

Media Legal Defence Initiative

Advocacy and Litigation Training in the Gambia: Final Evaluation



Pictured above: Litigation Training Participants

Contents

Introduction and background	3
MLDI's intervention	3
Scope of evaluation.....	4
Evaluation questions	4
Methodology.....	4
Data limitations	4
Findings	5
Conclusions and recommendations	25

Acronyms

ACHPR – African Commission on Human and Peoples' Rights

ACtHPR – African Court on Human and Peoples' Rights

ECOWAS – Economic Community of Western African States

FoE – Freedom of Expression

MLDI – Media Legal Defence Initiative

OSJI – Open Society Justice Initiative

IHRDA – Institute for Human Rights Development Africa

Introduction and background

On 22 July 1994, following a military coup, Lieutenant Yahya Jammeh took power in the Gambia. He remained the president of the Gambia for 22 years. Under Jammeh, space for freedom of expression for the media was crushed. The Gambian state authorities targeted and persecuted journalists, severely weakening the media landscape in the country. Journalists were arrested, detained, deported, beaten, convicted, tortured and subject to enforced disappearance by the Gambian authorities.

The ECOWAS Community Court of Justice has ruled against Gambia in three cases relating to journalists dating back to 2004 – the enforced disappearance of Ebrima Manneh; the torture of Musa Saidykhan; and the unlawful killing and failure to properly investigate the death of the president of the Gambia Press Union, Deyda Hydara. None of these judgments had been implemented under Jammeh.

In December 2016, Jammeh was defeated in presidential elections by the main opposition candidate, Adama Barrow. The new president has promised reform and respect for the rule of law. Prior to the election, then-candidate Adama Barrow promised to uphold human rights in the country. He also expressed a commitment to media freedom and freedom of expression. After his election, he reaffirmed this commitment during the first press conference he held as a President, and promised to re-open media houses that were closed down during Jammeh's regime and guarantee their editorial independence.

MLDI's intervention

MLDI conducted litigation (three day) and advocacy (one day) training surgeries in Banjul, the Gambia in November 2017. The litigation surgery was aimed at lawyers, and the advocacy surgery was aimed at journalists, civil society organisation and human rights defenders. This was part of a wider project that aimed to promote and advance media freedom standards in the Gambia. This project focused on litigating cases concerning freedom of expression in the Gambia, supporting civil society groups to advocate for press freedom and the provision of training 'surgeries' on litigation and advocacy.

The overarching goals for the training were to:

1. Ensure a skilled legal community in the Gambia, familiar with international law on freedom of expression is available to pursue future litigation at the domestic and regional level; and able to offer high quality legal support to journalists, bloggers and media outlets in The Gambia. This would be achieved by:
 - 1a. ensure more lawyers are able (have the knowledge, skills and confidence) to litigate freedom of expression cases before domestic and/or international fora;
 - 1b. MLDI building longer-term working relationships with lawyers undertaking such cases, resulting in, amongst others, the joint litigation of strategic cases; and
 - 1c. equip the participant lawyers with the necessary skills and knowledge regarding the international human rights mechanisms available for pursuing freedom of expression cases in West Africa, and the potential litigation strategies that could be adopted before these mechanisms¹.
2. Equip civil society advocates with the necessary skills and knowledge regarding the international human rights standards and mechanisms, and existing judgments, on freedom of expression to enable them to carry out advocacy and campaigning on implementation.

¹ This includes the ECOWAS Court specific to participating West African Countries and the African Commission and Court of Human and Peoples' Rights which also have jurisdiction in the Gambia.

MLDI identified the Institute for Human Rights and Development in Africa (IHRDA) to support MLDI with the delivery of the training by helping to facilitate the litigation training as well as supporting with on-the-ground tasks such as securing a venue. As MLDI's expertise is in law and litigation, MLDI also identified the Open Society Justice Initiative to co-implement the advocacy training as they have more experience with advocacy than MLDI. Both organisations carried out these roles in an uncontracted and voluntary arrangement.

Scope of evaluation

This evaluation only considers the training elements of MLDI's 'Freedom of Expression in the Gambia' project.

Evaluation questions

The evaluation sought to answer three key questions:

- How effectively did MLDI plan and deliver the training?
- How effective was the training at contributing to the learning outcomes and project goals?
- How can it be improved in the future?

Methodology

The evaluation uses the Kirkpatrick model for training evaluation which considers four levels of evaluation for training: reaction, learning, behaviour change and results. As this is an interim evaluation, only reaction and learning are fully explored. Intended behaviour change is considered but this, along with results of any changes in behaviour, will be explored once more time has passed for the final evaluation.

Pre- and post-surveys were distributed to participants before and after each training to collect scores on planned learning outcomes, and knowledge, understanding and confidence of the various topics covered in the training. These were collected in person immediately before and immediately after the training by MLDI staff. These forms were anonymised.

An online survey was immediately sent out after the training to collect data on a broader variety of information.

Participants were also invited to take part in follow up interviews in the coming months to collect more in-depth data and explore their experiences in more depth.

Final evaluation:

A follow up survey was sent to participants six months after the training, which aimed to collect data on their activities since the training and how they have implemented learnings from the training. In addition, stakeholder interviews were carried out with a small number of participants.

Data limitations

Interim evaluation:

There was little engagement from the advocacy training participants in the post training survey, with just over half completing the follow up survey. In addition, there was difficulty engaging participants from both trainings to take part in interviews. Only one interview was secured from the litigation training participants. Although many participants expressed an interest in participating in follow up evaluation activities, there was very little engagement from participants when it came to schedule the follow up interviews. Despite confirming calls with two additional participants for interviews, participants continually cancelled or did not turn up to scheduled calls. This may be due to the participants not having sufficient time to partake in the interviews.

Stakeholder interviews were carried out with MLDI project staff and a representative from the Institute for Human Rights and Development in Africa (IHRDA). Unfortunately, the representative from the Open Society Justice Initiative was unable to participate in an interview.

Final evaluation:

As with the interim evaluation, there were some difficulties in engaging the participants in evaluation activities, the same was true for the six-month tracer survey and interviews. Only three of the litigation participants (30%) completed the survey and only five of the advocacy participants (28%) completed the follow up survey. The survey was left open for an extended period and was also sent as a word document for those who had limited internet access. As engagement was still low, MLDI invited participants to have interviews instead – only two participants engaged in this (both from the litigation training). Thus, average scores and the tracing aspect of the findings needs to be treated with reservation.

Findings

Litigation Training

Recruitment and selection

MLDI received a lower volume of applications than expected, receiving only 16 applications for the litigation surgery – five applicants were not lawyers or law professionals and thus did not meet the essential criteria for the training and one was not able to attend the training during the specified dates. MLDI interviewed the remaining applicants to assess their suitability for the training and to ensure they met the selection criteria. Although two of the applicants were law students, and thus not yet practising, MLDI decided to allow them to attend the training due to lack of other eligible applicants. All ten lawyers were present at the training. 40% of the participants were male and 60% were female.

The MLDI and IHRDA staff interviewed indicated that those present at the litigation surgery were very engaged and they felt “they recruited the right sort of people”. However, both acknowledged the challenges in recruiting participants and that MLDI received fewer applications than expected. The facilitators felt that the selection criteria may have been too stringent considering the context in the Gambia, and that many prospective candidates would have found it hard to demonstrate their interest in freedom of expression, which may have put many people off from applying.

MLDI staff also acknowledged their approach to recruitment may have been flawed, as they replicated a model used for a regional training, which recruits from a range of countries, thus increasing the pool of potential applicants. It was suggested that if a country specific training is repeated, a more tailored approach would be required – possibly exploring referrals from partners or law institutions.

Internet and technical issues were also suggested by MLDI as a potential barrier which made the application process more difficult (an online system was trialled by MLDI). This was not reflected in the feedback from the selected participants (see section on ‘application’ below). MLDI staff suggested that perhaps an expression of interest form be carried out online, to collect basic contact details to enable MLDI to better monitor levels of interest and understand how many people ‘dropped off’ during the process. MLDI staff mentioned that the lack of applications meant that they allowed some law students to attend. This meant the knowledge levels varied significantly during the session, and MLDI staff suspected this could have affected the amount of cross participant learning. However, again, this was not echoed by the responses of the participants. MLDI staff also acknowledged that the students present asked insightful questions which helped to contribute and spark interesting debate.

Self-assessment scores

Pre- and post-data was requested by training participants. Participants were asked to self-assess their knowledge and understanding of five criteria to do with freedom of expression. They were also asked to

rate their confidence levels of the same subject matter. The self-assessment criteria and responses are below.

