

The Gambia



header1 Overview

The online environment has markedly improved in The Gambia since 2017, when President Adama Barrow succeeded Yahya Jammeh, who had ruled for more than two decades and consistently violated political rights and civil liberties. Gambians now take to the internet to express views on many sensitive issues. Harassment of internet users for their online activity has declined, though arrests of online journalists and users who criticize or insult the president still occur. The Barrow administration's crackdown on the Three Years Jotta (TYJ) protest movement in 2020 raised fears of a return to Jammeh-era repression, but social media has nevertheless been widely used for campaigning during subsequent electoral periods. The government has enacted several plans aimed at improving internet access and affordability in recent years, but frequent disruptions in service due to cable damage or vandalism, as well as a ransomware attack that affected data stored by the central bank in November 2022, illustrate the continuing challenges for The Gambia's internet users.

Jammeh came to power in a military coup in 1994 and was succeeded by Barrow, who secured a surprise victory in the 2016 election. Respect for fundamental freedoms, including the rights to free assembly, association, and expression, initially improved under the Barrow administration, but the administration has faced criticism for continued corruption. Among other ongoing concerns, LGBT+ people face severe discrimination and violence against women remains a serious problem.

header2 Key Developments, June 1, 2022 - May 31, 2023

- Political parties took to social media to campaign and mobilize supporters ahead of The Gambia's 2023 mayoral and local government elections (see B8).
- A campaign manager for the opposition United Democratic Party (UDP) was detained for nine days over comments he made in a TikTok video that was filmed by party supporters ahead of the 2023 local elections (see C3).
- Cyberattacks on the central bank exposed weaknesses in The Gambia's cybersecurity preparedness (see C8).

A Obstacles to Access

A1 1.00-6.00 pts0-6 pts

Do infrastructural limitations restrict access to the internet or the speed and quality of internet connections?	2.002 6.006
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By the beginning of 2023, approximately 67 per cent of the Gambian population remained offline. DataReportal's *Digital 2023* report places The Gambia's internet penetration rate at 33 percent as of February 2023.¹ DataReportal, citing data from Ookla, also reported that Gambian internet users saw median fixed-line internet download speeds of 6.4 megabits per second (Mbps), a 0.79 Mbps decrease from a year before.² The Gambia ranked 170th out of 179 countries for fixed broadband internet download and upload speeds as of April 2023.³

The government has pursued a number of initiatives to improve internet access. In late June 2019, the Gambia Telecommunications Company (Gamtel), in collaboration with Chinese technology firm Huawei, launched the National Broadband Network (NBN) initiative to improve internet speed and access across the country.⁴ In 2020, the government approved a national broadband policy which aimed to ensure that "almost 100 percent" of homes have affordable access to high-speed internet connectivity by 2024.⁵

There are approximately 2.86 million mobile connections in The Gambia, representing 104.6 percent of the total population as of January 2023,⁶ though one individual may have more than one subscription and not all phone plans include data use.⁷ Most Gambians who access the internet do so via mobile devices.⁸

The government launched the country's first internet exchange point (IXP) in 2014 to boost the speed and security of internet services across the country, though the IXP runs slowly.⁹

During the coverage period, at least ten different incidents of cuts to fiber-optic cables resulted in internet disruptions throughout The Gambia.¹⁰ Most of the cuts were caused by activities surrounding an ongoing road construction project in the greater Banjul Area, while a few were caused by incidents of vandalism.¹¹ These incidents increase operational expenditures and reduce the revenue margins of internet service providers (ISPs).¹²

During the previous coverage period, The Gambia experienced several internet disruptions attributed to technical problems. In line with a broadband policy approved in January 2021, which aimed to find an "alternative backup" to the Africa Coast to Europe (ACE) cable, ¹³ Gamtel announced that it would use two international gateways operated by a Senegalese provider.¹⁴ However, in January 2022, when traffic was rerouted while the ACE cable was undergoing repairs, the backup gateways failed; Gamtel blamed the failure on faulty equipment. This resulted in a nationwide internet blackout lasting more than eight hours.¹⁵ Gamtel further experienced periodic network disruptions due to vandalism and construction-related mishaps.¹⁶

The Gambia also experienced several internet disruptions earlier, in 2021, most of which were blamed on technical problems with the ACE cable.¹⁷ Between January and February of that year, the country saw at least four nationwide disruptions, each lasting between two and eight hours.¹⁸ The Gambian telecommunications regulator, the information and communication technologies (ICT) ministry, and service providers blamed these disruptions on fishing activities.¹⁹

In June 2020, the government validated a series of policy documents as part of the "ICT for Development Policy 2018–2028," which aims to increase internet access across the country and bolster the ICT sector by 2024.²⁰ The government secured European Union (EU) funding to support this project.²¹

A2 1.00-3.00 pts0-3 pts

Is access to the internet prohibitively expensive or beyond the reach of certain segments of the population for geographical, social, or other reasons?

