



INTERNET FREEDOM IN THE GAMBIA:

*Legislative Framework, Trends and
Future Prospects*



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**Internet Freedom in The Gambia: Legislative
Framework, Trends and Future Prospects**

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Introduction

The Gambia first adopted the internet in 1998 through the United Nations Development Programme's Internet Initiative that helped establish the country's infrastructural capacity to provide internet access.¹ By 1999, there were about 9000 internet users in The Gambia, a figure which at the time represented a 0.5% internet penetration rate.² At that time some academics viewed internet technologies as a potential strategic tool through which the government could boost economic growth, development and improve the quality of life of people living in The Gambia.³

However, in the years that followed, internet technology morphed into a vital tool for the defence of democracy and human rights in The Gambia, and as such discussions on issues pertaining to internet freedom became a mainstay within the civic space in the country. The emergence of social media, and other digital communication tools provided an avenue through which Gambians could have conversations on socio-political issues affecting the country, and voice out their displeasure on government activities. This inadvertently led to a crackdown on perceived civic dissent on these digital platforms by the government, resulting in numerous violations of internet freedoms.

With The Gambia undergoing a democratic transition since 2017, there have been marked improvements with regards to internet freedoms. Some draconian legislations have been repealed, progressive laws have been passed, and the current government has openly declared its commitment to protecting and promoting internet freedoms. In spite of this, challenges remain. This report discusses the current state of internet freedom in The Gambia and makes recommendations on potential measures to better protect internet rights.

Political Context

At the time internet technologies were launched in 1998, The Gambia was under the repressive rule of former president Yahya Jammeh who stayed in power from July 1994 to December 2016. And by the time Jammeh lost power in an election in 2016, The Gambia was labelled as "not free" by the Freedom-House 2016 Freedom on the net report.⁴ In the report, the country scored low marks in the categories of obstacles to access, limits on content and violations of user rights.⁵ This was primarily as a result of the actions of the authoritarian regime which

¹ Freedom-House, 'Freedom on The Net 2014' The Gambia, pg. 316

<https://www.refworld.org/pdfid/549026329.pdf>, accessed April 15, 2023

² BuddeComme, 'Gambia Telecoms Market Report Telecoms, Mobile and Broadband - Statistics and Analyses, pg. 79 (February 2023) [Gambia Telecoms Market report, Statistics and Forecast 2020 2025 \(budde.com.au\)](https://www.budde.com.au/gambia-telecoms-market-report-statistics-and-forecast-2020-2025) accessed April 15, 2023

³ Kah, Muhammadou M.O., "Strategic Significance of Information Technology: The Gambia, West Africa" (2000). AMCIS 2000 Proceedings. 359. <http://aisel.aisnet.org/amcis2000/359>

⁴ The Freedom on the Net report aims to measure each country's level of internet and digital media freedom based on a set of methodology hugely grounded on international instruments on freedom of expression which is a fundamental facet for any thriving democracy

⁵ Freedom-House, 'Freedom on The Net 2014' The Gambia

<https://freedomhouse.org/country/gambia/freedom-net/2016> accessed April 15, 2023

sought to apply its very harsh media censorship tactics to the internet, with the blocking of two critical online news outlets in 2006.⁶ Under the regime, at least 20 news and opposition websites were blocked, most of which are based abroad and operated by exiled Gambian journalists.⁷

The Jammeh regime further strengthened its ability to control the internet through both technical and legal means. In March 2014, the regime disconnected internet access nationwide for about 48 hours, enabled by state's control over the country's telecommunications infrastructure. Popular Voice over Internet Protocol (VoIP) application, Viber, was blocked a few weeks later.⁸ Existing legal restrictions on freedom of expression were explicitly applied to the internet in July 2013 with the passage of amendments to the 2009 Information and Communications Act, which prescribed up to 15 years in prison, a fine of up to GMD 3 million (US\$100,000 at the time), or both, for the use of the internet to criticize, impersonate, or spread "false news" about public officials. This law applied to Gambians both living in the country and abroad.⁹

