



DIGITAL RIGHTS AND INCLUSION IN AFRICA REPORT

GAMBIA
COUNTRY REPORT

2024

Gambia

Executive Summary

This report gathered evidence from diverse sources, including newspaper articles, court decisions, press statements and reports from media rights organisations. The country report is assessed on the basis of TheScore Index by Paradigm Initiative, which assesses compliance with the African Commission on Human and Peoples' Rights Declaration of Principles on Freedom of Expression and Access to Information. It covers thematic areas such as internet access and digital inclusion; freedom of expression and press freedom; privacy, surveillance, data protection and cybersecurity; proactive disclosure of information; censorship and content moderation; and AI and emerging technologies. Key highlights include the introduction of the Data Privacy and Protection Bill 2024 and the Cyber Crime Bill 2023, which make provision for the protection of digital rights as well as the establishment of the Access to Information Commission. It is recommended that The Gambia must invest and develop the ICT infrastructure to address poor internet connectivity, internet disruptions and the exorbitant cost of internet data. It must establish the Universal Service Fund (USF) to ensure accessibility and affordability of internet services. It must also repeal all regressive laws that threaten digital rights and internet freedom.

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The 2023 Londa Report highlights that The Gambia has made considerable progress in the areas of digital rights and internet freedom since 2017, even though it has faced persistent challenges.³⁵¹ This 2024 Report shows that the digital rights landscape continues to reflect both progress and persistent challenges. While there has been an increase in the number of internet users and the introduction of bills to protect digital rights, The Gambia continues to experience slow and poor internet connection, internet disruptions and high cost of internet data due to poor ICT infrastructure. The Gambia also maintains laws that threaten digital rights and internet freedom. These challenges, which remain unsolved, caused the country to score moderately compliant for the year 2024 under TheScore Index.

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Paradigm Initiative 'Londa 2023 Digital Rights and Inclusion in Africa Report-The Gambia' (2024) [https://paradigmhq.org/](https://paradigmhq.org/wp-content/uploads/2024/06/The-Gambia-Country-Report.pdf)

[wp-content/uploads/2024/06/The-Gambia-Country-Report.pdf](https://paradigmhq.org/wp-content/uploads/2024/06/The-Gambia-Country-Report.pdf) (accessed 5 November 2024).

Internet Access and Disruptions

DataReportal's Digital 2024 Report shows that The Gambia's internet penetration rate stood at 54.2% of the population (1.52 million people) at the start of 2024.³⁵² This is an increase of 2.5% from January 2023 to January 2024. The report also shows that there are 3.02 million cellular mobile internet connections representing 107.5% of the total population, with an increase of 4.3% compared to 2023. Also, the number of social media users in The Gambia at the start of 2024 stood at 404,000 active users.³⁵³ This reflects an increase of 32% compared to the year 2023. Despite the increase in internet users in 2024, internet connection speeds in the Gambia are fixed at 6.06 Mbps, decreased by 0.38 Mbps (-5.9%) compared to the year 2023.³⁵⁴ The Gambia has been ranked among the 10 lowest countries globally with the slowest broadband connection and network qualities for citizens.³⁵⁵ This is associated with the country's lack of investment in ICT infrastructure and technology which ensures faster internet speed.

A local survey shows that many regions in The Gambia suffer from unstable and slow internet connection coupled with exorbitantly high cost of mobile data, making the Internet unaffordable for many Gambians.³⁵⁶ To address these challenges, the Government has begun engaging Starlink Services for the provision of satellite internet services to diversify internet access options in the country.³⁵⁷ As of 31 December 2024, there were no new developments regarding the operational station of Starlink Services in The Gambia. Starlink services are still not available.

The Gambia experienced five internet disruptions in 2024. Netblocks and Cloudflare data show that disruptions occurred on March 14³⁵⁸ and May 31 2024.³⁵⁹ These disruptions were due to multiple undersea cable failures in the region, including the Africa Coast to Europe (ACE) submarine cable which The Gambia relies on. The disruption during this period caused an internet outage in The Gambia. From January to September 2024, Gambia's national telecom provider, Gamtel, also reported three internet disruptions to its fibre optic networks due to fibre cable cuts.³⁶⁰ Gamtel's fibre cable cut remains a major source of internet disruptions in The Gambia. Despite these challenges, there appears to be no deliberate internet shutdowns occasioned by the State during the reporting period, a sign of compliance with international standards.

352 DataReportal 'Digital 2024: The Gambia' (2024) <https://datareportal.com/reports/digital-2024-gambia> (accessed 20 November 2024).

353 DataReportal 'Digital 2024: The Gambia' (2024) <https://datareportal.com/reports/digital-2024-gambia> (accessed 20 November 2024).

354 DataReportal 'Digital 2024: The Gambia' (2024) <https://datareportal.com/reports/digital-2024-gambia> (accessed 20 November 2024).

355 The Point Newspaper 'Gambia among lowest internet ranking globally – Survey' (2024) https://thepoint.gm/africa/gambia/headlines/gambia-among-lowest-internet-ranking-globally-survey#google_vignette (accessed 20 November 2024).

356 Gambia Journal 'The Gambia Ranks Among Lowest for Internet Speed and Quality Globally' (2024) <https://gambiaj.com/the-gambia-ranks-among-lowest-for-internet-speed-and-quality-globally/> (accessed 20 November 2024).

357 Foroyaa Newspaper 'Gambia Explores Possible Launch of Starlink Services' (2024) <https://foroyaa.net/gambia-explores-possible-launch-of-starlink-services/> (accessed 20 November 2024).

