

Freedom of Expression, Privacy, and Access to Information in The Gambia

INTRODUCTIONS

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OVERVIEW OF THE CURRENT SITUATION

- **President Adama Barrow reelected in 2021; improvements since Yahya Jammeh's regime.**

- **Recent crackdowns on dissent, opposition members, journalists, and civil society for online comments.**

- **Restrictive laws on freedom of expression remain, including sedition, false news, and defamation.**

- **Lack of a comprehensive data protection and privacy legislative framework.**

- **Access to Information law passed in 2021 but not implemented yet.**

INTERNATIONAL OBLIGATION

- **The Gambia must comply with international standards on freedom of expression and data protection.**
- **2018 ECOWAS Court of Justice ruling directed The Gambia to repeal laws on criminal libel, sedition, and false news.**
- **Failure to implement necessary reforms following ECOWAS ruling and other international obligations.**

RESTRICTIVE LAWS ON FREEDOM OF EXPRESSION

- **Sections 46, 51, 52, and 178 of the Criminal Code cover seditious and criminal defamation.**

- **Section 181A criminalizes 'false publication and broadcasting.'**

- **In 2018, Gambian Supreme Court upheld parts of these laws, despite the ECOWAS ruling.**

RECOMMENDATION:

- **Repeal sections of the Criminal Code criminalizing seditious, false news, and defamation.**

RECENT INCIDENTS OF HARASSMENT & ARRESTS

- **2020: Arrest of Human Rights activist Madi Jobarteh for criticizing the government.**

- **2022-2023: Arrests of opposition figures and media personalities, including Mamadou Sabally and Alagie Bora Sisawo.**

- **January 2020: Closure of Home Digital FM and King FM radio stations for covering anti-government protests.**

RECOMMENDATION:

- **End harassment and arrests of journalists and activists exercising free expression.**

DATA PROTECTION AND PRIVACY ISSUES

- **Current legislation, Information and Communication Act 2009, lacks comprehensive data protection measures.**

- **Section 138 allows for monitoring and interception of communications by national security agencies.**

- **Draft Data Protection and Privacy Bill 2020 aims to establish a comprehensive framework but is not yet passed.**

RECOMMENDATION:

- **Urge the government to pass the Data Protection and Privacy Bill 2020 in line with international standards.**

KEY RECOMMENDATIONS FOR REFORM

- 1. Repeal or otherwise amend laws that restrict the enjoyment of freedom of expression on and offline in compliance with international standards, including in fulfilment of the 2018 ECOWAS court ruling**
- 2. End the harassment and arrest of journalists and critics exercising their right to free expression on and offline**
- 3. Ensure that the Data Protection and Privacy Bill 2020 is passed into law, in accordance with international standards**

CALL TO ACTION

- **Reforms are necessary to protect fundamental freedoms in The Gambia.**

- **Continued advocacy and monitoring by stakeholders are vital for accountability.**

CALL TO ACTION:

- **Engage with civil society initiatives.**

- **Support international efforts to monitor and advocate for reforms.**

- **Encourage government stakeholders to prioritize legislative changes.**