These new amendments were used to prosecute several journalists and media workers including well-known TV journalist Fatou Camara, who was accused of spreading false news on the internet and defaming the president in an article published in the US-based online outlet, Freedom Newspaper.¹⁰ Another popular radio journalist Alagie Abdoulie Ceesay was in July 2015, arrested and charged with sedition for sending through private messages on Facebook and WhatsApp, a picture that state prosecutors said incited hatred against the president.¹¹ Sedition and the incitement of hatred against the president is enshrined in the Criminal Code of The Gambia.¹² The Information Communications Act, which was also passed under the Jammeh regime in 2009, also gives sweeping powers to the national security agencies to intercept communications without judicial oversight leading many citizens to fear that all their communications were proactively filtered and monitored, resulting in self-censorship.¹³

This oppressive atmosphere for internet rights and freedoms also affected the civic space. Most notably the National Internet Governance Forum (IGF) of The Gambia which is a forum that facilitates discussions among multiple stakeholders on pertinent issues of internet

⁶ As above

⁷ Freedom on the Net 2017 - the Gambia, available at https://www.refworld.org/docid/5a547d01a.html#_ftn29 accessed on April 15, 2023

⁸ Demba Kandeh, 'Viber Chat App Blocked in The Gambia?' (March 2014)

<https://advox.globalvoices.org/2014/03/31/viber-chat-app-blocked-in-the-gambia/> accessed April 15, 2023

⁹ Demba Kandeh, "New Internet Law in The Gambia Puts Gag on Government Criticism," Global Voices Advocacy, July 12, 2013, <http://globalvoicesonline.org/2013/07/12/new-internet-law-in-the-gambia-puts-gag-on-government-criticism/> accessed April 15, 2023

¹⁰ The Point, "Fatou Camara arrested, detained," September 23, 2013,

<http://thepoint.gm/africa/gambia/article/fatou-camara-arrested-detained> April 15, 2023

¹¹ CPJ, Alagie Abdoulie Ceesay Taranga FM | Was imprisoned in Gambia | July 17, 2015,

<https://cpj.org/data/people/alagie-abdoulie-ceesay/> accessed April 24, 2023

¹² Criminal Code of The Gambia, 1933, Article 51

<https://static1.squarespace.com/static/5a7c2ca18a02c7a46149331c/t/5f025f49fb7f38664f1ed2f3/1593991003326/Criminal+Code+%2C+Act+No.+25+of+1933.pdf> accessed March 31, 2023

¹³ Information Communications Act, Article 138, (2009) <https://pura.gm/wp-content/uploads/2021/02/IC-Info-Comms-Act-2009.pdf> accessed February 25, 2023

freedom. The Gambia National IGF Steering Committee since 2010, was responsible for organising an annual forum for discussions on data protection, accessibility, and internet governance among other things.¹⁴ However, in 2012, the forum was suspended for a six-year period, during which there were increased crackdown on internet access and use for the exercise of democratic practices, by the Jammeh regime.¹⁵ The forum reconvened in 2017, after the Jammeh regime had been deposed.¹⁶

The transition to democracy from the Jammeh regime to President Adama Barrow brought about renewed hope for the creation of a more conducive atmosphere for the realization of internet rights and freedoms in The Gambia. These hopes have been realized to a large degree. Gambians, in general, feel more free to express themselves, and this has translated into the right to free speech being exercised in online spaces. An Afrobarometer report confirms that Gambians believe that the media in the country is free to do its work without government interference, which allows for differing political views to be expressed and publicised through the media, including social media and other digital platforms.¹⁷ Online media houses can for the most part be critical of the ruling government without fear of reprisal. For example, during the 2021 presidential elections campaigns, incumbent President Adama Barrow claimed to have reduced power cuts from 19 to 3 Times a Day in His First Term, which online media 'Factcheck Gambia' identified as false claims in an article published online.¹⁸ Under the previous regime of Jammeh, even private businesses avoided advertising with critical media outlets for fear of government reprisal.¹⁹

Political mobilisation on online spaces has also become more common place. During the 2021 presidential campaign period, for example, several opposition party candidates benefited from online crowdfunding events and diaspora fundraisers.²⁰ Political parties also used WhatsApp to send messages to rural communities who were typically excluded from online campaigning efforts.²¹

The transition to democracy has thus brought about some realization of internet freedoms in The Gambia, but there remains a lot of challenges starting with problematic provisions within the legislative framework for internet freedoms in The Gambia.

