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**THIS ACTION IS FUNDED BY THE EUROPEAN UNION**

**ANNEX 1**

to the Commission Implementing Decision on the financing of the 2022 Annual Action Plan in favour of the Republic of The Gambia

**Action Document for The Gambia's Responsive and Accountable Democratic Transition**

**ANNUAL PLAN**

This document constitutes the annual work programme in the sense of Article 110(2) of the Financial Regulation, and action plans in the sense of Article 23(2) of NDICI-Global Europe Regulation.

## 1 SYNOPSIS

### 1.1 Action Summary Table

<b>1. Title CRIS/OPSYS business reference Basic Act</b>	The Gambia's Responsive and Accountable Democratic Transition  OPSYS: ACT-60891 - NDICI AFRICA/2022/  Financed under the Neighbourhood, Development and International Cooperation Instrument ( <u>NDICI-Global Europe</u> )
<b>2. Team Europe Initiative</b>	The Gambia Good Governance TEI
<b>3. Zone benefiting from the action</b>	The action shall be carried out in The Gambia, Greater Banjul Area with nationwide activities
<b>4. Programming document</b>	Republic of The Gambia – Multi-Annual Indicative Programme (MIP) 2021-2027 <sup>1</sup>
<b>5. Link with relevant MIP(s) objectives / expected results</b>	MIP Objective:  1.1. To enhance democracy, rule of law and the respect of human rights in The Gambia (SDG 10 and 16).  Expected Results(s):  1.1A The Gambia is governed by a constitution that provides for checks and balances, protects human rights and fundamental freedoms including the rights of minorities and the most vulnerable  1.1B The Gambia's transitional justice and reconciliation process is advanced
<b>PRIORITY AREAS AND SECTOR INFORMATION</b>	
<b>6. Priority Area(s), sectors</b>	Priority area 1: Promoting Good Governance Sector DAC code: 152

<sup>1</sup> REPUBLIC OF THE GAMBIA -Multi-Annual Indicative Programme 2021-2027 [Link](#)

<b>7. Sustainable Development Goals (SDGs)</b>	<p>Main SDG: SDG 16 “Peace, justice and strong institutions”</p> <p>Other significant SDGs (up to 9) and where appropriate, targets:</p> <ol style="list-style-type: none"> <li>SDG 5 “Gender equality” <ul style="list-style-type: none"> <li>5.1: End all forms of discrimination against all women and girl everywhere</li> <li>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</li> <li>5.c: Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels</li> </ul> </li> <li>SDG 10 (Reduced Inequalities) <ul style="list-style-type: none"> <li>10.2: By 2030, empower and promote the social, economic, and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status</li> <li>10.3: Ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies, and action in this regard</li> </ul> </li> <li>SDG 17 (Partnerships for the Goals) <ul style="list-style-type: none"> <li>17.17: Encourage and promote effective public, public-private, and civil society partnerships, building on the experience and resourcing strategies of partnerships</li> </ul> </li> </ol> <p>Data, monitoring and accountability</p>			
<b>8 a) DAC code(s)</b>	<p>DAC code 1 – 15110 – (public sector policy and administrative management) – 20%</p> <p>DAC code 2 – 15112 (decentralization) – 20%</p> <p>DAC code 3 – 15130 (legal and judicial development) – 30%</p> <p>DAC code 4 – 15170 (women’s rights organizations and movements, and government institutions) – 20%</p> <p>DAC code 5 – 15160 (human rights) – 10%</p>			
<b>8 b) Main Delivery Channel</b>	<p>42001 – European Commission - Development Share of Budget</p>			
<b>9. Targets</b>	<p><input type="checkbox"/> Migration</p> <p><input type="checkbox"/> Climate</p> <p><input checked="" type="checkbox"/> Social inclusion and Human Development</p> <p><input checked="" type="checkbox"/> Gender</p> <p><input type="checkbox"/> Biodiversity</p> <p><input type="checkbox"/> Education</p> <p><input checked="" type="checkbox"/> Human Rights, Democracy and Governance</p>			
<b>10. Markers (from DAC form)</b>	<p><b>General policy objective @</b></p> <p>Participation development/good governance</p> <p>Aid to environment @</p> <p>Gender equality and women’s and girl’s empowerment</p> <p>Trade development</p> <p>Reproductive, maternal, new-born and child health</p> <p>Disaster Risk Reduction @</p>	<p><b>Not targeted</b></p> <p><input type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>	<p><b>Significant objective</b></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p><b>Principal objective</b></p> <p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>

	Inclusion of persons with Disabilities @	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Nutrition @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<b>RIO Convention markers</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Principal objective</b>
	Biological diversity @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Combat desertification @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change mitigation @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change adaptation @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>11. Internal markers and Tags:</b>	<b>Policy objectives</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Principal objective</b>
	Digitalisation @	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	digital connectivity digital governance digital entrepreneurship digital skills/literacy digital services	YES <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	NO <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	
	Connectivity @	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	digital connectivity energy transport health education and research	YES <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	NO <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
	Migration @ (methodology for tagging under development)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Reduction of Inequalities @ (methodology for marker and tagging under development)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Covid-19	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<b>BUDGET INFORMATION</b>			
<b>12. Amounts concerned</b>	Budget line (article, item): 14.020120-C1-INTPA Total estimated cost: EUR 9 000 000 Total amount of EU budget contribution EUR 9 000 000			
<b>MANAGEMENT AND IMPLEMENTATION</b>				
<b>13. Type of financing<sup>2</sup></b>	Indirect management with United Nations Development Programme (UNDP)			

<sup>2</sup> Art. 27 NDICI

## 1.2 Summary of the Action

When former Gambian President Yahya Jammeh went into exile on 21 January 2017, he left behind a 22-year legacy of grave human rights abuses. In response, a holistic transitional justice and reform agenda has been implemented by the Government since January 2017 to overcome past violations, divisions, and inequalities and to create conditions for both security and democratic and socio-economic transformation. The Action will contribute to enhancing The Gambia's democratic transition and focus on the first MIP priority area, namely, promoting good governance. The Action will aim at three specific objectives: (i) Constitution and legislation better provide for checks and balances, protect human rights and fundamental freedoms including rights of minorities and the most vulnerable. (ii) enhanced the ongoing transitional justice process, rule of law and human rights and (iii) strengthened effectiveness of local governance structures.

The first specific objective seeks to address the lack of the prerequisite constitutional and legal basis on which the new governance model of the country will operate. Building on the work of the Constitutional Review Commission (CRC), which submitted a draft Constitution to the President in December 2019, as well as the Commission of Inquiry into the Financial Activities of Public Bodies, Enterprises and Offices, this component will enhance the capacities of the Government, National Assembly and all stakeholders to form consensus around the introduction of a new Constitution or specific constitutional provisions, as well as other critical governance legislation, such as the Criminal Code. Beyond this component's focus on improving the normative governance framework, it will also enhance institutional capacities of oversight governance institutions to be more transparent, accountable, and responsive, as well as support the capacity of civil society to demand for better efficiency of these institutions.

The second specific objective will also build on the work of the transitional justice process thus far, focused on the implementation of the recommendations by the Truth, Reconciliation and Reparations Commission (TRRC) and, thereby, promote human rights, the rule of law and justice. Whilst the TRRC's final recommendations are vast in nature, the implementation of most of them rests on the rule of law, justice, and security sector, all of which currently require substantial technical and financial investment. Noting the central role played by security forces in committing several of the human rights violations addressed in the TRRC Final Report, this component of the Action is designed to complement existing EU interventions on the security sector reform process. A central feature of this component in accompanying the Government and all stakeholders on the implementation phase of the TRRC recommendations will be the application of an inclusive, participatory, and victim-centred approach.

The third specific objective acknowledges that the democratic and socio-economic transformation of The Gambia rests on the country's local governance and decentralization systems, which continue to barely operate due to inadequate technical and financial investments and capacities. This component will start with a comprehensive needs assessment and corresponding capacity development strategy and plan targeting specific communities. Once identified, local authorities governing the most vulnerable communities would be provided technical and financial support to enhance their ability to deliver essential, basic public services. Under this component, the review of the legislative framework underpinning local governance and decentralization would also be supported to strengthen the normative framework.

Overall, this Action provides a broad response to the people of The Gambia's aspirations for a transparent, accountable, and responsive transition to democracy. Increasing citizen engagement and, in particular, the active participation of women and youth is an important focus, including the Gambian diaspora considering its substantial technical and financial contributions to good governance and national development.

## 2 RATIONALE

### 2.1 Context

The Gambia is one of the smallest countries in mainland Africa. It is divided into five rural regions and two urban municipalities. The current population density is 125 per km – one of the top five highest in Africa, with a modest economy that relies primarily on tourism, rainfed agriculture, and remittances, making it vulnerable to external shocks.

