

# GLOBAL INFORMATION SOCIETY WATCH 2015

*Sexual rights and the internet*



ASSOCIATION FOR PROGRESSIVE COMMUNICATIONS (APC)  
AND HUMANIST INSTITUTE FOR COOPERATION WITH DEVELOPING COUNTRIES (Hivos)

## Global Information Society Watch 2015

Sexual rights and the internet

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### **Assistant editor, publication production**

Lori Nordstrom (APC)

### **Proofreading**

Valerie Dee

Stephanie Wildes

### **Graphic design**

Monocromo

info@monocromo.com.uy

Phone: +598 2400 1685

### **Cover illustration**

Matias Bervejillo

### **Financial support provided by**

Humanist Institute for Cooperation with Developing Countries (Hivos)

# Hivos

APC and Hivos would like to thank the Swedish International Development Cooperation Agency (Sida) for its support for Global Information Society Watch 2015.



Published by APC and Hivos  
2015

Printed in USA

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ISBN 978-92-95102-41-5  
APC-201510-CIPP-R-EN-P-232

# THE GAMBIA

## THE ONLINE FIGHT AGAINST FEMALE GENITAL MUTILATION IN THE GAMBIA



### Front Page International

Demba Kandeh

[www.frontpageinternational.wordpress.com](http://www.frontpageinternational.wordpress.com)

### Introduction

The Gambia is surrounded by Senegal on all sides, except to the west where it meets the Atlantic Ocean.<sup>1</sup> It has had only two presidents since political independence in 1965.<sup>2</sup> The former British colony was led to independence by Dawda Kairaba Jawara, who was deposed in a military coup in July 1994 by current president Yahya AJJ Jammeh.<sup>3</sup> The latter has since ruled the country with an iron fist and continues to limit basic human rights and restrict fundamental freedoms.

Freedom of expression both offline and online has suffered seriously under Jammeh. The internet is strictly regulated in The Gambia. According to the authoritative annual Freedom on the Net report by global human rights institution Freedom House, The Gambia is among the most restrictive countries in Africa and worldwide. In 2014, the country was ranked as the second most repressive in Africa, falling a few points below Ethiopia, which is considered the worst in Sub-Saharan Africa.<sup>4</sup>

### Internet policy and regulation

Information and communications technologies (ICTs) in The Gambia are regulated as public utilities by the Public Utilities Regulatory Authority (PURA),<sup>5</sup> which was established by an act of parliament in 2001. In order to create a sound and level playing field for the development of ICTs in the country, the government introduced a policy framework in 2009. The Information and Communication Act 2009<sup>6</sup> was passed by parliament and regulates

the telecommunications sector. The act, among other things, restricts freedom of speech online, and it was amended in 2013 to include even harsher punishments. Government officials argue that the Information and Communication Act was adopted with a view to addressing the convergence of the telecommunications, broadcasting and information technology sectors, including the internet. However, the July 2013 amendments are notorious for stipulating a 15-year jail term or a fine of three million Gambian dalasi (approximately USD 75,000), or both a fine and imprisonment, for the offences of spreading “false news” on the internet, for “caricatures” of government figures or public officials, and for posts deemed “derogatory”.<sup>7</sup>

### What is FGM?

Female genital mutilation (FGM) – also referred to as female circumcision – is defined as the procedure of intentionally altering or causing injury to female genital organs for non-medical reasons.<sup>8</sup> The practice is an ancient means of initiation into adulthood when young girls are taught and prepared for greater responsibilities in society. It is a widely practiced cultural phenomenon in The Gambia and other parts of Africa, Asia and now Europe. As a tradition, FGM is often supported by both men and women. In some highly conservative societies, its critics are considered outcasts and face public condemnation and harassment. According to the United Nations Population Fund (UNFPA), people practise FGM for one or more of five major reasons, which it classifies as hygiene, psychosexual, religious, sociological and cultural.<sup>9</sup> Moreover, in some communities it is a prerequisite for marriage and inheritance, and it is a source of income for practitioners.<sup>10</sup> The World Health Organization (WHO) found that it is often