¹⁴ KerrFatou, 'Gambia Hosts Forum On Internet Governance After 6-Year Absence', last updated October 4, 2021 [Gambia hosts forum on internet governance after 6-year absence – Kerr Fatou Online Media House](#), accessed February 6, 2023

¹⁵ See no. 14

¹⁶ See no. 14

¹⁷ AfroBarometer, "Gambians support media freedom but want government to prevent false news and hate speech, Afrobarometer survey shows" <https://afrobarometer.org/press/gambians-support-media-freedom-want-government-prevent-false-news-and-hate-speech> accessed March 14, 2023

¹⁸ FACT-CHECK: Did Adama Barrow Cut Power Cuts from 19 to 3 Times a Day in His First Term? December 15, 2021 [FACT-CHECK: Did Adama Barrow Cut Power Cuts from 19 to 3 Times a Day in His First Term? | FactCheck Gambia](#) accessed March 16, 2023

¹⁹ See no. 1, pg. 7

²⁰ Westminster Foundation for Democracy, "Final Report Thematic Election Expert Observation Mission The Gambia Presidential Elections 2021" pg. 7 <https://www.wfd.org/sites/default/files/2022-01/TEEOM%20Gambia%20-%20Final%20Report.pdf> April 5, 2023

²¹ Ibid, pg. 14

Legislative Framework for Internet Freedoms in The Gambia

The Gambia's legal framework contains several legislative provisions that directly impact on the protection of internet freedoms. Following the transition to democracy, one of the major goals of stakeholders in the civic space was to ensure the reform of laws and policies to allow for better protection of internet freedoms. While these reforms are ongoing, the following legislation remain in place:

The 1997 Constitution of The Gambia: the supreme law of the state, provides that every person shall have the right to freedom of speech and expression, and freedom of the media. With the advent of social media and digital communication tools, individuals in The Gambia now regularly exercise the right to free speech online. There are also several online Gambian media houses who publish stories about current events on their digital platforms, while also sharing such information on their social media platforms. The Constitution however provides that the right to freedom of expression and the media will be exercised subject to laws reasonably required in a democratic society to maintain national security and public order and to protect the reputations, rights and freedoms of others.²²

Criminal Code 1933: This Act provides for a litany of criminal offences that impact on the exercise of internet freedoms. These criminal offences include provisions on sedition (s. 51), false news (s. 59), false publication and broadcasting (s. 181), and defamation (s. 178).²³ The Supreme Court ruled that sections 178, 179 and 180 of the Gambian Criminal Code, which penalizes libel and defamation, are "inconsistent with the constitutional guarantee of free speech and freedom of the press and other media." The Court added that the restrictions, "absent all the necessary safeguards to protect the exercise of those rights and freedoms, are unnecessary in a democratic society."²⁴ In *Gambia Press Union and 3 others v Attorney General*, the Supreme Court held that sedition as prescribed in these sections of the Criminal Code is constitutional insofar as the restrictions relate to the person of the President only. However, the section is declared unconstitutional insofar as the restrictions relate and extend to the Government.²⁵ The ECOWAS Community Court of Justice however disagreed with this in its judgement in the case of **Federation of African Journalists and 4 others v. The Republic of the Gambia**, when it declared that sedition in all its forms must be deleted from the legal framework of The Gambia as it goes against the spirit of the African Charter on Human and Peoples' Rights, the ICCPR, and the revised Treaty of the ECOWAS.²⁶ The Criminal Code is however yet to be amended to conform with the aforementioned judgements. A Draft

²² The 1997 Constitution of The Gambia, available at

https://www.constituteproject.org/constitution/Gambia_2018?lang=en last accessed April 1, 2023

²³ Criminal Code of The Gambia, 1933,

<https://static1.squarespace.com/static/5a7c2ca18a02c7a46149331c/t/5f025f49fb7f38664f1ed2f3/1593991003326/Criminal+Code+%2C+Act+No.+25+of+1933.pdf> accessed 31 March 2023

²⁴ In *Bai Emil Touray and 3 others v. The Attorney General*, Supreme Court Suit No.001/2017