Since January 2017, the country has been undergoing a transition towards democratic governance following 22 years of authoritarian rule under former President Yahya Jammeh. Democratic state-building is a complex, long-term process of creating the necessary conditions for sustainable peace and development, and in The Gambia this transition has been particularly complex due to the overlapping of sensitive reform processes on transitional justice, constitution building, anti-corruption, security sector reform, judicial, civil service, and legislative reforms. The first strategic priority of The Gambia's National Development Plan (NDP) 2018-2022 is to "restore good governance, respect for human rights, the rule of law, and empowering citizens through decentralization and local governance," which highlights the importance of an efficient public sector that is responsive to the aspiration of its citizens. The EU has been present throughout the democratic transition, supporting via budget support, governance indicators, as well as through projects in the areas of security, civil society and transitional justice. The EU has supported the Truth Reconciliation And Reparations Commission (TRRC) since its inception and is aligning the governance projects on the Government White Paper on the TRRC report<sup>3</sup> issued in May 2022.

COVID-19 has resulted in notable socio-economic impacts in several sectors e.g. (tourism, trade, education, agriculture) and poverty remains a major challenge, with an estimated 48.6% of the population living in poverty in 2016, most of whom are rural (69.5% of the rural population live in poverty). Years of mismanagement and corruption have taken a heavy toll on Gambia's institutions and economy and severely weakened the State's administrative structures. The Gambia has a Human Development Index Score of 0.49, well below sub-Saharan African nations' mean score of 0.547.<sup>4</sup> A high number of Gambians have little access to services such as medical care, and many still lack infrastructure such as running water, electricity, and sewage. Gambia has taken numerous measures to improve women's status in the political, economic, and social life of the country in accordance with the international framework. Despite these efforts, the welfare of women of The Gambia continues to lag significantly behind that of men. According to the Gender Inequality Index, Gambia is ranked 148 out of 162 countries in the 2019 index. In Gambia, 8.6% of parliamentary seats are held by women (three elected and two through Presidential nominations), and 31.5% of adult women have reached at least a secondary level of education compared to 44.4% of their male counterparts<sup>5</sup>.

Considerable progress has been made on transitional justice and human rights. In February 2017, the Government set up a Panel of Missing Persons under the Ministry of Interior, 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 (the 'Jannah 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. Over the years, progressive laws aimed at promoting and protecting the rights and freedoms of all Persons with Disabilities (PwDs), access to information and media freedoms have been passed. The Government has also complied with its human rights reporting obligations, although the ILO recently noted some outstanding reports regarding labour rights<sup>6</sup>. The Gambia is a signatory to many conventions at global and regional level to promote gender equality and women's empowerment. These include the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the ILO convention No. 100 on 'equal pay for work of equal value', the International Conference on Population and Development (ICPD), the Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa. Unfortunately, discriminatory practices and Gender Based Violence are still present in the country.

The Presidential election in December 2021 was the first to be held since the end of the 22-year dictatorship in January 2017. It witnessed a stark increase in the participation of contestants, and heightened expectations about the Independent Electoral Commission (IEC). Notwithstanding efforts by the Inter-Party Committee (IPC), the election campaign period demonstrated, however, that the political situation remains fragile, with a high degree of polarization, some instances of hate speech and inadequate dialogue spaces to foster consensus amongst the

<sup>3</sup> Government White Paper on the Report Of The Truth Reconciliation and Reparations Commission. [Link](#)

<sup>4</sup> UNDP (2020), Human Development Report, Country Brief: Gambia. [Link](#)

<sup>5</sup> Ibid.

<sup>6</sup> International Labour Organization: General Direct Request (CEACR) - adopted 2021, published 110th ILC session (2022) [Link](#)

political parties. In addition, even though the April 9, 2022, legislative election was conducted without major incidents, no single political party commands an overall majority in the National Assembly. The hung Assembly is likely to present challenges in the passage of legislation with impact on the governance reform agenda and national development. Yet, the new Government is faced with high national and international expectations to advance on the National Development Plan's promise to 'restore good governance, respect for human rights, the rule of law, and empowering citizens through decentralization and local governance.' The new Government is thus tasked to fully consider and implement recommendations and promises to the population. Gambia is ranked 16 over 54 African countries analysed in the Ibrahim Index of Governance<sup>7</sup>. Gambia has a score of 55,9/100 and is the most improved country (+9.2), driven by improvements in Accountability & Transparency and its participatory environment.

Beyond The Gambia, West Africa is witnessing a resurgence of coups (attempts) triggered by claims of governments' failure to deliver quality services, engage and unify citizens, address corruption and high poverty levels and combat extreme violence, among other grievances. Between 2000 and 2021, 21 coups have occurred in 14 African countries. Meanwhile, a growing trend towards constitutional revisionism has led 16 African countries to eliminate or modify presidential term limits (13 in the past six years). Increased human rights violations, disregard for the rule of law, and a rise in disinformation, misinformation and hate speech further fray the social contract and constrict civic space. The ongoing conflict in the Casamance region of Senegal, which maintains a porous border with southern Gambia/the Foni region, is already increasing insecurity. This has the potential to reverse gains made in the governance reform agenda and/or divert government and partners' attention/support from consolidating governance to conflict resolution, while also aggravating frustration amongst citizens.

## 2.2 Problem Analysis

### Weak Constitutional, human rights, and anti-corruption legal framework

The Gambia's current Constitution was amended at least 57 times since 1997, to a large extent to increase Jammeh's executive powers, diminish checks and balances and undermine protections for all. In its report, the TRRC underlined as its recommendation no. 10 under *Institutional Hearings: Justice Sector*, that 'the 1997 Constitution is deeply flawed due to the number of amendments that were made to the original and needs to be replaced with one that meets the aspirations of The Gambian people.'

This recommendation comes a year after the rejection of a new, draft Constitution by the National Assembly in September 2020. This draft sought to introduce several measures aimed at enhancing democracy, including a presidential term limit, limits on executive power, measures to ensure greater political inclusion of groups living in vulnerable situations (including women, youth, and persons with disabilities) and a comprehensive Bill of Rights chapter, compliant with international and regional human rights standards. Gender role stereotypes are still present in the political and public life through the very low level of women's representation in public life, particularly in the legislative and decision-making positions in the executive branch, and the lack of measures taken to address the situation. It was rejected largely because of lack unanimity amongst National Assembly Members (NAMs) over certain politically divisive and contentious clauses, such as the ring-fencing of the Judiciary's budget, limitations to executive powers and the retroactive nature of the provision on the President's term limit. However, a considerable part of the public continue to demand for constitutional change, and increasingly, critical institutions driving governance reforms such as the Office of National Security, and the IEC recognize impediments to their proper functioning without amendments to the current Constitution.

As part of his re-election inaugural address to the nation in January 2022, President Barrow announced that his Government would usher a new Constitution that introduces term limits during his current tenure. However, constitutional reform is a complicated legal and political process. Since the rejection of the draft in September 2020, a series of consensus-building engagements have taken place. Although there are reports of growing consensus, particularly on the retrospectivity of the proposed presidential term limit, it remains that a new Constitution Promulgation Bill has yet to be re-tabled before the National Assembly for scrutiny. Furthermore, there remain several other transformative human rights legislation that are yet to be passed, including bills on the Criminal Code, the Criminal Procedure Code, International Crimes, Torture, the establishment of an Anti-

<sup>7</sup> Mo Ibrahim Foundation (2020), Ibrahim Index of African Governance. [link](#)

Corruption Commission, on Mutual Legal Assistance on Criminal Matters, as well as progressive amendments to the Elections Act, a Women's Amendment of Discriminatory Laws Bill and a Sexual Offenses Amendment Bill.

The Gambia has a score of 37 out of 100 on Transparency International's 2020 Corruption Perceptions Index, which is a significant improvement from 2016 when it scored 26. The National Assembly recently passed the Access to Information Bill, which is a crucial step towards more transparency in government. However, the country has a weak anti-corruption framework and the National Audit Office (NAO) reports since 2017 continue to highlight a series of irregularities and mismanagement of public resources by government institutions. Similarly, significant deficiencies have been noted in the Anti-Money Laundering and Combating of Terrorist Financing Act. There is also criticism that too little has been done to advance the findings of the Janneh Commission, which uncovered extensive corruption and financial crimes committed by ex-President Jammeh and his close associates and transnational organized criminal activities. Sectors most vulnerable to corruption in The Gambia include the judiciary and rule of law institutions, the security sector, private sector and the extractive industries and management of natural resources.