358 Internet Society 'West Africa Submarine Cable Outage Report' (2024) <https://www.internetsociety.org/resources/doc/2024/2024-west-africa-submarine-cable-outage-report/> (accessed 20 November 2024); Cloudflare 'Undersea Cables Failures cause Internet disruptions for Multiple African Countries' (2024) <https://blog.cloudflare.com/undersea-cable-failures-cause-internet-disruptions-across-africa-march-14-2024/> (accessed 20 November 2024).

359 Crisis 24 'West Africa: Internet service disruptions almost certain in parts of West Africa 00:01-10:00 May 31' (2024) <https://crisis24.garda.com/alerts/2024/05/west-africa-internet-service-disruptions-almost-certain-in-parts-of-west-africa-0001-1000-may-31> (accessed 20 November 2024).

360 Ecofin Agency 'Gambia: New Fiber Cut Disrupts Gamtel's Internet Service' (2024) <https://www.ecofinagency.com/telecom/1309-45887-gambia-new-fiber-cut-disrupts-gamtel-s-internet-service> (accessed 20 November 2024).

Digital inclusion of Persons with disabilities (PWDs), women and children

As stated in the 2023 Report, PWDs continue to be marginalised in the decision-making process, including in the use of ICTs for development.³⁶¹ Despite the adoption of several ICT policies and strategies, 2024 has not witnessed any progress in terms of the inclusion of PWDs, women and children in the development of the ICT sector. This situation yet again presents the need for the inclusion of vulnerable groups in ICT development in The Gambia.

In October 2024, the Ministry of Communications and Digital Economy (MoCDE) developed The Gambia's National Child and Vulnerable Groups Online Protection Policy.³⁶² On the 4th December 2024, stakeholders including the Ministry of Gender, Children and Social Welfare, and civil society organisations validated the Policy.³⁶³ The Policy was made as part of the Western Africa Regional Digital Integration Program. The purpose of the Policy is to ensure a safe, secure and supportive digital environment for all children and vulnerable groups, including women, persons with disabilities and older persons in The Gambia. Accordingly, the Policy aims to create a digital environment for children, women, persons with disabilities and older persons where their rights are protected, their well-being is prioritised, and they are empowered to leverage the full potential of digital technology for sustainable growth and development. It also aims at inclusion of children, women, persons with disabilities and older persons in the digital landscape of The Gambia.

One of the key policy pillars of The Gambia's National Child and Vulnerable Groups Online Protection Policy is the review of the legal and regulatory frameworks. The aim of the review is to enact legislation for child online protection in accordance with regional and global standards. The legislation will address: (1) the prohibition of all forms of violence, exploitation and abuse against children and vulnerable groups in the digital environment; (2) higher levels of protection for the collection and processing of children and vulnerable groups' data; (3) the obligations of digital service providers in ensuring the online safety of children and vulnerable groups; (4) the facilitation of investigation, prosecution and sentencing of online offences that violate children's and human rights; (5) preventive measures to protect children and vulnerable groups online; and (6) provision of effective response, recovery and rehabilitation that are in the best interest of children and vulnerable groups. Furthermore, the Policy seeks to engage digital service providers including internet service providers, GSM operators and content developers to develop effective measures to prevent, detect, take down and report online risks and harms affecting children and vulnerable groups. Thus, the government will develop codes of conduct, protocols and/or guidelines for internet service providers, GSM operators and content developers on the protection of children and vulnerable groups online.

The Budget of the Government of The Gambia for 2024 shows that the MoCDE was allocated only 0.31% of the entire national budget.³⁶⁴ The National Budget for 2024 also shows that nothing has been allocated for Information Communication Technology (ICT) research and development, compared to the year 2023 when the sum of GMD5, 000, 000 (USD 74, 272) was allocated for ICT research and development.³⁶⁵ This is evidence of the lack of prioritisation of ICT development in order to enhance access and inclusion of all people, including children and vulnerable groups. There is no mention in the budget of an allocation specifically for vulnerable groups. This shows the lack of commitment of the Government of The Gambia to develop the ICT sector with a view to ensuring accessibility and affordability to the people, including vulnerable groups. The allocation of less than 1% of the total national budget to the ICT sector explains the reason for the poor telecommunication infrastructure in The Gambia.

361 Paradigm Initiative 'Londa 2023 Digital Rights and Inclusion in Africa Report-The Gambia' (2024) <https://paradigmhq.org/wp-content/uploads/2024/06/The-Gambia-Country-Report.pdf> (accessed 5 November 2024).

362 Ministry of Communications and Digital Economy 'The Gambia's National Child and Vulnerable Groups Online Protection Policy' (2024) <https://mocde.gov.gm/wp-content/uploads/2024/11/Gambia-CVGOP-Policy.docx#:~:text=Introduction%20and%20Background-,The%20Gambia's%20National%20Child%20and%20Vulnerable%20Groups%20Online%20Protection%20Policy,vulnerable%20groups%20as%20a%20strategic> (accessed 27 December 2024)

363 The Point Newspaper 'Gov't validates policy to protect child & vulnerable groups online' (2024) <https://thepoint.gm/africa/gambia/headlines/govt-validates-policy-to-protect-child-and-vulnerable-groups-online> (accessed 27 December 2024).

364 Ministry of Finance and Economic Affairs 'Citizen's Budget: Budget of The Government of The Gambia' (2024) <https://mofea.gov.gm/wp-content/uploads/2024/05/Citizens-Budget-2024.pdf> (accessed 27 December 2024).