1.001
3.003

High cost remains a primary hindrance to internet access in The Gambia, where 48.6 percent of individuals live in poverty according to 2015 World Bank data.²² High prices for internet services are attributed to the high costs of accessing and building internet infrastructure in The Gambia, as well as the high taxes imposed on ISPs.²³ High levels of poverty and food insecurity limit access to the internet.²⁴

The introduction of third- and fourth-generation (3G and 4G) mobile networks has made the internet more accessible, albeit for a small subset of the population who can afford data packages. The IXP introduced in 2014 (see A1) aimed to make internet services more affordable, but it remains unclear whether the IXP succeeded in doing so. ISPs generally sell data bundles. Since the COVID-19 pandemic began in March 2020, there have been few monthly unlimited access packages available. Generally, prices range from 8 Gambian dalasi (15 cents) for 20 megabytes (MB) to 1,620 dalasi (\$31) for 13 gigabytes (GB) of data.²⁵

Limited access to telecommunications services in The Gambia is compounded by a significant urban-rural divide, as well as by occasional interruptions to the power supply. In general, rural areas suffer from poor or virtually nonexistent infrastructure, a lack of affordable electricity, and frequent power cuts.²⁶ In addition, network coverage of rural areas has not been an investment priority for most service providers.²⁷ Poverty levels are higher in the rural areas of The Gambia, with approximately 64 percent of impoverished Gambians residing in these areas as of 2016, further exacerbating the rural-urban divide in terms of ability to afford access to internet services.²⁸ The government has identified “closing the digital divide” as a goal of the NBN (see A1), though as of June 2023, no progress towards this goal had been noted.²⁹ In March 2020, the government launched its Digital Terrestrial Transmission (DTT) infrastructure project, which aims to ensure The Gambia’s analog-to-digital transition.³⁰ DTT is expected to foster an increase in internet access by freeing up some of the valuable spectrum currently used for analogue television broadcasting for the provision of mobile broadband services. This project had not yet been completed as of 2022.³¹

In May 2019, the government announced the introduction of a new tax on GSM (global system for mobile communication) operators across the country.³² Reports indicate that the levy, which took effect that June, has raised millions of dalasi for the government.³³

A3 1.00-6.00 pts0-6 pts

Does the government exercise technical or legal control over internet infrastructure for the purposes of restricting connectivity?

5.005
6.006

Score Change: The score improved from 4 to 5 because of the increased role of the private sector in managing the international internet gateway in recent years.

Although The Gambia’s connection to the ACE cable and the Serrekunda IXP (SIXP) is primarily managed by private sector actors, the government retains ownership and control over the country’s national fiber backbone, which enables it to restrict access to the internet and mobile phone services with little to no oversight or transparency. However, the current post-Jammeh government has not used these capabilities.

There were several brief nationwide connectivity interruptions in January 2020, January and February 2021, and January 2022 attributed to technical problems with undersea cables and backup internet gateways (see A1). The 2020 interruptions also overlapped with mass protests calling for President Barrow’s resignation, prompting speculation of government interference with internet connectivity.³⁴

The Gambia's international internet gateway is controlled by the Gambia Submarine Cable Company (GSC), a public-private partnership that is majority owned by the private sector.³⁵ Private sector members of the GSC were granted licenses to use the international data gateway in 2013.³⁶ However, state-owned and operated Gamtel owns and manages The Gambia's two fiber-optic cable networks, the ECOWAS Wide Area Network (ECOWAN) and the NBN that run across the country. ECOWAN is currently used by six operators, while the newer NBN is used exclusively by Gamtel. Netpage is the only ISP with its own fiber network. A moratorium on additional fiber infrastructure adopted by the ministry of information and communications infrastructure (MOICI) in 2018 has prevented other operators from building out their own networks.³⁷

The Barrow administration has expressed willingness to further liberalize the sector.³⁸ The government was reportedly in talks with Google to connect The Gambia to a second undersea cable, the company's Equiano network. Private sector operators have simultaneously led negotiations with operators in Senegal to explore a possible terrestrial back-up network to improve service and decrease costs, as the country's current terrestrial international gateway is controlled by Gamtel.³⁹

The authorities last placed restrictions on connectivity on the eve of the 2016 presidential election. Ahead of the polls, authorities ordered ISPs to shut down internet services,⁴⁰ international calls, and short-message service (SMS) access across the country for over 48 hours.⁴¹
A4 1.00-6.00 pts0-6 pts

Are there legal, regulatory, or economic obstacles that restrict the diversity of service providers?