Identification of main stakeholders and corresponding institutional and/or organisational issues (mandates, potential roles, and capacities) to be covered by the action:

- The Ministry of Justice & Attorney General's Chambers (MoJ): The MoJ provides indispensable legal services in promoting and protecting rule of law, justice delivery and good governance, including drafting Bills and where requested, the defending of Bills by the Attorney General before the National Assembly. Its satellite institutions- the National Agency for Legal Aid (NALA), the National Agency against Trafficking in Persons (NAATIP) and the Alternative Dispute Resolution Secretariat (ADRS) also provide value adding legal services to promote and protect human rights, good governance, and the rights-based approach to justice delivery.
- The National Assembly Standing Committees on Human Rights and Constitutional Matters, Finance and Public Accounts Committee (FPAC) and Public Enterprises Committee (PEC): The Human Rights and Constitutional Matters Committee is mandated to scrutinise matters concerning human rights and constitutional issues, and particularly, compliance of the executive and all other organs and agencies of the state on issues relating to rule of law, fundamental human rights, and freedoms, and defence and supremacy of the constitution. The FPAC has the mandate to examine the audited accounts of government and the Report of the Auditor General on those accounts. The PEC standing Committee perform oversight on State Owned Enterprises and monitors the operations of enterprises to promote efficiency, transparency, and probity.
- The Anti-Corruption Commission (ACC): it is not yet established, but anticipated during the duration of this Action. The Anti-Corruption Bill, 2021 is currently at the consideration stage in the National Assembly, and its mandate as contained under section 8(2) (a) will undertake preventive measures against unethical and corrupt conduct by any person; and (b) conduct investigations on its own initiative or on a complaint made by any person. Section 8(3) notes that the Commission shall adopt- (a) such measures as may be necessary to enhance transparency in its public administration, including with regards to its organization, functioning, spending and decision-making processes.
- The National Audit Office (NAO): established under section 159(1) of the 1997 Constitution as the Supreme Audit Institution (SAI) to assist the Auditor General in the performance of the functions conferred on him or her by the Constitution or any act of the National Assembly. The Auditor General has the responsibility to audit the accounts of all Government institutions, Local Government Authorities, and other public bodies.
- Independent Electoral Commission (IEC): The IEC was established in accordance with Section 42 of the 1997 Constitution of the Republic of The Gambia. It operates within the confines of the Electoral Laws in the Constitution, Elections Act and 2002 Local Government Act and the Elections Act of 2015 (as amended). Its mandate is to conduct and supervise the registration of voters, for all public elections and referenda, to demarcate electoral boundaries for both national and local government elections and to conduct and supervise all public elections and referenda.
- Office of the Ombudsman: was established by the Ombudsman Act of 1997. It became operational in August 1999 following a Presidential appointment of the first Ombudsman and the two deputies. Its mandate is to



investigate administrative complaints of injustice, corruption, abuse of power, maladministration, mismanagement, discrimination, and unfair treatment of public officials in the exercise of official duties. It also recommends reforms in the administrative procedures, practices, and policies. Since September 2008, the Office of the Ombudsman continues to be decentralised with regional offices in Basse (URR), Mansakonko (LRR) and Kerewan (NBR).

- The National Human Rights Commission (NHRC): The NHRC seeks to boost human rights standards in The Gambia and to nurture a culture of respect for rights and freedoms guaranteed by the rule of law. This is done through capacity building and awareness creation of law enforcement, civil society organisations (CSOs) and communities using various outreach and advocacy channels. The NHRC has been established to promote and protect human rights of all persons, which includes human rights defenders in The Gambia. The Commission's protective mandate includes the power to monitor, receive and investigate any human rights violation in the Gambia.
- Civil Society Organisations (with specific focus on those advancing a human rights-based approach to transitional justice/post-TRRC). This Action envisages to partner with the several CSOs and non-governmental organisations (NGOs), see Annex 1 for detailed mandates, still under the decree 81 with strong registration procedures. Special attention will be given to women led organisations CSOs and media supporting participation and accountability.
- Media: in 2021, the Access to information Bill is enacted and the law provides for the right to access public records and information held by public authorities or by individual and legal persons providing services for them. It's a step towards to the freedom of expression. In this context, media also plays an important role to support transparency and accountability of institutions and participation of rights holders.

#### Building on transitional justice gains to significantly strengthen rule of law, promote reconciliation, and instil a culture of human rights

The TRRC was mandated to establish an impartial historical record of human rights violations committed between 1994 and 2016, grant interim reparations to victims and promote national reconciliation. In 2018, Gambia ratified the Convention against torture and the Convention for the protection of all persons from enforced disappearance. During its tenure, the TRRC has achieved international recognition for its ground-breaking achievements in the history of truth commissions, especially for the level of collaboration between the Commission and perpetrators – many of whom voluntarily came forward to confess atrocities – and for the level of public interest generated by the live streamed public hearings and outreach activities. In addition to public hearings of 393 witnesses, including 222 victims and 80 alleged or confessed perpetrators, the TRRC has engaged over 50,000 Gambians at home and in the diaspora in community-led outreach activities. A perception survey conducted in 2020 showed that 90% of Gambians felt that the TRRC was performing well or very well and believed that the implementation of the Commission's recommendations would enhance rule of law, justice, peace, and reconciliation.

However, the TRRC process has not always been smooth. Whilst the Commission has received extensive support from donors such as the EU and the UN Peacebuilding Fund and has been internationally recognized for adopting a participatory and accessible process, its revelations have increased tensions between its supporters, the victim community and perceived or confessed perpetrators, as well as the political party of ex-President Jammeh (APRC). Since the instalment 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 and the public, for the TRRC to complete its investigations and present its findings and recommendations.

On 25 November 2021, the TRRC submitted its final report to President Barrow. It comprises 17 volumes reporting on atrocities and other human rights violations committed during former President Jammeh's regime including unlawful killings, torture, enforced disappearances, sexual and gender-based violence, inhuman and degrading treatment, "witch hunting," fake HIV/AIDS treatment, and general and widespread abuse of public office. The report contains 427 findings and 218 recommendations, organized under 8 headings, including "prosecution of persons who bear the greatest responsibility for human rights violations and abuses," "further investigation of



allegations concerning persons who bear the greatest responsibility for human rights violations and abuses with a view to prosecuting them, if necessary, “repeal of draconian laws and decrees still in the law books,” and “legal and institutional reforms”- all of which are relevant for the objectives of this action.

On 25 May 2022, the Government will issue its response to the TRRC recommendations (also known as the “White Paper”), and thereby forge a roadmap on the post-TRRC/implementation process. Considering the substantial number of recommendations made towards strengthening rule of law, institutional reforms to advance human rights and on addressing the needs of victims, it is relevant to prepare the already over-stretched and under-resourced rule of law and justice sector, which this Action is designed to do.

Identification of main stakeholders and corresponding institutional and/or organisational issues (mandates, potential roles, and capacities) to be covered by the action:

- The Ministry of Justice & Attorney General’s Chambers (MoJ): (same as above). The MoJ has put in place a broad framework for consultation and engagement on post-TRRC matters, with the establishment of the MoJ-CSO Platform, the MoJ-Victims Townhall and the MoJ-Partnership Platform. The aim of these platforms is to enhance information sharing/exchanges and coordination between the MoJ, Victims, CSOs, donors and development partners, and to enhance the implementation of various projects/roadmaps on the implementation of TRRC recommendations.
- The National Agency for Legal Aid (NALA): NALA provides value adding legal services to promote and protect human rights, good governance, and the rights-based approach to justice delivery through legal advice and legal representation in criminal matters in court, police stations and prisons.
- The Alternative Dispute Resolution Secretariat (ADRS): ADRS facilitates dispute resolution in line with its mandate to assist in creating and broadening dialogue on key obstacles hindering peace, and supporting local, national, and regional actors to participate in the prevention of future conflict. It has a national and two satellite offices located in Banjul and Farafenni in the North bank region and Basse in the Upper River Region.
- The Ministry of Interior (MoI), The Gambia Police Force (GPF), Gambia Prison Services (GPS): The MoI is responsible for internal security matters and law enforcement, including immigration, intelligence, police, prisons, fire, and rescue. Whilst incorporating the standards set by the Government, the MoI aims to ensure that the procedures employed by security agencies are harmonious with international standards and operations. The GPF deals with corruption under a specialized Fraud and Commercial crimes unit. The GPS is responsible for the safe custody of prisoners in Gambia, as well as their welfare, reformation, and rehabilitation.
- Non-profit organisations stakeholders and rights holders: Civil society organisations and women’s organisations will be identified at the beginning of the intervention (stakeholders mapping and capacity-building analysis) to make sure that CSOs are supporting rights of groups living in vulnerable situation.