<https://www.lawhubgambia.com/sc-1-2017> accessed 4 April 2023

²⁵ SC Civil Suit No. 1/2014 <https://www.lawhubgambia.com/sc-1-2014> accessed April 5, 2023

²⁶ suit No: ECW/CCJ/APP/36/15, Judgment No. ECW/CCJ/JUD/O4/

Criminal Offences Bill has however been tabled before the National Assembly of The Gambia, and if passed will repeal the provisions on sedition, false publication, and defamation.²⁷

Information and Communication Act 2009: This Act provides for the re-structuring, development, and regulation of the information and communications sectors in The Gambia. In this legislation, the Minister for Information is granted powers to approve licenses for television and radio broadcasting. The Minister without any oversight or check exercises this power, which is worrisome considering that the Minister is a political appointee and his powers may be abused for political purposes. The Act also contains arbitrary provisions on false publication on the internet (s. 173) in spite of the fact that the Supreme Court had ruled that these provisions are unconstitutional.²⁸ An amendment to the Act is yet to be carried out.

Access to Information Act 2021: The recently passed Access to Information (ATI) Act of 2021 gives effect to the right to access information that is currently missing in the 1997 Constitution. The legislation was passed following a five-year civil society “right to know” campaign spearheaded by the Gambia Press Union.²⁹ The law is aimed at proactive and organised collection, storage, and dissemination of public records and information to the people including members of the media. Among other things, the Act creates a duty on every public body to “create, keep, organise and maintain its information” and further provides that “every person has a right to access information from a public body”. The legislation potentially impacts on how government digitally stores and processes information, and on how Gambians digitally access information either from privately owned webpages or directly from government sources. The jury is however still out on the effectiveness of this legislation given the current lack of the necessary structures to facilitate its implementation. For example, the Information Commission, which is to oversee the implementation of the ATI Act, is yet to be established.³⁰ Government officials have also acknowledged that a significant number of Ministries and departments within the government lack official websites for accessing information about their work, as well as official contact details like an email address for requesting information.³¹

²⁷ The Gambia National Assembly, Bill tracker https://www.assembly.gm/?page_id=709 accessed April 15, 2023

²⁸ See no. 24

²⁹ MFWA welcomes passing of Access to Information Bill in The Gambia, calls for continuous engagement, July 19, 2021 <https://www.mfwa.org/issues-in-focus/mfwa-welcomes-passing-of-access-to-information-bill-in-the-gambia-calls-for-continuous-engagement/> accessed April 22, 2023

³⁰ Gambia Press Union, ‘Stakeholders Review Draft Roadmap for the Implementation of the Access to Information Act, 2021’, Nov 22, 2022 <https://gpu.gm/stakeholders-review-draft-roadmap-for-the-implementation-of-the-access-to-information-act-2021/> accessed April 24, 2023

³¹ 7th National Internet Governance Forum (Hybrid Format), The Gambia, Communiqué, https://www.intgovforum.org/multilingual/index.php?q=filedepot_download/7508/2639 accessed April 13, 2023

Summary table of Internet freedom related laws in The Gambia

| No. | Specific Statutes affecting Internet Freedom in The Gambia | Year | Status of the law |
|-----|--|------|-------------------|
| 1. | Constitution of The Gambia | 1997 | In force |
| 2. | Access to Information Act | 2021 | In force |
| 3. | Information and Communications Act | 2009 | In force |
| 4. | Criminal Code | 1933 | In force |

Current trends and events relevant to internet freedom

Accessibility, Affordability and Inclusion: Internet freedoms begin with internet access. As of January 2022, The Gambia had an internet penetration rate of 51 percent, a massive improvement on the 0.5 percent internet penetration rate of 1999.³² This ranks The Gambia in the top twenty of African countries for average internet users.³³ While this is a major positive, certain problems persist. Cost of internet remains prohibitively high in a country where 48.6 percent of individuals live below the poverty line as per World Bank Data.³⁴ Internet data prices usually range from 8 Gambian dalasi (15 cents) for 20 megabytes to 1,620 dalasi (\$31) for 13 gigabytes of data.³⁵ In return, consumers get to access the internet at one of the slowest speeds in the world. The Gambia ranks 167th out of 179 countries for fixed broadband internet download and upload speeds.³⁶ Internet service providers have blamed high state taxes and levies for the prohibitive internet costs.³⁷ While government-sanctioned internet shutdowns no longer occur under the Barrow led administration, as they did under the Jammeh regime, internet disruptions do occur on a regular basis due to technical issues, resulting in revenue losses to internet service providers, private businesses and even individuals.³⁸ In 2022, the count experienced several internet disruptions attributed to technical problems.³⁹ Most notably in January 2022, when traffic was rerouted while the Africa Coast to Europe (ACE)