4.004
6.006

The Gambia's ICT market is relatively small. There are at least four ISPs: state-owned Gamtel and privately owned QuantumNet, Netpage, and Airtip.⁴² The country has four mobile service providers: Gamcel, a Gamtel subsidiary, and the privately owned Qcell, Africell, and Comium.⁴³ In January 2022, the government also issued a license to a new mobile service provider, Giraffe Telecom; there are few available reports on the new provider.⁴⁴

According to The Gambia's telecommunications regulator, the Public Utilities Regulatory Authority (PURA), there are 2.7 million active mobile subscribers in the country. Of this total, Africell is by far the largest mobile service provider, controlling over 62 percent of the market as of December 2020.⁴⁵ QCell represents another 28 percent of the market, with Gamtel and Comium each holding another 5 percent.⁴⁶ All mobile service providers offer second-generation (2G), 3G, and in some places, 4G data service.

Gamtel dominates the fixed-line broadband market in The Gambia with 5,005 of the 10,570 total broadband connections as of 2020.⁴⁷ Other fixed-line broadband providers include Netpage, Comium, Qcell, Africell, Unique, INET, and DK Telecom.⁴⁸

The Barrow administration has pledged to improve the regulatory environment and liberalize the telecommunications sector; while its approach represents a reprieve from the highly restrictive environment that characterized the Jammeh era, progress has been slow. As in many other sectors, businesses still must contend with inefficient bureaucracies coupled with nepotistic and preferential practices by government officials.⁴⁹ Registration for ISPs and mobile service providers remains an onerous and expensive process.⁵⁰

Internet cafés, which are much less common than in the past, contend with regulatory obstacles. Moreover, Gamtel has reduced funding to the internet cafés and telecenter hubs it operates.⁵¹
A5 1.00-4.00 pts0-4 pts

Do national regulatory bodies that oversee service providers and digital technology fail to operate in a free, fair, and independent manner?

1.001
4.004

Serious concerns persist regarding the independence and efficacy of PURA, The Gambia's telecommunications regulator. The telecommunications sector is regulated under the Public Utilities Regulatory Authority Act 2001, which established PURA in 2004 to regulate the activities of telecommunications providers and other public utilities.⁵² However, PURA is largely an advisory body, and both its board of governors and managing director are appointed by the president on the recommendation of the minister of finance and economic affairs (MOFEA), in effect undermining the body's independence.⁵³

Although PURA is mandated to regulate telecommunications providers, it also receives policy guidance from MOICI, and decisions about issuing telecom licenses and spectrum allocation are often in MOICI's hands. In 2018, MOICI, against PURA's advice, adopted a moratorium on fiber network rollout (see A3). MOICI's double role in setting ICT policy and ICT regulation could enable greater state and political interference in the telecommunications sector.⁵⁴

In a rare move, PURA fined Gamcel for manipulating international voice termination rates in September 2020 and recommended that the ICT ministry suspend Gamcel's license. ⁵⁵ In October 2021, PURA and the ICT ministry suspended Comium because it failed to pay overdue licensing fees.⁵⁶ Later that month, a court lifted the suspension after Comium had settled most of its outstanding dues.⁵⁷

Following colluding behavior among members of the GSC, PURA introduced a pricing model for access to the ACE undersea cable through the international gateway, which facilitated the entry of several new ISPs. However, some smaller ISPs have still reported facing challenges in accessing ACE cable capacity.⁵⁸

During the coverage period, PURA announced that operators engaged in unethical marketing practices, such as sending unsolicited messages to subscribers without obtaining prior consent, could be fined up to 50,000 dalasi (\$786). This decision was reached after PURA received several complaints from subscribers.⁵⁹

In May 2021, Yusupha Jobe was appointed PURA's director general after Jobe's predecessor died. Jobe is reportedly Finance Minister Mamburay Njie's cousin, raising concerns of nepotism.⁶⁰ Sources at the regulatory body said the entire department of legal affairs had resigned as of December 2020 in protest against favoritism, nepotism, and government interference.⁶¹

PURA regulates not only telecommunications but also media licensing and content, sewage, electricity, and petroleum.⁶² Observers and some PURA officials believe this mandate is untenable and stretches the authority's limited resources. Ultimately, decisions on telecommunications are in the hands of the ICT minister.⁶³ Despite persistent calls for reform, the Barrow administration has not signaled any intent to reform PURA. Though PURA's mandate includes regulating media content, the Media Council of The Gambia (MCG), an industry self-regulatory body, was established in 2018 and is hearing cases (see B3).