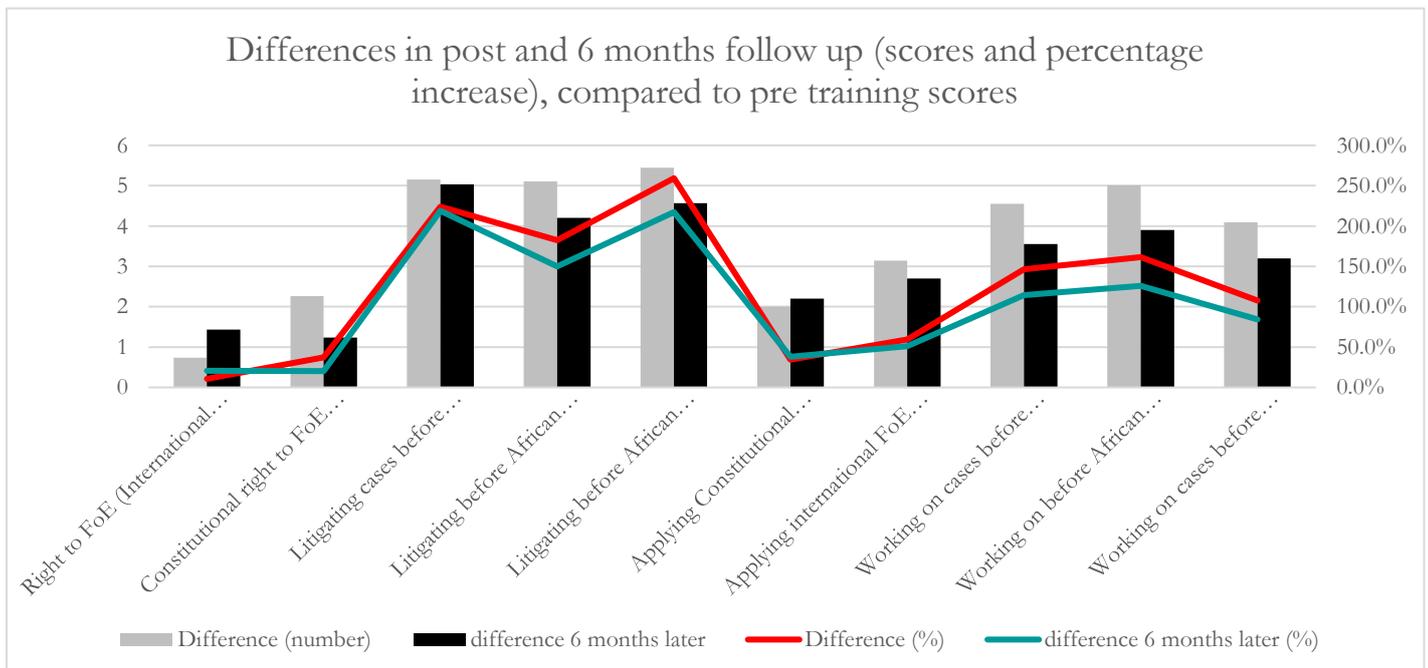
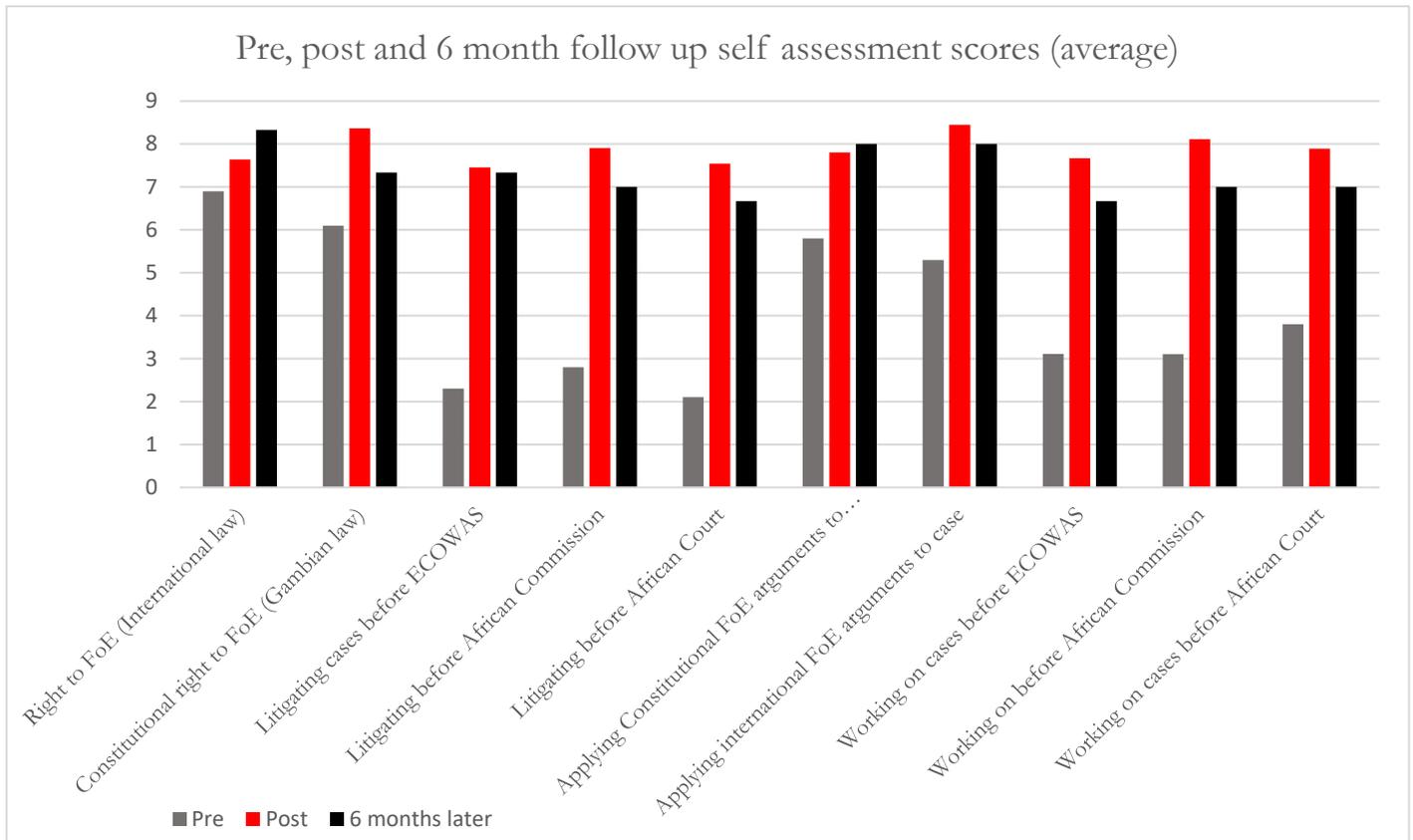
All participants at the litigation surgery completed the forms, however some did not realise the form was double sided which has resulted in some data gaps (as described in section on data limitation).

	1 – I don't know anything about this	2	3	4	5 – I have an understanding of this but could learn more	6	7	8	9	10 – I consider myself an expert in this	N/A – Unsure
The constitutional right to freedom of expression under Gambian law	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The right to freedom of expression under international law	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Litigating cases before the ECOWAS community Court of Justice	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Litigating cases before The African Commission on Human and Peoples' Rights	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Litigating cases before The African Court on Human and Peoples' Rights	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

	1 - Not at all confident	2	3	4	5 - I have some confidence in this area	6	7	8	9	10 - Extremely confident	N/A – Unsure
Applying constitutional freedom of expression arguments to cases	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Applying international freedom of expression arguments to cases	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Working on cases before the ECOWAS community Court of Justice	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Working on cases before The African Commission on Human and Peoples' Rights	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Working on cases before The African Court on Human and Peoples' Rights	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

The same questions were sent again to participants, six months later via an online platform, SurveyMonkey, in order to assess whether they have retained the same levels of confidence and perceived

knowledge 6 months after the training. However, as mentioned above, only three participants completed the follow up survey, and thus any changes need to be interpreted with caution.



As indicated from the graphs above, the most significant increases in self-assessment scores immediately after the training were in knowledge and understanding of litigating before international courts (ECOWAS, African Court and African Commission) as well as confidence in litigating before these courts, all of which had an increase of at least four points in their average scores. Six months later, self-assessment scores were very comparable, suggesting that feelings of confidence and knowledge had been retained. With the exception of 'knowledge of freedom of expression', there was a slight decrease in average scores but still significantly higher than the pre-training assessment. But due to the small sample size that completed the six month tracer survey it is fairly inconclusive – but it does indicate there has been retention of knowledge and confidence for at least those that did complete the tracer survey.

If we consider the individual scores separately, we can also get an indication of which learning outcomes were best achieved on an individual basis (for pre and post scores only). As in the table below, all participants for which we had both pre- and post-data reported an increase in their self-assessment score for their knowledge and understanding of litigating before the African Court, and their confidence in working on cases at the ECOWAS Court, African Commission and African Court.