1 History of The Gambia, History World. [www.historyworld.net/wrldhis/plaintexthistories.asp?historyid=ad47](http://www.historyworld.net/wrldhis/plaintexthistories.asp?historyid=ad47)

2 The Gambia, Wikipedia. [https://en.wikipedia.org/wiki/The\\_Gambia](https://en.wikipedia.org/wiki/The_Gambia)

3 Jobarteh, J. (2014, 17 April). Gambia 1994 Coup D'etat: The Fall of Jawara's Civilian Regime. *Prezi*. [https://prezi.com/8zobm\\_uqqmcc/gambia-1994-coup-detat-the-fall-of-jawaras-civilian-regim](https://prezi.com/8zobm_uqqmcc/gambia-1994-coup-detat-the-fall-of-jawaras-civilian-regim)

4 Freedom House. (2014). Freedom on the Net 2014: The Gambia. <https://www.freedomhouse.org/report/freedom-net/2014/gambia>

5 [www.pura.gm](http://www.pura.gm)

6 [www.wipo.int/wipolex/en/details.jsp?id=10478](http://www.wipo.int/wipolex/en/details.jsp?id=10478)

7 Joof, M. S. (2013, 8 July). The Gambia's Internet Law: RSF very disturbed, Amnesty International shocked. *Front Page International*. [frontpageinternational.wordpress.com/2013/07/08/the-gambias-internet-law-rsf-very-disturbed-amnesty-international-shocked](http://frontpageinternational.wordpress.com/2013/07/08/the-gambias-internet-law-rsf-very-disturbed-amnesty-international-shocked)

8 End FGM European Network. [www.endfgm.eu/en/female-genital-mutilation/what-is-fgm/what-is-fgm/](http://www.endfgm.eu/en/female-genital-mutilation/what-is-fgm/what-is-fgm/)

9 United Nations Population Fund. (2015). Female genital mutilation (FGM) frequently asked questions. [www.unfpa.org/resources/female-genital-mutilation-fgm-frequently-asked-questions#why](http://www.unfpa.org/resources/female-genital-mutilation-fgm-frequently-asked-questions#why)

10 Moges, A. (n/d). What is behind the tradition of FGM? [www.african-women.org/documents/behind-FGM-tradition.pdf](http://www.african-women.org/documents/behind-FGM-tradition.pdf)

practised even when it is known to inflict harm upon girls because the perceived social benefits of the practice are deemed higher than its disadvantages.<sup>11</sup>

Yet survivors of the practice often suffer life-long trauma, as Jainaba's experience shows:

It is 18 solid years ago, but the memories of her experience on a cold winter Friday morning are still very vivid. She was wrestled down to the ground, her eyes and mouth covered while her legs were stretched apart; a sharp object was used to cut her clitoris. "That was the worst pain I ever experienced in my life," recalled Jainaba, a female genital mutilation survivor. "I screamed out for help," she added, but no one would respond with over a dozen other young girls already bleeding in similar pain. An old woman, Aja Jontang, used a single knife to cut all the girls as tradition demands.<sup>12</sup>

Thousands of young girls in The Gambia face the risks of FGM each year, with hundreds of others falling victim to the harmful cultural practice. In this tiny West African state, FGM is normally carried out on girls before the age of 18 and is typically done by a woman who does not have medical training.

There are up to four types of FGM practiced in The Gambia, including type 1 (also referred to as a clitoridectomy) where part or all of the clitoris is removed. There are no known health benefits of the practice and it sometimes causes death. Immediate consequences of FGM include bleeding, excessive pain, and an inability to urinate, while long-term consequences include pain during sex and lack of pleasurable sensation, and psychological damage, including low libido, depression and anxiety, among others.<sup>13</sup>

## FGM in The Gambia

According to WHO estimates, the percentage of all women in The Gambia who have undergone one form of FGM or another ranges from 60 to 90%.<sup>14</sup> The Foundation for Research on Women's Health, Productivity and the Environment (BAFFROW) reports that seven of The Gambia's nine ethnic groups

practise at least one form of FGM.<sup>15</sup> Furthermore, it reports that among those who have undergone any FGM procedures, 20% were under the age of five at the time and 50% were between the ages of five and 18, with the average being approximately age 12. Official statistics are largely unavailable, but according to experienced health workers in the country, the effects of the practice are grim. A local medical doctor, with over two decades of experience, has documented that between 300 and 400 women die during childbirth every year from complications attributable to one form of FGM or another.<sup>16</sup>

## FGM and online activism

Recently, however, there has been an unprecedented surge in activities geared towards ending this harmful traditional practice. Activists, including survivors of FGM, have taken on the responsibility to challenge the status quo. From offline conferences to online forums, campaigns have been launched across the country targeting families, both men and women, the young and the elderly. Some of these sexual rights movements are using the internet for community building, awareness raising and even advocacy for policy dialogue.

