



HOUSE OF LORDS

Conduct Committee

10th Report of Session 2019–21

The conduct of Baroness Tonge

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Code of Conduct for Members, Guide to the Code of Conduct and Code of Conduct for Members' Staff

The present Code of Conduct for Members of the House of Lords was agreed on 30 November 2009. Amendments to it were agreed by the House on 30 March 2010, 12 June 2014, 25 February 2016, 9 February 2017, 3 April 2017, 30 April 2019, 18 July 2019, 16 March 2020 and 8 July 2020.

The Guide to the Code of Conduct was proposed by the Committee for Privileges (2nd Report, Session 2009–10, HL Paper 81) and agreed by the House on 16 March 2010. The Guide was amended on 9 November 2011, 6 March 2014, 13 May 2014, 24 March 2015, 25 February 2016, 9 February 2017, 3 April 2017, 30 April 2019, 18 July 2019, 16 March 2020 and 8 July 2020.

The Code of Conduct for House of Lords Members' Staff was agreed on 13 May 2014. Amendments to it were agreed on 24 March 2015, 30 April 2019, 18 July 2019, 16 March 2020 and 8 July 2020.

Review

The Codes and Guide are kept under review by the Conduct Committee. Recommended changes are reported to the House and take effect when agreed by the House.

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The conduct of Baroness Tonge

REPORT FROM THE CONDUCT COMMITTEE

Introduction

1. This report relates to an allegation of bullying made by Ms Naasu Fofanah, a policy advocate and activist on women's and girls' rights, about a member of the House of Lords, Baroness Tonge. The allegation was investigated by the Commissioner for Standards who upheld it and found Baroness Tonge to have breached the Code of Conduct by bullying Ms Fofanah in the course of her parliamentary duties and activities.
2. Baroness Tonge appealed to the Conduct Committee. The *Guide to the Code of Conduct* states that:

“164. On appeal, the Committee will not reopen the Commissioner's investigation. The grounds for appeal are limited to the following:

 - the Commissioner was plainly wrong in her finding;
 - points of process;
 - the emergence of significant new evidence; or
 - the severity of the sanction. On appeal a recommended sanction may be endorsed, reduced or increased.”

Baroness Tonge appealed on the grounds that the Commissioner's findings were plainly wrong. Baroness Tonge retired from the House after the Commissioner's investigation was complete but while the appeal was ongoing, though her retirement did not affect her right to appeal.

3. The Conduct Committee considered written appeal submissions from both parties alongside the Commissioner's report and accompanying evidence. The Conduct Committee upheld the appeal by Baroness Tonge and therefore dismissed the allegations against her.
4. This is the first time that the Conduct Committee has upheld an appeal on the basis that the conclusions of the Commissioner for Standards were “plainly wrong”. This report sets out our reasons for doing so.
5. This report, and the accompanying report by the Commissioner for Standards, includes explicit discussion of female genital mutilation (FGM), also known as female circumcision or cutting, which some readers may find distressing. The Committee was solely concerned with the conduct of Baroness Tonge and did not enter into any debate on the practice of FGM or take views on different policy positions in relation to it.

Facts of the case

6. The complaint upheld by the Commissioner was that Baroness Tonge bullied Ms Fofanah, an activist in the field of FGM, by sending Ms Fofanah a strongly worded letter and copying it to other activists who opposed Ms Fofanah's stance on FGM. Baroness Tonge also published a statement about Ms Fofanah on the website of the All-Party Parliamentary Group on

Population, Development and Reproductive Health (“the APPG”), of which she was a senior member.