#### Weak local governance structures and systems

Local Governments have a critical role as key players in the socio-economic development and governance of the country. The Gambia’s local governance and decentralization is based on legal frameworks, such as the sections 193-194 and 214(3) of the 1997 Constitution the Local Government Act (2002), the Local Government Amendment Acts (2004, 2006 and 2007), and the Local Government Finance and Audit Act, 2004. The legal framework prescribes the associated transfer of resources from central to local governments and gives councils the authority to provide services. Additionally, the Constitution provides for other functions and powers to be devolved to ‘facilitate democratic governance.’

The Gambia’s local government administration is based on a system of democratically elected councils with a high degree of local autonomy. The system establishes city councils, municipalities, and area councils (which are together referred to as local government authorities), and the district in which each shall have jurisdiction. For administrative purposes, there are five regions and two municipalities, and the five regions are further divided into 36 Districts headed by Chiefs appointed by the President. Although not recognized as such in either the 1997 or the draft Constitution, the Gambian diaspora is often referred to as the 8th administrative region, with around

205,000 Gambians (10% of the population) living abroad, mostly in the USA and UK. During the Jammeh regime, a large Gambian diaspora emerged, actively involved in supporting the economy through their remittances, whilst trying to dislodge the dictatorship through democratic advocacy. The diaspora's contribution to national development is well articulated in the Gambian Diaspora Strategy (incorporated in the National Development Plan 2018-2022) and through the establishment of The Gambia Diaspora Directorate under the Ministry of Foreign Affairs, International Cooperation and Gambians Abroad. In 2020, official remittances accounted for 22.29% of gross domestic product (GDP) (World Bank), and according to the Central Bank of The Gambia, in 2021, diaspora remittances increased to an unprecedented level of USD 773.7 million, from USD 589.81 million in 2020 (a record 31.3% increase).

The implementation of decentralization at initial stage was robust and some gains have been made in strengthening democratic engagement and broader participation of communities in decision-making. However, capacities at local government remains inadequate with only skeletal staff having the needed qualification and competencies to perform devolved functions, ensure service delivery and accountability. Additionally, there is no human resource development plan at the central and local levels. Inadequate financial resources are also critical due to insufficient revenue collection, as well as poor financial management and control. Similarly, citizen engagement is weak.

The slow pace of decentralization is affected by the central government not fully devolving the required funding and functional competencies, which all local government authorities need to improve the efficiency of municipal management and administration, and insufficient engagement of the public and civil society in local governance. For instance, although section 128 of the Local Government, 2002 stipulates that “The Central Government shall provide twenty-five% of the Councils’ development budget”, these transfers are, however, not happening. Also, the Council’s major revenue sources of fee collection are now allocated to newly created agencies such as The Gambia Tourism Board, Gambia Road Authority, Gambia Livestock Marketing Board. Additionally, the challenge of popular participation and accountability is widespread. The low level of participation is due to the low returns that local populations get from local governments in terms of development thus, resulting to their low interest, making it urgent to increase engagements between regional leaders and communities. The Action seeks to intervene at local level in all 7 regions by strengthening planning, budgeting, human resource management and other technical capabilities; promoting community awareness of rights and obligations; increasing community capacities to engage with local authorities; facilitating CSOs to demand implementation of legislation to ensure adequate resources are provided for local development; enhancing local development coordination efforts.

Identification of main stakeholders and corresponding institutional and/or organisational issues (mandates, potential roles, and capacities) to be covered by the action:

- Office of the President: as the primary organ directing the strategic affairs of government, this office has the role to ensure decentralization is implemented by all relevant parties. Particularly, it is responsible for facilitating and coordinating the Ministry of Lands and Regional Government, regional and local councils in concert with other sector ministries to ensure sufficient capacities to perform their functions.
- Ministry of Lands & Regional Government (MLRG): is the main department for local government planning and land development in The Gambia. Its main missions include equitable and efficient distribution of State land resources; ensuring the production of a development systems and control policy; properly structuring of local governance authorities (LGA) administrative systems; effective local government; and improving the capacities of local organisations and other groups safeguarding sustainable development.
- Ministry of Finance: is responsible for setting the Government’s overall economic policy objectives.
- Ministry of Trade, Regional Integration and Employment is mandated to formulate and implement trade, investment and industrial policies. It also formulates and implements employment, competition and labour matters, promulgates national standards, and takes a lead role in trade negotiations.
- Ministry of Gender, Children and Social Welfare: is mandated to coordinate and ensure gender equality and equity, promote the protection, and development of children, the vulnerable and excluded persons and integrate fulfillment of rights, empowerment and ensure full participation into national development.

- Gambia Association of Local Government Authorities (GALGA): was established in September 2002 with the goal to ensure and enhance good governance, accountability, and transparency in local administration in The Gambia. This action seeks to consolidate the role of this Association in delivery of superior quality services to the communities, in an accountable and transparent manner. GALGA is the representative of local authorities (LAs) in The Gambia and works with the national government and stakeholders to make sure that the interest of LAs is taken on board in the national development agenda.
- National Council for Civic Education (NCCE): The NCCE is mandated to create and sustain awareness of constitutional democracy for the achievement of political, economic, and social stability through civic education. NCCE remains underfunded and is yet to be decentralised across the country.

National Youth Council (NYC): is a public agency established by the National Assembly in 2000, which operates in all 7 administrative regions and 53 districts of The Gambia, with over 172 registered national and community-based youth CSOs. The NYC is mandated to mobilize, coordinate, and supervise youth organizations, implement national youth programmes, and advise government on youth matters.

Non-profit organisations stakeholders, local communities, and rights holders: awareness rising and promoting participation of rights-holders are essential to develop new approach of popular participation and accountability.

### 3 DESCRIPTION OF THE ACTION

#### 3.1 Objectives and Expected Outputs

The Overall Objective (Impact) of this action is to strengthen and promote the democracy in The Gambia.

The Specific(s) Objective(s) (Outcomes) of this action are to:

1. The Constitution and legislation better provide for checks and balances, protect human rights and fundamental freedoms including rights of minorities and groups living in vulnerable situations
2. Enhance effectiveness of transitional justice, rule of law and human rights mechanisms
3. Strengthen effectiveness of local governance structures

The Outputs to be delivered by this action contributing to the corresponding Specific Objectives (Outcomes) are:

- 1.1: Laws and policies in the field of democratic governance developed/revised and better implemented
- 1.2: Enhanced governance institutional capacities to be effective, accountable and guarantee the rights of all
- 1.3: Increased civil society and social partners participation and demand for transparency, accountability, and responsiveness
- 2.1: Increased access to legal aid, justice, and rule of law for population
- 2.2: Enhanced capacity of legal, justice and rule of law institutions in human rights and European standards
- 3.1: Enhanced capacities of line ministries and local authorities to perform decentralized functions
- 3.2: Strengthened participation of civil society, social partners and media sectors in local governance issues
- 3.3: Increased inclusion and empowerment of women, youth, and other groups living in vulnerable situations in local governance structures

#### 3.2 Indicative Activities

##### **Activities relating to Output 1.1: Laws and policies in the field of democratic governance developed/revised and better implemented**

- Collaborative political leadership dialogue to support the legislative process and expert review to evolve consensus in the adoption of the draft Constitution and key legislations

- Enhance technical capacity of National Assembly members and staff
- Support revisions to the human rights' legal framework, including the Criminal Code and the Information and Communications Act, in line with the country's international and regional commitments on freedom of expression

**Activities relating to Output 1.2: Enhanced governance institutional capacities to be effective, accountable and guarantee the rights of all**

- Support the formulation and implementation of clear and coherent codes and procedures throughout all stages of the electoral process
- Promote passage of the Anti-Corruption bill and support the needed capacity building and operationalization of an Anti-Corruption Commission/ fact checking institutions, including implementation of the Access to Information Bill and the Persons with Disabilities Act
- Strengthen the chain of accountability and overall capacity of key governance institutions to implement their mandate in an independent and effective manner

**Activities relating to Output 1.3: Increased civil society participation and demand for transparency, accountability, and responsiveness**

- Promote increased public and civic education on the roles and responsibilities of the National Assembly and key governance institutions
- Promote inclusive local politics, local electoral processes and/or local representative councils
- Enhance engagements between duty bearers and right holders at the national and local levels and the diaspora, on implementation of government development and reform agenda

**Activities relating to Output 2.1: Increased access to legal aid, justice, and rule of law for population**

- Support innovative approaches (exact activities to be defined) to improve access to justice with particular attention to marginalized groups
- Provide trainings and equipment for digitalisation, proper case management coordination for evidence-based reporting and decision making
- Collect disaggregated data to inform policy making and intervention towards enhanced gender equity
- Strengthen the capacity of CSOs to raise awareness and sensitize the population on available national justice and rule of law services