There has been significant progress to date in the anti-FGM campaign. Until about five years ago, The Gambia Committee on Harmful Traditional Practices was among the few organisations actively campaigning and sensitising people on FGM and other harmful practices. In 2009, with support from a Finnish development agency, a consortium of activists emerged. The Network Against Gender Based Violence (NGBV)<sup>17</sup> aims to address harmful traditional practices such as FGM and forced and early marriages. Activists say NGBV serves as a platform for action and discussion on gender-based violence issues in the country. But of all the new groups, networks and consortiums, The Girls' Agenda<sup>18</sup> is the newest and among the few that prioritise the use of the internet in their campaigns.

Established in 2011 by mostly survivors of FGM, the youth-led community organisation has since championed the cause of women and girls' sexual rights. Oumie Sissokho, one of the pioneers of the organisation, explains their work this way: "The Girls' Agenda has been engaged in awareness

11 World Health Organization. (2008). Eliminating Female Genital Mutilation: An Interagency Statement – OHCHR, UNAIDS, UNDP, UNECA, UNESCO, UNFPA, UNHCR, UNICEF, UNIFEM, WHO. [www.who.int/reproductivehealth/publications/fgm/9789241596442/en](http://www.who.int/reproductivehealth/publications/fgm/9789241596442/en)

12 Interview with FGM survivor, May 2015.

13 Moges, A. (n/d). Op. cit.

14 Kaplan, A., et al. (2013). Female genital mutilation/cutting in The Gambia: long-term health consequences and complications during delivery and for the newborn. *International Journal of Women's Health*, 2013(5), 323-331. <https://www.dovepress.com/female-genital-mutilationcutting-in-the-gambia-long-term-health-conseq-peer-reviewed-article-IJWH>

15 Access Gambia. Female Genital Mutilation in The Gambia. [www.accessgambia.com/information/female-circumcision-fgm.html](http://www.accessgambia.com/information/female-circumcision-fgm.html)

16 U.S. Department of State. (2001). The Gambia: Report on Female Genital Mutilation (FGM) or Female Genital Cutting (FGC). 2001-2009.state.gov/g/wi/rls/rep/crfgm/10099.htm

17 [www.networkgbv.org](http://www.networkgbv.org)

18 [www.girlsnotbrides.org/members/the-girls-agenda](http://www.girlsnotbrides.org/members/the-girls-agenda)

creation and advocacy on promoting the reproductive health rights and concerns of girls and women by demanding investments in health and the education of girls, elimination of sexual violence, and combating harmful traditional practices such as FGM and arranged marriages, among others.”<sup>19</sup> Despite the daunting challenge of a lack of regular funding, the organisation continues to make giant strides, especially through online activism and using new media. Through its pool of volunteers, the organisation is optimistic that they can turn the tide against FGM in a country where more and more people, especially the youth, are going online.

Members of The Girls’ Agenda believe that their ability to use the internet and reach out to thousands of Gambians is their greatest asset. “Because this new generation of young leaders and advocates has realised the crucial role the internet plays in advocacy, especially gender equality and social justice, we are relying heavily on this opportunity to champion the causes we believe in,” observed Isatou Bittaye, another pioneering member of the organisation.<sup>20</sup> According to her, the internet not only helps ensure that their advocacy messages reach a wider audience in a timely manner, but it “is a great resource and tool for interaction and engagement with policy makers and colleague advocates.”

“As advocates, we are always on the internet via social media to conduct online advocacy on issues affecting girls and young women, such as FGM, early marriages, gender-based violence, teen pregnancy, access to equal educational opportunities and sexual and reproductive health services,” Bittaye added.