Indicator	% of respondents reporting an increase immediately after training²
Right to FoE (International law)	60%
Constitutional right to FoE (Gambian law)	80%
Litigating cases before ECOWAS	90%
Litigating before African Commission	90%
Litigating before African Court	100%
Applying Constitutional FoE arguments to cases	89%
Applying international FoE arguments to case	89%
Working on cases before ECOWAS	100%
Working on before African Commission	100%
Working on cases before African Court	100%

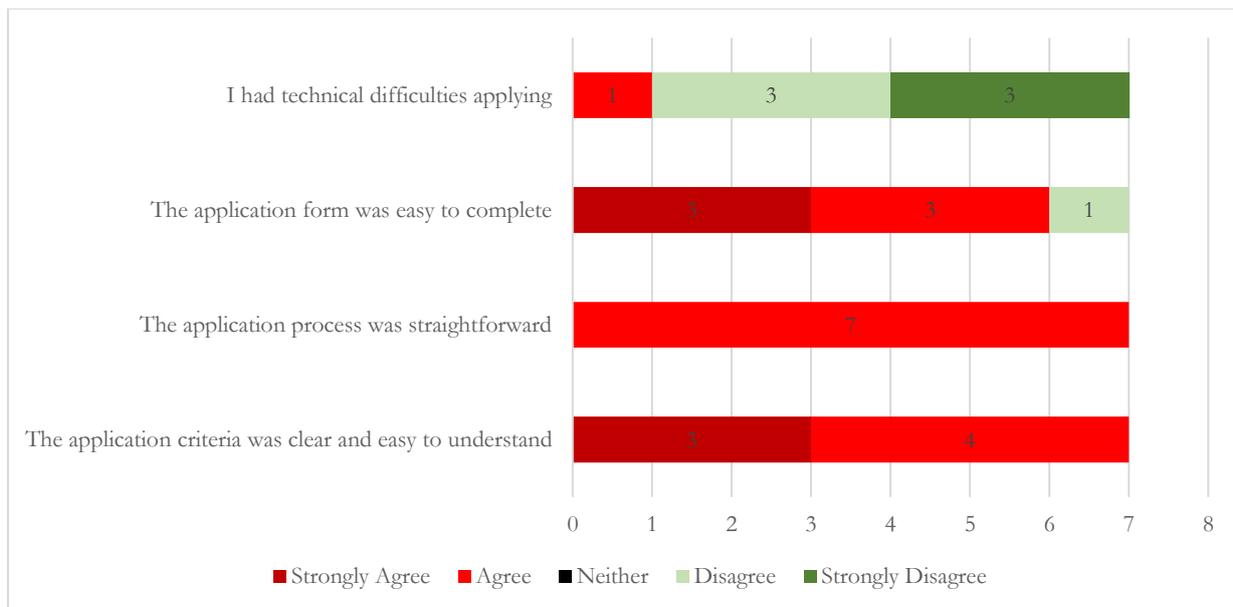
Follow up survey

An online survey collecting more in-depth information about participants' experience of the application process, organisation of the training and effectiveness of the training was sent immediately after the training. Seven responses were received (70% responses rate).

Application process

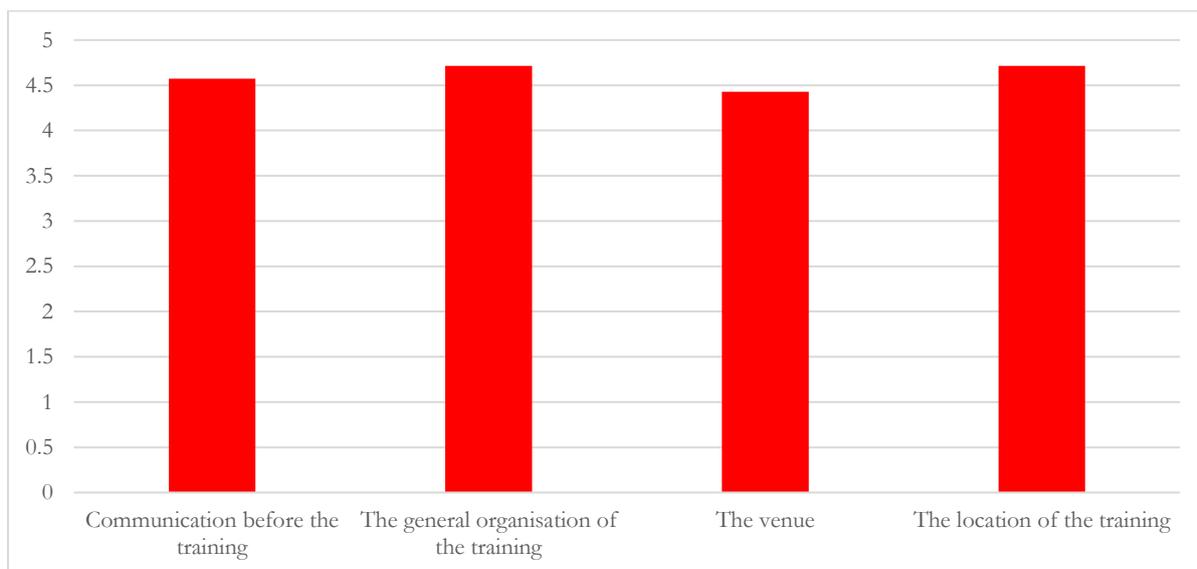
Respondents were asked to what extent they agreed with a number of statements (see graph below) to do with the application process. Feedback from these respondents indicates the application was straightforward and the application criteria were easy to understand. Only one respondent indicated that they disagreed with the statement "The application form was easy to complete" and only one agreed with the statement "I had technical difficulties applying".

² Due to the low volume of responses in the final evaluation it is not possible to summarise the % of individual respondents reporting an increase 6 months after training.



Logistics

Respondents were asked to rate logistical aspects of the training on a scale of one to five, where five was ‘high quality’ and one was ‘low quality’. As evident in the average scores below, participants scored all aspects of the training very highly.



The IHRDA staff interviewed felt the planning of the training went smoothly, with the exception of difficulties in securing a venue – this was echoed by MLDI staff who also felt this task was left too late. Based on feedback from both IHRDA and MLDI, it would be advisable for MLDI to have a clearer idea of the specific requirements of the venue to make it easier for local partners to source and to speed up the process.

IHRDA staff felt time management went well for the training, as despite some late starts, the team were able to make up for lost time. Facilitators interviewed felt that having a residential style course, where participants stayed in the hotel during the training would have helped to ensure a more punctual start time.

Facilitators also acknowledged the timing of the training was not well suited as they spanned over the supreme court session days, which would have been a competing priority for this stakeholder group.

Training sessions

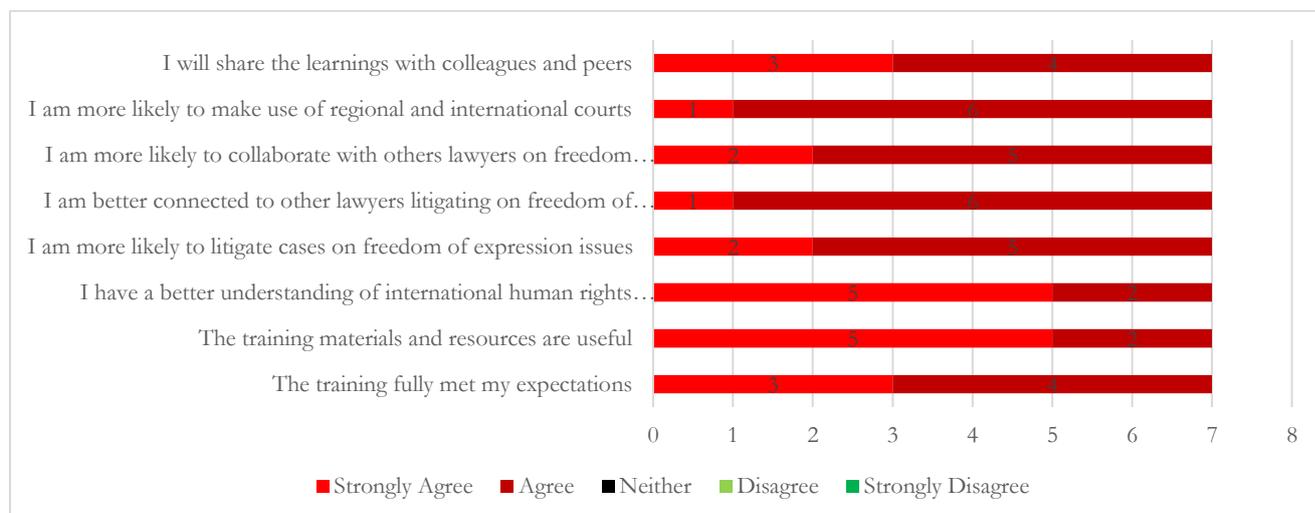
Respondents were asked to rate each individual session on a scale of one to five, where five was ‘very good’ and one was ‘very poor’. As shown in the visualisation below, all session scored very highly, with an average score of 4.5.



Facilitators also felt that the content provided was well-tailored and relevant to the audience and that participants remained engaged in the training. Staff admitted having some concerns on the relevance of the African Court session as it has limited jurisdiction in the Gambia, however as indicated above by participants, this session was also well received.

Planned outcomes

Respondents were asked to rate the extent to which they agree with statements concerning the training outcomes or planned outcomes. All respondents indicated they either agreed or strongly agreed with all statements. “The training materials are useful” and having a “better understanding of international human rights standards for freedom of expression” had the highest number of respondents selecting “strongly agree”.