7. The events central to the case were that Ms Fofanah made public an association with Baroness Tonge and the APPG by posting without consent on social media a photograph of herself with Baroness Tonge taken at an event about abortion policy organised by the APPG. This photograph led to an adverse reaction from campaigners who opposed Ms Fofanah’s views on FGM. Two such campaigners (VW and ZA, who had it appears never met) contacted the APPG asserting that Ms Fofanah was associated with controversial views on FGM.
8. There followed correspondence between the APPG, Ms Fofanah and separately with the two other campaigners, in which Ms Fofanah described her own position on FGM. The campaigners challenged this characterisation of Ms Fofanah’s views. They alleged that the photograph on social media risked the APPG being damaged by association with Ms Fofanah’s views and criticised the APPG for giving Ms Fofanah a platform. Ms Fofanah replied that she had tried to identify who the campaigners were and that a “familiar picture” was emerging of someone “using [their] access with State institutions to intimidate people” and that she could not condone blackmailing tactics. The campaigners supplied the APPG with a link to Ms Fofanah speaking about FGM in a publicly available audio recorded interview.¹ The APPG wrote to Ms Fofanah, referring to, and expressing concerns about the content of, the interview and asking Ms Fofanah to make known on social media that the APPG did not support her views. Ms Fofanah replied that the photo she had posted of herself with Baroness Tonge had been in a different context given the event was about abortion policy, that her position on FGM was well-known, that she would not therefore be putting out a statement of any sort “because it would be in my opinion an unfair/unjust publicity to [Baroness Tonge’s] name and mine”, but that she “would be perfectly happy to put out a statement” once she got “the initial trigger complaint and the name of organizations accordingly”.
9. This led to Baroness Tonge sending what is the first and main object of complaint, a letter to Ms Fofanah, copied to the two campaigners without releasing their identity to Ms Fofanah. The letter robustly challenged and criticised Ms Fofanah’s views on FGM and again requested that Ms Fofanah make known on social media that the APPG did not support those views. It stated that “To suggest that removal of the glans clitoris is not mutilation is very ignorant and misleading”. The letter also asked that Ms Fofanah not use any photos of Baroness Tonge. Ms Fofanah in reply reiterated her request for the identities of the campaigners and in a second email suggested that the campaigners were malicious and misleading and that the letter did not give the full background about their work. The APPG then issued on its website a statement in modified terms from the letter, distancing itself from Ms Fofanah’s views (the modification was that the criticisms of Ms Fofanah’s views were not included). That is the second object of complaint.
10. One and a half months later, Ms Fofanah contacted the APPG, again repeating her request for the identity of the campaigners and saying that she had safety concerns due to threats on social media which also mentioned the contents of the letter sent by Baroness Tonge. Ms Fofanah produced a short

¹ See transcript of interview at Appendix 1.

run of 11 social media messages that day or the day before by persons we can identify as LM, FG, KL, RS and Ms Fofanah herself (see Appendix 2).

11. Nearly five months thereafter, Ms Fofanah pursued her quest to identify the campaigners via a complaint to the Information Commissioner's Office, which was dismissed.
12. Over six further months later (a year after the initial events), LM, who was involved in FGM policy like the two other campaigners, wrote to Baroness Tonge complaining that Ms Fofanah had in social media posts accused her (LM) of being the individual who contacted Baroness Tonge and the APPG, subjecting LM to distress and embarrassment, and attached four pages of relevant posts by Ms Fofanah and RS and LM, as well as by others we can identify as EF, AB, GH and JK (see Appendix 3).
13. Two further months later Ms Fofanah alleged that Baroness Tonge's actions had caused her considerable psychological and professional damage and further that Baroness Tonge had "deliberately" imposed psychological harm on her "for expressing my human rights". Shortly thereafter Ms Fofanah made a complaint of bullying to the Commissioner against both Baroness Tonge and a member of staff of the APPG.
14. Upon receiving the complaint under the House of Lords Code of Conduct, the Commissioner investigated these events. She determined that the only possible complaint lay against Baroness Tonge and not the member of staff of the APPG. She dismissed the suggestion that Baroness Tonge had deliberately bullied Ms Fofanah, but she came to the following conclusions:

"As a result of my investigation, I have found that although it was reasonable that Baroness Tonge would wish to make her and APPG's position on FGM clear in order to distance herself from Ms Fofanah and to avoid being involved in a dispute between members of the FGM stakeholder community, her methods for doing so were not appropriate for the following reasons:

- the language used in the letter was inappropriate, offensive and insulting;
- Baroness Tonge had good reason to understand that VW and ZA were hostile to Ms Fofanah and therefore might share the letter with others hostile to her. Copying the letter to them was therefore ill-judged and irresponsible;
- given that the personal criticism of Ms Fofanah was not included in the APPG statement—which was also intended to distance Baroness Tonge and the APPG from the dispute between Ms Fofanah, VW and ZA—Baroness Tonge appeared to recognise that such criticism was not necessary for her to achieve that aim;
- the lack of contextual information in the APPG statement about Ms Fofanah was inappropriately careless and allowed for an inaccurate interpretation of Ms Fofanah's views in contrast to the APPG's and this was exacerbated by the fact that Baroness Tonge had good reason to anticipate that the APPG's statement could be used against Ms Fofanah in the disputes between different elements of the FGM stakeholder community;

- Baroness Tonge’s explanations of the acute need to act at the time—that she and her office were under terrific pressure and her reputation and that of the APPG were at serious risk—are not borne out by the contemporary evidence for the period 9–18 July 2018.”²
15. The Commissioner’s overall conclusion was that “I consider it more likely than not that Ms Fofanah has suffered professionally and personally as a result of Baroness Tonge’s actions. I find that Baroness Tonge’s behaviour meets the criteria to amount to bullying. I find therefore that Baroness Tonge’s conduct breached the Code of Conduct.”³
 16. Baroness Tonge’s letter of appeal takes issue with the Commissioner’s findings generally, explaining that she felt that she had no option but to react as she did in the light of the objections received from legitimate sources (VW and ZA) and pressure felt as a result of the contents of the material drawn to her attention by the correspondence. She accepts however that the language used in the letter was “intemperate and ill-judged”, but contends that the Commissioner failed to give due weight to the importance, from Baroness Tonge’s and the APPG’s viewpoint, of their asserting their view on the central issues in question as the reason for the immoderate language. It submits that the press release was in appropriate terms, and that it would have been impracticable to attempt in it to clarify Ms Fofanah’s position and that that was unclear in the light of the correspondence exchanged and the contents of the interview. It also takes issue with the Commissioner’s suggested sanction.
 17. Ms Fofanah in her reply maintained in strong terms that (a) Baroness Tonge (and the APPG staff member) acted deliberately to harm her and that RS and LM were behind the original objections raised by VW and ZA, and that (b) the Committee should refer Baroness Tonge to the police for false reporting. The Committee makes clear at the outset that there is no basis on which to accept or consider (a) further, and that there is equally no basis for concluding, even if it were material to the issues, that VW and ZA acted at the behest of RS and/or LM or for any other reasons other than the concern which they expressed at the time about the apparent connection between the APPG and Ms Fofanah.

The Committee’s considerations

18. In considering Baroness Tonge’s appeal, the Committee directed itself by reference to the definition of bullying that appears in Appendix B of the Guide to the Code:

“What is bullying?

2.9 Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour involving an abuse or misuse of power that can make a person feel vulnerable, upset, undermined, humiliated, denigrated or threatened. Power does not always mean being in a position of authority and can include both personal strength and the power to coerce through fear or intimidation.”

² Annex A: Report from the Commissioner for Standards, para 21

³ Annex A: Report from the Commissioner for Standards, para 23

19. Drawing from this definition and the ensuing elaboration in Appendix B, the Committee would conclude that:
 - (a) The essence of bullying is unwarranted conduct affecting the subject's will or emotional well-being. Commonly, even if not always, it will involve a misuse of a superior position. Often, but not necessarily, it will be part of a repeated course of conduct.
 - (b) Bullying need not be intentional, but a finding of bullying against a person will typically involve a finding of conduct which a reasonable person in that person's position ought, in all the circumstances, to have realised was both unwarranted and likely to lead to the recipient's will or well-being being materially overborn or adversely affected.
 - (c) Merely to upset someone or their well-being is not necessarily bullying. Even if a challenge or condemnation of another's views, beliefs or conduct is in wholly inappropriate or disproportionate language, there would typically, although not necessarily, also be other factors such as abuse of power and/or repetition.
20. The Committee has reached the unanimous decision that the ingredients of bullying were not shown to be present in this case, and that the Commissioner's finding is plainly wrong.
21. Before we met to discuss the appeal, each member of the Committee had concluded separately that they would have decided the case differently. Merely taking a different view does not amount to finding that the Commissioner's view was plainly wrong. But when all the members of the Committee reach a different view that goes some way towards meeting the test.
22. As to the actual test, we would refer to what we said in paragraph 32 of our Report on *The conduct of Lord Ahmed*:

“32. In considering whether the Commissioner was “plainly wrong” in her key findings, the Committee was mindful that this is a high bar. In the ordinary judicial system, an appellate court will give considerable weight to the findings of the first instance judge (the parallel here being the Commissioner) who has the advantage of seeing all the parties, witnesses and evidence. Only on the rarest occasions, when convinced that the first instance decision was plainly wrong, will an appeal body be justified in overturning the first instance decision on an issue of fact. That could occur, if it could be said, in particular, that the first instance decision was one which the judge could not reasonably have reached or if it had been made with no basis in evidence. An appellate body is not there to say whether it thinks it would have reached the same conclusion.”⁴
23. That test accords with the explanation of the meaning of the phrase “plainly wrong” given in United Kingdom appellate authority. The Supreme Court said in *Henderson v Foxworth Investments Ltd* [2014] 1 WLR 2600, paragraphs 62 and 66, that: “The adverb ‘plainly’ does not refer to the degree of confidence felt by the appellate court that it would not have reached the same conclusion as the trial judge” and that “the phrase [plainly wrong]

4 Conduct Committee, *The conduct of Lord Ahmed* (6th Report, Session 2019–21, HL Paper 170), paragraph 32

can be understood as signifying that the decision of the trial judge cannot reasonably be explained or justified”.⁵

24. The Committee starts by stating that in its view the interview (see paragraph 8) had an importance not recognised by the Commissioner’s report, which treated Ms Fofanah as having at all times expressed the same views. The interview is in contrast at least studiously ambivalent and at worst implicitly accepting of an inconsistent view on FGM in under-18s; and on FGM in over-18s its expressed neutrality was accompanied by troubling analogies. The Committee is not surprised that Baroness Tonge should be very concerned by the interview and feel an urgent need to distance the APPG in strong terms.
25. A second significant point not addressed in the report is that the evidence shows that the contents of the interview generated indignation on the part of campaigners independently of anything that the APPG or Baroness Tonge wrote in the letter or press release. The social media posts to which we refer in paragraphs 10 and 12 above make this clear. The only reference to Baroness Tonge is in support of the repudiation of the views expressed in the interview and is to the effect that Ms Fofanah had had a “telling off from certain high up people” and been told by “a certain baroness” to stop using her name. Importantly, nothing in the social media exchanges suggests that anyone had been misled about Ms Fofanah’s views. In the context of a very public debate, that is unsurprising.
26. Third, so far as it is material, there is nothing to suggest that RS, LM or any of the other participants in the social media posts were behind or connected with the original campaigners VW and ZA or responsible for their contacting the APPG. The evidence is that VW and ZA had themselves in fact never met. VW records that their partner was particularly concerned to see the photograph and that they contacted Baroness Tonge as an individual with a prominent public profile.
27. Fourth, the context of the whole course of events is that the APPG and Baroness Tonge (given her position of power in the organisation) were drawn into an existing public debate by the publication of the photograph. In the light of what we have already said, it is clear and the Commissioner also accepted that the APPG and Baroness Tonge were entitled to distance themselves from Ms Fofanah and to avoid being involved in an existing public dispute.
28. The issue is whether Baroness Tonge’s way of doing this was such as to amount, in all the circumstances, to bullying. We do not consider that it is shown to have been.
29. The Commissioner considered that Baroness Tonge’s methods of making the APPG’s position clear and distancing both it and her were not “appropriate”, in that:
 - (a) the language in the letter was “inappropriate, offensive and insulting”,
 - (b) its sending to the campaigners was “ill-judged and irresponsible”,

⁵ *Henderson v Foxworth Investments Ltd* [2014] 1 WLR 2600: <https://www.supremecourt.uk/cases/docs/uksc-2013-0083-judgment.pdf>

