups and civil society. It should be noted however that the Project will not directly support individual or collective reparations, following lessons learnt by the TRRC during its granting of interim reparations, as well as the previous TJHR Project on granting support to victim participation in TRRC processes. During both occasions, the TRRC and the TJHR Project team noted high expectations from victims on the receipt of high amounts of monetary compensation, which remained unaltered despite sensitization and consultations with victims and their families on the realities of the resources available. Furthermore, these processes have brought to the fore the unintended consequences of providing reparations and support to victims, their families and communities in tightly knitted societies in The Gambia, such as animosity within family units and between neighbours, including tarnishing the image of families, and being subjugated to discrimination and even physical assault of children deemed to be wrongfully compensated by others.

Overall, the TRRC and the TJHR Project team noted that there are high risks of causing harm to victims, their families, and communities during individual or collection reparation programmes. However, the Project will support consultations on reparations considering other countries experience and recommendations of human rights mechanisms to that end. Similarly, the Project will carry over a residual activity of the TJHR Project for the construction of small, symbolic memorialization structures as this activity falls in line with the victim-centered Project approach and promotion of non-recurrence. This activity on memorialization was at an advanced stage but was not completed during the TJHR Project due to delays in discussions and agreement between the TRRC, victims' associations and the Government on specificities. Furthermore, this activity was attempted towards the end of the TJHR Project but did not come into fruition because of the time required by UNDP to complete procurement processes involving construction or rehabilitation works. Thus, a lesson learnt would be to ensure this and similar activities are initiated early during the Project duration, whilst noting that memorialization would also be contingent on gauging broad acceptance of the TRRC's final report and recommendations, particularly victims's groups views on the legitimacy and completeness of the recommendations once submitted.

Project interventions include:

**Outcome 1: The Government adopts effective measures and processes to enable implementation of TRRC recommendations in line with international human rights standards and responding to victims' and women needs.**



Output 1.1: The Government is enabled to issue a comprehensive Government White Paper on implementation of the TRRC recommendations (Phase I only)

- Activity 1.1.1: *Immediate public sensitization by the Government on implication and plans following release of the TRRC Final Report and recommendations (Project will support Government to employ consultative approach in building messages to the public, involving a wide range of state institutions, the NHRC and CSOs, as well as support in joint-dissemination activities).*
- Activity 1.1.2: *National consultations, including National Stakeholder Conference (involving Government, Judiciary, NHRC, CSOs and international experts, and ensuring gender balance) on the implementation of TRRC recommendations, to discuss prerequisite legal and other relevant frameworks vis-à-vis public expectations and obligations under international law, to facilitate exchange of regional and/or other relevant experiences as well as reflect on reparations*
- Activity 1.1.3: *Support the digitalization of the archives and preservation of documents, information, and evidence under the custody of the TRRC*
- Activity 1.1.4: *Support the establishment of the Victim Compensation Fund Bill*

Output 1.2: The Government is supported to adopt essential laws and strategies, and establish credible mechanisms to implement TRRC recommendations (Phase II)

- Activity 1.2.1: *Provide technical and logistical support to the Government to set up and maintain an inclusive and gender-balanced Technical Committee designed to hold on-going consultations with relevant stakeholders to enhance implementation, coordination, and synergies of post-TRRC activities*
- Activity 1.2.2: *Provide technical support, including short-term consultancies, for development of frameworks, policies, laws, and strategies based on best practices, on the administration of reparations, national memorialization initiatives, the promotion of national reconciliation, justice, and non-recurrence, in consultation with victims and other relevant stakeholders*
- Activity 1.2.3: *Provide essential technical, material, outreach and communication support to mechanisms mandated to administer reparations, implement national memorialization initiatives, and promote national reconciliation*
- Activity 1.2.4: *Support national memorialization initiatives in consultation with victims and other relevant stakeholders (residual activity from TJHR Project)*
- Activity 1.2.5: *Support nationwide awareness campaigns, including community engagements on status of implementation of TRRC recommendations, with special focus on interactions with victims, victim associations and relevant communities, whilst ensuring inclusivity*
- Activity 1.2.6: *Support coordination efforts with international partners and visibility of the process, including highlighting implementation or funding gaps and advocating for funding*



**Output 1.3:** The Government and other relevant national stakeholders are supported to engage with UN human rights mechanisms on issues relating to the implementation of TRRC recommendations (Phase II)

- Activity 1.3.1: *Facilitate engagements/meetings with the UN special procedures, including the Working Group on Enforced or Involuntary Disappearances, Special Rapporteurs on Truth, Justice, Reparation and Guarantees of Non-Recurrence, Independence of Judges, Torture, and the Special Rapporteur on violence against women, its causes, and consequences etc.*
- Activity 1.3.2: *Provide technical support, advice, and upon establishment, operationalize Secretariat of the National Mechanism for Reporting and Follow Up (NMRF) through internal policy development, basic, essential furniture and equipment, and the development of a National Recommendation Tracking Database (NRTD), with particular focus on tracking status of TRRC recommendations*
- Activity 1.3.3: *Support the drafting and publication of human rights reports to enhance sharing of information on the implementation of TRRC recommendations, transitional justice, and human rights in The Gambia*

**Outcome 2: The justice sector demonstrates commitment and capacity to prosecute cases emanating from TRRC recommendations in line with international human rights standards.**

**Output 2.1:** The Judiciary, Ministry of Justice and Ministry of Interior (Police) are supported to ensure prosecution of cases arising from TRRC recommendations (Phase I and II)

- Activity 2.1.1: *Facilitate short-term consultancies or internal drafting committees to develop legislation, strategies, standard operating, or rules of procedures required to prosecute cases recommended by the TRRC*
- Activity 2.1.2: *Support the establishment and operationalization of a national witness protection mechanism limited to the provision of basic trainings, furniture, and equipment, and building on the TRRC's witness protection scheme*
- Activity 2.1.3: *Following internal assessments, implement recommendations on enhancing the independence of the justice system, and/or enhancing capacities of justice sector actors, including regarding the investigation and prosecution of SGBV crimes*
- Activity 2.1.4: *Provide technical support to the Ministry of Justice on the development of prosecutorial prioritization strategy, which includes SGBV crimes as well as other justice sector actors on the development of relevant strategies and/or working documents*
- Activity 2.1.5: *Provide Trainings for justice sector actors and other relevant national institutions on prosecutions emanating from the TRRC recommendations, whilst complementing the capacity building provided through the UNDP Rule of Law initiatives, using a gender and age-responsive approach, including provision of basic material and equipment to enhance their work*
- Activity 2.1.6: *Enhance investigatory capacity, and provide other technical support to Ministry of Interior (Police) and Ministry of Justice on enforced disappearances, exhumation, storage, identification of remains and related matters*



- Activity 2.1.7: *Undertake small rehabilitation works on premises housing justice sector actors directly involved in cases arising from TRRC recommendations*

**Output 2.2:** Enhanced civil society, particularly victim, participation in the activities of the justice sector on the prosecution of cases emanating from TRRC recommendations (Phase I and II)

- Activity 2.2.1: *Organize workshops with CSOs, victims', women, and youth organizations to critically assess the recommendations of the TRRC and develop position papers, to ensure that the implementation process is fully victim and women oriented and reflects the needs of specific groups.*
- Activity 2.2.2: *Support the attendance, review, and participation of CSOs, particularly victims' associations in processes initiated by the justice sector on the prosecution of cases emanating from the TRRC recommendations*
- Activity 2.2.3: *Dedicated support to community consultations to empower CSOs in transitional justice processes, to ensure communities/CSOs in the post-TRRC process monitor their inclusion in, responses to and overall satisfaction with processes, to help strengthen their legitimacy*

**Outcome 3: The National Human Rights Commission and civil society organizations monitor, report, and support the overall implementation of TRRC recommendations using a human rights-based approach (gender responsive and disability inclusive) (Phase I and II)**

**Output 3.1:** National debate on the findings and recommendations of the TRRC is enhanced

- Activity 3.1.1: *Nationwide popularization of TRRC recommendations and beyond, including grassroots regional engagements, thematic briefings with professional associations (lawyers, judges, media, teachers etc.) press & media briefings, radio, and television programmes, with consideration to language diversity and the needs of PwDs*
- Activity 3.1.2 – *Preparation and dissemination of reports on status of implementation of TRRC recommendations and advances of the transitional justice process*
- Activity 3.1.3: *Facilitate coordination and consultative meetings between the NHRC, CSOs, the Government, political parties, and other key stakeholders, including victims and their associations, on the status of implementation of the TRRC recommendations*