**Activities relating to Output 2.2: Enhanced capacity of legal, justice and rule of law institutions in human rights and European standards**

- Support the implementation of transitional justice recommendations relating to enhancing the capacity of legal, justice and rule of law institutions, including legal and policy formulation/implementation, technical capacity building initiatives and infrastructural rehabilitation
- Enhance ability of legal, justice and rule of law institutions in communications, and enhance engagements with Government, National Assembly, the NHRC and CSOs

**Activities related to Output 3.1: Enhanced capacities of line ministries and local authorities to perform decentralized functions**

- Provide support to undertake a Capacity (technical, human, infrastructure, financial, legislative) Needs Assessment and implement a corresponding prioritized capacity development plan for line ministries and local authorities
- Facilitate local governments access to greater fiscal resources in equitable and appropriate ways including designing and allocating capacity development, formula, and performance-based block grants to local authorities

### **Activities related to Output 3.2: Strengthened participation of civil society and media sectors in local governance issues**

- Support an inclusive policy review and update of decentralization framework, line ministries and local authorities' institutional policies
- Strengthen mechanisms for local and community level advocacy, monitoring, and oversight of local governance issues
- Facilitate capacity building of citizens, community organisations, marginalised groups, and other local service delivery (production) agencies (including private /SME sector) to actively participate in local governance

### **Activities related to Output 3.3: Increased inclusion and empowerment of women, youth, and other groups living in vulnerable situations in local governance structures**

- Facilitate mainstreaming of gender equality and social inclusion in particular youth and persons with disability inclusion in line ministries and local authorities
- Support the establishment of institutional mechanisms through which communities and community organisations can participate actively in the local governance processes from planning, implementation to oversight process (i.e. community budgeting).
- Provide technical and capacity building support to citizens' institutions led by women, youth, and marginalized groups to promote interactions with line ministries and local authorities on key issues for the development of the communities in which they live

The commitment of the EU's contribution to the Team Europe Initiative to which this action refers, will be complemented by other contributions from Team Europe members. It is subject to the formal confirmation of each respective member's meaningful contribution as early as possible. In the event that the TEIs and/or these contributions do not materialise, the EU action may continue outside a TEI framework.

## **3.3 Mainstreaming**

### **Environmental Protection & Climate Change**

Given the nature of the Action, there is no need to undertake a SEA (Strategic Environment Assessment), EIA (Environmental Impact Assessment) or a CRA (Climate Risk Assessment). Please refer to the relevant Annex f3 for the justification.

### **Gender equality and empowerment of women and girls**

As per Organisation for Economic Co-operation and Development (OECD) Gender DAC codes identified in section 1.1, this Action is labelled as G1. This implies that gender is a significant objective of the action, and gender equality is an important and deliberate objective of this programme. Consultations with gender organisations were held, which reveal specific barriers pertinent to women, such as social norms and attitudes, male-dominated households, limited digital, financial, and literate skills and poverty. The programme is informed by the Gender Action Plan (GAP), the gender profile for The Gambia and the draft Country Level Implementation Plan (CLIP), as well as the Ministry of Gender, Children and Social Welfare's Strategic Plan 2021 - 2025. It is also in line with the EU roadmap for engagement with civil society in The Gambia for the period 2021-2023.

In response, women will be specifically targeted in activities under this objective. Across all objectives, targets aim at 50% participation of women where relevant (see logframe), especially under the second and third components of this Action, on increased access to legal aid, justice, and rule of law and increased inclusion and empowerment of women, youth, and other marginalized groups in local governance.

Specific interventions that explicitly aim to empower women and reduce gender inequality will include:

- partnership with women led CSOs and investment in strengthening their institutional capacities

- capacity building (training and workshops) on gender and enhancing women's political participation
- support to academia and think tanks to produce analysis and knowledge products on gender inequalities, as well as engage in strategic advocacy, with a view to influencing further policy change
- awareness raising on gender equality and women's empowerment as it relates to all aspects of this Action

The action will support the collection of sex-disaggregated data, the qualitative monitoring of action design and implementation arrangements, and the assessment of the gender effects. This will allow narrowing the gender gap in economic opportunities. The action contributes to the Gender Action Plan III (GAP III, 2021-2025)<sup>8</sup>, more specifically the thematic area of engagement "promoting equal participation and leadership".

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## **Human Rights**

This project is in line with the EU Human Rights and Democracy Country Strategy (2021-2024) to support The Gambia's consolidation of democracy, in order to create the conditions for human rights to flourish. From among the priorities this action is in line with the following priorities:

- Protecting fundamental freedoms: freedom of expression and media pluralism, access to information, peaceful assembly;
- Strengthening the rule of law by building the capacity of the judiciary to administer justice;
- Supporting and strengthening electoral processes in line with Electoral Follow-up Mission (EFM) (2019) and Electoral Observation Mission (EOM) (2021) recommendations and strengthening capacity of electoral management bodies;
- Bolstering accountability mechanisms and checks & balances by supporting transparent, accountable and independent oversight institutions

The protection, promotion, and fulfilment of human rights by building the capacities of the duty-bearers (State actors) is integrated across all three components, as well as empowering rights-holders, particularly women, youth, victims of human rights violations and persons living with disabilities (PwDs). Along the Leave No One Behind principles (LNOB), great emphasis is placed on accessing remote communities, as reflected in the third component on decentralization/local communities and local governance structures. Overall, human rights will be mainstreamed primarily through accessibility and inclusivity, noting that groups face specific barriers, and are often left behind by mainstream opportunities. This Action will thus support dedicated outreach and tailored initiatives for specific groups, notably women, youth, people from rural areas, and persons living with disabilities, but also remain flexible, adaptive, and responsive to the needs of other communities such as refugees, minorities, and internally displaced persons.

## **Disability**

As per OECD Disability DAC codes identified in section 1.1, this action is labelled as D1. This implies that inclusion of persons living with disabilities is a significant objective. Efforts will be made to ensure PwDs are included in all relevant activities, with an emphasis on accessibility of services such as trainings, participation in outreach activities and strategic engagements with national authorities on the implementation of the Persons with Disabilities Act.

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## **Democracy**

Democracy in support of pluralism will be promoted and mainstreamed in order to prevent the exclusion of religious and ethnic minorities, women, youth and PwDs. This implies investing in building strong democratic institutions inspiring public confidence in those institutions, and championing transparency and accountability.

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## **Conflict sensitivity, peace, and resilience**

Conflicts undermine and reduce development gains. Therefore, it is essential to understand the interactions between the Action and the context to avoid negative impacts. This will ensure strategic choices are made so that no adverse effects are felt. Additionally, peace and resilience will be promoted by facilitating local development

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<sup>8</sup> Press Release - Gender Action Plan 25/11/2020 [Link](#)

that will minimize drivers of conflict and enhance social cohesion. This Action will undertake assessments to gain a solid understanding of the local governance context and power relations and will ensure that the activities and their implementation appreciate the impact of the action on the context. The monitoring strategy will trace conflict sensitivity issues and necessary adjustments will be made when appropriate.

### Disaster Risk Reduction

Not relevant

### Other considerations if relevant

In line with the EU Digital for Development (D4D) Strategy and the UNDP Digital Strategy 2022-2025, digital technologies will be mainstreamed throughout the interventions to facilitate new approaches to governance, aimed at empowering national and local institutions. Recognizing that there are potential risks to digital technology, as well as the lack of basic infrastructure in The Gambia in some instances to drive digital technology, the Action will support partners on a case-by-case basis to harness the power of digital solutions and close the digital divide for a more environmentally friendly, inclusive, and equitable use of resources. Recognizing the challenges presented by the lack of decentralized national structures, this Action will focus on improving connectivity between national and regional offices, and communities.

Furthermore, youth participation and empowerment will be mainstreamed. Where relevant, targets aim at 50% participation of youth (see logframe), especially under the second and third components, on increased access to legal aid, justice, and rule of law and increased inclusion and empowerment of women, youth, and other marginalized groups in local governance.

## 3.4 Risks and Lessons Learnt

Category	Risks	Likelihood (High/ Medium/ Low)	Impact (High/ Medium/ Low)	Mitigating measures
Political	Risk 1: Lack of sufficient political will, leadership, or ownership towards the democratic transition.	Medium	High	Facilitate coordinated approach with national and international stakeholders, including the EU and Member States, UN (Special Representative of the Secretary General (SRSG), Economic Community of West African states (ECOWAS), African Union (AU) and bilateral partners. 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.
	Risk 2: The probability of bills passed based along party interest due to a hung parliament.	High	High	Continued strengthening and dialogue with the National Assembly structure.  Continued dialogue and engagement of political parties and the citizenry.