- (c) the inclusion in the letter, but not in the press release, of “criticism” of Ms Fofanah showed that it was not necessary to include such criticism in the letter,
 - (d) the “lack of contextual information” about Ms Fofanah was careless and allowed for an inaccurate interpretation of her views,
 - (e) Baroness Tonge’s explanation of the acute need to act, because of the pressure she was under and the serious risk to the APPG’s reputation, was not borne out by contemporary evidence.
30. Against that background, the Commissioner went on to conclude that there had been bullying. She identified as relevant considerations:
- (a) “disrespectful” language in the letter,
 - (b) the use in the letter of insulting language which would undermine Ms Fofanah in the eyes of those reading it,
 - (c) the use by Baroness Tonge of a platform, position and influence in the House of Lords and the APPG to publish a press statement making Ms Fofanah vulnerable to misunderstandings about her position,
 - (d) the failure to attempt to understand Ms Fofanah’s position and acceptance “at face value” of the campaigners’ “allegation”.
31. She concluded, by reference to the elements indicated in the first sentence of clause 2.9 of Appendix B of the Code, that:
- (a) the letter used “offensive and insulting” language,
 - (b) there was an abuse or misuse of power, taking account of
 - (i) the content of the letter in the light of its copying to VW and ZA,
 - (ii) the lack of account paid by Baroness Tonge to the likely impact of her action on Ms Fofanah, particularly by copying the letter to VW and ZA,
 - (iii) the lack of any evidence of widespread conflation of Ms Fofanah’s views with those of the APPG,
 - (iv) the haste with which Baroness Tonge acted, and particularly the fact that she sought advice but then acted without waiting for it.
32. These are detailed conclusions, based on detailed findings, but, for a number of different reasons which we set out below, we do not consider that they can be maintained on the material before us. We bear in mind that the Commissioner has had the advantage of seeing the parties, but the case turns primarily on the nature, circumstances and likely effect of two documents, the letter and press statement, and, in so far as other points also arise, there is considerable documentary material which speaks for itself.
33. First, with respect to the language used in the letter, the Committee has serious concerns that the Commissioner has not drawn the correct line between (a) language sufficient to justify a charge of bullying and (b) robust and reasonable exchange of views about a highly emotive topic such as FGM. The Commissioner concluded that the letter that Baroness Tonge sent to

Ms Fofanah was insulting and disrespectful, especially because it contained criticisms relating to Ms Fofanah's descriptions of her own experience of FGM. In a context where what was in issue were fundamentally opposed approaches to FGM, and in which Baroness Tonge took the view that Ms Fofanah's attitude could be dangerously detrimental to vulnerable people, the Committee doubts whether "lack of respect" was a justified criticism. The contrary view might be that the language used, in particular the statement that "to suggest that removal of the glans clitoris is not mutilation is very ignorant and misleading", was tough and very blunt, but for a reason. All the Committee's concerns in this connection are strongly underlined by the Committee's own conclusion that the significance of the interview is overlooked in the Commissioner's report: see paragraph 24, above. The Committee considers that Baroness Tonge's evidence about the concern that listening to that interview caused is wholly understandable.