B Limits on Content

B1 1.00-6.00 pts0-6 pts

Does the state block or filter, or compel service providers to block or filter, internet content, particularly material that is protected by international human rights standards?

6.006
6.006

There have been no reports of blocking or filtering of websites or apps under the Barrow administration.

Over 20 sites were blocked under the former administration,⁶⁴ most of them independent news and opposition websites that were known for criticism of the government⁶⁵ and were operated from

abroad by exiled Gambian activists and journalists. All blocked websites and apps, including those containing pornographic material, became accessible when Barrow assumed office in January 2017.⁶⁶

Social media platforms and communications apps were unrestricted during the coverage period but were frequently targeted under the previous administration. Apps were last restricted in August 2016, when the authorities blocked popular communications platforms WhatsApp, Viber, IMO, and Skype.⁶⁷ Analysts believed the blocks came in response to the growing reliance on WhatsApp group messaging among opposition groups and candidates in advance of the 2016 presidential election.⁶⁸

B2 1.00-4.00 pts0-4 pts

Do state or nonstate actors employ legal, administrative, or other means to force publishers, content hosts, or digital platforms to delete content, particularly material that is protected by international human rights standards?	2.002 4.004
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While forced content deletion does not occur systematically, activists and journalists have reported receiving informal requests from senior government officials for content removal, including on the public broadcaster.⁶⁹

No Gambian content was removed from Facebook or Google products at the government's request during the coverage period.⁷⁰

In January 2020, the government suspended two private radio stations, Home Digital FM and King FM, along with their online services, on charges of incendiary messages and inciting violence,⁷¹ and arrested four affiliated individuals (see C3). Both radio stations reported on protests calling for President Barrow's resignation (see B8).⁷² The government permitted the stations to reopen one month later following mediation led by the National Human Rights Commission (NHRC).⁷³

B3 1.00-4.00 pts0-4 pts

Do restrictions on the internet and digital content lack transparency, proportionality to the stated aims, or an independent appeals process?	2.002 4.004
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Though online content is not systematically restricted in The Gambia, Gamtel remains state-controlled and has retained the ability to restrict access to internet content without oversight. There is no process through which site administrators can appeal content-restriction decisions.⁷⁴

Experts believe that the former government blocked specific internet protocol (IP) addresses and domain names at the internet gateway level.⁷⁵ According to former officials, the Jammeh administration intentionally avoided issuing written orders for website blockings and internet shutdowns to maintain a degree of plausible deniability.⁷⁶

The MCG, a self-regulatory body tasked with arbitrating complaints about media reports, began adjudicating proceedings in May 2020.⁷⁷ The MCG has successfully arbitrated eleven cases, eight of which relate to online content, as of July 2023.⁷⁸ The MCG was established by the Gambia Press Union (GPU) in December 2018 to regulate the media industry, including complaints about content, without relying on state intervention. The MCG's formation is a result of collaborative efforts between government and civil society actors working for media reform under the Barrow administration.⁷⁹

B4 1.00-4.00 pts0-4 pts

Do online journalists, commentators, and ordinary users practice self-censorship?	3.003 4.004
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Activists, journalists, bloggers, and ordinary internet users have posted content more openly since the 2017 political transition, and a number of independent journalists have reemerged after decades of severe self-censorship or exile.⁸⁰ According to the GPU, self-censorship is not as prevalent as it was under the Jammeh administration.⁸¹

However, some topics, including female genital mutilation (FGM) and issues affecting LGBT+ people, are still considered by many to be taboo and are often discussed online only by pseudonymous users. Social media has seen a proliferation of hate speech in recent years.

Some local activists, particularly Jammeh sympathizers, also post critical content anonymously to evade potential legal repercussions or other offline retaliation.⁸² A handful of detentions under the Barrow administration has reinforced citizens' unease with speaking freely online (see C3).⁸³

B5 1.00-4.00 pts0-4 pts

Are online sources of information controlled or manipulated by the government or other powerful actors to advance a particular political interest?	2.002
	4.004

The current government seeks to promote its image through a variety of well-resourced press and public-relations offices, but there is no evidence it proactively employs progovernment trolls or bots, or otherwise seeks to covertly manipulate the information landscape.