	Risk 3: Political instability due to brewing tribal tension, hate speech and tribal politics.	Low	High	Additionally, strengthening of the inter-party-political dialogue.
Social/People	Risk 1: Disgruntled population due to high cost of living and increased prices of basic commodities & services	High	High	Strengthening the National Assembly and Government to better communicate and engage with citizenry of current global trends linked to the COVID-19 pandemic and its impact on the economy. Additionally, advocate with relevant governance structures for salary increment.
	Risk 2: Misinformation of the people via the various online media platforms.	Medium	High	Strengthening media houses on professional ethics and best practice reporting.
	Impact of dictatorship legacy is strong and participation of local communities particularly women is a challenge.	Medium	Medium	Capacity assessment of CSO and women led CSO is crucial to support participation and accountability process.  Awareness rising of local communities, CSO, supporting participation and involvement in policy development.
Health	Risk 1 COVID-19: The challenges associated with conducting online meetings due to COVID-19 restrictions.	High	Low	Strengthening partner Institutions with relevant technology support and reliable internet.
	Risk 2: The impact of 22 years of dictatorship on the victims whose rights has been violated especially the minority and most vulnerable.	Low	High	Continued strengthening of the justice and governance system for promotion of rule of law, access to justice and promotion of human rights.

#### Lessons Learnt:

Lessons learnt from previous interventions in support to the democratic transition under the form of budget support induce the adoption of a more balanced approach between budget support and project approach.

The adoption of a new, more progressive Constitution is the cornerstone of the democratic transition in The Gambia. Should a new Constitution not see the day, an alternative scenario for EU support will need to be devised. This could be one of the main issues to assess on the occasion of the Mid-Term Review of the MIP.

This Action also builds on key lessons learnt during the implementation of the UNDP Governance Programme from 2017 to date, most notably, in ensuring that all relevant stakeholders at institutional and community levels are involved at the beginning of project development to ensure ownership and sustainability, and that this direct engagement is maintained, particularly with stakeholders outside the Greater Banjul Area.

Specifically, from the Strengthening Democracy project, this Action will seek to ensure sustained advocacy and collaborative dialogue with National Assembly Members on the content and significance of bills, including on constitutional amendments, as well as to pair international and national consultants to undertake research/study to promote the leverage of comparative analyses and enhance the quality of debate. On Rule of Law, a sector wide national Rule of Law Roadmap aligned with the NDP has been formulated and it would be imperative to not duplicate the production of existing policies and strategies.

Furthermore, this Action will support implementation of the EU Election Observation mission (EU EOM) recommendations, notably strengthening fact checking institutions and enhancing measures to protect whistle-blowers. Finally, lessons learnt from the Leadership and Accountability project emphasize the need for sustained inclusive engagements between duty bearers and rights holders at local level to strengthen transparency and accountability, as well as the need for targeted institutional support for advocacy, inter-party dialogues, political participation of women, youth and PwDs.

### 3.5 The Intervention Logic

The intervention logic is further outlined in the following theory of change:

**If** funding is provided for:

1. Comprehensive support to improve human rights protection through the legal and regulatory frameworks of democratic institutions and local governance structures.
2. Strengthening the institutional capacities of democratic institutions and local governance structures to function efficiently and deliver their mandate.
3. Increasing participation and demand for transparency, accountability, and responsiveness to the needs of all including the most vulnerable minorities groups particularly women and youth in the decision-making process, and the ability to respond to legal and justice systems.

**And** the following assumptions are true:

1. Stable security and political environment.
2. Political will and consensus to advance constitutional and legislative review process with a conducive civic space for dialogue on human rights.
3. A functional, independent NHRC.
4. Adequate human and financial resources of national stakeholders with national capacities to collect information/availability of records.
5. Administrative acts include policy decisions of institutional executives.

**Then:**

Democratic institutions and local governance structures and institutions will be able to ensure that:

1. Gambia's Constitutional and legal reform processes provide checks and balances, guarantees access to justice, protect human rights and fundamental freedoms particularly of the minorities and most vulnerable groups including women and youth.
2. The Gambia's rule of law and justice system including the transitional justice and reconciliation process will provide justice to victims of human rights violations.
3. Local governance system (legal framework, institutions, infrastructure, and structures) will be strengthened to increase citizen's inclusion and participation and improved public service delivery at the constituency level.

**Leading to:**

The promotion of democratic transition, consolidation of democratic governance, human rights, rule of law and justice in The Gambia.

### 3.6 Logical Framework Matrix

At action level, the indicative logframe should have a maximum of 10 expected results (Impact/Outcome(s)/Output(s)).

It constitutes the basis for the monitoring, reporting and evaluation of the intervention.

On the basis of this logframe matrix, a more detailed logframe (or several) may be developed at contracting stage. In case baselines and targets are not available for the action, they should be informed for each indicator at signature of the contract(s) linked to this AD, or in the first progress report at the latest. New columns may be added to set intermediary targets (milestones) for the Output and Outcome indicators whenever it is relevant.

- At inception, the first progress report should include the complete logframe (e.g. including baselines/targets).
- Progress reports should provide an updated logframe with current values for each indicator.
- The final report should enclose the logframe with baseline and final values for each indicator.

The indicative logical framework matrix may evolve during the lifetime of the action depending on the different implementation modalities of this action.

The activities, the expected Outputs and related indicators, targets and baselines included in the logframe matrix may be updated during the implementation of the action, no amendment being required to the Financing Decision.

*Baselines and Targets marked as TBD shall be established in early 2023 prior to contracting with the implementing entities.*

	Results Chain	Indicators	Baselines (Values and Years)	Targets (Values and Years)	Sources of Data	Assumptions
<b>Impact</b>	<b>Strengthen and promote the democracy in the Gambia</b>	1. World Bank Worldwide Governance Indicators (WGI) Voice and Accountability Score  2. Ibrahim Index of African Governance (IIAG),	1. Voice & Accountability Percentile Rank for 2020 - 38.65  2. 55,9/100 (16 <sup>th</sup> over 54)	1. TBC (2026); (X increase per year)  2. TBC (2026); (X increase per year)	1. The World Bank (Worldwide Governance Indicator)  2. Ibrahim Index of African Governance (IIAG)	<i>Not applicable</i>
<b>Outcome 1</b>	<b>The Constitution and legislation better provide for checks and balances, protect</b>	1.1: Number of constitutional changes consistent with international human rights standards and democratic principles	1.1: 0 (2021)	1.1: 3 (2026)	1.1: National Gazette	1. Stable security and political environment

	<b>human rights and fundamental freedoms including rights of minorities and groups living in vulnerable situations.</b>	1.2: Number of legal/administrative acts to enhance the effectiveness, accountability and/or transparency of the functioning of democratic institutions a) adopted by national parliaments with EU support , disaggregated by type of act  2.2: Number of legal/administrative acts to enhance the effectiveness, accountability and/or transparency of the functioning of democratic institutions b) implemented by national parliaments with EU support, disaggregated by type of act	1.2: Legal acts adopted 0 (2022)  Administrative act adopted 0 (2022)  2.2 Legal acts implemented 0 (2022)  Administrative acts implemented 0 (2022)	1.2: Legal acts adopted 1 (2026)  Administrative act adopted 1 (2026)    2.2 Legal acts implemented 1 (2026)  Administrative acts implemented 1 (2026)	1.2: National Gazette    2.2.: National Gazette	2. Political will and consensus to advance constitutional and legislative review process   3. A functional, independent NHRC  4. Adequate human and financial resources of national stakeholders
		1.3: Number of Civil Society Organizations (CSO) reports presented to regional and international human rights bodies per year	1.3: 1 (2019) (NHRC Shadow Report to UPR)	1.3: 5 (2026)	1.3: NHRC Annual Report	5. Administrative acts include policy decisions of institutional executives
<b>Outcome 2</b>	<b>Enhance effectiveness of transitional justice, rule of law and human rights mechanisms</b>	2.1: % of civil society organisations participating in national human rights dialogues	2.1: TBD (2022)	2.1: TBD (2026)	2.1: Baseline & End line Studies conducted and budgeted by the EU-funded intervention	1. Conducive civic space for dialogue on human rights
		2.2: Extent to which independent national human rights institutions comply with the Paris Principles	2.2: “A” status (2022)	2.2: “A” status (2026)	2.2: Afro barometer Study	2. A functional, independent NHRC