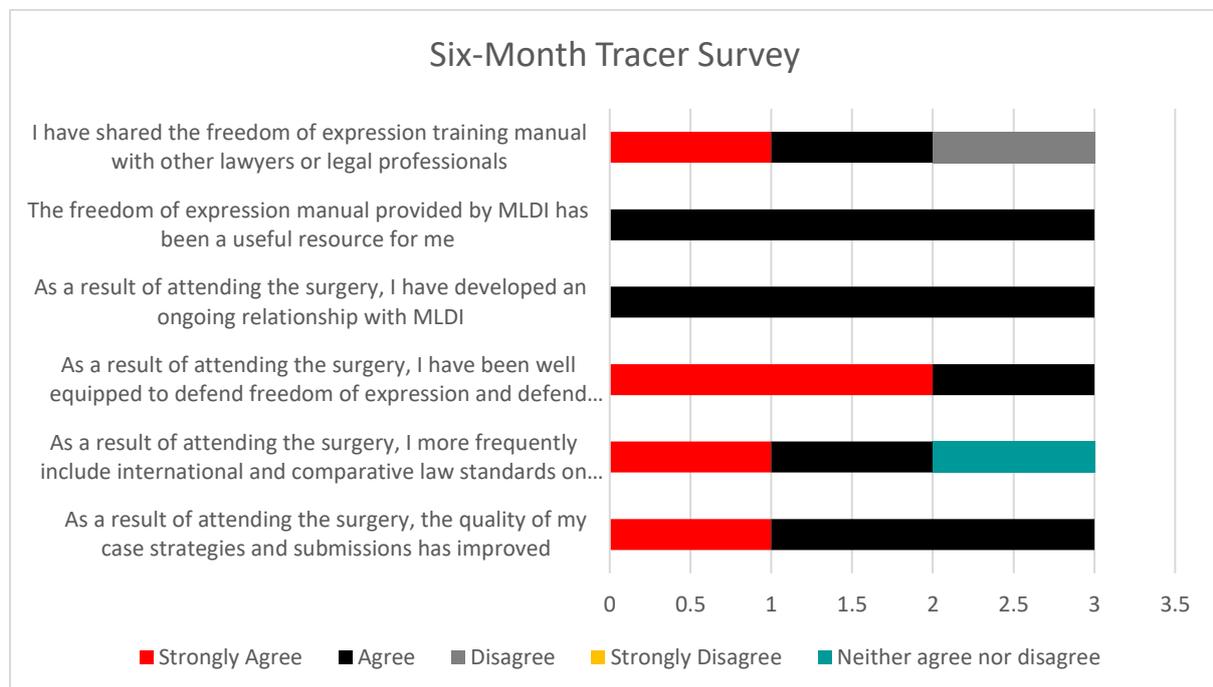


Feedback from the IHRDA facilitator supports this data. They stated “The training was insightful, and I personally learned a lot – it opened our minds to something new. The presentations and sharing were especially important. Overall the content was excellent.” However, he did also add that “some aspects were hard to grasp, as a lot of it was very technical – it was a lot to process”.

The IHRDA facilitator also spoke positively of the training manual and mentioned anecdotal feedback that he knows the lawyers are already using the manual and sharing it amongst their peers. He also mentioned sharing it himself “one of my colleagues at Article 19 recently asked for legal advice and materials on access to information in East Africa – I immediately thought of the training manual to share”. He also mentioned it has encouraged him to develop training manuals for other trainings they provide “We don’t normally provide a manual, but we are going to do this from now on as it was a useful resource.”

MLDI staff also felt that the training outcomes were met, commenting on the high engagement levels of participants and notable application of international law and standards on their case studies. They also felt there was potential for the training could led to participants seeking support from MLDI to take new freedom of expression cases in the Gambia and support them to take cases at international courts as they felt there was a lot of interest from participants to do this.

The six-month tracer survey asked participants to indicate the extent to which they agree to a number of statements related to the planned outcomes of the training. See the chart below for further details. Of those that responded, results can largely be seen as positive, with those indicating the manual has been a useful resource, felt well equipped to defend the media, and had improved case strategy and submissions. Two of the three respondents also said they had shared the training manual with other legal professionals and that they more frequently reference international and comparative law standards on freedom of expression.



Planned actions

Participants were asked the open-ended question: “What will you do differently as a result of the training?” Responses were encouraging. Two mentioned they will be more strategic in developing their litigation strategy. “The way I prepare for my cases prior to its institution will change because I will be working on my litigation strategy before filing which was not the case before”. Two mentioned that they will make use of courts outside of the Gambia such as the African Commission. And one planned to

volunteer with the Gambian Press Union as a volunteer on legal matters and pursue a master's degree concentrating on freedom of expression.

The six-month tracer survey then asked if and how learnings from the surgery have been applied:

- None of the participants had yet to engage in litigation. One stated “The change of government in the Gambia ushered in a climate of freedom of expression. However, there are still challenges and I have joined some colleagues to condemn the government's decision to charge a University lecturer after he granted an interview to a journalist in which he criticised the government. The charges were dropped as a result of the pressure by the lawyers”.
- Some had engaged with other training participants by providing legal research and materials and by discussions on recent decisions of the Supreme Court of the Gambia on the striking down of media and freedom of expression related laws that were declared unconstitutional.
- Other applications of the learnings include joining forces with civil society groups to condemn the government's attempt to stifle free speech. “I read out a press statement highlighting the constitutional provisions guaranteeing free speech and linking it to the situation at hand”. Another participant mentioned they have adopted a module on strategic litigation in some of the matters handled at their law firm.

Most and least useful aspects and suggestions

Respondents were asked open ended questions on the most and least useful aspects of the training and suggestions for future training. Responses are summarised below.

Most useful:

- Three-part test³
- Training materials (two mentions)
- Presentations
- Learning about regional courts
- Group discussion
- Developing tactics for strategic litigation

Least useful:

Most indicated that all aspects were useful. The only specific mentions were

- Time management due to late turnout of participants
- Gambian laws and some international treaties (due to having a lot of prior knowledge on this already)

Suggestions:

- Involve media practitioners in the training
- Extend the training to one week
- Send the manuals at least two weeks before the training

³ Under international human rights law, some limits on freedom of expression are allowed. The three-part test concerns the lawfulness of the restriction, whether it pursues a legitimate aim, and whether it is proportionate.

September 2018

MLDI/IHRDA suggestions:

- “It would be good for MLDI to keep the participants updated with changes to the law or important cases in the region. Also MLDI should be sure to follow up with them and see what they are doing with the training, this will remind them to be engaged and ask for support if they need it”.
- Include a Moot Court session as this worked well in past trainings. This could be a potential follow up activity.

Additional feedback

When given the opportunity to add any other comments about the training, many had very positive things to say:

“The facilitators were very helpful in simplifying some of the topics in the best possible way. I love the fact that they brought with them international experience which has now triggered my desire to pursue a Master’s Degree in Human Rights to help my country's agenda on human rights”.

“The presentations by the trainers were also interactive and educative and it couldn’t have been better”.

“I believe training like this should be done often because even as lawyers we were able to learn something different from what we already knew which is going to help a lot in working in the areas of freedom of expression and speech”.

“A special thanks for MLDI trainers for shaping my thoughts and opinion on criminal aspect of freedom of expression and related matters”.

Case studies

Two in depth interviews were carried out with two participants from the litigation training, to better understand their work and application of the training. The two participants interviewed are different to those that completed the 6-month follow up survey. Both case studies show that although neither of the participants have engaged in litigation to defend the media in the Gambia, the training has played an important role in developing their views and understanding of freedom of expression law and how it is applied both domestically and internationally. Both have applied the learnings in specific and practical ways which arguably work towards advancing the standards of media freedom in the Gambia and ensuring there is access to justice. In particular, the training manuals are emphasised as a useful and practical tool when working on freedom of expression related work and their reach goes beyond just the participants present at the training.

Case Study Hawa Kuru Sisay-Sabally



Hawa is a prominent Gambian lawyer, who has many years of experience in human rights work. She has acted as legal counsel for the Gambia Press Union (GPU) for several years and follows her interest in protecting all of the freedoms that should be respected by constitutional law and also international human rights law and recently represented the GPU in a Supreme Court case that led to defamation being decriminalised in the Gambia. Hawa attended the litigation surgery organised by MLDI in the Gambia, which she says “broadened our horizons” and “exceeded my expectations”.

Since attending the training, she has worked on challenging laws concerning freedom of assembly, and is planning to pursue litigation in international courts. The training provided by MLDI, supplied her with “knowledge and confidence of litigating outside national jurisdictions and making use of regional courts like ECOWAS and the African Court. It really changed my perception on what it meant to take cases there – before I thought it was extremely difficult – I feel the training removed this barrier, I now feel confident to be able to litigate at these courts”.

She added that the materials offered at the training were extremely useful, “I have drafted a private members bill with the GPU concerning sedition to remove this law and take it to the national assembly... The resource material is extremely useful for this.” She also said she plans to share the materials with the human rights organisations in the Gambia for their own training.

Hawa hopes to reach more people with future trainings and materials, as “a lot of up and coming younger lawyers are interested in this subject.” She also felt that the network of lawyers interested in human rights and freedom of expression that she had built during her career has been reinforced and re-motivated after the training.

In the future Hawa aims to continue working on issues relating to freedom of expression, such as sedition and freedom of information in the Gambia.

Case Study: Lamin Jarjue

Lamin, a lawyer who works in the Ministry of Justice of the Gambia, attended the litigation workshop organized by MLDI in the Gambia. His motivation was to enhance his understanding of the Gambia's laws in the context of neighbouring countries and international human rights bodies.

He says the training and his enriched knowledge gave him a different perspective on the Gambian laws around freedom of expression. He became familiar with some of the issues which need to be addressed domestically in order for domestic laws to comply with international standards. "Before I thought that our laws did not limit freedom of expression or the media – after the training I realised we had a gap and that these laws had a negative influence on freedom of expression" he said.

In addition to a better understanding of international case law and standards, the training also "helped me to recognise where there has been a violation of the right to freedom of expression." Also the training provided him with knowledge which allows him to develop his case theory and evidence.

Although Lamin works with in the Gambian Ministry of Justice, and is thus not able to represent journalists, he thinks the training he received has enabled him to protect journalists from unfair treatment and charges from within the Ministry. "If a journalist is being charged, I have a duty to use the learnings from the training, look at international standards and challenge these charges, and if needed encourage the charges to be dropped. If our practices don't meet international standards, they need to be challenged," he said.