365 See page 33 of the approved Estimates of Revenue and Expenditures. Available at: <https://mofea.gov.gm/wp-content/uploads/2024/06/ESTIMATES-OF-REVENUE-AND-EXPENDITURE-2024-1.pdf> (Accessed 27 December 2024).

Universal Service Fund

As at 1 November 2024, The Gambia has not established the Universal Service Fund (USF). While the Information and Communications Act 2009 (the ICA) and the Universal Access and Service Policy 2020³⁶⁶ envisage the establishment of the USF, the same has not been achieved for 15 years since it was introduced in the ICA. The absence of the USF continues to increase the mobile broadband connectivity gap in The Gambia, like many other African countries.³⁶⁷ To close the gap in connectivity in The Gambia, it is important to prioritise the establishment of the USF.

The Gambia's Digital ID System

The Gambia is part of the ECOWAS National Biometric ID Card scheme for cross-border use meant to promote inter-regional trade and integration.³⁶⁸ The biometric system in The Gambia extends to passports, alien cards, non-Gambian IDs, residence permits and driving licences. In October 2018, The Gambia initiated the issuance of biometric ID Cards.³⁶⁹ As a result, the Government has adopted a policy to stop producing and issuing non-biometric ID cards and other documents. On 15th July 2024, Semlex Group, the company contracted by The Gambia to issue ID and other national documents, announced that it had stopped the production of the national documents upon the expiration of the agreement with the Government.³⁷⁰ Since 15th July 2024, the Government has failed to produce National ID cards and Driving Licenses despite several assurances by the Minister of Interior that production will resume in August 2024.³⁷¹ In September 2024, the Minister informed the National Assembly that his Ministry was in the process of procuring a company to produce National ID cards.³⁷² On December 26 2024, The Gambia Immigration Department (GID) issued a press release on their Facebook page that the issuance of ID cards and Resident Permits had resumed. The press release further stated that the applications that were made since March 2024 have been printed and ready to be collected by the applicants on the 30th December 2024.

In regard to international passports, on the 13th of December 2024 GID announced that the production of Machine Readable Passports (MRPs) is affected by undisclosed technical challenges. From that period, MRPs were not issued until January 30 2025 when GID announced the resumption of its production and issuance. MRPs are issued to Gambians living abroad who cannot access biometric passports.

The failure of the Government to produce ID Cards and MRPs for more than eight months and a month, respectively, has caused difficulties for thousands of Gambians and non-Gambians who are without ID cards, driving licenses and resident permits.³⁷³ The lack of ID Cards and other documents constitutes a violation of digital rights. This is because it has a negative impact on people's access to digital and non-digital services and fulfilment of rights, thus depriving them of inclusion.

Given the situation, the Government could have resorted to issuing non-biometric ID cards as a temporary measure or an alternative. While it is noted that it is a government policy to only issue biometric ID cards, the protection and issuance of non-biometric ID cards will be within the law. The provisions of the National Identity Cards Regulations 1993 anticipate the production and issuance of non-biometric ID cards. Additionally, the said Regulation has not been amended to make provision for the issuance of only biometric ID cards by The Gambia Immigration Department.

366 Ministry of Communications and Digital Economy 'Universal Access and Service Policy 2020' <https://mocde.gov.gm/wp-content/uploads/2023/10/Universal-Access-Service-Policy-2020.pdf> (accessed 20 November 2024).

367 GSMA Intelligence 'Universal service funds in Africa Policy reforms to enhance effectiveness' (2023) <https://www.gsma.com/about-us/regions/sub-saharan-africa/wp-content/uploads/2023/10/USF-Africa.pdf> (accessed 20 November 2024).

368 Paradigm Initiative 'Londa 2023 Digital Rights and Include Report in Africa: The Gambia (2023) <https://paradigmhq.org/wp-content/uploads/2024/06/The-Gambia-Country-Report.pdf> (accessed 12 November 2024)

369 United Nations Economic Commission for Africa 'Gambia National Digital Identity Strategy: Strategy Report' (2023) https://www.uneca.org/sites/default/files/TCND/Digital%20ID%20Transformation%20Strategy%20_Gambia%20V_9.pdf (accessed 27 December 2024).

370 The Standard Newspaper 'Press Release' (2024) <https://standard.gm/press-release-2/> (accessed 12 November 2024).

371 The Standard Newspaper 'ID Card issuance to resume next month – Interior Minister' (2024) <https://standard.gm/id-card-issuance-to-resume-next-month-interior-minister/> (accessed 12 November 2024);

372 The Point Newspaper 'Interior Minister gives update on state of nation ID card production' (2024) <https://thepoint.gm/africa/gambia/headlines/interior-minister-gives-update-on-state-of-nation-id-card-production> (accessed 12 November 2024)

373 The Voice Newspaper 'National ID and Driver's License Printing Remain Uncertain' (2024) <https://www.voicegambia.com/2024/09/18/national-id-and-drivers-license-printing-remain-uncertain/> (accessed 12 November)

Freedom of Expression and Press Freedom

Section 25(1) of the Constitution of The Gambia, 1997 guarantees the right to freedom of speech and expression, which includes freedom of the media. Since January 2017, The Gambia has registered significant progress in freedom of expression and of the media.³⁷⁴ The period between 2017 and 2023 witnessed a decrease in attacks on journalists, the criminalisation of defamation has been declared unconstitutional, and there has been an increase in media houses.³⁷⁵ In the recent **2024 Reporters Without Borders** survey, The Gambia has experienced a decline of 12 positions, dropping from 46th in 2023 to 58th position out of 180 countries in the global press freedom index.³⁷⁶ Similarly, The Gambia's position in Africa dropped from 5th in 2023 to 10th position out of 54 countries in the regional press freedom index.³⁷⁷ The **Reporters Without Borders** survey rankings consider cumulative scores from five key indicators: media landscape, political context, legal framework, economic context, and safety of journalists. The Gambia's drop in ranking for the year 2024 is linked to persistent attacks on journalists, repressive media laws, lack of protection for journalists and the lack of implementation of the ATI law.