		<p>2.3: Number of legal/administrative acts/measures a) adopted with EU support with the objective of increasing independence and impartiality, and/or accountability, and/or professionalism and/or competence and/or efficiency of the national justice system, disaggregated by type of act</p> <p>: Number of legal/administrative acts/implemented with EU support with the objective of increasing independence and impartiality, and/or accountability, and/or professionalism and/or competence and/or efficiency of the national justice system, disaggregated by type of act</p>	<p>2.3: Legal acts adopted 4 (2022)</p> <p>Administrative act adopted TBC (2022)</p> <p>Legal acts implemented TBC (2022)</p> <p>Administrative acts implemented TBC (2022)</p>	<p>2.3: Legal acts adopted 2 (2026)</p> <p>Administrative acts implemented 2 (2026)</p> <p>Legal acts adopted TBC (2026)</p> <p>Administrative acts implemented TBC (2026)</p>	<p>2.3: National Gazette</p>	<p>3. Adequate human and financial resources of national stakeholders</p> <p>4. Administrative acts include policy decisions of institutional executives</p>
Outcome 3	Strengthen effectiveness of local governance structures	<p>3.1: % of local technical departments demonstrating improved management of public services by x%</p>	<p>3.1: TBD (2022)</p>	<p>3.1: TBD (2026) (reflecting 50% improvement from Baseline)</p>	<p>3.1: Baseline and End line surveys conducted and budgeted by the EU-funded intervention</p>	<p>1. Adequate human and financial resources for national stakeholders</p>
		<p>3.2: Number of Civil Society Organisation(CSOs) representatives trained by the EU-funded intervention,</p>	<p>3.2: 0 (2022)</p>	<p>3.2: TBC (2026)</p>	<p>3.2: TANGO/CSOs Annual Reports</p> <p>EU intervention monitoring and reporting systems (progress and final report for the EU funded</p>	<p>2. National capacities to collect information/availability of records</p>

		disaggregated by sex, age, disability status			intervention) and database of participants	3. Conducive environment for CSO dialogue
<b>Output 1 relating to Outcome 1</b>	<b>1.1: Laws and policies in the field of democratic governance developed/revised and better implemented</b>	1.1.1: Extent to which the EU-funded intervention supported the drafting of laws/regulations that outline the functioning, composition, and budget of formal oversight mechanisms, including parliamentary and independent bodies	1.1.1: TBD (2022)	1.1.1 TBD (2026)	1.1.1: Progress and final report for the EU funded intervention	1. Political will and consensus  2. Availability of human & financial resources within national counterparts
		1.1.2: Number of electoral recommendations (of the International Election Observation missions done by the OSCE/ODIHR or the EU EOM with EU Support.	1.1.2: 5 (2022)	1.1.2: 3 (2026)	1.1.2: National Gazette	
<b>Output 2 relating to Outcome 1</b>	<b>1.2: Enhanced governance institutional capacities to be effective, accountable and guarantee the rights of all</b>	1.2.1: Number of parliamentary/committee members and support staff trained by the EU-funded intervention with increased knowledge and/or skills for monitoring, reporting and enforcement of budgetary rules (disaggregated by sex)	1.2.1: 0 (2022)	1.2.1: 200 (2026)	1.2.1: Pre-and post-training test reports	



		1.2.2: Number of strategies and programmes drafted with support of the EU-funded intervention that incorporate HRB approach	1.2.2: 0 (2022)	1.2.2: TBD (2026)	1.2.2: Public sector reports: strategies and policy documents	
<b>Output 3 relating to Outcome 1</b>	<b>1.3: Increased civil society and social actors participation and demand for transparency, accountability, and responsiveness</b>	1.3.1: Number of Civil Society Organisation (CSO) members trained by the EU-funded intervention with increased knowledge and/or skills in internal governance standards, transparency, and accountability towards intended beneficiaries, constituencies, and social bases (disaggregated by sex)	1.3.1: 0 (2022)	1.3.1: 200 (2026) (50 a year)	1.3.1: Pre- and post-training test reports	<p>1. Conducive civic space for political discourse and participation.</p> <p>2. Adequate human and financial resources within national stakeholders</p>
<b>Output 1 relating to Outcome 2</b>	<b>2.1: Increased access to legal aid, justice, and rule of law for population</b>	2.1.1: Number of people directly benefitting from legal aid interventions supported by the EU	2.1.1: 75 CSOs/NGOs and 25 Media (EU, 2022)	2.1.1: 800 (2026)	2.1.1: NALA Annual Report Progress and final report for the EU funded intervention	1. Operational and functioning legal and judicial sector to meet increasing demands

		2.1.2: Number of people reached with EU-funded awareness raising campaigns on access to legal aid, justice, and rule of law (Disaggregated by sex and, age)	2.1.2: 0 (2022)	2.1.2: 40,000 (2026) (6,000 female adults, 4,000 male adults, 20,000 young women, 10,000 young men)	2.1.2: Sector Institution Reports Progress and final report for the EU funded intervention	2. Presence of decentralized structures to facilitate access to justice  3. Existing demand for legal aid and justice  4. Adequate human and financial resources within national stakeholders
Output 2 relating to Outcome 2	2.2: Enhanced capacity of legal, justice and rule of law institutions in human rights and European standards	2.2.1: Number of prison staff trained by the EU-funded intervention with increased knowledge and/or skills on human rights, disaggregated by sex	2.2.1: 0 (2022)	2.2.1: TBD (2026) (all prison staff to be trained))	2.2.1: Pre-and post-training test reports	1. Adequate human and financial resources for national stakeholders  2. Commitment to improving institutional efficiencies and standards
		2.2.2: Number of a) judges, b) prosecutors, c) lawyers and d) court staff	2.2.2: a) 0 (2022) b) 0 (2022) c) 0 (2022)	2.2.2: a) TBD (2026) b) TBD (2026) c) TBD (2026)	2.2.2: Pre-and post-training test reports	3. European standards and EU acquis is synonymous to

		trained by the EU-funded intervention with increased knowledge and/or skills on European standards and EU acquis, disaggregated by sex				international standards
		2.2.3: Number of knowledge-based products (reports, surveys, analysis, implementation plans, SOPs, research papers etc.) produced and/or disseminated with support of the EU-funded intervention, disaggregated by type of support	2.2.3: Produced (0).  Disseminated (0)	2.2.3: Produced (TBD), (2026).  Disseminated (TBD) (2026)	2.2.3: Sector Institution Reports, Reports published by the EU-funded intervention  Progress and final report for the EU funded intervention	4.SSR is considered broadly, as per the EU Strategy on SSR in The Gambia
<b>Output 1</b> <b>relating to</b> <b>Outcome 3</b>	<b>3.1: Enhanced capacities of line ministries and local authorities to perform decentralized functions</b>	3.1.1: Number of local actors trained by the EU-funded intervention with increased knowledge and/or skills in human rights, fundamental freedoms, rights of minorities and the most vulnerable, disaggregated by sex	3.1.1: 0 (2022)	3.1.1: TBD (2026)	3.1.1: Pre-and post-training test reports	1. Relevant local actors are trained in monitoring, reporting, and budgeting procedures/ capacities enhanced to perform decentralized functions
		3.1.2: Number of infrastructure/facilities rehabilitated, enhanced, or constructed with support of the EU-funded intervention, disaggregated by infrastructure support type	3.1.2: 0 (2022)	3.1.2: TBD (2026)  (Pending needs assessment)	3.1.2: Reports from the subcontractors, infrastructure/equipment handover and inspection documents	

<b>Output 2 relating to Outcome 3</b>	<b>3.2: Strengthened participation of civil society, social actors and media sectors in local governance issues</b>	3.2.1: Number of government policies developed or revised with civil society organisation participation through EU support.	3.2.1: 0 (2022)	3.2.1: TBD (2026)	3.2.1: TANGO and CSO Annual Reports  Progress and final report for the EU funded intervention	1. Collaboration between local Government and local CSOs and political will to decentralize
<b>Output 3 relating to Outcome 3</b>		3.3.1: Extent to which mechanisms for ensuring consultation and participation of civil society and women in peace processes and dialogue have been strengthened with support of the EU-funded intervention	3.3.1: TBD (2022)	3.3.1: TBD (2026)	3.3.1: TANGO and CSO Annual Reports  Progress and final report for the EU funded intervention	1. Conducive environment for participation of marginalized and most vulnerable groups
		3.3.2: Number of capacity building measures (seminars, workshops, training events, exercises, peer reviews, needs assessments, technical assistance) implemented with support of the EU-funded intervention	3.3.2: 0 (2022)	3.3.2: TBD (2026)	3.3.2: CSO & Public Sector Reports  Progress and final report for the EU funded intervention	2. Existence of inclusive strategies for engagement of marginalized and most vulnerable groups  3. Adequate human and financial resources

		3.3.3: Existence of up-to-date data available, on: a) women in politics, and b) violence (including online violence) and abuse faced by women in politics and public life at regional, national, and local levels	3.3.3: a) 0 (2022) b) 0 (2022)	3.3.3: a) TBD (2026) b) TBD (2026)	3.3.3: Progress reports for the EU-funded intervention	for national stakeholders
		3.3.4: Number of youths participating in specific activities supported by the EU-funded intervention, disaggregated by sex	3.3.4: 0 (2022)	3.3.4: 40,000 (2026)	3.3.4: Database of beneficiaries/participants	

## 4 IMPLEMENTATION ARRANGEMENTS

### 4.1 Financing Agreement

In order to implement this action, it is envisaged to conclude a financing agreement with The Gambia.