He also says that the training manuals are very useful. "I lecture at two colleges, one on constitutional law which includes media law, and I refer to a lot of the content and case law in the manual and share some of this content with the students. In addition, I teach a module on gender and human rights and the manual also comes in useful for this and I share certain parts of it with the students. I have also shared and referenced it with colleagues in the ministry".

"I want to add that the training has given me a theoretical understanding of the international courts, such as ECOWAS, the African Court and the African Commission – I now monitor these courts more and have a better understanding of what the requirements and expectations are of litigating at these courts".

"The training definitely met my expectations – it really shaped by view on freedom of expression and the rights of the press".



Case Study: Junkung Jobarteh (interim evaluation)

Junkung Jobarteh was one of the participants that attended MLDI's litigation surgery held in the Gambia.

Junkung is the head of the legal department at the Public Utilities and Regulatory Authority, which is responsible for legal, licensing and enforcement of the 2009 Information and Communications Act. He says his work concerning the Gambia's Information and Communications Act "gave me an understanding of the importance of promoting plurality of the media and the benefits of a free press" and it was his work in this area that motivated him to take part in the litigation surgery.

His work also brought him into contact with the Gambian Press Union (GPU), for which he provided training on the provisions of the Information and Communications Act and how they affect the press. He says the relationship with the GPU and their work together "spurred me on to advocate for the amendment of the draconian provisions to enable a better and free press".



Junkung found the training extremely useful, and he has had no shortage of opportunities to apply ideas and learnings from the surgery to his work. Soon after the training he was appointed to be part of the Media Review Committee, a government proposed initiative being implemented by the GPU to review and reform legislation that is anti-press or restrictive of freedom of expression. He feels he was chosen to be part of the committee due to his attendance of the litigation surgery and his newly enhanced knowledge on the freedom of expression and the protection of journalists. "The information and resources from the training will be extremely useful for my work with the committee" he added.

In addition, Junkung has collaborated with another of the surgery participants, by peer reviewing a research and policy paper focusing on the need to reform media laws in the country. Junkung also teaches seminars on media law at the Management Development Institute; he has incorporated aspects of the training into his seminars and is sharing the training manual provided by MLDI to students to compliment the resources available to them.

He felt the style of the training was particularly beneficial. The case study and presentation format was interactive and engaging. The group was diverse which made for interesting debates and discussion".

Junkung stated "The biggest challenges to press freedom in the Gambia are the draconian laws on sedition and false news – our only chance for achieving press freedom is to remove these laws." Although he is not currently litigating cases, Junkung says "the training provided all of the legal instruments needed for a litigator to challenge laws that restrict freedom of expression. I will have the knowledge and resources needed in order for me to challenge these types of laws if I move into private practice."

Advocacy Training

Recruitment and selection

Recruitment for participants at the advocacy training was more successful than for the litigation training, receiving 33 applications. Following interviews to assess applicants' suitability, MLDI selected 19 of the applicants to attend the one-day advocacy training. 10% of the selected participants were female and 90% were male. Participants were asked to identify as one or more of the following options: Human rights defender, journalists, activist or campaigner. 73% identified as journalists (14% female, 86% male), 37% were activists (100% male), 32% were human rights defenders (100% male) and 16% were campaigners

September 2018

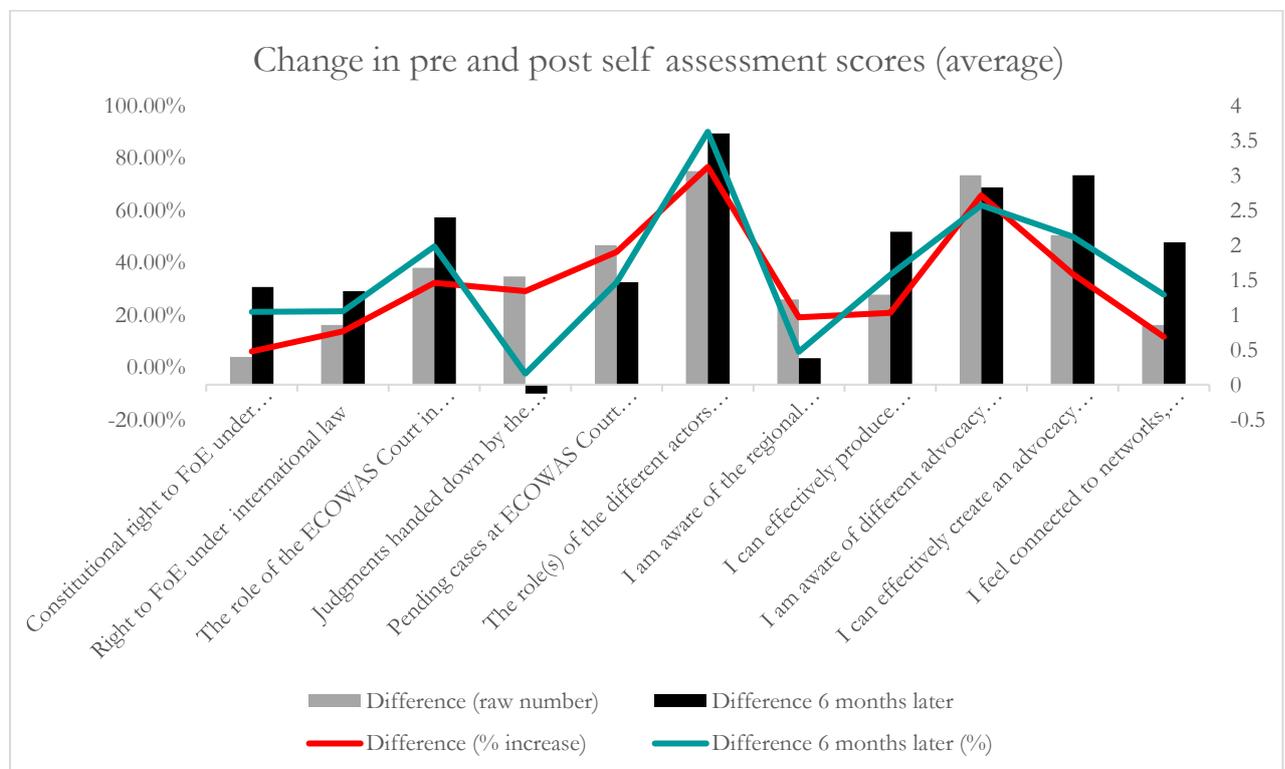
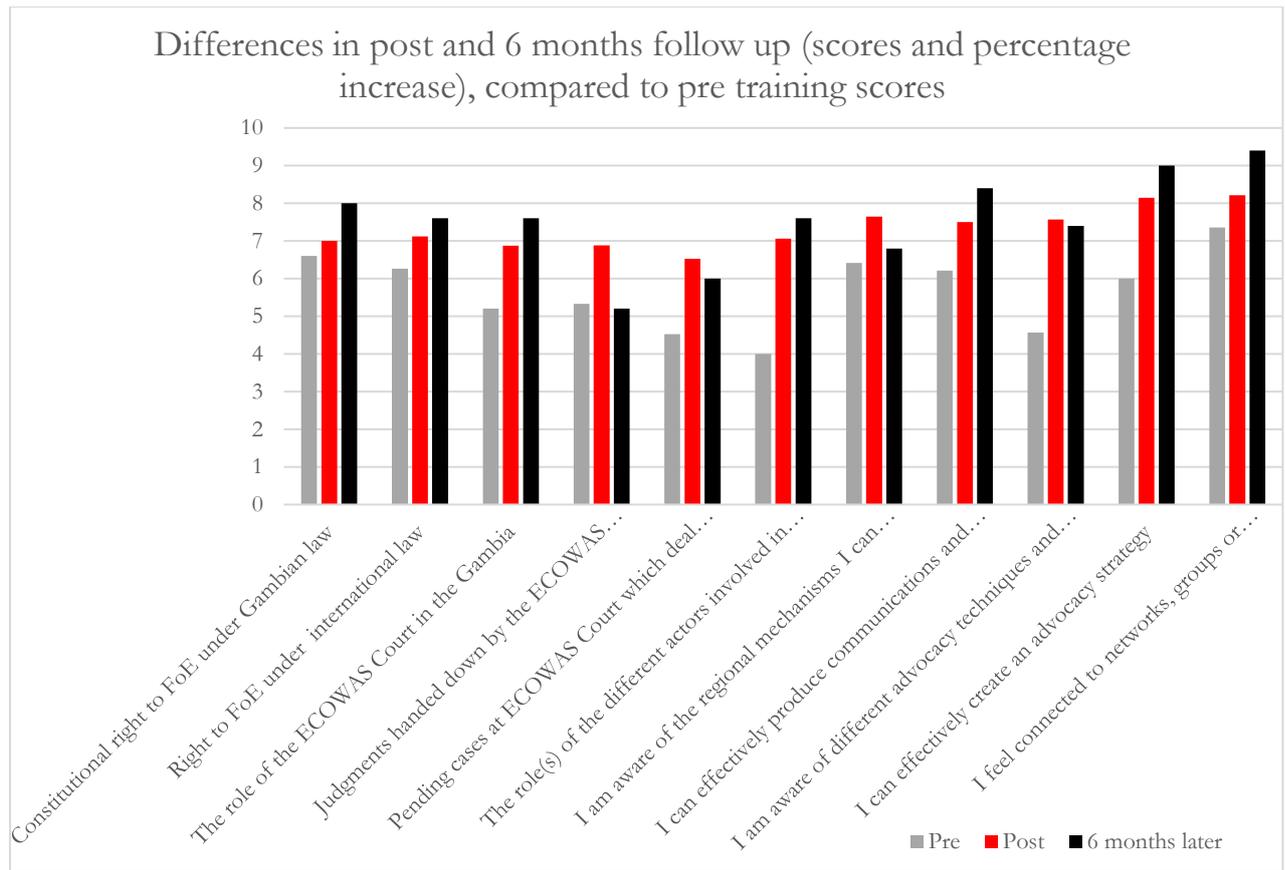
(100% male). In addition, one lawyer and one journalism trainer were also selected to attend. 18 participants attended on the day.