³² Statista, Share of internet users in Africa as of January 2022, by country, (2022) <https://www.statista.com/statistics/1124283/internet-penetration-in-africa-by-country/> accessed April 1, 2023

³³ See no. 27

³⁴ World Bank Data "Gambia," August 1, 2017, <http://data.worldbank.org/country/gambia-the> accessed April 15, 2023

³⁵ Internet Packages, "Gambia Internet Packages & Data Plan of 2021" <https://internetpkg.com/gambia-internet-packages/> accessed April 15, 2023

³⁶ Speedtest Global Index 'The Gambia's Mobile and Broadband Internet Speeds' <https://www.speedtest.net/global-index/the-gambia#fixed> accessed April 15, 2023

³⁷ Madi Ceesay, "High Cost of Internet Services Triggers Misery in The Gambia", The Daily News, May 11, 2021 <https://dailynewsgm.com/high-cost-of-internet-services-triggers-misery-in-the-gambia/> accessed March 29, 2023

³⁸ PURA Hosts Fiber Cuts Forum to Strategies Progress - Public Utilities Regulatory Authority' <https://pura.gm/pura-hosts-fiber-cuts-forum-to-strategies-progress/> accessed April 13, 2023

³⁹ Freedom House, *Freedom on the Net- Gambia Country Report*, (2022) [The Gambia: Freedom on the Net 2022 Country Report | Freedom House](https://freedomhouse.org/country/gambia/freedom-on-the-net-2022) accessed Feb 24, 2022

cable⁴⁰ was undergoing repairs, the backup gateways failed resulting in a nationwide internet blackout lasting more than eight hours.⁴¹ Other cuts to the fibre cable were caused by activities surrounding an ongoing major road construction project, while a few were caused by incidents of vandalism.⁴² The National Steering Committee of The Gambia Internet Governance Forum together with several other stakeholders in the civic space have led advocacy on internet accessibility, affordability and inclusion. They have called for the Government and other stakeholders to make access to the internet more affordable regardless of gender, age or geographical location, and to reduce the tax burden on ISPs to the minimum value, which will in turn allow for more investment in the sector.⁴³

Data Protection, Privacy & Cybercrime: In 2022, The Gambia launched its first-ever digital birth and health insurance certificates, which were rolled out under the Civil Registration and Vital Statistics (CRVS) System and the National Health Insurance Scheme (NHIS) programs.⁴⁴ The objective of these initiatives is to enhance health outcomes, ensure improved healthcare accessibility, and secure citizens' access to digital documents. The collected data, which consists of personal information such as names, place of birth, date of birth, and parentage, is confidentially stored in an online system managed by the State.⁴⁵ This data collection process can also provide the government with significant statistics on the Gambian population, including demographics such as age, sex, and residency, which can aid in the development of national policies. Nevertheless, since The Gambia lacks a data protection and privacy law that conforms to global standards, concerns have been raised about the security of the collected data's processing and storage. The Gambia is a party to both the Economic Community of West African States (ECOWAS) Supplementary Act on Data Protection and the African Union Convention on Cybersecurity and Personal Data Protection (Malabo Convention).⁴⁶ Proposed data protection and privacy laws and regulations are still in draft form, and yet to be enacted by the National Assembly.⁴⁷

During November 2022, the Central Bank of The Gambia experienced two hacking incidents that reportedly led to the theft of at least 2.5 million Dollars and two terabytes of sensitive

⁴⁰ ACE, SubMarine Cable Networks, <https://www.submarinenetworks.com/en/systems/euro-africa/ace>, accessed May 2, 2023

⁴¹ See no. 34

⁴² Gamtel, twitter news posts <https://twitter.com/Gamtel/status/1618998249612001288?s=20>; also see <https://twitter.com/Gamtel/status/1618978921005068288?s=20>; also see <https://twitter.com/Gamtel/status/1577421343292653568?s=20> accessed April 21, 2023