**Output 3.2:** The NHRC, media, academia, and civil society, particularly victim, women and youth-led organizations monitor, advocate for, and support the implementation of key TRRC recommendations paying special attention to gender-based violence and women's rights, whilst preventing misinformation, disinformation and hate speech

- Activity 3.2.1: *Capacity building on transitional justice and human and women rights, including engagement with UN special procedures and training of trainers on monitoring and reporting*
- Activity 3.2.2: *Development and implementation of communications strategies*



- Activity 3.2.3: *Development of a comprehensive NHRC monitoring framework, including risk log matrix and follow up systems for implementation of TRRC recommendations*
- Activity 3.2.4: *Development of gender policies, strategic papers, procedures for public and private sector in response to relevant TRRC recommendations*
- Activity 3.2.5: *Support civil society and educational institutions to produce local research, prepare guidance notes and tools, or support establishment of effective, multi-layered, and independent civilian oversight mechanisms*
- Activity 3.2.6: *Ensure the active participation of Gambians in the diaspora on the implementation of the TRRC recommendations, including the holding of virtual conferences, call-in radio, and television programmes*

**Use Annex C to list all outcomes, outputs, and indicators.**

**d) Project targeting**

This Project is wide ranging in scope and targets national institutions and CSOs that actively work throughout the country. All relevant stakeholders have been consulted in the design of this Project.

Targeted national institutions include the Ministry of Justice, Ministry of Interior (Police), the Judiciary and the NHRC, as well as the urban, per-urban, and rural presence of at least 12 local CSOs. The Ministry of Justice, although based in the capital city of Banjul will rely on the regional offices of its line agencies, such as the Alternative Dispute Resolution Secretariat and the National Agency for Legal Aid, as well as regional Governors and their offices during outreach activities, while there is some established nationwide police presence, high and magistrates' courts to be engaged on the implementation of TRRC recommendations. The NHRC is actively working to open regional offices during the Project implementation phase, but even without these offices, its outreach engagements will continue in partnership with local government and CSO offices.

During the TJHR Project, the NHRC directly reached 13,000 Gambians through its outreach activities, and that same number shall be targeted during this Project. At least 10,000 Gambians reached during outreach activities will be women, and at least 3,000 will be youth (between 18 to 35 years old). Women will be particularly targeted during outreach activities due to a deeply rooted, prevailing culture of silence and thanks to their weak socio-economic standing, which renders it is still widely unknown the extent to which they suffered gender-specific rights violations, and overall, there is strong potential still to increase their participation and contribution to transitional justice in The Gambia.

Combined, the activities of the 13 CSOs consulted during the design of this Project,<sup>18</sup> cover all the major councils and communities in The Gambia (13 in total), although to ensure that activities at the community level add up together and have a joint impact, the Project will support CSOs to implement activities in the same councils or communities, and not just in the same regions. The Project anticipates

<sup>18</sup> The Gambia Center for Victims of Human Rights Violations (Victim's Center), the Gambia Bar Association (GBA), the Female Lawyers Association (FLAG), the Association of Non-Governmental Organizations in The Gambia (TANGO), the Center for Research and Policy Development (CRPD), the African Network against Extrajudicial Killings and Enforced Disappearances (ANEKED), the Gambia Federation of Persons with Disabilities (GFD), the Never Again Network, the Gambia Press Union (GPU), the Women's Association for Victims' Empowerment (WAVE), Women in Liberation and Leadership (WILL), the Gambia Press Union (GPU) and the International Centre for Transitional Justice (ICTJ).



that emerging CSOs or networks of CSOs will be formed during the implementation period but will nonetheless ensure that a sizeable number of the CSOs targeted will be women, victim and/or youth-led to promote inclusivity throughout project interventions.

During the TJHR Project, the TRRC in partnership with local CSOs directly engaged 50,000 Gambians at home and in the diaspora, and that same number will be targeted during this Project, with at least 75% of those reached being women and/or youth. Within this figure the Project will ensure that at least 10 Persons with Disability (PwDs) are reached per community (130 PwDs in total) and 10,000 children in formal or informal education. Victims, the majority of whom the TRRC revealed are in the Foni area of the West Coast Region (Sintet, Sibanor and Jambur), Essau in the North Bank Region and in the Banjul, Brikama and Kanifing municipal councils, will be particularly targeted in this Project- a total of 3,000 victims and their families/close relatives will be engaged through victims' and other associations, 50% of those reached being women and 30% being youth.

### **III. Project management and coordination (4 pages max)**

#### **a) Recipient organizations and implementing partners**

As with the TJHR Project, OHCHR and UNDP will jointly implement this new, post-TRRC Project as recipient organizations. UNDP is the convening agency for the Project based on its mandate on governance, rule of law, and access to justice in the UN. As such, UNDP will be responsible for overall coordination and quality assurance of the project, including work-planning, monitoring, reporting, and identifying and responding to bottlenecks, also in close coordination with the UN Resident Coordinator's Office, especially the Peace and Development Adviser (PDA) (P5) and the PBF Secretariat.

UNDP chairs the Development Partner Group, Governance and Peacebuilding Technical Working Group meetings, and Chairs the Results Working Group on Democratic Governance in The Gambia. Both forums include rule of law and justice as core agenda items and therefore, UNDP will technically lead on Project Outcome 2. Beyond its mandated expertise areas, UNDP will be also be responsible for project management quality assurance as convening agency for this Project. UNDP has a fully-fledge in-country office, and a Governance and Human Rights Programme Unit with 15 staff members, including a Rule of Law team comprised of a Chief Technical Adviser (P5) and an M&E specialist providing support to the justice sector. There is also an SSR Specialist to support the post-TRRC recommendations, especially as they relate to security transformation, and a PDA. The Deputy Resident Representative for Programmes and Operations supervises the team. Overall, UNDP The Gambia manages a budget of approximately 12 million USD and has over the past 5 years led management of the PBF support to the transitional justice, rule of law and increased accountability process worth over 7 million USD. Lessons learnt from the implementation of the concluded TJHR Project have contributed to positioning UNDP as a thought leader on transitional justice programming, having informed UN wide consultations led by the Executive Office of the Secretary-General on "renewing the United Nations approach to transitional justice," as well UNDP's recent study *From Justice for the Past to Peace and Inclusion for the Future: A Development Approach to Transitional Justice*.

OHCHR is the lead UN human rights agency mandated to promote and protect the enjoyment and full realization, by all people, of all human rights. OHCHR is globally the lead UN entity on Transitional Justice. OHCHR is involved in standard-setting, development of guidance and policy tools, provision of substantive guidance, capacity-building, and coordination with actors within and outside the UN system on TJ issues. In the past decade, it has actively supported TJ dialogues, processes, mechanisms,



and programmes in over 25 countries. Together with the Executive Office of the Secretary-General, OHCHR conceptualized and is currently implementing a project on “renewing the UN approach to transitional justice”, which will lead to the issuance of a new Secretary-General Guidance Note on the UN Approach to Transitional Justice, among other outcomes.

OHCHR has accompanied the Government of The Gambia at the onset of the transitional justice process in 2017, provided technical input into the bills that established the TRRC and the NHRC. During the TJHR Project, OHCHR provided substantive technical support and capacity building to national stakeholders and the entire UN Country Team on transitional justice and human rights mechanisms. OHCHR will be therefore be responsible for quality assurance for substantive activities pertaining to subject-matter expertise (human rights and transitional justice), lead on the Project Outcome 3, and assist the Government to report to UN treaty bodies and engage with the Special Procedures of the Human Rights Council on matters concerning the implementation of TRRC recommendations, whilst supporting the National Human Rights Commission, civil society and human rights defenders in these processes.