The Gambia still maintains laws that criminalise sedition and false publication. Sections 51 and 52 of the Criminal Code of 1993 (the CC) deal with the crime of sedition while section 181A of the CC criminalises false publication and broadcasting. While the Criminal Offences Bill 2020 (COB), which is still before the National Assembly, seeks to repeal the offence of sedition, it has maintained false publication and broadcasting.³⁷⁸ This is notwithstanding the decision of the Community Court of Justice of ECOWAS in 2018 that The Gambia's criminalisation of sedition and false publication and broadcasting is not in line with international human rights.³⁷⁹

In June 2024, Ebrima Dibba, Deputy National Organizing Secretary of the opposition United Democratic Party (UDP), was arrested and charged by the Gambia Police Force with sedition.³⁸⁰ This charge came following allegedly a WhatsApp audio made by Mr Dibba in response to President Adama Barrow whom he referred to as someone who “knows nothing” urging him to respect Mr Ousainou Darboe, the leader of the UDP.

On 26 September 2024, two journalists of The Voice Newspaper, Musa Sherriff and Momodou Justice Darboe, were arrested and charged by the police with false publication and broadcasting over a story that President Adama Barrow had chosen a local businessman as his successor.³⁸¹ In October 2024, President Adama Barrow filed a civil claim of defamation against The Voice Newspaper and the two journalists.³⁸² Even though the President has promised to withdraw the civil suit and instruct the police to drop the criminal charges following a meeting with media

374 Gambia Press Union 'Statement by the Gambia Press Union (GPU) Delivered at the 81st Ordinary Session of the African Commission on Human and Peoples' Rights (ACHPR), held in Banjul from 17 October – 6 November, 2024' (2024) <https://gpu.gm/statement-by-the-gambia-press-union-gpu-delivered-at-the-81st-ordinary-session-of-the-african-commission-on-human-and-peoples-rights-achpr-held-in-banjul-from-17-october-6-november-20/> (accessed 7 November 2024).

375 Reporters Without Borders 'Gambia' (2024) <https://rsf.org/en/country/gambia> (accessed 10 November 2024).

376 Reporters Without Borders 'Gambia' (2024) <https://rsf.org/en/country/gambia> (accessed 10 November 2024).

377 Gambia Press Union 'Statement by the Gambia Press Union (GPU) Delivered at the 81st Ordinary Session of the African Commission on Human and Peoples' Rights (ACHPR), held in Banjul from 17 October – 6 November, 2024' (2024) <https://gpu.gm/statement-by-the-gambia-press-union-gpu-delivered-at-the-81st-ordinary-session-of-the-african-commission-on-human-and-peoples-rights-achpr-held-in-banjul-from-17-october-6-november-20/> (accessed 7 November 2024).

378 Gambia Press Union 'Statement by the Gambia Press Union (GPU) Delivered at the 81st Ordinary Session of the African Commission on Human and Peoples' Rights (ACHPR), held in Banjul from 17 October – 6 November, 2024' (2024) <https://gpu.gm/statement-by-the-gambia-press-union-gpu-delivered-at-the-81st-ordinary-session-of-the-african-commission-on-human-and-peoples-rights-achpr-held-in-banjul-from-17-october-6-november-20/> (accessed 7 November 2024).

379 Federation of African Journalist & 4 Ords v The Gambia ECW/CCJ/JUD/04/18 http://www.courtecowas.org/wp-content/uploads/2019/02/ECW_CCJ_JUD_04_18.pdf (accessed 10 November 2024).

380 The Fatu Network 'Dibba appears in court on charges of seditious intention, granted' <https://fatunetwork.net/dibba-appears-in-court-on-charges-of-seditious-intention-granted-bail/> (accessed 7 November 2024).

381 Federation of International Journalist 'The Gambia- Two Journalist arrested and charged with 'false publication' against the president' (2024) <https://www.ifj.org/media-centre/news/detail/category/press-releases/article/the-gambia-two-journalists-arrested-and-charged-with-false-publication-against-the-president> (accessed 10 November 2024)

382 The Point Newspaper 'President Barrow sues the Voice Newspaper, Editor Musa Sheriff' (2024) <https://thepoint.gm/africa/gambia/headlines/president-barrow-sues-the-voice-newspaper-editor-musa-sheriff> (accessed 10 November 2024).

stakeholders.³⁸³ Neither of the two cases has been formally withdrawn from the courts. Also, in October 2024, the Minister of Environment sued Kebba Ansu Manneh, a journalist for The Alkamba Times, for defamation.³⁸⁴ This follows an investigative report published in The Alkamba Times that the Minister of Environment as former Governor of Lower River Region was involved in illegal transactions of seized logs.