⁴³ 8th National Internet Governance Forum (Hybrid Format), The Gambia, Communiqué, June 14 and 15 2022, https://intgovforum.org/en/filedepot_download/21/21846 accessed April 22, 2023

⁴⁴ HealthCare Africa, 'Gambia institutes digital birth certificates, National Health Insurance' August 4, 2022 <https://www.healthcareafrika.info/gambia-institutes-digital-birth-certificates-national-health-insurance/> accessed January 13 2023

⁴⁵ KerrFatou, 'Factsheet: Gambia's Electronic Birth Registration' Aug 29, 2022 <https://www.kerrfatou.com/factsheet-gambias-electronic-birth-registration/> accessed April 13, 2023

⁴⁶ Jollof News, Gambia [Gambia Endorses AU Convention On Cybersecurity, Data Protection – Gambia News | JollofNews](https://www.jollofnews.com/gambia-endorses-au-convention-on-cybersecurity-data-protection) accessed April 15, 2023

⁴⁷ OneTrust Data Guidance, "The Gambia - Data Protection Overview" December 2022, [The Gambia - Data Protection Overview | Guidance Note | DataGuidance](https://www.onetrust.com/resources/guidance/gambia-data-protection-overview) Feb 20, 2023

data.⁴⁸ These incidents have cast doubt on The Gambia's readiness in cybersecurity. The National Cyber Security Index, which is a real-time global index that measures a country's capacity to prevent cyber threats and handle cyber incidents, ranks The Gambia 142nd out of 164 nations. The country has scored poorly in several categories, including data protection, cyber crisis management, and cyber incident response.⁴⁹ The Gambia's proposed Cybercrime legislation is also pending adoption by the National Assembly.⁵⁰ The civic society has stepped up its activities on data protection and cybersecurity. The Gambia Cyber Security Alliance (GCSA), for example, offers a reporting mechanism to assist individuals who have been victims of cybercrime, online scams, and cyberbullying in seeking legal recourse.⁵¹ The GCSA collaborates with the Gambia Police Department to ensure the efficiency of this mechanism and conducts regular training sessions for police department members to enhance their ability to respond effectively to cybercrime incidents.⁵² Other initiatives include that of SHOAW Gambia, which seeks to address the increasing harassment and online abuses of Women and Girls in The Gambia, and holds a regular free certification training on Digital Safety and Life Skills for teenagers aged 13 to 17.⁵³

Violations of Civic Rights by the State: While the general space for the exercise of civic rights on the internet has significantly improved since the ousting of the regime of Yahya Jammeh, violations by the state still occur on a sporadic basis. Momodou Sabally, the campaign manager for the opposition United Democratic Party (UDP), was detained in December 2022 as a result of a Tik Tok video in which Mr. Sabally is alleged to have stated that the UDP will overthrow the Barrow administration prior to the local government elections.⁵⁴ In addition, Tik Tokers who filmed the viral video were invited by the police to be questioned.⁵⁵ Around the same time as these incidents, the government issued a statement alleging that four

⁴⁸ CentralBanking, 'Gambia's central bank hacked', (November 23, 2022) [Gambia's central bank hacked - Central Banking](#) accessed Feb 23, 2023; also see Gambiana, 'Central Bank Suffers another hacking' (Nov 29, 2022) [Central Bank suffers another hacking with millions of dalasi paid into civil servants' accounts \(gambiana.com\)](#) accessed Feb 21, 2023

⁴⁹ National Cyber Security Index, Methodology, [NCSI :: Methodology \(ega.ee\)](#) accessed Feb 28, 2023

⁵⁰ Council of Europe, *Gambia (Republic of the) Status regarding Budapest Convention* [Asset Publisher - Octopus Cybercrime Community \(coe.int\)](#) April 20, 2023

⁵¹ Gambia Cyber Security Alliance, *Mission & Vision*, <https://gamcyberalliance.org/>; also see The Gambia Cyber Security Alliance Cyber Crime Incident Report Form, [The Gambia Cyber Security Alliance Cyber Crime Incident Report Form \(google.com\)](#) accessed April 10, 2023