OHCHR currently has one National Human Rights Officer and Project Coordinator in The Gambia, who is funded outside of the PBF, and supervised by the Regional Representative with support from OHCHR West Africa Regional Office in Dakar and Headquarters in Geneva. The Regional Office manages an overall budget of 10 million USD in activities and has led and contributed to the implementation of several regional projects spanning over six countries in West Africa, including The Gambia and all related to supporting States fulfil their obligations in promoting and protecting human rights. For the OHCHR West Africa Regional Office, The Gambia remains one of its priority countries and therefore the OHCHR Gambia focal will continue to conduct its regular visits to the country and implement the OHCHR work plan for The Gambia, that includes capacity building, advocacy, and awareness activities. Furthermore, the recruitment of a Senior Human Rights Advisor in The Gambia (P5) is ongoing and this will further strengthen the OHCHR capacity within the country on a more permanent basis. The OHCHR WARO Emergency Response Team continues to monitor the human rights situation in the country and provides specific support to the RCO on hate speech activities. The Treaty Body Capacity Building officer in WARO provides support to the Gambian authorities whereas the Regional Gender Advisor provides advice on and supports the integration of women’s human rights and gender perspectives. The funds received by OHCHR within the PBF project will be received by OHCHR HQ but will be solely used for the salaries of staff. Per usual practice, OHCHR HQ oversees the recruitment of the international staff and the national staff will be recruited using the UNDP Procedures.

The Project will be implemented under the UNDP direct implementation modality and engage local and international implementing partners. A Letter of Agreement (LoA) will be signed between UNDP and the National Human Rights Commission and following recommendations by the Project Technical Committee, Responsible Party Agreements (RPAs) may be signed with local CSOs, particularly victims’ and young women-led organizations such as Women in Leadership and Liberation (WILL), African Network against Extra-judicial Killings and Enforced Disappearance (ANEKED), The Gambia Centre for Victims of Human Rights Violations (Victims Centre) and Women’s Association for Victim’s Empowerment (WAVE) as well as the Toufah Foundation, the only SGBV survivor led organization. Due consideration will also be taken in signing RPAs with think tanks and thought leaders on transitional justice and human rights in The Gambia, such as The Gambia Bar Association (GBA), the Centre for Research and Policy Development (CRPD) and the International Centre for Transitional Justice (ICTJ), whilst GAMWORKS will be considered to undertake memorialization, and small rehabilitation works for key justice sector institutions, such as judicial offices and courtrooms.



Other UN agencies such as UNICEF and UNAIDS would be consulted to ensure that the post-TRRC process has appropriate processes for dealing with children, as well as persons living with HIV/AIDS who were victims of former President Yahya Jammeh's Alternative Treatment Programme. Furthermore, Project staff will be heavily involved in capacity building initiatives, to avoid the usage of external consultancies when in-house knowledge and competences are available. Where consultancies are required, the Project will prioritize engagement of national, regional and, as a last resort, other international experts, for a limited period and specific assignments, taking full account of the importance of women representation. Furthermore, to reduce costs and expand on the global wealth of experiences and knowledge within the UN system and beyond, whilst mitigating against the impact of the COVID19 pandemic on human health, mobility and development, the Project will explore throughout its interventions and activities the feasibility of virtual meetings and gatherings.

Agency	Total budget in previous calendar year	Key sources of budget (which donors etc.)	Location of in-country offices	No. of existing staff, of which in project zones	Highlight any existing expert staff of relevance to project
Convening Organization: UNDP Implementing partners: Ministry of Justice Ministry of Interior Judiciary National Human Rights Commission TANGO GAMWORKS	12,1 million USD	PBF Government of The Gambia GEF UNDP Core Resources	UN House UN Projects Office	54	Programme Specialist – Governance Programme Analyst – Governance Chief Technical Adviser – Rule of Law (P5) M&E Specialist
Recipient Organization: OHCHR	320,000 USD	PBF Government of Italy	UN Projects Office	1	National Human Rights Officer and Project



Implementing partners:		Government of The Netherlands			Coordinator of PAPEV Project
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**b) Project management and coordination**

The proposed Project requires extensive technical expertise and guidance concerning human rights, rule of law and justice. The OHCHR staff working on this Project will be one Human Rights Officer (P4) and one National Human Rights Officer (NOC), whose salaries are to be funded 100% by the Project for 24 months and 20 months respectively.

The UNDP Gambia Country Office houses an existing Rule of Law Team that works closely with national authorities and stakeholders on The Gambia's justice and rule of law sector, headed by a Chief Technical Advisor (P5) and supported by an M&E Specialist (International UNV). For this Project, UNDP will complement and bolster the capacity of its Rule of Law Team by hiring one Justice (Prosecutions) Specialist/ Project Coordinator (P4), who possessed knowledge of SGBV inclusion in investigations and prosecution strategies, (60% salary charged to Project), one National Rule of Law Specialist (100% salary charged to Project), one Programme Associate (100% salary charged to Project), and one Driver (100% salary charged to Project). The Project will also cover 38% of the salary of the existing M&E Specialist (International UNV). The UNDP Programme Specialist – Head of Governance (NOC) will not be charged to this Project but will enhance overall quality assurance and oversight of the Project.

Both the OHCHR Human Rights Officer (P4) and the UNDP Justice (Prosecutions) Specialist (P4) will have experience in programming using a human rights-based approach, including gender (with a special focus on SGBV) and youth, yet additional programme assurance oversight will be provided by relevant subject matter experts in OHCHR and UNDP regional offices in West Africa and Headquarter at no cost to this Project. The OHCHR P4 reports to the OHCHR Regional Representative for West Africa and the Sahel, and works in close collaboration with UNDP, whilst the UNDP P4 reports to the UNDP Resident Representative, and works in close collaboration with OHCHR.

The OHCHR P4 will:

- ensure that HRBA is adopted across all project activities
- lead on Outcome 3 and co-lead on Outcome 1 together with the UNDP P4
- provide technical support and strategic advice to the Government on follow-up of UPR and other recommendations in line with international HR standards

The UNDP P4 will:

- lead on Outcome 2 and co-lead on Outcome 1 together with the OHCHR P4
- provide technical support and strategic advice to the Government on prosecutions
- lead on project management and coordination in line with UNDP rules as convening agency

All staff on this Project will operate from the UN Projects Office in The Gambia and work together as a seamless team. Except for OHCHR salaries, all other costs associated with staff management, activity implementation and monitoring will be received and managed by UNDP on behalf of OHCHR (including office rent, procurement of computer and office equipment, phone charges, access to the UN clinic etc.).



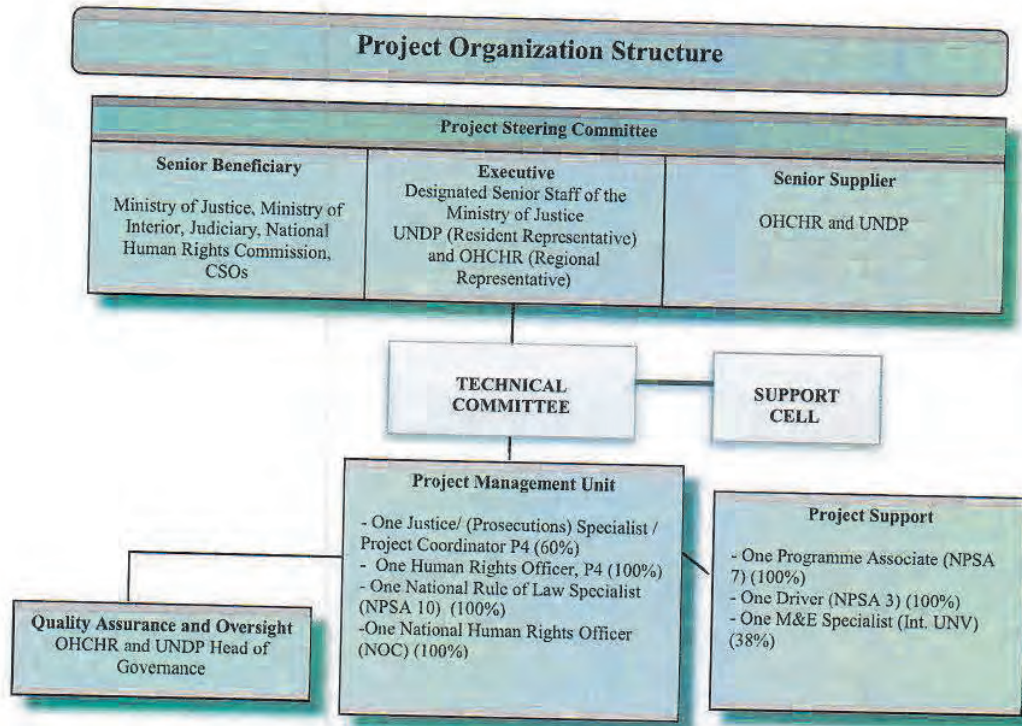
### Project Coordination

This Project will receive support from the PBF Secretariat in The Gambia (in conjunction with the current Resident Coordinator's Office (RCO) staff, in particular the PDA and the M&E Specialist) to ensure coordination between this and other PBF projects, assist with joint monitoring approaches, support annual reviews of the peacebuilding context/PBF priorities and provide quality assurance to the Project team on project design and reporting.