The Constitution of the Republic of the Gambia (Promulgation) Bill 2024 (the Draft Constitution) recognises the freedom of the media. Unlike the Constitution of 1997, the Draft Constitution seeks to limit the right of ownership and operating media to Gambians only.³⁸⁵ According to the Explanatory Note made by the Ministry of Justice, the rationale for restricting media ownership to Gambians is to help “promote national security, preserve cultural integrity, ensure economic gains for locals, build public trust, and enhance regulatory efficiency”.³⁸⁶

These incidents present a lack of commitment and good faith by The Gambia to repeal repressive media laws. Despite the direction of the ECOWAS Community Court six years ago, The Gambia has failed to repeal the laws on sedition and false news. Even though the COB seeks to repeal sedition, the police still continue to charge people for sedition. This is a clear indication of lack of good faith on the part of the Government to do away with the criminalization of sedition. As noted by The Gambia Press Union (GPU)³⁸⁷, the criminal and civil suits against The Voice Newspaper and The Alkamba Times undermine freedom of expression and of the media in The Gambia. Furthermore, the proposal by the Government in the Draft Constitution to limit media ownership to Gambians contradicts best practices and international standards. With regards to content moderation, there have been no reports of blocking or filtering of websites or apps by the Government of The Gambia from 2017 to 2024.³⁸⁸

Privacy, Surveillance, Data Protection and Cybersecurity

The Constitution under section 23 guarantees the right to privacy. This provision states that one’s right to privacy can only be interfered with in accordance with the law. Under the Draft Constitution of 2024, the same provision is maintained in section 35. Furthermore, there has not been any reported incident of government surveillance on private communications.

Even though The Gambia is yet to adopt any legislative framework on data protection and cybersecurity, it has taken considerable steps in 2024 to introduce bills to the National Assembly on the areas. On March 18 2024, the Cyber Crime Bill 2023 was tabled in the National Assembly.³⁸⁹ The Bill has been committed to the Assembly Business Committee for consideration by the relevant committees. On the May 14 2024, the Ministry of Communications and Digital Economy organised a two-day retreat on the Cybercrime Bill for members of the National Assembly Select Committee

383 Kerr Fatou “Breaking News- President Barrow To Withdraw Lawsuit Against Voice Newspaper” (2024) <https://www.kerrfatou.com/breaking-news-president-barrow-to-withdraw-lawsuit-against-voice-newspaper/> (accessed 10 November 2024); Gambia Press Union ‘Media Stakeholders Meet President Barrow on Press Freedom Concerns’ (2024) <https://gpu.gm/media-stakeholders-meet-president-barrow-on-press-freedom-concerns/> (accessed 7 November 2024); Committee to Protect Journalist ‘Gambian President withdraws defamation lawsuit against The Voice, editor’ (2024) <https://cpj.org/2024/11/gambian-president-withdraws-defamation-lawsuit-against-the-voice-editor/> (accessed 10 November 2024).

384 The Alkamba Times ‘ENVIRONMENT MINISTER FILED A D50 MILLION LAWSUIT AGAINST JOURNALIST KEBBA ANSU MANNEH OF THE ALKAMBA TIMES’ (2024) [HTTPS://ALKAMBATIMES.COM/ENVIRONMENT-MINISTER-FILED-A-D50-MILLION-LAWSUIT-AGAINST-JOURNALIST-KEBBA-ANSU-MANNEH-OF-THE-ALKAMBA-TIMES/](https://alkambatimes.com/environment-minister-filed-a-d50-million-lawsuit-against-journalist-kebba-ansu-manneh-of-the-alkamba-times/) (accessed 10 November 2024)

385 Constitution of the Republic of The Gambia (Promulgation) Bill 2024 <https://moin.gov.gm/wp-content/uploads/2024/08/LATEST-AND-FINAL-Draft-Constitution.2024-FOR-FIRST-GAZETTING-14-AUGUST-2024.pdf> (accessed 10 November 2024)

386 Explanatory Notes on some of the main clauses of the Gazatted 2024 Draft Constitution <https://moin.gov.gm/wp-content/uploads/2024/08/EXPLANATORY-NOTE-TO-THE-DRAFT-CONSTITUTION-FINAL.pdf> (accessed 10 November 2024).

387 Gambia Press Union ‘GPU Raises Concerns Over Defamation Suits Against The Voice & The Alkamba Times’ (2024) <https://gpu.gm/gpu-raises-concerns-over-defamation-suits-against-the-voice-the-alkamba-times/> (accessed 7 November 2024).

388 Freedom House ‘The Gambia- Freedom on the Net 2024’ (2024) <https://freedomhouse.org/country/gambia/freedom-net/2024#B> (accessed 7 November 2024).

389 Foroyaa Newspaper ‘National Assembly Commits Bill That Seeks to Punish Cyber Crime’ (2024) <https://foroyaa.net/national-assembly-commits-bill-that-seeks-to-punish-cyber-crime/> (accessed 10 November 2024).

on ICT and Education.³⁹⁰ However, media rights groups, including GPU and Article 19, have raised concerns about some of the provisions of the Bill that impede freedom of expression and of the media and digital rights.³⁹¹ The GPU also holds the same position as stated in its Position Paper on the Cyber Crime Bill 2023.³⁹²

As noted by Article 19 and GPU, the Cyber Crime Bill 2023 contains provisions which violate freedom of expression and digital rights. For example, section 5(1)(a) criminalises the use of a computer system to “spread false news or information”. Protecting people from false news and information is not a legitimate basis for limitation of freedom of expression under international human rights standards. The Community Court of Justice of ECOWAS in 2018 held that criminalising false news in the Criminal Code of The Gambia contravened international standards and the Court urged The Gambia to repeal the law.³⁹³ Repeating false news and information offences in the Cyber Crime Bill 2023 is evidence of The Gambia’s flagrant refusal to comply with the said judgment. Furthermore, section 5(1)(b) and (c) criminalises the use of a computer to incite violence, bully, abuse or make derogatory remarks against a person. Not only are these terms vague and not defined in the Bill, they have the potential to be used against investigative journalists whose reports about a public official may be considered abusive or derogatory remarks. Additionally, section 19 of the Bill allows law enforcement to issue a written notice to a person or entity to preserve a specified data stored in a computer for the purpose of investigation. The provision fails to provide an independent review mechanism, such as a judicial oversight, to ensure compliance and respect for the privacy rights of the subject. This creates a potential for law enforcement officers to arbitrarily intrude the privacy of persons including digital rights.