The National People's Party (NPP) of President Barrow sponsors several media outlets with online presences,⁸⁴ and Barrow has complained that other media outlets are biased against him. NPP officials have also sought to manipulate government announcements to reflect favorably on the party. For example, between November 2020 and May 2021, NPP operatives targeted various ministries to share communication projects that present Barrow's success stories. These stories were later published by the party's social media.⁸⁵

The Barrow administration has also appointed information officers across almost all government ministries with the objective of disseminating information to the public.⁸⁶ Interviews with senior government officials, who remained anonymous, indicate that the information officers are tasked with framing the government more positively in the media, particularly in state-owned media outlets. Such positive portrayals of the government by information officers were also used as part of a larger strategy to bolster President Barrow's successful 2021 reelection bid.⁸⁷ Many of these information officers are former journalists, including some who were critical of the government.

FactCheck Gambia, an independent online fact-checking platform, was launched to counter disinformation and misinformation and covered statements around the December 2021 presidential elections and the COVID-19 pandemic, among other issues.⁸⁸

B6 1.00-3.00 pts0-3 pts

Are there economic or regulatory constraints that negatively affect users' ability to publish content online?	2.002
	3.003

Small media businesses, especially online platforms, have expanded in recent years and have a growing impact on the media landscape.⁸⁹ Such operations are supported in part by advertising from government and private businesses; some programs offered by these online outlets, such as news and current events coverage, conferences, and talk shows, are similarly sponsored. Under the previous administration, private businesses avoided advertising with critical outlets for fear of government reprisal.⁹⁰ Despite the change in government, economic sustainability for independent online media outlets remains a serious challenge. Online media outlets also have yet to benefit from funding provided by major technology companies.⁹¹

The government's position on net neutrality provisions, which would ensure that ISPs treat internet traffic equally, remains unclear.

B7 1.00-4.00 pts0-4 pts

Does the online information landscape lack diversity and reliability? | 3.003 4.004

The online information landscape has become increasingly pluralistic as the highly restrictive environment for bloggers and internet users that existed during the Jammeh era has eased. Online outlets and platforms including Kerr Fatou, the Fatou Network, Gambia Talents Promotion, and Eye Africa TV provide useful and diverse information to Gambians both within and outside the country.⁹²

B8 1.00-6.00 pts0-6 pts

Do conditions impede users' ability to mobilize, form communities, and campaign, particularly on political and social issues? | 4.004
6.006

Mobilization platforms and websites are freely available. While a January 2020 ban on an anti-Barrow protest movement has slowed online mobilization, online campaigning has occurred in several recent elections.

During the 2021 presidential campaign period, several opposition candidates benefited from online crowdfunding events and diaspora fundraisers.⁹³ Political parties also used WhatsApp to send messages to rural communities who were typically excluded from online campaigning efforts.⁹⁴ Under the "Digital inclusion: Not without our rural women" effort, one organization encouraged women living in rural areas to participate in the campaign by sharing the political opinions via WhatsApp voice recordings.⁹⁵

Online mobilizing also took place ahead of the April 2022 National Assembly elections. One organization's "Not Too Young to Run" Campaign, for example, succeeded in getting some young Gambians to run for, and in some cases win, parliamentary seats.⁹⁶ Social media campaigns also played a role in local and mayoral elections in May 2023, as the UPD and other political parties used social media platforms to mobilize supporters ahead of the polls.⁹⁷

In January 2020, the government banned the TYJ movement, which mobilized protesters calling for Barrow's resignation after he reneged on a campaign promise to resign that month. The ban stated that no individual or entity should conduct any form of business with the organization and its members. Security forces arrested at least 137 protesters during the crackdown, including prominent journalists and movement leaders.⁹⁸ Protesters promoted the use of the #ThreeYearsJotna hashtag online in 2020, though its use declined after the movement was banned.⁹⁹ The attorney general discontinued the prosecution of the movement's leaders in May 2021.¹⁰⁰

C Violations of User Rights

C1 1.00-6.00 pts0-6 pts

Do the constitution or other laws fail to protect rights such as freedom of expression, access to information, and press freedom, including on the internet, and are they enforced by a judiciary that lacks independence? | 3.003
6.006