Furthermore, on coordination, Project staff will work with a Project Technical Committee, chaired by the Ministry of Justice, to serve as a platform for all national counterpart ministries, department, and agencies, CSOs and technical partners to discuss, consult each other and exchange views on post-TRRC processes. To enhance discussions, synergies and coordination, the Technical Committee also provides for a Support Cell composed of technical experts from the UN, ECOWAS, the African Union, the European Union, the United Kingdom and United States of America's Embassies, and representatives of international NGOs such as the International Centre for Transitional Justice. The Technical Committee is expected to be gender balanced in its composition, to partake in joint-monitoring mission with Project staff and to report to the Project Steering Committee. The Project Steering Committee shall be composed of a Chairperson, a Vice-Chairperson, and a Secretary. The Steering Committee has authority to approve changes when required to the recruitment strategy and implementation strategy of the project provided that such changes are not significant and do not adversely affect the objectives, purpose, and budget of the project. UNDP will serve as a senior supplier of substantive input and guidance to the Steering Committee for project quality assurance through undertaking of oversight and independent assessments of the project activities, results, reporting and internal and external audit.

It is envisaged that the UN Resident Coordinator (RC) may be required to exercise good offices and high-level discussions on the implementation of TRRC recommendations, considering the sensitive nature of this Project. Where the issues that may arise go beyond the support that can be provided by the Project Steering Committee, the UNDP and OHCHR Heads of Agencies, in consultation with the PDA would solicit the engagement of the RC.





By signing the present Project Document, the Government and the UN acknowledge that Peacebuilding Funds are catalytic in nature, that they cannot be used to cover recurring costs such as rentals, salary, and similar costs and when exceptions are allowed against this principle, it shall be only for a limited period of time based on prior written agreement between the parties based on recommendations from the Project Steering Committee. The UN and the Government have agreed that the Government will endeavour to secure sufficient funding to cover all recurring costs, as well as reparations to be granted to victims of past human rights violations.

**c) Risk management**

<b>Project specific risk</b>	<b>Risk level (low, medium, high)</b>	<b>Mitigation strategy (including Do No Harm considerations)</b>
Political – 4 December 2021 Presidential election and possibility of inauguration of new Government, and/or contestation of election results	High	<p>There is already ongoing, considerable local and international support towards peaceful elections in The Gambia, including on mediation, enhancement of inter-party relations and equipping of electoral dispute mechanisms.</p> <p>UN continues to conduct close monitoring of election dynamics and facilitate coordinated approach with national and international stakeholders including ECOWAS, AU, and bilateral partners, to resolve electoral challenges that</p>



		<p>could delay the installation of a new political dispensation and ensure continued commitment for implementation of TRRC recommendations.</p> <p>DCO, OHCHR and DPPA/UNOWAS will enhance the RCO and UNCT capacity for political analysis, human rights monitoring, and security. OHCHR, via OHCHR Early Response Team, and DPPA foresee to deploy in-person temporary surge capacity ahead of the presidential election in December. OHCHR will fast-track the recruitment and deployment of a P5 Senior Human Rights Advisor</p>
<p>Political – Lack of political leadership and ownership by the Government to implement TRRC recommendations, or equally, political tensions threatening consensus on implementation process.</p>	High	<p>UNOWAS SRSG to facilitate coordinated approach with national and international stakeholders including ECOWAS, AU, and bilateral partners.</p> <p>This Project also includes UN support towards political dialogue based national consultations; and the Project will ensure engagement of large range of stakeholders, including Government, National Assembly, NHRC, CSOs, UNOWAS, UN Special Rapporteurs and other international actors to facilitate consensus and a joint vision for post-TRRC Gambia.</p> <p>Furthermore, planned capacity building will bolster the capacity of public and private sector leaders to be more service oriented rather than politically inclined, as Government comes and goes, but the public service stays.</p> <p>Support will be provided to the drafting of common public messages on the TRRC report and recommendations to align UN system actors across the various levels of UN engagement.</p> <p>Further coordination is foreseen on the level of UN engagement with the TRRC report recommendations, including on technical advisory support to inform the Government's preparation of its White Paper.</p>
<p>Social – Non-submission of a full TRRC Final Report; Low acceptance of TRRC recommendations or inadequate Government White Paper, particularly to the</p>	Low	<p>There is some risk that the recommendations made by the TRRC would not be widely accepted by the population, including the victim community or women, especially in view of the criticism against the TRRC that it could have done more to ensure that more women appear before the Commission, or that victims were consulted more often, on issues such as reparations especially. Though this may not a high risk issue as despite these criticisms, there continued to be wide support for the mandate and work of the TRRC, it</p>



dissatisfaction of the victim community or women/advocates for gender equality and women's empowerment		<p>does remain that generally, the population and victim community has been patiently waiting for the TRRC recommendations to be published and therefore, expectations remain high.</p> <p>The Project will mitigate against the risk of low acceptance of TRRC recommendations by facilitating frequent interaction between the Government, particularly the Ministry of Justice charged with drafting the White Paper and CSOs, particularly victim and women-led organizations. This is because though the TRRC recommendations cannot be influenced at this stage, there remains great opportunity for the White Paper to be well influenced by the study and response to the TRRC recommendations by these groups.</p>
Social – How to ensure that the process of memorialization is legitimate, inclusive, and accepted by the wider population, especially victims	Medium	<p>The Project will mitigate against this risk using several approaches and building on OHCHR's extensive experience in advising governments on the formulation of inclusive policies. The Project promotes and supports wide consultations between victims/CSOs and national authorities, including women, youth, PwDs, vulnerable and marginalized communities, religious and other thought/community leaders etc.), which will enhance communication, information sharing, partnerships and consensus building. Furthermore, the Project also provides strategic technical, advisory and material support to CSOs, which will enhance their internal organizational structures, and subsequently, have a positive effect on their efficiency, effectiveness and relevance in promoting and engaging in inclusive dialogue on behalf of a wide cross-section of society.</p>
Financial – Lack of financial resources to successfully implement the Government White Paper or other national post-TRRC (justice) strategies, including the granting of reparations.	Medium	<p>Project team, PBF Secretariat and the Technical Committee to monitor gaps, as well as progress made by Government in resources mobilization, and strategies to fill funding gaps.</p> <p>The third and final tranche will be disbursed following a satisfactory assessment by the Project Steering Committee of progress made by Government in allocating resources for the operations of post-TRRC process, and the granting of reparations to victims.</p>
Legal – Lack of essential laws to enhance/ensure implementation of	Medium	<p>This would be responded to during project implement, with few key activities geared towards supporting the enactment of prerequisite laws or adoption of normative frameworks for implementation of TRRC recommendations, including the revision and passing of a new or revised Constitution.</p>



TRRC recommendations		Furthermore, UN will support engagements with national stakeholders, including the National Assembly on the criticality of this issue, with a view of expediting the passing of two critical bills already before the Assembly, namely, the International Crimes Bill, the Torture Bill, and the bills revising the Criminal Code and Criminal Procedure Code.
COVID-19 Global Health Pandemic	Medium	Ensure implementation of activities in accordance with UNDP guidance on “Managing COVID-19 risks in UNDP programming” <sup>19</sup> and ensure that no one is left behind.
Social – Implementation of recommendations is stagnated due to disillusionment, perception of exclusion, political polarization, witch hunting, underlying tribalism leading to tensions	Medium	Increased advocacy for adoption of a victim-centred approach, support to NHRC and CSOs for intensification of outreach and social mobilization program to explain the importance of implementation of TRRC recommendations, and obtain the buy-in, full support and ownership of the initiative by victims, and most of the population.
Technical - Inadequate national capacities, particularly within implementing partners	Medium	Targeted training and close collaboration with 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. Hold regular technical meetings to review plans and activities and rely on support from UNDP and OHCHR sub-regional networks.
Operations - Delays in procurement related activities e.g., recruitment, outsourcing, contracting	Low	Clearly define and establish procurement procedures ahead of time to expedite processes (especially on memorialization which will be a residual activity from the TJHR Project), frontload activities, employ rapid deployment facilities/rosters where applicable and UNDP and OHCHR to provide backstopping where required.  For this Project, 7 functions are required, one of whom is already in function (M&E Specialist) and 3 others with existing UNDP backstopping arrangements in place (Associate, Driver and Project Coordinator)