### 4.2 Indicative Implementation Period

The indicative operational implementation period of this action, during which the activities described in section 3 will be carried out and the corresponding contracts and agreements implemented, is 48 months from the date of adoption by the Commission of this Financing Decision.

Extensions of the implementation period may be agreed by the Commission's responsible authorising officer by amending this Financing Decision and the relevant contracts and agreements.

### 4.3 Implementation of the Budget Support Component [For Budget Support only]

N/A

### 4.4 Implementation Modalities

The Commission will ensure that the EU appropriate rules and procedures for providing financing to third parties are respected, including review procedures, where appropriate, and compliance of the action with EU restrictive measures<sup>9</sup>.

#### 4.4.1 Indirect Management with a pillar assessed entity

This action may be implemented in indirect management with UNDP.

The envisaged entity has been selected using the following criteria: previous experience working in governance in West Africa; demonstrated operational capacity; and solid understanding of the Gambian transitional justice context.

In case the envisaged entity would need to be replaced, the Commission's services may select a replacement entity using the same criteria. If the entity is replaced, the decision to replace it needs to be justified.

### 4.5. Scope of geographical eligibility for procurement and grants

N/A

### 4.6 Indicative Budget

Indicative Budget components <sup>10</sup>	EU contribution (amount in EUR)
Implementation modalities – cf. section 4.4	

<sup>9</sup> [www.sanctionsmap.eu](http://www.sanctionsmap.eu). Please note that the sanctions map is an IT tool for identifying the sanctions regimes. The source of the sanctions stems from legal acts published in the Official Journal (OJ). In case of discrepancy between the published legal acts and the updates on the website it is the OJ version that prevails.

<sup>10</sup> N.B: The final text on audit/verification depends on the outcome of ongoing discussions on pooling of funding in (one or a limited number of) Decision(s) and the subsequent financial management, i.e., for the conclusion of audit contracts and payments.

Indirect management with UNDP	9 000 000
<b>Totals</b>	<b>9 000 000</b>

#### 4.7 Organisational Set-up and Responsibilities

The day-to-day technical and financial monitoring of the implementation of this Action will be a continuous process and part of UNDP's responsibilities. The EU Delegation in The Gambia will follow the process actively.

A Project Steering Committee comprising the Government, UNDP, EU and other national partners to be determined will provide strategic guidance and oversight, whilst a Technical Committee would be established to enhance dialogue and cooperation amongst the different stakeholders across the political, strategic and operational levels. The Technical Committee's membership would be broad, to be diverse, inclusive and gender-sensitive, and ideally involve all partners working on good governance, including development partners, with frequent thematic meetings during the year. The Project Steering Committee would meet four times year to review and decide on the following matters:

- Assessment of the state of implementation of the actions and monitoring the progress of the project;
- Provide strategic guidance and recommendations, including on project management and good governance;
- Validation of strategies and results; Approval of work plans.

Due to the political nature of the governance, UNDP will be required to provide an accurate account of implementation of the Action, difficulties encountered, changes introduced, as well as the degree of achievement of its results (outputs and direct outcomes) as measured by corresponding indicators, using as reference the Logframe matrix (for project modality). This Action Document includes tentative indicators and targets that will be further developed in the Logical Framework alongside with the Workplan. A mid-term review is planned at the end of the second year. The main objective is to inform and guide the second half of the Action's implementation phase. As part of its prerogative of budget implementation and to safeguard the financial interests of the Union, the Commission may participate in the above governance structures set up for governing the implementation of the action.

#### 4.8 Pre-conditions

N/A

## 5 PERFORMANCE MEASUREMENT

#### 5.1 Monitoring and Reporting

The day-to-day technical and financial monitoring of the implementation of this action will be a continuous process, and part of UNDP's responsibilities. To this aim, UNDP shall establish a permanent internal, technical and financial monitoring system for the action and elaborate regular progress reports (not less than annual) and final reports taking into account gender equality and human rights dimension (examples: right-holders/people have the capacities to benefit the rights and capacity building of duty-bearers). Every report shall provide an accurate account of implementation of the action, difficulties encountered, changes introduced, as well as the degree of achievement of its results (Outputs and direct Outcomes) as measured by corresponding indicators, using as reference the logframe matrix.

As part of the intervention, UNDP will carry out both the baseline and end-line surveys needed to inform the indicators. The baseline information will be entered into the logframe no later than the first annual progress report, while the data collected in the end-line surveys will feature at the latest in the final report.



The Commission may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by the Commission for independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews). UNDP will encode the logframe and regularly update on the progress of the indicators through the EU RELEX IT integrated system (OPSYS). Operational Managers will then verify the data encoded by UNDP.

## 5.2 Evaluation

Having regard to the importance of the action, a mid-term evaluation will be carried out for this action or its components via independent consultants contracted by the Commission or via an implementing partner. The Mid-Term Evaluation will determine progress being made toward the achievement of outcomes and will focus on effectiveness, efficiency, and timeliness and identify course corrective actions and adaptive learning if needed. The final evaluation focusing on the delivery of the project's results as initially planned and corrected after the mid-term evaluation will be conducted in accordance with EU guidance, policies, and procedures. It will also provide recommendations for follow-up of results including lessons learned for sustainability, replicability of the project's results (best practice, future referencing and planning. The evaluation reports may be shared with the partners and other key stakeholders following the best practice of evaluation dissemination<sup>11</sup>. The implementing partner and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, apply the necessary adjustments.. An additional assessment regarding the respect of human rights and gender equality can be commissioned, for which specific expertise will be allocated. The implementation of the five working principles of the human rights-based approach (participation, non-discrimination, respect to all rights, transparency and accountability) will be assessed and evaluated. Evaluation services may be contracted under a framework contract.

## 5.3 Audit and Verifications

Without prejudice to the obligations applicable to contracts concluded for the implementation of this action, the Commission may, on the basis of a risk assessment, contract independent audit or verification assignments for one or several contracts or agreements.

# 6 STRATEGIC COMMUNICATION AND PUBLIC DIPLOMACY

The 2021-2027 programming cycle will adopt a new approach to pooling, programming, and deploying strategic communication and public diplomacy resources.

It will remain a contractual obligation for all entities implementing EU-funded external actions to inform the relevant audiences of the Union's support for their work by displaying the EU emblem and a short funding statement as appropriate on all communication materials related to the actions concerned. This obligation will continue to apply equally, regardless of whether the actions concerned are implemented by the Commission, partner countries, service providers, grant beneficiaries or entrusted or delegated entities such as UN agencies, international financial institutions, and agencies of EU member states.

However, action documents for specific sector programmes are in principle no longer required to include a provision for communication and visibility actions promoting the programmes concerned. These resources will instead be consolidated in Cooperation Facilities established by support measure action documents, allowing Delegations to plan and execute multiannual strategic communication and public diplomacy actions with sufficient critical mass to be effective on a national scale.

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<sup>11</sup> See best [practice of evaluation dissemination](#)

## Appendix 1 REPORTING IN OPSYS

An Intervention<sup>12</sup> (also generally called project/programme) is the operational entity associated to a coherent set of activities and results structured in a logical framework aiming at delivering development change or progress. Interventions are the most effective (hence optimal) entities for the operational follow-up by the Commission of its external development operations. As such, Interventions constitute the base unit for managing operational implementations, assessing performance, monitoring, evaluation, internal and external communication, reporting and aggregation.

Primary Interventions are those contracts or groups of contracts bearing reportable results and respecting the following business rule: ‘a given contract can only contribute to one primary intervention and not more than one’. An individual contract that does not produce direct reportable results and cannot be logically grouped with other result reportable contracts is considered a ‘support entities. The addition of all primary interventions and support entities is equivalent to the full development portfolio of the Institution.

The present Action identifies as

Action level		
x	Single action	Present action: all contracts in the present action

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<sup>12</sup> [Ares\(2021\)4450449](#) - For the purpose of consistency between terms in OPSYS, DG INTPA, DG NEAR and FPI have harmonised 5 key terms, including ‘action’ and ‘Intervention’ where an ‘action’ is the content (or part of the content) of a Commission Financing Decision and ‘Intervention’ is a coherent set of activities and results which constitutes an effective level for the operational follow-up by the EC of its operations on the ground. See more on the [concept of intervention](#).