The Gambia has no data protection law and currently, the Personal Data Protection and Privacy Bill 2024 was published in Gazette No. 48 of October 7 2024 Vol 141. Following the First and Second Reading of the Bill, on December 6 2024 the National Assembly referred the Bill for consideration by the National Assembly Select Committee on Education, Training, and ICT.³⁹⁴

Access to Information and Proactive Disclosure of Information

Since the enactment of the Access to Information Act, 2021 (the ATI), it is yet to be fully implemented.³⁹⁵ The following key elements of the ATI are yet to be fully implemented:

(a) While the ATI requires the head of every public body, in consultation with the Minister of Information, to designate a suitable officer as information officer to receive requests for information, this has not been complied with. While most of the Government ministries have “information officers”, such officers have not been designated for the purpose of receiving and processing requests for information. Their main duties are limited to attending to media requests and managing the social media handles of the ministries. Thus, requests for information continue to be submitted through the normal records offices of public bodies without any officer being designated for the purpose of the ATI.

(b) Section 12 of the ATI provides that a request for information shall be accompanied by such a reproduction fee as prescribed in a Regulation made by the Minister of Information. No such Regulation has been made by the Minister so as to prescribe the reproduction fees. Furthermore, while the ATI infers that a request for information should be made in a form, there is no Regulation that prescribes the form to be used to request information. The absence of a Regulation stalls the effective and full implementation of the law.

(c) Public bodies do not respond to requests for information within the prescribed time frame of 21 days for response. For example, the author of this report on November 12 2024 made a request for

390 Ministry of Communications and Digital Economy ‘Ministry of Communications and Digital Economy embarked on a two-day retreat to discuss the Cyber Crime Bill 2023’(2024) <https://mocde.gov.gm/ministry-of-communications-and-digital-economy-of-the-gambia-embarked-on-a-two-day-retreat-to-discuss-the-cybercrime-bill-2023/> (accessed 10 November 2024).

391 Article 19 ‘The Gambia: Cybercrime Bill 2023’(2024) <https://www.article19.org/wp-content/uploads/2024/03/Analysis-the-Gambia-Cybercrime-Bill-2023-26-March-2024.pdf> (accessed 10 November 2024).

392 Kerr Fatu ‘Gambia Press Union Position Paper on the Cyber Crime Bill 2023 (2024)’ <https://www.kerrfatou.com/gambia-press-union-position-paper-on-the-cybercrime-bill-2023/> (accessed 10 November 2024).

393 Federation of African Journalist & 4 Ords v The Gambia ECW/CCJ/JUD/04/18 http://www.courtecawas.org/wp-content/uploads/2019/02/ECW_CCJ_JUD_04_18.pdf (accessed 10 November 2024).

394 The Point Newspaper ‘NA Commits Data Protection, Privacy Bill to Committee’ (2024) <https://thepoint.gm/africa/gambia/national-news/na-commits-data-protection-privacy-bill-to-committee> (accessed 27 December 2024).

395 Reporters Without Borders ‘Gambia’ (2024) <https://rsf.org/en/country/gambia> (accessed 10 November 2024).

information to the Public Utilities Regulatory Authority (PURA) as regards data on state of internet access in The Gambia in 2024; the number of reported internet disruptions from January 2024 to date (and possibly the causes); the state of Implementation of the Universal Service Fund in The Gambia in 2024; and the state of digital inclusion of persons with disabilities in 2024. Even though PURA acknowledged receipt of the request, it failed to respond to the request for 46 days as at December 28 2024.

(d) The majority of public bodies fail to proactively disclose information as required by section 7 of the ATI. The type of information to be proactively disclosed include manuals, policies, procedures, rules used by the public body; names, designation and contact details of staff; contracts, licenses, permits, authorizations and public private partnerships granted to beneficiaries. Many public bodies do not have functional websites. Even those with functional websites fail to proactively disclose such information.

(e) Section 61 of the ATI requires public bodies and relevant private bodies to submit implementation plans to the ATI Commission within 6 months of the establishment of the Commission. The implementation plan should outline the institution's operational plan to implement its obligations under the ATI and information publication plan in respect of its proactive disclosure responsibilities under the Act. It has been five months since the establishment of the ATI Commission and none of the public bodies and relevant private bodies has submitted their implementation plan to the ATI Commission.

According to the GPU, the lack of implementation of the ATI is the reason why the Gambia dropped 12 points in global ranking on press freedom as stated in the 2024 Reporters Without Borders.³⁹⁶ Notwithstanding the above, the Gambia has taken some commendable steps in 2024 in the implementation of the ATI.

On July 8 2024, the National Assembly confirmed the appointment of five commissioners of the ATI Commission.³⁹⁷ The ATI Commission was officially inaugurated by the Vice-President following the swearing-in of the Commissioners on September 5 2024.³⁹⁸ The establishment of the ATI Commission is a fundamental milestone as the Commission is the oversight body for the implementation of the ATI.