The 1997 constitution guarantees freedom of speech and of the press, though fundamental freedoms were severely restricted in practice under former president Jammeh, who once stated that he would "not compromise or sacrifice the peace, security, stability, dignity, and the well-being of Gambians for the sake of freedom of expression."¹⁰¹

The Constitutional Review Commission (CRC) released a constitutional draft in March 2020.¹⁰² The draft enshrined freedom of expression, media freedom, and access to information as fundamental human rights, following strong public support for protections of fundamental rights and freedoms.¹⁰³ Ultimately, it did not receive a necessary two-thirds majority in the parliament over a disagreement about term limits for President Barrow.¹⁰⁴ Mediation efforts between Barrow and the opposition for a compromise on the draft were unsuccessful.¹⁰⁵ After his reelection in December 2021, President Barrow promised to introduce a new constitution with term limits.¹⁰⁶ As of April 2023, no formal pronouncements on introducing a new constitution have been made.¹⁰⁷

In August 2021, President Barrow signed the Access to Information Act, after it was passed by the National Assembly in July 2021.¹⁰⁸ The legislation, which guarantees the right to information and is understood as an improvement in government transparency, was drafted by a civil society–led coalition.¹⁰⁹ Civil society has also provided training on access to information for government information officers aimed at preparing them for the implementation of the legislation.¹¹⁰

In February 2020, the Supreme Court ruled against an executive order revoking the nomination of a lawmaker by the president, signaling a degree of judicial independence.¹¹¹ Previously, the Supreme Court has deferred to executive authority, as with a decision on criminal sedition that privileged the president over other officials (see C2).

C2 1.00-4.00 pts0-4 pts

Are there laws that assign criminal penalties or civil liability for online activities, particularly those that are protected under international human rights standards?

1.001

4.004

While some of the worst Jammeh-era restrictions have been overturned by courts, several restrictive media laws remain on the books, with some being recently upheld.

The criminal code prescribes a two-year prison term for the publication or reproduction of false information which could cause “fear and alarm to the public peace.”¹¹² In May 2018, the Supreme Court ruled that the provisions were consistent with the constitutional provisions on freedom of expression.¹¹³

Comments by President Barrow in August 2021 raised concerns that the government may pass new laws to restrict speech, including online speech, during or after the December 2021 presidential election. In a meeting with civil society groups, Barrow reportedly said he would seek to limit political activities after winning the election. In a subsequent statement clarifying that the government would not limit political activities, a spokesperson noted that “the president hopes to eventually come up with legislation to bring a lasting solution to the abuse and insults innocent citizens are subjected to daily on social media platforms.”¹¹⁴

The Supreme Court’s definition of sedition was overruled by the Economic Community of West African States (ECOWAS) Court in February 2018, which held that the offenses of sedition in the criminal code, as well as the Supreme Court’s definition, violated the right to free expression under international law.¹¹⁵ The ECOWAS Court also held that the provisions on defamation and false news had “a chilling effect that may unduly restrict the exercise of freedom of expression of journalists” and ordered The Gambia to amend its laws to conform with international law.¹¹⁶

In a landmark May 2018 decision, the Supreme Court declared parts of the infamous Information and Communication Act 2013 (ICA) unconstitutional, including provisions on criminal defamation. It also invalidated sections that had criminalized use of the internet to criticize, impersonate, or spread false news about public officials.¹¹⁷ However, in the same ruling, the court upheld criminal code sections prohibiting “false publication and broadcasting.”¹¹⁸ While the definition of sedition was narrowed, sedition against “the person of the president” and “administration of justice” remains a crime. The previous definition of sedition had included the entire government of The Gambia.¹¹⁹

The new Criminal Offenses Bill, which purports to replace the existing criminal code, deletes the provisions on sedition and false news from the legal framework in The Gambia.¹²⁰ However, it retains provisions on false publication and broadcasting that the GPU has described as potentially harmful to the work of journalists and media workers, including those working for digital platforms.¹²¹ The bill is under consideration in parliamentary committee as of April 2023.¹²²

C3 1.00-6.00 pts0-6 pts

Are individuals penalized for online activities, particularly those that are protected under international human rights standards?	4.004 6.006
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Under the previous administration, arrests and prosecutions of journalists and others for their online activities were common, with users frequently prosecuted on “false information” charges under the ICA. Despite improvements under the Barrow administration, dubious prosecutions over online activity have continued.