#### d) Monitoring and evaluation

<sup>19</sup> <https://info.undp.org/sites/ERM/COVID19%20Documents/COVID-19%20Programmatic%20Risk%20Guidance%20-%20v040820.pdf>



Within the first three months of project start-up, the Project team will develop and implement a Monitoring and Evaluation (M&E) Plan based on the Project's Integrated Results Framework, with dedicated support from M&E Specialists from UNDP and the PBF Secretariat. The Project Steering Committee will oversee the successful implementation of this Plan by holding bi-annual meetings to discuss the status of project implementation, and to ensure efficient resource utilization, accountability, transparency, and integrity.

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 Coordinator. The Project Coordinator, in collaboration with the Project Board will ensure that selected implementing partners if any will develop a results-based monitoring plan. The plan will have gender-sensitive SMART indicators, which will facilitate effective monitoring. The Project Coordinator will provide semi-annual reports to the Project Board or as often as the Board requires.

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 Coordinator for review by the Project Board; a standard PBF reporting format will be used.
- Semi-annual meetings of the Project Steering Committee will be convened to review progress reports and to ensure the Project results are achieved and where necessary, recommend a change in implementation strategy.
- 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.
- After 15 months of implementation, a Mid-Term Assessment will take place, which will include lessons learned exercise and documenting good practices; this report will be presented to the Steering Committee for consideration and action.
- A final independent evaluation, with a team of international and national consultants, will take place at the end of the Project.
- A final report will be prepared by the project, 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 Steering Committee.

The project will be subject to an independent evaluation to be done in consultation with PBSO before its closure and a total amount of 60,000 USD has been set aside for this.

An additional 145,000 USD will be budgeted for the implementation of the M&E Plan, including (i) collection of baselines (25,000 USD), (ii) collection of endlines (25,000 USD), (iii) regular joint-monitoring field missions (55,000 USD) and (iv) engagement of research institution to conduct a comprehensive nationwide perception survey (40,000 USD). The Project will ensure that all baselines are available within 4 months of the Project start date and will closely coordinate with the PBF Secretariat on monitoring strategies and on the independent evaluation. In addition, 38% of the existing IUNV M&E Specialist's salary will be covered by the Project (51,300 USD).

e) **Project exit strategy/ sustainability**



A Sustainability Plan will be developed within 6 months of project implementation in close collaboration with project beneficiaries because this process will involve identifying the required interventions needed to strengthen their various capacities to ensure the effective and adequate implementation of TRRC recommendations. It is important to note that the Project will be implementing utilizing existing structures, such as the Ministry of Justice, Ministry of Interior, Judiciary, the NHRC and well-established CSOs such as TANGO, ANEKED, WAVE and WILL.

The Sustainability Plan will be entrenched within the routines of the beneficiaries rather than the perspectives of development partners, to deepen national ownership and reduce the possibility of non-continuation following project closure. The Plan will reflect the central role that the Government of The Gambia plays in ensuring implementation of the TRRC recommendations, particularly on reparations and as part of its wider transitional justice and reform agenda, therefore inform on strategies for resource mobilization, support resource mobilization efforts of the Government such as donor conferences, and determine which institutional framework is best suited to anchor the project gains. Equally important would be the role played by the NHRC as a permanent, independent national human rights institutions, established in line with the Paris Principles, in sustaining momentum on advocating for full implementation. Furthermore, the initiatives under this Project will bolster the institutional capacity of CSOs for sustained dissemination, advocacy, and civil engagement on the implementation of the recommendations, as well as public policy issues, to undertake more robust resource mobilization internally through their membership and through external partners and endowments.

Specifically, the Project will ensure the sustainability and continued usage of any equipment provided by ensuring that only essential equipment is provided. Databases and systems being provided/ built by the Project such as one for the NHRC to monitor TRRC recommendations would ideally be locally developed and inexpensive to maintain by national institutions. Similarly, any planned memorials to be built would be discussed to with the National Centre for Arts and Culture to ensure that the upkeep of these memorials is kept inexpensive and catered for by the national budget.

Naturally, the project will engage key donors during the project implementation process and invite them to attend key activities and share key project reports with them. This is expected to raise their awareness about the project and motivate them to support some aspect of project initiatives. Specific resources would be budgeted for the development and dissemination of Project visibility material, and donors would be invited to the Project Technical Committee meetings. Through the RCO and the Ministry of Foreign Affairs and the Ministry of Justice, subsequent PBC meetings on The Gambia will be sought, particularly immediately after the submission of the TRRC recommendations.

#### **IV. Project budget**

The Project budget will be provided in three tranches, as follows:

- The first tranche (25% of the budget) will be provided upon the approval and signature of the Project document.
- The second tranche (50% of the budget) will be provided after the Government's White Paper has been submitted and upon demonstration by the Project (by UNDP and through the Resident Coordinator's Office (RCO) or PBF Secretariat) that the previous tranche has been expensed or committed to at least 75% between the recipients, and upon completion of any regular PBF reports due in the period elapsed. Furthermore, an additional condition for the release of Tranche 2 would be an email of continued support and brief assessment of the transitional



justice progress so far by the Resident Coordinator, informed by the Project team, paying particular attention to what the Project has done already to support and to monitor stakeholder inclusion and buy-in/discussion of TRRC recommendations, especially vis-a-vis women and victims, towards greater legitimacy of the process.

- The third tranche (25%) will be provided upon the presentation of substantial evidence (donor conference, meeting minutes, official pledges) by the Government on its resource mobilization efforts and progress on reparations for victims and towards the overall implementation of TRRC recommendations, and upon demonstration by the Project (by UNDP and through the Resident Coordinator's Office (RCO) or PBF Secretariat) that the previous tranche has been expensed or committed to at least 75% between the recipients, and upon completion of any regular PBF reports due in the period elapsed.

It should be noted that to save project operational costs and as agreed by the Government and UNDP, the TJHR project vehicle and usable furniture and equipment will be transferred to this post-Project, following the closure of the previous project in July 2021.



**Annex A.1: Checklist of project implementation readiness**

Question	Yes No		Comment
	Yes	No	
<b>Planning</b>			
1. Have all implementing partners been identified? If not, what steps remain and proposed timeline	x		
2. Have TORs for key project staff been finalized and ready to advertise? Please attach to the submission		x	Development of ToRs are ongoing.
3. Have project sites been identified? If not, what will be the process and timeline	x		
4. Have local communities and government offices been consulted/ sensitized on the existence of the project? Please state when this was done or when it will be done.	x		Extensive consultations have been held with all concerned government offices (Ministry of Justice and Ministry of Interior), the Judiciary, the NHRC, and 12 CSOs, 7 of whom work directly with local community structures and 3 of which are victims' associations.
5. Has any preliminary analysis/ identification of lessons learned/ existing activities been done? If not, what analysis remains to be done to enable implementation and proposed timeline?	x		
6. Have beneficiary criteria been identified? If not, what will be the process and timeline.	x		
7. Have any agreements been made with the relevant Government counterparts relating to project implementation sites, approaches, Government contribution?	x		The Ministry of Justice spearheaded the development of this proposal, including agreements on project implementation sites and approaches. Government contribution shall be in-kind.
8. Have clear arrangements been made on project implementing approach between project recipient organizations?	x		
9. What other preparatory activities need to be undertaken before actual project implementation can begin and how long will this take?		N/A	
<b>Gender</b>			
10. Did UN gender expertise inform the design of the project (e.g. has a gender adviser/expert/focal point or UN Women colleague provided input)?	x		UNDP and the OHCHR regional gender experts at regional and HQ level have provided input.
11. Did consultations with women and/or youth organizations inform the design of the project?	x		
12. Are the indicators and targets in the results framework disaggregated by sex and age?	x		