Pre- and post-data was collected by MLDI. Participants were asked to self-assess their knowledge and understanding of six criteria to do with freedom of expression. They were also asked to indicate the extent to which they agreed with a number of statements to do with awareness, confidence and knowledge of advocacy techniques. See figures below.

MLDI staff felt the recruitment process went smoothly and that they had a lot of interest in the training. Unlike the litigation training, a high number of people applied, helping to ensure all participants selected were well suited to the training. They also commented that the participants were engaged, motivated and active in civil society.

Final evaluation:

The same questions were sent again to participants, six months later via an online platform, SurveyMonkey, in order to assess whether they have retained the same levels of confidence and perceived knowledge six months after the training. However, as mentioned above, only five participants completed the follow up survey, and thus any changes need to be interpreted with caution.



As indicated from the graphs above, the most significant increases in self-assessment scores immediately after the training (at least 2 points higher) were in:

- Knowledge and understanding of the role(s) of the different actors involved in ECOWAS judgments and their implementation
- Awareness of different advocacy techniques and tools and when to use them
- Effectively creating an advocacy strategy
- Knowledge and understanding of pending cases at ECOWAS Court which deal with FoE in the Gambia

Largely, self-assessment scores from the six-month tracer survey were maintained at a similar level, with the exception of “knowledge and understanding of judgments handed down by the ECOWAS court” which had a large drop in the average score. Most other factors showed a slight increase in their score compared to their assessment immediately after training.

If we consider the individual scores separately, we can also get an indication of which learning outcomes were best achieved on an individual basis. As in the table below, the indicator with the greatest proportion of individuals reporting an increase were awareness of different advocacy techniques and tools and when to use them and effectively creating an advocacy strategy. Less than half of the respondents reported an increase in knowledge of the constitutional right to FoE under Gambian law and the right to FoE under international law. This was largely due to participants scoring themselves very highly in the baseline survey on these indicators.

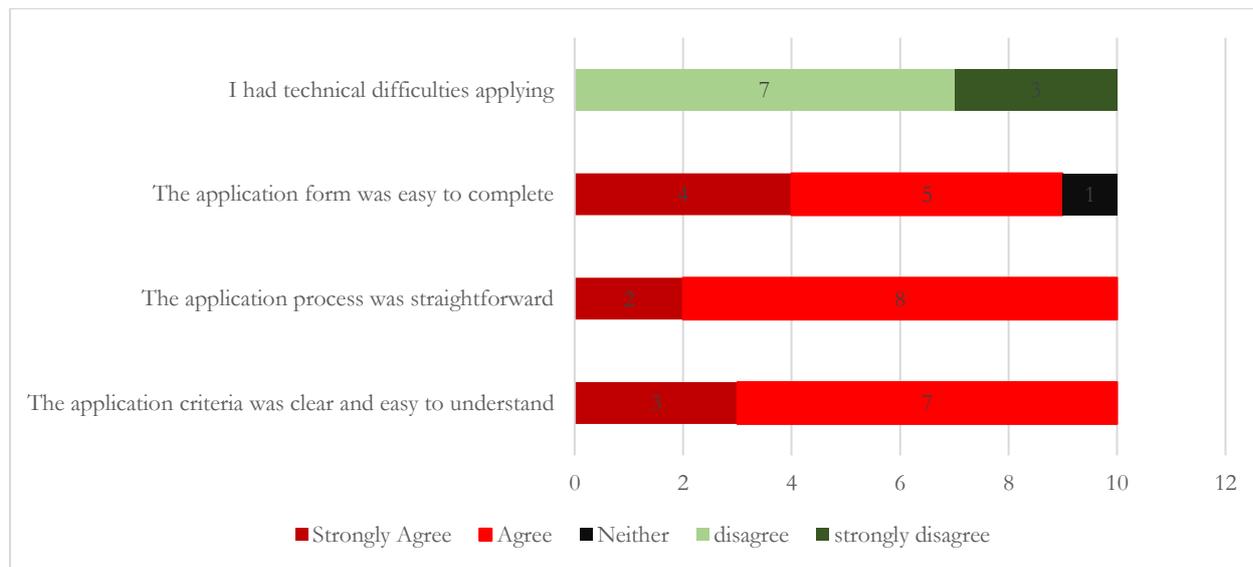
Indicator	% of respondents reporting an increase⁴
Constitutional right to FoE under Gambian law	33.3%
Right to FoE under international law	46.7%
The role of the ECOWAS Court in the Gambia	64.2%
Judgments handed down by the ECOWAS Court concerning FoE in the Gambia	66.6%
Pending cases at ECOWAS Court which deal with FoE in the Gambia	73.3%
The role(s) of the different actors involved in ECOWAS judgments and their implementation	78.6%
I am aware of the regional mechanisms I can engage with	54.5%
I can effectively produce communications and communications plans for advocacy activities	45.5%
I am aware of different advocacy techniques and tools and when to use them	81.8%
I can effectively create an advocacy strategy	80%
I feel connected to networks, groups or individuals willing to engage in advocacy	54.5%

A follow up survey collecting more in-depth information about participants’ experience of the application process, organisation of the training and was sent immediately after the training. Ten responses were received (56% responses rate), this response rate was lower than expected and may have been due to internet connectivity issues.

Application process

⁴ Due to the low volume of responses in the final evaluation it is not possible to summarise the % of individual respondents reporting an increase 6 months after training.

Respondents were asked to what extent they agreed with the following statements concerning the application procedure as shown below. As with the litigation training, respondents indicated the process was straightforward and easy to complete.

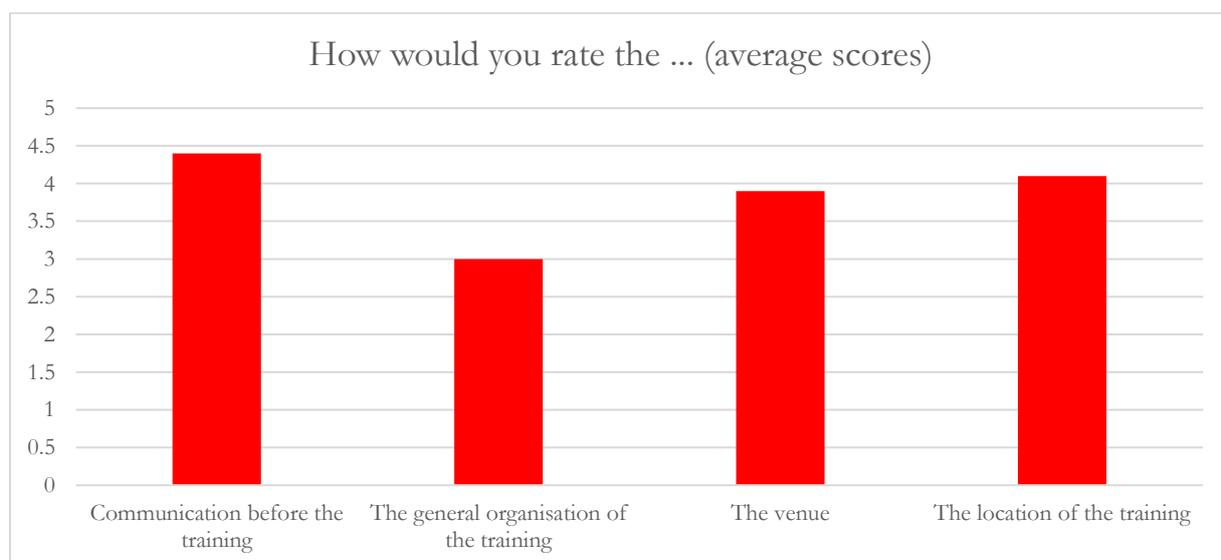


When asked to comment on the process, two mentioned they felt the process was straight forward and easy. One mentioned the questions were not well tailored to their personal situation (a freelancer) and another commented that it could be made simpler to encourage more applications.

It should be noted that although responses to this question indicate many thought the application form and system were easy to use and straightforward, the survey system used was the same as the application system used, and thus responses may not be wholly indicative of those that had technical issues.

Planning and logistics

Respondents were asked to rate various logistical factors on a scale of one to five, where five is high quality and one is low quality. The averages scores are presented below. The average response was lower than for the litigation training but still positive, with a score of at least three for all aspects. The lowest scoring factor was the general organisation of the training.