⁵² The Point Newspaper, *GCSA trains Tallinding police on cyber security, cyber-crime*, Dec 14, 2020 <https://thepoint.gm/africa/gambia/national-news/gcsa-trains-tallinding-police-on-cyber-security-cyber-crime> accessed April 11, 2023

⁵³ SHOAW Gambia, 'who are we' [SHOAW Gambia: Who We Are](#) accessed Feb 23, 2023; [SHOAW Gambia: News and Events](#); also see [4th Cohort Training - Application Form 2023 \(google.com\)](#)

⁵⁴ Kerr Fatou, 'UDP Demands The Immediate Release Of Its Campaign Manager', Dec 22, 2022 <https://www.kerrfatou.com/udp-demands-the-immediate-release-of-its-campaign-manager/> accessed April 14, 2023

⁵⁵ Kerr Fatou, 'Police Invites UDP TikTokers For Questioning' Dec 22 2022 <https://www.kerrfatou.com/police-invites-udp-tiktokers-for-questioning/> accessed 15 April 2023

soldiers had been detained in connection with a botched coup attempt, while three other suspects remained at large.⁵⁶ On December 30, 2022, Mr. Sabally was released.⁵⁷

Individuals exercising their rights to free speech on the internet may also be subjected to extra-judicial intimidation. In April 2022, prominent human rights activist Madi Jobarteh made a Facebook post criticising the manner in which the government distributes state lands.⁵⁸ In response, President Adama Barrow in a televised speech, accused Madi Jobarteh of wishing to burn the country down, stating that his administration will look into his case.⁵⁹ These actions by the president were condemned by a number of domestic and international actors including the Media Foundation for West Africa (MFWA).⁶⁰ While no further verbal threats were directed towards Mr. Jobateh by the President, these examples show that even though massive improvements have been made with regards to the exercise of civic rights on the internet, the potential for violations by the state always remains.

Conclusions & Recommendations

The Gambia has made significant strides in internet freedom since it began its democratic transition in 2017. There is a general consensus that the atmosphere for free speech and access to information is more conducive for the citizenry. However, major issues continue to negatively impact the state of internet freedom in The Gambia.

Thus, the following recommendations ought to be considered.

- Government must ensure that the high costs of internet services are addressed, by ensuring that the taxes and tariffs imposed by the state, which directly impacts cost and affordability, are reviewed and where possible reduced or removed.
- Government must better protect and improve the internet infrastructure to curtail the persistent internet disruptions across the country.
- Government must expedite the passing of the Data Protection and Cybersecurity legislation and ensure that everyone is sensitized on their rights and the obligations on the legislations.
- Government must ensure that all government ministries and departments have websites, data centres, and digital communication channels. These digital structures within the government machinery would also enable easy access to public

⁵⁶ GunjurOnline, 'Nation teeters on edge as UDP protests Sabally's detention' Dec 26, 2022 <https://www.gunjuronline.com/post/nation-teeters-on-edge-as-udp-protests-sabally-s-detention> accessed April 15, 2023

⁵⁷ DW News, 'The Gambia: Former minister released after alleged coup,' Dec 30, 2022 <https://www.dw.com/en/the-gambia-former-minister-released-after-alleged-coup/a-64251038> accessed April 15, 2023

⁵⁸ Madi Jobarteh, Bring back our lands, April 2022 <https://www.facebook.com/Kalajula/posts/pfbid032w86WWf3NXX5hvx142SqV2dysGZbJrvWUqOgYgMqjQk2VtpTLdx45xgz1H5SavRl> accessed April 21, 2023

⁵⁹ MFWA, Gambia: President Barrow's threats against activist distasteful, May 17, 2022 <https://www.mfwa.org/gambia-president-barrows-threats-against-activist-distasteful/>; also see President Barrow meets Banjul elders, May 2, 2022 <https://www.facebook.com/Kalajula/videos/689450528773394>

⁶⁰ See no. 53

information, as per the ATI law. The Information Commission must also be established to enable the implementation of the ATI law.

- Civil Society Organizations and multi stakeholder groups like the National Internet Governance Forum (IGF) should be supported with their programmes and initiatives geared towards better protection and promotion of internet freedoms.



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