13. Does the budget annex include allocations towards GEWE for all activities and clear justifications for GEW allocations?	x
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**Annex A.2: Checklist for project value for money**

Question	Yes	No	Project Comment
1. Does the project have a budget narrative justification, which provides additional project specific information on any major budget choices or higher than usual staffing, operational or travel costs, so as to explain how the project ensures value for money?	x		A budget narrative justification has been provided on transfer of usable assets, including project vehicle from the closed PBF funded TJHR project to this Project for efficiency
2. Are unit costs (e.g. for travel, consultancies, procurement of materials etc) comparable with those used in similar interventions (either in similar country contexts, within regions, or in past interventions in the same country context)? If not, this needs to be explained in the budget narrative section.	x		
3. Is the proposed budget proportionate to the expected project outcomes and to the scope of the project (e.g. number, size and remoteness of geographic zones and number of proposed direct and indirect beneficiaries)? Provide any comments.	x		
4. Is the percentage of staffing and operational costs by the Receiving UN Agency and by any implementing partners clearly visible and reasonable for the context (i.e. no more than 20% for staffing, reasonable operational costs, including travel and direct operational costs) unless well justified in narrative section?	x		
5. Are staff costs proportionate to the amount of work required for the activity? And is the project using local rather than international staff/expertise wherever possible? What is the justification for use of international staff, if applicable?	x		OHCHR's Human Rights Officer (P4) is required under this Project to ensure international expertise and guidance on human rights to the Government, the NHRC and CSOs during the project implementation period, with the implementation of some TRRC recommendations expected to be politically sensitive and complex. Similarly, UNDP's Justice (Prosecutions) Specialist/Project Coordinator (P4) is required to provide expert advice and guidance to the Government,



		<p>particularly the Ministry of Justice, but also the Police, Judiciary, and all justice sector actors on the prosecution of complex crimes, which have yet to be resolved through existing national structures. This expertise has been specifically and repeatedly requested by the Minister of Justice during project design, noting that the Ministry will guide the development of the ToRs for this international expert to ensure context-relevant experience and expertise.</p>
<p>6. Does the project propose purchase of materials, equipment and infrastructure for more than 15% of the budget? If yes, please state what measures are being taken to ensure value for money in the procurement process and their maintenance/ sustainable use for peacebuilding after the project end.</p>	<p>x</p>	
<p>7. Does the project propose purchase of a vehicle(s) for the project? If yes, please provide justification as to why existing vehicles/ hire vehicles cannot be used.</p>		<p>x The Project proposes to use the old vehicle from the TJHR Project.</p>
<p>8. Do the implementing agencies or the UN Mission bring any additional non-PBF source of funding/ in-kind support to the project? Please explain what is provided. And if not, why not.</p>		<p>x If deemed necessary during project implementation, UNDP may allocate core resources to the Project. Project Team will actively resource mobilize during implementation.</p>



**Annex B.1: Project Administrative arrangements for UN Recipient Organizations**

*(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 the financial statements (Annual and Final), based on submissions provided to the AA by RUNOS and provide the PBF annual 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 completed by the RUNO. A project will be considered as operationally closed upon submission of a joint final narrative report. In order for the MPTF Office to financially closed a project, each RUNO must refund unspent balance of over 250 USD, indirect cost (GMS) should not exceed 7% and submission of a certified final financial statement by the recipient organizations’ headquarters);
- Disburse funds to any RUNO for any cost 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:

Type of report	Due when	Submitted by
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Semi-annual project progress report	15 June	Convening Agency on behalf of all implementing organizations and in consultation with/ quality assurance by PBF Secretariats, where they exist
Annual project progress report	15 November	Convening Agency on behalf of all implementing organizations and in consultation with/ quality assurance by PBF Secretariats, where they exist
End of project report covering entire project duration	Within three months from the operational project closure (it can be submitted instead of an annual report if timing coincides)	Convening Agency on behalf of all implementing organizations and in consultation with/ quality assurance by PBF Secretariats, where they exist
Annual strategic peacebuilding and PBF progress report (for PRF allocations only), which may contain a request for additional PBF allocation if the context requires it	1 December	PBF Secretariat on behalf of the PBF Steering Committee, where it exists or Head of UN Country Team where it does not.

#### Financial reporting and timeline

Timeline	Event
<b>30 April</b>	Annual reporting – Report <b>Q4 expenses</b> (Jan. to Dec. of previous year)
	<i>Certified final financial report to be provided by 30 June of the calendar year after project closure</i>

UNEX also opens for voluntary financial reporting for UN recipient organizations the following dates

<b>31 July</b>	Voluntary Q2 expenses (January to June)
<b>31 October</b>	Voluntary Q3 expenses (January to September)

Unspent Balance exceeding USD 250, 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 ([www.un.org/peacebuilding/fund](http://www.un.org/peacebuilding/fund)) and the Administrative Agent's website ([www.mptf.undp.org](http://www.mptf.undp.org)).

**Annex B.2: Project Administrative arrangements for Non-UN Recipient Organizations**

*(This section uses standard wording – please do not remove)*

**Accountability, transparency and reporting of the Recipient Non-United Nations Organization:**

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

The Recipient Non-United Nations Organization will have full responsibility for ensuring that the Activity is implemented in accordance with the signed Project Document;

In the event of a financial review, audit or evaluation recommended by PBSO, the cost of such activity should be included in the project budget;

Ensure professional management of the Activity, including performance monitoring and reporting activities in accordance with PBSO guidelines.

Ensure compliance with the Financing Agreement and relevant applicable clauses in the Fund MOU.

**Reporting:**

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

Type of report	Due when	Submitted by
Bi-annual project progress report	15 June	Convening Agency on behalf of all implementing organizations and in consultation with/ quality assurance by PBF Secretariats, where they exist
Annual project progress report	15 November	Convening Agency on behalf of all implementing organizations and in consultation with/ quality assurance by PBF Secretariats, where they exist
End of project report covering entire project duration	Within three months from the operational project closure (it can be submitted instead of an annual report if timing coincides)	Convening Agency on behalf of all implementing organizations and in consultation with/ quality assurance by PBF Secretariats, where they exist
Annual strategic peacebuilding and PBF	1 December	PBF Secretariat on behalf of the PBF Steering Committee, where it exists or



progress report (for PRF allocations only), which may contain a request for additional PBF allocation if the context requires it		Head of UN Country Team where it does not.
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Financial reports and timeline

Timeline	Event
28 February	Annual reporting – Report Q4 expenses (Jan. to Dec. of previous year)
30 April	Report Q1 expenses (January to March)
31 July	Report Q2 expenses (January to June)
31 October	Report Q3 expenses (January to September)
<i>Certified final financial report to be provided at the quarter following the project financial closure</i>	

Unspent Balance exceeding USD 250 at the closure of the project would have to be refunded and a notification sent to the Administrative Agent, no later than three months (31 March) of the year following the completion of the activities.

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

Matters relating to the transfer of ownership by the Recipient Non-UN Recipient Organization will be determined in accordance with applicable policies and procedures defined by the PBSO.

**Public Disclosure**

The PBSO and Administrative Agent will ensure that operations of the PBF are publicly disclosed on the PBF website ([www.un.org/peacebuilding/fund](http://www.un.org/peacebuilding/fund)) and the Administrative Agent website ([www.mptf.undp.org](http://www.mptf.undp.org)).

**Final Project Audit for non-UN recipient organization projects**

An independent project audit will be requested by the end of the project. The audit report needs to be attached to the final narrative project report. The cost of such activity must be included in the project budget.

**Special Provisions regarding Financing of Terrorism**

Consistent with UN Security Council Resolutions relating to terrorism, including UN Security Council Resolution 1373 (2001) and 1267 (1999) and related resolutions, the Participants are firmly committed to the international fight against terrorism, and in particular, against the financing of terrorism. Similarly, all Recipient Organizations recognize their obligation to comply with any applicable sanctions imposed by the UN Security Council. Each of the Recipient Organizations will use all reasonable efforts to ensure that the funds transferred to it in accordance with this agreement are not used to provide support or assistance to individuals or entities associated with terrorism as designated by any UN Security Council sanctions regime. If, during the term of this agreement, a Recipient Organization determines that there are credible allegations that funds transferred to it in accordance with this agreement have been used to provide support or assistance to individuals or



entities associated with terrorism as designated by any UN Security Council sanctions regime it will as soon as it becomes aware of it inform the head of PBSO, the Administrative Agent and the donor(s) and, in consultation with the donors as appropriate, determine an appropriate response.