In May 2023, a magistrates’ court issued an arrest warrant for Mariama Cham, who was accused of releasing a social media audio uttering abusive words with the intent of inciting hatred against President Barrow.¹²³ Actions and words spoken with the intent of inciting hatred against the president can attract a fine of up to 250,000 dalasi (\$3,930) or a prison sentence of not less than one year, or both.¹²⁴

On December 21, 2022, the campaign manager for the opposition UDP, Momodou Sabally, was arrested in connection with a TikTok video in which he is alleged to have said that the UDP would take power from the Barrow government before the local government elections.¹²⁵ The police also asked UDP TikTok users who had recorded the video of Sabally that led to his arrest to come in for questioning.¹²⁶ Sabally was released from detention on December 30, 2022.¹²⁷

In July 2022, Gainako Online editor in chief Yusef Taylor was arrested after he went to a police station to report on the detention of two members of a medical charity that was involved in a land dispute with the government. Taylor was charged with “obstructing a police officer in the execution of his duty” and detained for four hours before being released.¹²⁸

In February 2021, TYJ leader Yankuba Darboe was arrested and charged with sedition for criticizing President Barrow and the judiciary in relation to the trials against TYJ leaders (see B8). Darboe’s comments were shared in a video that was posted to UDP social media sites,¹²⁹ which appeared to motivate the arrest. Darboe was apparently detained for less than a day before being released on bail; charges were dropped shortly after.¹³⁰

In late January 2020, the government shut down two private radio stations, Home Digital FM and King FM, along with their online services (see B2); two journalists and two technicians, both of them working at King FM, were arrested. Both radio stations covered the protests demanding President Barrow’s resignation. Pa Modou Bojang of Home Digital FM was detained for three days and was charged with incitement before he was released on bail. Gibbi Jallow, a reporter and general manager at King FM, was detained for the same period, and was charged with inciting violence.¹³¹ The technicians were released without charge. After the NHRC intervened, the charges against the journalists were dropped in February 2020.¹³²

C4 1.00-4.00 pts0-4 pts

Does the government place restrictions on anonymous communication or encryption?	2.002 4.004
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The ability to communicate anonymously is hampered by procedures surrounding SIM card and local-domain-name registration.¹³³ In February 2018, PURA fined two mobile service providers for noncompliance with SIM card registration regulations.

It is not clear if Gambian law forbids the use of encryption. Under the ICA, users can be compelled to reveal a message by ministerial order.¹³⁴ The ICA also requires ISPs to maintain capabilities to intercept and retain data from users (see C6).¹³⁵

C5 1.00-6.00 pts0-6 pts

Does state surveillance of internet activities infringe on users' right to privacy?	2.002 6.006
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Legal and technological frameworks put in place by the former administration still allow unchecked government surveillance of ICTs. Article 138 of the ICA gives sweeping powers to national security agencies and investigative authorities to monitor, intercept, and store communications in unspecified circumstances while also giving PURA the authority to “intrude communication for surveillance purposes,” all without judicial oversight.¹³⁶

Observers believe the former administration actively monitored and intercepted citizens' communications, particularly the communications of activists and independent journalists who were perceived as threats to national security.¹³⁷ Intercepted phone and email communications were often used as evidence in trials against government critics. However, the scope of the government's current technical surveillance capabilities remains unknown, and it is uncertain whether the current government has continued to carry out the same surveillance practices.

In July 2020, human rights activist Madi Jobarteh alleged that he and others were being targeted by security agencies with surveillance, including of their communications devices.¹³⁸

The level of transparency for communication surveillance remains low. The director of the then infamous National Intelligence Agency (NIA)—now the State Intelligence Services (SIS)—warned in early 2018 that social media may “affect security,” exacerbating concerns about the potential for online surveillance and user restrictions.¹³⁹

C6 1.00-6.00 pts0-6 pts

Does monitoring and collection of user data by service providers and other technology companies infringe on users' right to privacy?	1.001 6.006
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The Gambia's legal infrastructure grants the authorities broad access to user data. Article 138 of the ICA requires ISPs to “implement the capability to allow authorized interception of communications” at the direction of the information minister. Article 141 of the ICA imposes onerous data retention requirements, obliging service providers to retain metadata for up to three years.¹⁴⁰

In practice, technology companies frequently assist the government in monitoring the communications of users.¹⁴¹ According to insider sources, investigative authorities need only cite suspicious activity in such requests to technology companies.