In January 2024, the Ministry of Information announced that it had developed an implementation plan for ATI.³⁹⁹ In May 2024, the Ministry of Information launched a Ministerial Town Hall meeting called "Mansa Kunda". This program brings Ministers face-to-face with citizens to discuss government projects and milestones.⁴⁰⁰ In July 2024, GPU and the Department of Information Services have organized trainings for Information Officers,⁴⁰¹ Ministries, Department and Agencies of the Government on the implementation of the ATI and document management processes.⁴⁰² On July 31 2024, GPU also organised a policy dialogue with stakeholders including the ATI Commission, civil society and the Government on the implementation of the ATI.⁴⁰³ Furthermore, the government has proposed to recognise the right to access information as a constitutional right in section 40 of

396 Gambia Press Union 'Statement by the Gambia Press Union (GPU) Delivered at the 81st Ordinary Session of the African Commission on Human and Peoples' Rights (ACHPR), held in Banjul from 17 October – 6 November, 2024' (2024) <https://gpu.gm/statement-by-the-gambia-press-union-gpu-delivered-at-the-81st-ordinary-session-of-the-african-commission-on-human-and-peoples-rights-achpr-held-in-banjul-from-17-october-6-november-20/> (accessed 7 November 2024).

397 The Point Newspaper 'Assembly Confirms of 5 ATI Commissioners' (2024) <https://thepoint.gm/africa/gambia/headlines/assembly-confirm-appointment-of-5-ati-commissioners> (accessed 11 November 2024).

398 Gambia Journal 'Access to Information Commission Officially Inaugurated, Neneh Macdouall and Team Sworn In' (2024) <https://gambij.com/gambias-access-to-information-commission-officially-inaugurated-members-sworn-in/> (accessed 11 November 2024).

399 The Gambia News Agency 'Implementation of Access to Information Law, a Step towards Transparency, Accountability' (2024) <https://www.gamna.gov.gm/implementation-access-information-law-step-towards-transparency-accountability> (accessed 11 November 2024).

400 Ministry of Information X account https://x.com/Info_Ministry_/status/1793201449431625937 (2024) (accessed 11 November 2024).

401 Gambia Press Union 'GPU Engages Government Information Officers on ATI, Document Management Practices' (2024) <https://gpu.gm/gpu-engages-government-information-officers-on-ati-document-management-practices/> (accessed 11 November 2024).

402 Gambia Press Union 'GPU Engages Ministerial Departments & Agencies on ATI Law Implementation, Good Document Management Practices' (2024) <https://gpu.gm/gpu-engages-ministerial-departments-agencies-on-ati-law-implementation-good-document-management-practices/> (accessed 11 November 2024).

403 Gambia Press Union 'GPU Holds Policy Dialogue with Stakeholders on ATI Law Implementation' (2024) <https://gpu.gm/gpu-holds-policy-dialogue-with-stakeholders-on-ati-law-implementation/> (accessed 11 November 2024).

the Draft Constitution since it is not provided for in the current Constitution of 1997.⁴⁰⁴

Despite the developments registered in 2024, there is failure by the government to proactively disclose and disseminate information digital technologies. During the course research, it was noted that most government institutions do not have functional websites. This includes the government printing house, Gambia Printing Publishing Corporation. Even those institutions that have functional websites do not proactively disclose and disseminate the information required to be published under section 7 of the ATI. This defect highlights the need for a comprehensive implementation of the ATI. It also requires the government to put in place the necessary structure and infrastructure to facilitate timely disclosure and dissemination of information to the public.

Artificial Intelligence (AI) and Emerging Technologies

The Gambia has no legislation on AI and emerging technologies such as blockchain and quantum computing. However, for the first time, the National Digital Economy Master Plan 2023-2033 recognises the need to develop a policy and strategy for promoting AI research, development, adoption, and application.⁴⁰⁵ There have not been any developments in the area of AI for 2024. There is also no data protection law providing for any use of data collected through automated systems.

404 Constitution of the Republic of The Gambia (Promulgation) Bill 2024 <https://moin.gov.gm/wp-content/uploads/2024/08/LATEST-AND-FINAL-Draft-Constitution.2024-FOR-FIRST-GAZETTING-14-AUGUST-2024.pdf> (accessed 10 November 2024).

405 Ministry of Communications and Digital Economy 'National Digital Economy Master Plan 2023-2033' (2023) <https://mocde.gov.gm/wp-content/uploads/2023/10/Final-The-Gambia-Digital-Economy-Master-Plan-2023-20233.pdf> (accessed 11 November 2024)