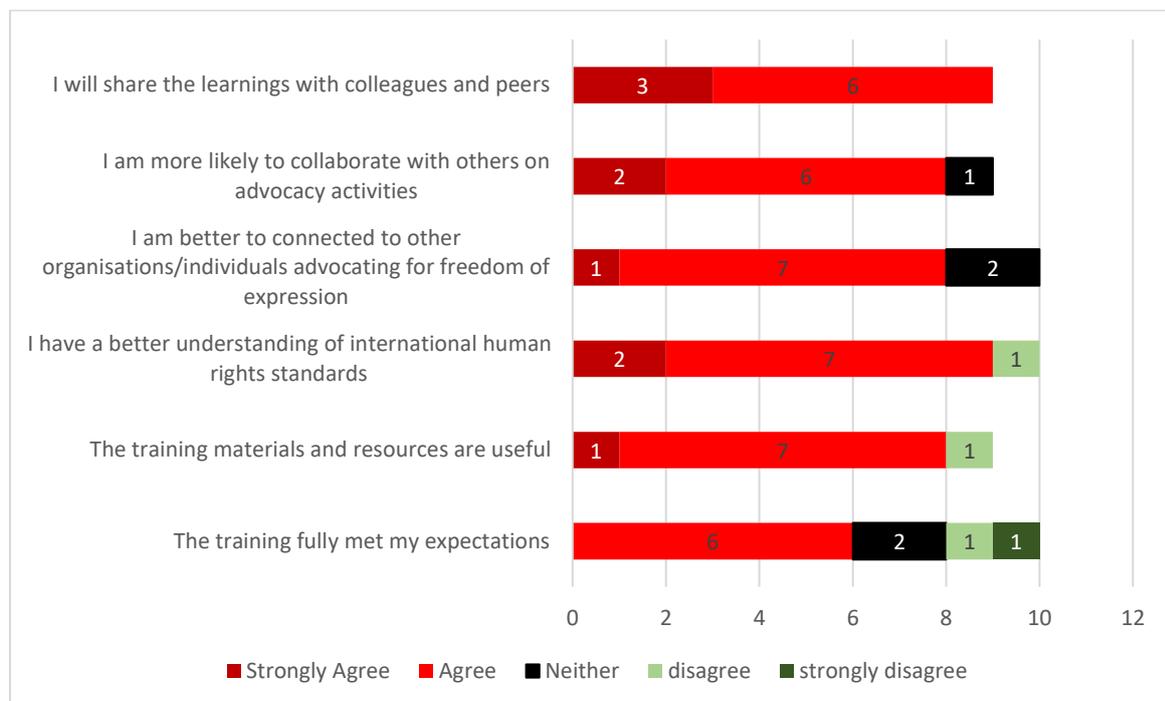
The main issue highlighted in the comments which likely affected both the venue score and organisation score was lack of disabled access for toilets and insufficient per diem amounts for travel. ‘I’m quite

appalled at the amount of allowance allocated to reimburse considerable cost of travels to the venue. Everyone at the training would quite agree with me that the amount was too small [to] even cover some reasonable expenses to and from the venue.”

MLDI staff noted that the advocacy training delivery was not as smooth as the litigation training due to unplanned changes. Staff felt that the roles and responsibilities with the fellow implementing partners were not sufficiently defined and the separation of responsibilities was unclear. This put MLDI at reputational risk as it was relying on partners on a subject matter (advocacy) in which MLDI is not an expert.

Planned outcomes

Respondents were asked to rate the extent to which they agree with statements concerning the outcomes or planned outcomes of the training. As demonstrated below, the majority of respondents agreed with the statements with a small number strongly agreeing or disagreeing. The poorest performing statement indicator was “the training fully met my expectations”, and the best performing indicator was “I will share the learning with colleagues and peers”. Overall, although responses to this question generally indicate agreement with the outcome statements, they are less positive than the equivalent for the litigation training.



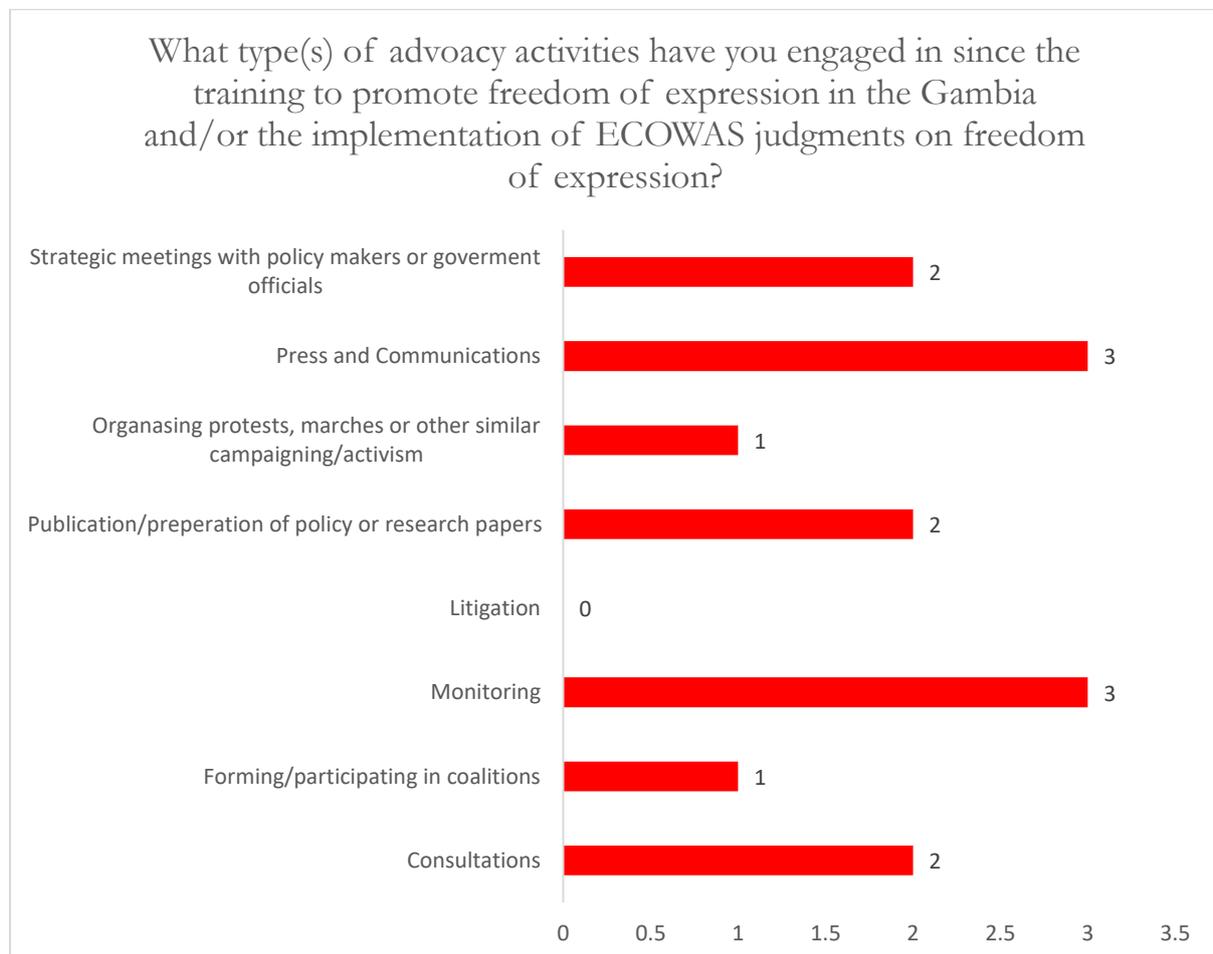
Planned actions

Participants were asked an open-ended question of “What will you do differently as a result of the training?” There were no consistent themes, which may be due to the range of stakeholders present, however, many mentioned concrete and specific actions concerning media freedom in the Gambia:

- “I will campaign for media freedom and protection of journalists”.
- “I’m able to understand why some of these cases of human rights violations against Gambian journalists are still pending at the ECOWAS Court and the what effective advocacy roles I can play to promote these cases in my articles”.
- “Inform the public about the operations and applications of the ECOWAS Court and the pending verdicts”.
- “Involve journalists at the earliest planning stage of our media advocacy strategies”.

- “I will write a column and will continue to write articles concerning the things I have learnt”.
- “Invite more victims to tell us their stories”.

The six-month tracer survey asked participant what kinds of advocacy activities they had engaged in since the training. All had engaged in at least one type of advocacy since the training – and some had engaged in multiple advocacy activities, as detailed below.



Participants were asked to describe the activities in more detail – activities included:

- Working with the Gambia Press Union in a steering Committee set up to present a position paper to the Government which should be considered in the drafting of the New Constitution of the Gambia
- A media review committee of the Ministry of Information Communication and Information Technology which was set up by government to look at ways of reviewing the media and its landscape.
- Feeding into the draft Constitution of the proposed Media Council of the Gambia
- Leading a coalition on an access to justice awareness campaign.
- Issuing statements on the governments obligations of the ECOWAS Court ruling in respect of Chief Ebrima Manneh and Deyda Hydera.
- Writing and producing press and media features on press freedom
- Coordination with litigation bodies and stakeholders on case updates and developments
- Organising commemoration events of the death of Deyda Hydera

September 2018

Participants were also asked what changes (if any) have they made to the way they carry out advocacy activities for media freedom/freedom of expression, as a result of attending the litigation surgery. The majority of results relate to an increase in media freedom related advocacy, as opposed to improved strategies or specific changes to their work i.e. increase in volume as opposed to increase in quality. These included:

- Strengthening connections and ties with other NGO's working in media freedom
- Developed stronger and more critical articles on judicial bodies and their decisions as well as adopted more human interest stories.
- Carry out more interviews with key stakeholders in cases they cover.
- Raised media freedom as a priority issue amongst colleagues and friends.