The activists went further to describe how the internet has helped them. They recalled that in February 2015, at a community outreach youth forum on sexual violence, their communications team live streamed the event on social media (Facebook, Twitter and Instagram). “This contributed to the success of the activity in a way hitherto unknown, and on these platforms interaction with the audience ensued long after the end of the programme,” they noted.

But not all is well. “Although the online advocacy is effective in reaching a larger audience, delivering messages in a timely manner and enabling efficient interaction, experiences of provocation and hostilities from groups that support FGM are encountered by anti-FGM advocates, including The Girls’ Agenda,” Isatou Jeng, another founding member,

pointed out. She revealed that they are often condemned for their advocacy for an anti-FGM law in The Gambia. “The insults, curses and condemnations can be stressful and hard to bear, especially for new volunteers and inexperienced members,” Jeng added.<sup>21</sup> Furthermore, the lack of online presence of a large part of the rural population makes it impossible to reach out to this “critical population” via the internet.<sup>22</sup> “The Gambia has poor rural telecommunications infrastructure. Access to the internet by most people in the rural communities is difficult, and that makes it difficult for us to get our messages to such groups of people via the internet,” Jeng concluded.

The practice of FGM is an old tradition that has lost its place in modern society – but as a practice highly valued and promoted by the elderly, it is not going away easily. The internet is seen as one of the most powerful tools in the 21st century, enabling unprecedented means of communications across cultures and among people. However, different parts of the world face different challenges as far as internet connectivity and policies are concerned. The continent of Africa is still home to the world’s most disconnected communities, despite the progress registered. Behind the issues of connectivity is the very important but also controversial matter of regulation of the internet. Whereas some progress has been registered towards a realisation of internet rights on the continent, analysts believe there is still a long way to go. In The Gambia, the strict regulation of freedom of expression offline is reflected online. The West African state is one of the few countries in the region where criminal defamation remains on the books.<sup>23</sup> Furthermore, strict regulations of the sector and harsh punishments – judicial as well as extrajudicial – have had a chilling effect on the use of the internet and ICTs in general.

## Conclusion

As in other developing countries, ICTs have started to become an integral part of everyday life in The Gambia. The integration of ICTs and the internet into the daily lives of many is essential, since it gives more and more people a chance to be heard, in this way improving openness and public debate in society. This is all the more relevant for traditionally sensitive issues and harmful cultural practices such as FGM.

<sup>21</sup> Interview with Isatou Jeng, member of The Girls’ Agenda.

<sup>22</sup> Freedom House. (2014). Op. cit.

<sup>23</sup> ARTICLE 19. (2012). *The Gambia: Analysis of Selected Laws on Media – Overview*. <https://www.article19.org/data/files/medialibrary/3043/12-04-17-LA-gambia.pdf>

<sup>19</sup> Interview with Oumie Sissokho, member of The Girls’ Agenda.

<sup>20</sup> Interview with Isatou Bittaye, member of The Girls’ Agenda.

However, the discussions online, just like those held offline, are affected by the general legal and regulatory framework. ARTICLE 19, an independent international NGO focusing on freedom of expression, has found that restrictions on the right to freedom of expression in relation to ICTs are on the increase worldwide. The London-based group noted that there have been “many warnings that more and more states are trying to increase their grip on the growing flow of data and how people express themselves online.”<sup>24</sup>

Activists in general and human rights activists in particular are the most affected by restrictions to freedom of expression both online and offline. In their campaigns against FGM online, activists are compelled to adhere to regulations on free speech within their respective areas of jurisdiction. For instance, the July 2013 amendments to the country’s Information and Communication Act could be problematic. The amendments, which impose penalties of up to 15 years in prison or a heavy fine, have the potential to limit anti-FGM campaigns. The wide and vague terminology leaves users susceptible to a wide range of interpretations of their online activities.

There has not yet been any prosecution of online activism relating to FGM, but in March 2015, a child and women’s rights activist fled the country for her life after posting a video of a police officer beating a school child. Aminata Manneh, a third-year university student at the time, reportedly started receiving suspicious calls and messages shortly after her video went viral on Facebook.<sup>25</sup>

In various discussions and evaluation sessions, individuals and groups have criticised the July 2013 amendments as severely flawed and a threat to the protection of freedom of expression online. It is clear that previous legislation and efforts to meet the international obligations of the country resulted in greater protection of free speech in general.