TheScore Index

Londa 2025 Key Indicators	ACHPR Declaration (P stands for Principle)	Score	Justification
Internet Shutdowns	P38(2)	5	Since January 2017, the Government of The Gambia has not shut down any social media platforms.
Inexistent laws, policies and other measures to promote universal, equitable, affordable and meaningful access to the internet	P37	4	Laws in The Gambia such as Persons with Disabilities Act 2021 that promotes the inclusion of vulnerable groups such as persons with disabilities in national development initiatives including ICT development. Similarly, The Gambia has adopted several policies including the Digital Transformation Strategy for The Gambia 2023-2028 and the National Digital Economy Master Plan 2023-2032 that speak to the promotion of affordability and accessible internet to marginalised and vulnerable groups. Notwithstanding the law and policies, the period under review has not shown any progress in the promotion and inclusion of marginalised groups to affordable internet access.
False News Criminalisation	P22(2)	1	Section 181A of the Criminal Code of The Gambia criminalises false publication and broadcasting. This provision has been used to charge journalists for false news publication. In September 2024, two journalists, Musa Sheriff and Muhammed Justice Darboe, of The Voice Newspaper were charged under this provision.
Sedition Legislation	P22(2)	1	The Criminal Code of The Gambia under section 51 and 52 provide for the offence of sedition. In June 2024, Ebrima Dibba of the opposition United Democratic Party was charged with sedition over a WhatsApp audio made in response to President Adama Barrow.
Arbitrary Arrests and Harassments of the Media, HRDs and Citizens	P20(1) & (2)	1	<p>In September 2024, two journalist, Musa Sheriff and Muhammed Justice Darboe, of The Voice Newspaper, were arrested and charged with false publication and broadcasting following a report about President Barrow's mandate. President Barrow subsequently filed a civil claim for defamation in the High Court.</p> <p>In October 2024, the Minister of Environment filed a civil claim for defamation against journalist Kebba Ansu Manneh of the Alkamba Times over reports of the Minister's involvement as Governor in illegal transactions of seized logs.</p>
Data Protection Legislation.	P42	2	The Gambia has developed the Data Protection and Privacy Bill 2024. The Bill has been published in the Gazette on October 7 2024 in preparation for its introduction to the National Assembly as required by the Constitution.

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DIGITAL
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REPORT

LONDA
2024

States interfere and require the removal of online content by internet intermediaries	P38 and P39(4)	5	There is no reported incident in 2024 where the Gambian government interfered and required the removal of online content by internet intermediaries
Invasion of Privacy of Communications	P41	4	There is no reported incident in 2024 where there was invasion of privacy of communications.
Failure by the government to proactively disclose and disseminate information digital technologies.	P29(3)	2	The websites of most government institutions do not comply with the Access to Information Act 2021 by proactively disclosing and disseminating information.
AI and Emerging Technologies national strategies	P39(6)	1	National Digital Economy Master Plan 2023-2033 recognises the need to develop a policy and strategy for promoting AI research, development, adoption, and application
Adoption of specific child laws, policies and measures promoting children's digital safety and privacy online	P37(5)	4	The Gambia has in October 2024 developed The Gambia's National Child and Vulnerable Groups Online Protection Policy. The aim of this policy is to promote and ensure a safe, secure and supportive digital environment for all children and vulnerable groups including women, persons with disabilities and older persons in The Gambia.
Digital Inclusion	P37(3)	1	The Gambia has not established the Universal Service Fund. However, it has developed the Universal Access and Service Policy 2020 to guide the process of establishing the Universal Service Fund. Notwithstanding this policy, The Gambia has not made any tangible progress or steps in 2024 to establish the said fund.
TOTAL (up to 60)		31	

Conclusion

In 2024, The Gambia has made some mild efforts in its digital landscape. The period witnessed considerable increase in the number of internet users by population compared to 2023. The Government has also taken steps to introduce bills in order to provide the legal framework for data protection and cyber security. Despite these efforts, the report highlights the challenges that still exist. The Gambia continues to suffer from internet disruptions occasioned by vandalism, poor speed connectivity and exorbitantly high cost of mobile data due to poor telecommunication infrastructure and technology. Also, The Gambia still maintains laws on sedition and false publication criminalisation despite directions from the ECOWAS Community Court for these laws to be repealed on the basis that they are a violation of freedom of expression, media freedom and digital rights.

Recommendations

Government should:

- To invest and develop telecommunication infrastructure so as to enable internet accessibility and limit the cause of internet disruptions and slow internet connection.
- Increase National Budget allocation in ICT research and development in order to meet the need to improve and develop the telecommunication infrastructure.
- Address the high cost of mobile data by establishing the Universal Service Fund to ensure accessibility and affordability.
- Prioritise the repealing of all laws that impede freedom of expression and the media as directed by the ECOWAS Community Court of Justice in the case of Federation of African Journalist & 4 Ords v The Gambia ECW/CCJ/JUD/04/18.
- Fully implement the Access to Information Act 2021 so as to ensure proactive disclosure and dissemination of information to the public.
- Promote and ensure the inclusion and participation of vulnerable groups in the formulation of policies and ICT developments.
- To resort to issuing non-biometric ID cards as a temporary measure or an alternative in the event of a breakdown in the issuance of biometric ID cards.

The Media should:

- Work with civil society organizations (CSOs) to raise public awareness on digital rights in The Gambia.
- Engage the Government and the National Assembly to repeal all the laws that affect freedom of expression and of the media.

The National Assembly should:

- Engage and consider views of members of the media and CSOs on the Cyber Crime Bill 2023 and the Data Privacy and Protection Bill 2024 so as to remove provisions that threaten digital rights and freedom of expression.
- Prioritise passing the Cyber Crime Bill 2023 and the Data Privacy and Protection Bill 2024.

Civil Society Organisations should:

- To engage and provide support to members of the National Assembly Select Committee on Education, Training, and ICT during the review and considerations of the Personal Data Protection and Privacy Bill 2024 and the Cyber Crime Bill 2023 in order to incorporate provisions that meet international standards.
- Undertake public awareness programs on freedom of expression and of the media as well as digital rights.
- Continue to advocate for the independence of the media, freedom of expression and digital rights.
- Engage members of the National Assembly and the Ministry of Justice for the repealing of laws on sedition and all other laws that hinder freedom of expression and digital rights in the Gambia.