**Non-UN recipient organization (NUNO) eligibility:**

In order to be declared eligible to receive PBF funds directly, NUNOs must be assessed as technically, financially and legally sound by the PBF and its agent, the Multi Partner Trust Fund Office (MPTFO). Prior to submitting a finalized project document, it is the responsibility of each NUNO to liaise with PBSO and MPTFO and provide all the necessary documents (see below) to demonstrate that all the criteria have been fulfilled and to be declared as eligible for direct PBF funds.

The NUNO must provide (in a timely fashion, ensuring PBSO and MPTFO have sufficient time to review the package) the documentation demonstrating that the NUNO:

- Has previously received funding from the UN, the PBF, or any of the contributors to the PBF, in the country of project implementation.
- Has a current valid registration as a non-profit, tax exempt organization with a social based mission in both the country where headquarter is located and in country of project implementation for the duration of the proposed grant. (**NOTE:** If registration is done on an annual basis in the country, the organization must have the current registration and obtain renewals for the duration of the project, in order to receive subsequent funding tranches).
- Produces an annual report that includes the proposed country for the grant.
- Commissions audited financial statements, available for the last two years, including the auditor opinion letter. The financial statements should include the legal organization that will sign the agreement (and oversee the country of implementation, if applicable) as well as the activities of the country of implementation. (**NOTE:** If these are not available for the country of proposed project implementation, the CSO will also need to provide the latest two audit reports for a program or project-based audit in country.) The letter from the auditor should also state whether the auditor firm is part of the nationally qualified audit firms.
- Demonstrates an annual budget in the country of proposed project implementation for the previous two calendar years, which is at least twice the annualized budget sought from PBF for the project.<sup>20</sup>
- Demonstrates at least 3 years of experience in the country where grant is sought.
- Provides a clear explanation of the CSO's legal structure, including the specific entity which will enter into the legal agreement with the MPTF-O for the PBF grant.

<sup>20</sup> Annualized PBF project budget is obtained by dividing the PBF project budget by the number of project duration months and multiplying by 12.



**Annex C: Project Results Framework (MUST include sex- and age disaggregated targets)**



Outcomes	Outputs	Indicators	Means of Verification/ frequency of collection	Indicator milestones
<p>Outcome 1: (Any SDG Target that this Outcome contributes to) (Any Universal Periodic Review of Human Rights (UPR) recommendation that this Outcome helps to implement and if so, year of UPR) <b>Outcome 1: The Government adopts effective measures and processes to enable implementation of TRRC recommendations in line with international human rights standards and responding to victims' and women needs</b></p>		<p><b>Outcome Indicator 1a</b> Formal cooperation mechanisms in place for the government to implement the TRRC recommendations Baseline: none Target: At least 3 MoUs/agreements are signed between government institutions, CSOs and other partners</p> <p><b>Outcome Indicator 1b</b> The level of confidence and trust of the population on the government effort in implementing the TRRC recommendation for an effective transitional process, disaggregated by sex of victims/non-victims, gender, ethnicity, age and regional representation Baseline: N/A Target: at least 75% of persons surveyed per disaggregated category (victim/non victim, woman/man, youth/adult, etc), are satisfied</p> <p><b>Outcome Indicator 1d</b> The level of satisfaction of survivors and victims' families with the TRRC recommendations,</p>	<ul style="list-style-type: none"> <li>Engagement with Government, CSOs and partners, Project Steering Committee and Technical Committee meeting minutes, MoUs and Agreements</li> </ul> <p>Perception Survey Report</p>	
			<p>Perception Survey Report</p> <p>Periodic Activity Reports (including questionnaires and</p>	



<p>Output 1.1 The Government is enabled to issue a comprehensive Government White Paper on implementation of the TRRC recommendations (Phase I only)</p>	<p>Baseline: N/A Target: at least 75% of survivors and victims, as well as their families surveyed, including at least 50% of women surveyed, are satisfied</p> <p>Outcome Indicator 1d The level of satisfaction of survivors and victims' families with the White Paper</p> <p>Baseline: N/A Target: at least 75% of survivors and victims, as well as their families surveyed, including at least 50% of women surveyed, are satisfied</p> <p>Outcome Indicator 1d: Government's financial contribution towards reparations Baseline: 1 million USD Target: 2 million USD</p> <p>Output Indicator 1.1.1 Government's approach to the development of the White Paper is consultative and inclusive Baseline: N/A Target: All Government institutions mentioned in the TRRC recommendations are consulted, including at least 20 CSOs (including at least 10 victims' and women's associations)</p> <p>Output Indicator 1.1.2</p>	<p>Interviews administered by CSOs)</p> <p>Periodic Activity Reports (including questionnaires and interviews administered by CSOs)</p> <p>National budget reports</p> <p>Consultation reports, Newspaper articles, (online) media reports (credible sources)</p> <p>White Paper</p>	<p>70% of the TRRC recommendations are accepted by the Government</p>
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		<p>The White Paper is comprehensive, and informed by a broad range of documentation and evidence</p> <p>Baseline: Final Report includes 16 Thematic Reports</p> <p>Target: Citation of at least 10 other information/evidence not limited to the Final Report</p>	
	<p>ToRs of Technical Committee and meeting minutes</p>	<p>Output Indicator 1.2.1</p> <p>Establishment of a well-coordinated and gender-inclusive, consultative, functioning Technical Committee including all relevant post-TRRC stakeholders</p> <p>Baseline: The previous TJHR Project had a similar Technical Committee, who met intermittently and barely during the COVID-19 pandemic. (number of meetings)</p> <p>Target: Improve the composition of the existing Technical Committee by including emerging post-TRRC actors, and at least 3 victims' associations represented, and 2 meetings held each quarter (total 8 meetings a year)</p>	
		<p>Output Indicator 1.2.2</p> <p>Legislation, strategies, and policies developed/reviewed, and adopted to ensure effectiveness national reparations, memorialization, and reconciliation are fully implemented</p> <p>Baseline: Inadequate legislation, frameworks, strategies, and policies for the administration of reparations, reconciliation, and memorialization</p>	<p>National Gazettes, Press Releases by Government, Schedule of National Assembly, Newspaper articles, social media reports, Reports referring to engagements with Government</p>
		<p>Output 1.2</p> <p>The Government is supported to adopt essential laws and strategies, and establish credible mechanisms to implement TRRC recommendations (Phase II)</p>	



<p>Target: At least 1 legislation or other enforceable instrument is adopted on reparations and reconciliation</p> <p>Output Indicator 1.2.3</p> <p>Existence of communication strategies on national reparations and reconciliation</p> <p>Baseline: TRRC Guidance Note on Reparations at the TRRC</p> <p>Target: 1 communication strategy on national reparations, and 1 communication strategy on national reconciliation</p>	<p>MoJ website, institutional reports, Strategies themselves, MoJ twitter etc</p>		
<p>Output Indicator 1.2.4</p> <p>Gov and CSOs in partnership with international partners advocate for funding for post-TRRC</p> <p>Baseline: none</p> <p>Target: At least 1 donor conferences</p>	<p>Report from donor conferences, Resource Mobilization reports from Min of Finance, roundtable meeting minutes, number of subsequent projects</p>		
<p>Output Indicator 1.3.1</p> <p>Recommendations of UN human rights mechanisms, are accepted and referenced in national human rights reporting</p> <p>Baseline: 2 (WGEID in 2017 and SR on TJ in 2019)</p> <p>Target: At least 3</p>	<p>National human rights reports, reports of UN special mechanisms</p>		
<p>Output 1.3</p> <p>The Government and other relevant national stakeholders are supported to engage with UN human rights mechanisms on issues relating to the implementation of TRRC recommendations (Phase II)</p>	<p>Output Indicator 1.3.2</p> <p>Existence of an NIMRF Secretariat with a fully operationalize reporting</p>		