Participants were also asked if they coordinated advocacy activities with other participants. Four of the five respondents indicated that they had since engaged with other participant through:

- Supporting them to prepare presentations.
- Sharing of documents.
- Ongoing communication and meetings.
- Implementing advocacy campaigns.

Other applications of learnings from the training include

- Using the training material to deliver a module in the Introduction of International Human Rights and International Humanitarian Law course at the MDI.
- Using learnings in lectures and seminars.
- Promoting freedom of expression in meetings and interviews.

Most and least useful aspects and suggestions

Respondents were asked open ended questions on the most and least useful aspects of the training and suggestions for next time. Responses are summarised below.

Most useful:

- Focus group discussions and presentations which looked at how journalists and activists can use communications tools to promote cases of human rights abuse and victims in the Gambia (three mentions)
- Networking with other CSOs (two mentions)
- Implementation and enforcement of ECOWAS decisions (two mentions)
- How to access international justice

Least useful:

Respondents did not mention specific sessions in their responses to this question but did raise suggestions or issues which affected their experience

- Poor housekeeping and organisation of participants (two mentions)
- There was no programme guide and participant bios provided before the meeting
- Logistics could have been improved

Suggestions and comments

The main suggestions from participants were:

- Providing handouts and presentations before the training (four mentions)
- Better time management (better facilitation of debate and discussion, punctuality of participants) (two mentions)
- Extend the training and broaden the scope/provide more training (two mentions)
- Include an overview and how the ECOWAS court operates (one mention)
- Consider the needs of journalists and advocates with disabilities (one mention)
- Improve on the information provided on the mandate of the ICC and ECOWAS Court, and the role of human rights institutions (one mention)
- Invite more participants: victims to tell their stories, a politician or government representative (one mention)
- Involve the Gambia Press Union during the implementation (the evaluator is unclear if this refers to implementation of activities after the training or of the training itself) (one mention)
- Increase the travel allowance (one mention)

Staff suggestions:

MLDI staff commented that the involvement of journalists and real-life stories was a very valuable aspect of the training in setting the scene for the day and would be a good idea to involve these stories in future trainings, including on litigation.

MLDI staff thought that it would be advisable to have clearer defined roles and responsibilities with implementing partners, in the form of a Memorandum of Understanding or other document which would make the project easier to manage.

Conclusions and recommendations

How effectively did MLDI plan and deliver the training?

Based on the feedback from the participants and facilitators, both the advocacy and litigation training were planned and delivered effectively and were well received; although there were some challenges, particularly around the recruitment and application processes for the training.

Although the application form and process was mostly regarded as straightforward and easy to use by the survey respondents, there were only a small number of applications for the legal training. Facilitators commented that they felt there were some technical barriers and that the application criteria may have been too strict considering the context in the Gambia. An important learning emerged for MLDI staff to ensure that the recruitment strategy implemented is specific to the context and that processes for the regional training programmes may need to be altered for country specific trainings.

Despite the recruitment challenges, the participants recruited were engaged and responded positively to the training. From those that engaged in the six-month tracer survey and interviews, we can see that learnings have been implemented and there has been positive changes to their legal and advocacy actions. The tracer survey also found that generally participants' self-assessment of their knowledge and skills remained at a higher level compared to before the training. However, although few have taken on new cases, (mostly attributed to the improved media freedom situation in the Gambia following the change in power) but in spite of this, there is clear evidence that the skills and knowledge gained at the training are being applied in different ways by at least some of the trained lawyers. This also is also an important learning in terms of how MLDI might measure the outcomes of its training – in this instance there was the longer term objective that the training would lead to more litigation and defence of journalists (as has been the case for other MLDI trainings) – but increasingly we are seeing that this isn't always the case, particularly due to changes in the political environment which might make it either more difficult to litigate or mean there is less of a need (as seems to be the case in the Gambia). MLDI may wish to consider revising how it measures success in this area of work and look more holistically at how their

litigation surgeries might contribute to their overall goal, with litigation only being one (of many) possible outputs.

MLDI staff reported challenges in joint delivery of activities by MLDI and partners, such as the advocacy training delivery and the venue booking for both trainings. The tasks were not sufficiently defined which led to some delays in preparing and planning the trainings, particularly for the advocacy training. MLDI should ensure roles and expectations are clearly defined and documented for future collaborative projects e.g. developing Memoria of Understanding or other relevant documentation which can be easily referred to by all parties involved.

The delivery of the litigation surgery was very well received, with the majority of survey responses indicating the training was well delivered. The format and style of the training; the content; and the delivery of information were all commended by the training participants in the feedback survey. Feedback for the delivery of the advocacy session was also mostly positive, however, there was certainly a bigger range of experiences in the feedback provided by advocacy training participants, who also reported less of an increase in their self-assessment scores for the different confident and knowledge indicators compared to the litigation training.

How effective was the training at contributing to the learning outcomes and project goals?

MLDI's goal for the litigation training was to "ensure a skilled legal community familiar with international law on freedom of expression is available to pursue future litigation at the domestic and regional level; and able to offer high quality legal support to journalists, bloggers and media outlets in The Gambia". Based on the self-assessment scores and responses from the follow-up survey, the evidence suggests that this goal has indeed been achieved (at least in the short term). The pre- and post- self-assessment scores show an increase in all of the learning outcome indicators, particularly for those to do with confidence in working on cases at regional courts. Additionally, participants indicated they felt they had a better understanding of freedom of expression principles in international law, that the training manuals were a useful resource and that they were more likely to collaborate with other lawyers and litigate freedom of expression cases. This is supported by observations of the facilitators as well as the case study participant who has already had opportunities to apply learnings. Although much of the evidence is based on feelings of increased understanding and intention to change behaviour, it suggests MLDI's training is on the right track to achieve its longer term outcomes for this project. The six-month tracer study (survey and interviews) representing 50% of the participants also indicates that MLDI's training had a positive contribution to ensuring a skilled legal community. Not only has knowledge and confidence been retained, participants also reported an increase in use of international standards and feeling more equipped to take freedom of expression related cases. The training resources have proved to be a very valuable resource for the participants and is reaching far beyond the ten trained lawyers – many commented that they have shared it with colleagues, used it for training others or shared sections with law students in universities.

The advocacy training aimed to "equip advocates with the necessary skills and knowledge regarding the international human rights standards and mechanisms, and existing judgments, on freedom of expression to enable them to carry out advocacy and campaigning on implementation". Again, based on the pre- and post-self-assessment scores and the follow up survey results, MLDI achieved this goal – specifically in improving the knowledge and understanding of the role(s) of the different actors involved in ECOWAS judgments and their implementation; awareness of different advocacy techniques and tools and strategies and an improved knowledge and understanding of pending cases at ECOWAS Court which deal with freedom of expression in the Gambia. Immediately after the training, the participants also indicated they planned to undertake specific advocacy actions relating to freedom of expression and ECOWAS judgments or specific ways in which they will improve their existing advocacy strategies. Findings from the six-month tracer survey suggest that this has indeed happened (at least for those that participated in the tracer survey) and that the main effect of the training has been to increase the volume of advocacy

work carried out by the trained participants and an increased focus on media freedom issues and ECOWAS judgments.

MLDI's key focus is on litigation and legal defence. MLDI staff had some concerns on the reputational risk of the advocacy elements of the project. The evaluation data also highlights that MLDI's strength lies in its legal expertise - the feedback for the litigation training was much more positive and indicative of effectiveness in achieving its desired outcomes compared to the advocacy training.

How can it be improved in the future?

A number of specific recommendations and suggestions can be extracted from the evaluation data:

Recruitment and logistics

- MLDI should ensure it develops a specific recruitment and selection strategy for the country or region it is targeting, taking account of relevant political contexts.
- MLDI may want to explore using an online expression of interest form to collect basic data and contact details and using a traditional word form for the application. This would allow for easy collection of biographical data without requiring a significant amount of the process to be carried online. This would also help MLDI to monitor the number of interested applicants and drop-out rates.
- MLDI should ensure training venues are disability friendly where possible.
- As the gender split of the advocacy training was disproportionately male, MLDI should ensure it takes proactive steps to ensure females are appropriately represented in its trainings.

Delivery and content

- MLDI should ensure that roles and responsibilities of collaborative partners are well-defined and documented.
- MLDI's training manual, session format and delivery of litigation training activities were highly rated and well received. This quality should be maintained for any future trainings, drawing on existing materials where possible.
- MLDI's strength and specialism is its legal expertise, and MLDI should ensure its activities and focus are consistent with this.
- MLDI should involve journalists at litigation surgeries to share their stories. This will help to set the scene and contextualise the training.
- The training manual was widely shared and proved to be a useful resource for many beyond those trained – MLDI should consider how it can maximise the reach of the manual and share this more widely.
- The training can be said to be equipping participant with the litigation skills necessary to take cases and provide legal defence when needed but as participants seem to be using and applying the learnings in different ways within their work MLDI should make sure it acknowledges this in both the design of future trainings and puts appropriate systems in place to measure results beyond litigation.

Follow up

- MLDI should ensure it maintains contact and develops relationships with the trained lawyers and advocates (as suggested in the survey responses) in order to maintain momentum and engagement. It should consider ensuring it alerts the participants of relevant judgments and changes in law which could affect freedom of expression in the Gambia.

September 2018

- Participation in follow up evaluation activities was low. MLDI should consider how it can improve this in the future – perhaps considering short online/web focus groups as opposed to multiple interviews or using technology to embed surveys ins whatsapp, Facebook or skype.