In January 2014, the African Union (AU) postponed a vote to pass a continental framework for the common regulation of ICTs.<sup>26</sup> The so-called Oliver Tambo Declaration<sup>27</sup> was passed in 2009 and

aims to harmonise various ICT regimes, particularly around cyber security laws. While some people are optimistic that a continental approach to ICT regulation is positive, especially given the poor state of regulation in many countries, many are of the opinion that the general lack of means of enforcement and political will are huge obstacles. Supported mostly by stakeholders from government and regional partners of the AU, the framework is criticised by many internet activists as not meeting basic international standards on freedom of expression online. International human rights organisations, including Access, have raised concerns over the provisions of the draft on some aspects of user rights such as privacy.<sup>28</sup> Given the apparent sense of fear of the internet among some African governments, a common regional framework bears the risk of watering down existing human rights standards in countries where these are legislated.

### Action points

The following steps are recommended for activists in The Gambia:

- All online activists, including anti-FGM activists, should dedicate part of their efforts to campaigning for better regulation of the internet.
- All internet users, particularly activists, should maintain basic online security practices.
- Activists from different fields should collaborate on the issue of FGM to ensure greater impact of their campaigns.

24 ARTICLE 19. (2013). *Freedom of expression and ICTs: Overview of international standards*. <https://www.article19.org/resources.php/resource/37380/en/freedom-of-expression-and-icts-overview-of-international-standards>

25 Azuakola, S. (2015, 23 March). Young activist flees Gambia after posting video of police assault. *This Is Africa*. [thisisafrika.me/tag/aminata-manneh/](http://thisisafrika.me/tag/aminata-manneh/)

26 African Union. (2012). Draft African Union Convention on the Establishment of a Legal Framework Conducive to Cyber Security in Africa. [au.int/en/sites/default/files/AU%20Convention%20EN.%20%283-9-2012%29%20clean\\_o.pdf](http://au.int/en/sites/default/files/AU%20Convention%20EN.%20%283-9-2012%29%20clean_o.pdf)

27 [www.researchictafrica.net/multistake//African\\_Union\\_2009\\_-\\_Oliver\\_Tambo\\_Declaration.pdf](http://www.researchictafrica.net/multistake//African_Union_2009_-_Oliver_Tambo_Declaration.pdf)

28 Kenyanito, E. P. (2014, 2 June). Africa moves towards a common cyber security legal framework. *Access*.

<https://www.accessnow.org/blog/2014/06/02/africa-moves-towards-a-common-cyber-security-legal-framework>

# Sexual rights and the internet

The theme for this edition of Global Information Society Watch (GISWatch) is sexual rights and the online world. The eight thematic reports introduce the theme from different perspectives, including the global policy landscape for sexual rights and the internet, the privatisation of spaces for free expression and engagement, the need to create a feminist internet, how to think about children and their vulnerabilities online, and consent and pornography online.

These thematic reports frame the 57 country reports that follow. The topics of the country reports are diverse, ranging from the challenges and possibilities that the internet offers lesbian, gay, bisexual, transgender and queer (LGBTQ) communities, to the active role of religious, cultural and patriarchal establishments in suppressing sexual rights, such as same-sex marriage and the right to legal abortion, to the rights of sex workers, violence against women online, and sex education in schools. Each country report includes a list of action steps for future advocacy.

The timing of this publication is critical: many across the globe are denied their sexual rights, some facing direct persecution for their sexuality (in several countries, homosexuality is a crime). While these reports seem to indicate that the internet does help in the expression and defence of sexual rights, they also show that in some contexts this potential is under threat – whether through the active use of the internet by conservative and reactionary groups, or through threats of harassment and violence.

The reports suggest that a radical revisiting of policy, legislation and practice is needed in many contexts to protect and promote the possibilities of the internet for ensuring that sexual rights are realised all over the world.

GLOBAL INFORMATION SOCIETY WATCH

2015 Report

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