		<p>database to track the implementation of the TRRC recommendations, disaggregated by the nature of the crimes and regions.</p> <p>Baseline: No NIMRF Secretariat with no database Target: 1 NIMRF Secretariat with functioning database</p> <p>Output Indicator 1.3.3</p> <p>National human rights reports published on TRRC recommendations in line with international standards</p> <p>Baseline: 5 national human rights reports between 2018-2021 Target: 10</p>	<p>National human rights reports</p>	
<p>Outcome 2: (Any SDG Target that this Outcome contributes to)</p> <p>(Any Universal Periodic Review of Human Rights (UPR) recommendation that this Outcome helps to implement and if so, year of UPR)</p> <p>Outcome 2: The justice sector demonstrates commitment and capacity to prosecute cases emanating from TRRC recommendations in line with international human rights standards.</p>	<p>Outcome Indicator 2a</p> <p># of justice/security institutions and personnel utilising new acquired capacity and facilities relevant to implementation of TRRC recommendations</p> <p>% of recommended cases started or being prosecuted by the justice sector</p> <p>Baseline: None Target: at least 50%</p> <p>Output Indicator 2.1.1</p> <p>The adoption of new legislation that will ensure that cases recommended by the TRRC can be prosecuted</p>	<p>Laws, institution-specific strategies and action plans, policies, questionnaires, FGDs, press releases, newspaper articles</p>	<p>National Assembly schedule, Press releases from Government, National Gazette</p>	
	<p>Output 2.1 The Judiciary, Ministry of Justice and Ministry of Interior (Police) are</p>			



<p>supported to ensure prosecution of cases arising from TRRC recommendations (Phase I and II)</p>	<p>Baseline: Limited legislation to address the TRRC recommendations on prosecutions</p> <p>Target: Adoption of the International Crimes Bill, the Torture Bill, the Criminal Code Bill, and the Criminal Procedure Code Bill</p> <p>Output Indicator 2.1.2</p> <p>Existence of a national witness protection mechanism</p> <p>Baseline: None</p> <p>Target: Adoption of legislation or other enforceable instrument establishing a national witness protection mechanism</p>	<p>National Assembly schedule, Press releases from Government, National Gazette</p>	
	<p>Output Indicator 2.1.3:</p> <p>Reports developed to mainstream the needs of justice institutions in addressing issues arising from the TRRC recommendations</p> <p>Baseline: Lack of capacity of justice institutions to address issues from the TRRC recommendation.</p> <p>Target: Independent assessment report and 2 capacity assessment reports of at least 2 justice institutions</p>	<p>Rule of Law Roadmap, Judicial Strategy Report, Needs Assessment Reports</p>	
	<p>Output Indicator 2.1.4</p> <p>Justice actors in the prosecution of TRRC recommended cases are gender sensitive and employ do no harm approach in evidence gathering and case mgt</p>	<p>FGDs, interviews with justice actors and beneficiaries</p>	



		<p>Baseline: NA Target: 75% of beneficiaries (defence, witnesses, their families) interviewed have positive experience of interacting with justice actors</p>		
		<p>Output Indicator 2.1.5 Number of justice and security actors that have knowledge to investigate crimes arising from the TRRC recommendation. Baseline: 25 judges, unknown number of security actors Target: 40 judges, 30 prosecutors and 100 police officers</p>	<p>newspaper articles, social media reports</p>	
		<p>Output Indicator 2.1.7 Number of justice infrastructures rehabilitated to address cases arising from the TRRC recommendations Baseline: None Target: 3</p>	<p>newspaper articles, social media reports, building contracts and reports</p>	



<p>Outcome 3: (Any SDG Target that this Outcome contributes to) (Any Universal Periodic Review of Human Rights (UPR) recommendation that this Outcome helps to implement and if so, year of UPR) <b>Outcome 3: The National Human Rights Commission and civil society organizations monitor, report, and support the overall implementation of TRRC recommendations using a human rights-based approach (gender responsive and disability inclusive) (Phase I and II)</b></p>	<p>Output 2.2 Enhanced civil society, particularly victim participation in the activities of the justice sector on the prosecution of cases emanating from TRRC recommendations (Phase I and II)</p>	<p>Output Indicator 2.2.1 Level of victim satisfaction with justice sector actors' engagement with them  Baseline: N/A Target: 75% of victims surveyed satisfied</p>	<p>Questionnaires and interviews, newspaper articles</p>	
		<p>Outcome Indicator 3a % increase of the population who express confidence and satisfaction on the human rights-based approach in the implementation of the TRRC recommendations. Disaggregated by sex, age and regions.  Baseline: N/A Target: 75% or population satisfied</p>	<p>Perception Survey</p>	
	<p>Output 3.1 National debate on the findings and recommendations of the TRRC is enhanced</p>	<p>Output Indicator 3.1.1: Increase cooperation and knowledge of CSOs involved in transitional justice, human rights and gender equality on the implementation of the TRRC recommendations  Baseline: Limited coordination and knowledge of CSOs in transitional justice</p>	<p>Perception surveys</p>	



		<p>Target: Action plans developed by CSOs to support the TRRC recommendations</p> <p>Output Indicator 3.1.2</p> <p>Reports prepared and disseminated on the status of implementation of TRRC recommendations</p> <p>Baseline: N/A</p> <p>Target: Quarterly reports issued discussing all areas of the TRRC recommendations</p>	<p>Monitoring reports on TRRC recommendations</p>	
	<p>Output Indicator 3.2.1</p> <p>Informal and formal justice actors, CSOs and relevant stakeholders trained on the monitoring and reporting on transitional justice and human right. Disaggregated by regions and sex.</p> <p>Baseline: TBD</p> <p>Target:</p>	<p>Output Indicator 3.2</p> <p>The NHRC, media, academia, and civil society, particularly victim, women and youth-led organizations monitor, advocate for, and support the implementation of key TRRC recommendations paying special attention to gender-based violence and women's rights, whilst preventing misinformation, disinformation and hate speech</p>	<p>Training reports, activity reports, newspaper articles, social media content</p> <p>Quarterly</p>	
	<p>Output Indicator 3.2.2</p> <p>Existence of a national gender inclusive communication strategy undertaken by key stakeholders on the post TRRC processes and procedures</p> <p>Baseline: 0</p> <p>Target: 1</p>		<p>The communication strategy</p>	
	<p>Output Indicator 3.2.3</p> <p>Existence of a comprehensive NHRC monitoring framework, including risk log matrix and follow up systems for implementation of TRRC recommendations</p>		<p>The monitoring framework, activity report</p>	







For MPTFO Use

		Totals		
	UNDP	OHCHR	0	Totals
1. Staff and other personnel	\$ 280,000.00	\$ 420,561.00	-	\$ 700,561.00
2. Supplies, Commodities, Materials	\$ 474,000.00	-	-	\$ 474,000.00
3. Equipment, Vehicles, and Furniture (including Depreciation)	\$ 360,000.00	-	-	\$ 360,000.00
4. Contractual services	\$ 896,000.00	-	-	\$ 896,000.00
5. Travel	\$ 285,000.00	-	-	\$ 285,000.00
6. Transfers and Grants to Counterparts	\$ 350,000.00	-	-	\$ 350,000.00
7. General Operating and other Costs	\$ 200,000.00	-	-	\$ 200,000.00
Sub-Total	\$ 2,845,000.00	\$ 420,561.00	-	\$ 3,265,561.00
7% Indirect Costs	\$ 199,150.00	\$ 29,439.27	-	\$ 228,589.27
<b>Total</b>	<b>\$ 3,044,150.00</b>	<b>\$ 450,000.27</b>	<b>-</b>	<b>\$ 3,494,150.27</b>

Performance-Based Tranche Breakdown					
	UNDP	OHCHR	0	TOTAL	Tranche %
First Tranche:	\$ 761,037.50	\$ 112,500.07	-	\$ 873,537.57	25%
Second Tranche:	\$ 1,522,075.00	\$ 225,000.14	-	\$ 1,747,075.14	50%
Third Tranche:	\$ 761,037.50	\$ 112,500.07	-	\$ 873,537.57	25%
<b>TOTAL</b>	<b>\$ 3,044,150.00</b>	<b>\$ 450,000.27</b>	<b>-</b>	<b>\$ 3,494,150.27</b>	