The implementation of capabilities to allow authorized interception of communications is included in the preconditions for the issuance or renewal of ISP licenses. It is not clear if any licenses have been denied or revoked as a result of a lack of those capabilities.¹⁴²

During the coverage period, The Gambia launched its first digital birth registry and national health insurance scheme.¹⁴³ In the same period, The Gambia also became the first African country with a fully digital immunization register.¹⁴⁴ These developments have highlighted the need for better data protection and privacy laws in The Gambia.¹⁴⁵

The Gambian police force also issues vehicle licenses that contain quick-response codes (QR codes) that can be scanned to access information about the vehicle's ownership, including the names and addresses of the individual or individuals associated with the vehicle.¹⁴⁶

In August 2021, the 7th National Internet Governance Forum of The Gambia passed a resolution calling for the enactment of a data protection and privacy law that aligns with international standards, specifically noting the ECOWAS Supplementary Act on Data Protection and the Malabo Convention.¹⁴⁷ While The Gambia signed the Malabo Convention on Cybersecurity and Personal Data Protection in December 2022,¹⁴⁸ no domestic legislation has been enacted as of February 2023.¹⁴⁹

C7 1.00-5.00 pts0-5 pts

Are individuals subject to extralegal intimidation or physical violence by state authorities or any other actor in relation to their online activities?

4.004

5.005

Online journalists and activists sometimes face risks of intimidation and harassment in the course of their work.

In May 2023, two journalists, Malick B. Cham of the online platform Jamano and Pa Ousman Joof of the online platform Gambian Talents Promotion, were physically assaulted by supporters of the ruling NPP while they were covering the swearing-in ceremony of the mayor and councillors of the Banjul City Council. The motive for this reported assault is unknown.¹⁵⁰

In a May 2022 address, President Barrow accused human rights activist Madi Jobarteh of wishing “to burn this country down,” stating that his administration “must look into his case.”¹⁵¹ Jobarteh had published an article on Facebook criticizing the government’s land allocation and calling for the firing of the minister of local government and lands.¹⁵²

Members of minority religious groups, including the Ahmadiyya Muslim Jama’at¹⁵³ and Ndigal,¹⁵⁴ have reported facing harassment both online and offline. Conservative Muslims often consider members of these groups non-Muslims, and sometimes incite hatred or violence against them. Such incidents increased after members of these groups testified in front of the Truth, Reconciliation, and Reparations Commission (TRRC)—established to address the abuses of the Jammeh era—in early 2020.¹⁵⁵

Women routinely experience online harassment in The Gambia. LGBT+ people do not regularly identify as such openly online, in part because same-sex sexual activity remains criminalized in The Gambia.

Under the previous administration, violence and property confiscation against Gambian journalists for their independent and critical reporting was a serious risk, and numerous media workers, bloggers, and online journalists fled the country as a result of the unsafe environment for independent voices. Overall, such incidents have decreased under the new administration, and scores of online journalists and activists returned to the country following Jammeh’s fall from power.

C8 1.00-3.00 pts0-3 pts

Are websites, governmental and private entities, service providers, or individual users subject to widespread hacking and other forms of cyberattack?

2.002

3.003

Score Change: The score decreased from 3 to 2 due to cyber incidents that affected The Gambia’s central bank, one in which sensitive data was stolen and one in which customers were locked out of their bank accounts.

In November 2022, the Central Bank of The Gambia was hit with a ransomware attack that resulted in the theft of at least two terabytes (TB) of sensitive data, with hackers demanding a ransom of \$2.5 million.¹⁵⁶ It is unclear if the bank paid the ransom. Later that month, the bank experienced another cyber incident while issuing paychecks to civil servants, leading to many being temporarily locked out of their commercial bank accounts until the issue was resolved.¹⁵⁷

These incidents raised serious questions as to The Gambia's cybersecurity preparedness. The Gambia ranks 149th out of 164 countries on the National Cyber Security Index as of February 2023.¹⁵⁸ The country scores low marks in the categories of data protection and cyber crisis management.¹⁵⁹

Technical attacks against politicians, opinion leaders, and journalists have occurred in the past. Although most of these attacks are not publicly reported, the Cybersecurity Alliance of The Gambia has documented an increase in such technical attacks.¹⁶⁰

The last publicly reported incidents occurred during the 2016 election and subsequent political impasse that reached into early 2017.¹⁶¹ A few websites that published election results indicating Jammeh's defeat were hacked to have the results removed, including sites run by a pro-Jammeh newspaper and the Independent Electoral Commission (IEC).¹⁶² Numerous journalists, bloggers, activists, and internet users separately reported that their social media accounts had been hacked.¹⁶³ Activists suspected that the Jammeh administration initiated or supported the attacks in order to counter growing antigovernment sentiment online.¹⁶⁴

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