34. Baroness Tonge has however apologised in her appeal that the language used in the letter was "intemperate and ill-judged" but at the same time, she asked the Committee to understand the strength of her feelings around FGM. The use of "intemperate and ill-judged" language does not in itself mean that there was bullying. People can go too far in everyday exchanges. The same applies even to insulting language. Those engaged publicly in important public issues must be taken to know and accept that others opposing them may on occasion go too far and say something inappropriate, whether through engagement in the heat of the moment or (as clearly here) out of well-founded concern to distance the APPG from unjustified association with views entirely inconsistent with the organisation's on FGM. It is in this connection rather a positive than a negative that the press release after further thought in the light of the Complainant's intermediate letter omitted the language. Viewing the matter in the light of all the above factors the Committee would not consider the threshold of bullying to have been crossed.
35. Second, in order for there to be bullying, the language must at least be likely to impose, or be likely to lead to others imposing, unacceptably over-bearing pressure on the recipient's emotional well-being. This again is not a conclusion to which one should lightly come in the context of individuals playing a role in public life and debate. Public figures, including campaigners, must expect to be exposed to vigorously and sometimes offensively or even aggressively expressed rejection of their views. The importance of freedom of speech in the discharge of parliamentary duties and activities is also underlined in paragraph 127 of the Guide to the Code which states that "policy matters or a member's views or opinions" are not within the Commissioner's remit. That does not either justify or permit bullying, but it is vital to ensure that the line is drawn in the right place.
36. Third, the Committee is not persuaded that there was here a basis for speaking of an abuse or misuse of power. The APPG and Baroness Tonge were bound to react strongly to their unwanted association with Ms Fofanah whose posting of a photograph associating them with each other had led to such strong and immediate reaction, as well as to the interview being brought to their attention.
37. As to the sending of the letter to VW and ZA, to which the Commissioner attached considerable importance, the Committee thinks that this was understandable, in the light of their detailed complaints and since it was they who had sent the APPG the link to the interview. In interview, the

independent investigator raised with Baroness Tonge the possibility that she could simply have sent emails to VW and ZA setting out that she had “dealt with the issue”. That would have been a very puzzling and inadequate response to VW’s and ZA’s concerns.

38. As to the lack of any evidence of widespread conflation of Ms Fofanah’s views with those of the APPG, the fact is that the social media photograph immediately attracted two (or, if one includes the partner, three) knowledgeable objectors. Baroness Tonge and the APPG thought, with on the face of it good cause, that they needed to address this at once, to prevent further objections.
39. As to the suggested haste with which Baroness Tonge acted, this is in the Committee’s view peripheral. Whether a communication is bullying is unlikely to depend on how long was taken to prepare it. As a matter of record, however, the Committee do not consider that the evidence bears out a suggestion that the APPG or Baroness Tonge acted precipitously. The initial objection by VW had in the course of eight to nine days attracted some 25 pieces of correspondence, some quite lengthy and detailed, involving five people, together with the need to listen to and digest the interview, read an article, speak to an outsider for assistance and draft and issue the letter and statement. During this period, the APPG staff member recorded at one point that they saw Ms Fofanah’s own attitude as “quite threatening”. Baroness Tonge might have waited for the outsider’s formal written views, but it is notable that in evidence to the Commissioner, the outsider actually said that they saw the press statement as a “measured” document.
40. Fourth, there is not, in the Committee’s view, any basis for a conclusion that Baroness Tonge, as a reasonable person, ought in all the circumstances to have appreciated that her letter or the press release were not only unwarranted but likely to lead to Ms Fofanah’s well-being and/or professional activities being adversely affected, either directly or because other campaigners would use some misunderstanding which it could generate against Ms Fofanah. The original objections by the campaigners VW and ZA indicated that other campaigners had strong pre-existing views about Ms Fofanah’s stance, particularly as represented in the interview, and the subsequent documentary evidence in the form of social media posts bears this out. There is no indication that the letter or press statement created or were likely to create any misconceptions. Ms Fofanah says that her position was well-known and her interview was certainly well-known and was forwarded for that reason to the APPG to explain what was really involved. It is further not shown that the letter received any circulation by VW or ZA. But, whether it did or not, the most that it or the press statement were likely to have done and ever appear to have done was enable legitimate comment to the (correct) effect that Baroness Tonge and the APPG had disassociated themselves from Ms Fofanah.
41. The documentary evidence in the form of the social media posts produced by Ms Fofanah supports what we have said in paragraph 24, namely that there existed at all relevant times a significant and very understandable controversy arising from the interview; that it was the interview, and not anything said in the letter or press release, that generated some very vigorous - but, in terms of the issues being publicly debated, legitimate - reactions from opponents of Ms Fofanah (who it appears had nothing to do with VW or ZA or their original objections); and that the only documented reference to Baroness

Tonge was a passing reference made in support of these legitimate reactions. While Ms Fofanah has, from the time identified above, made generalised complaints against Baroness Tonge of emotional and other prejudice arising from the letter and/or press release, this association is not borne out by the documentary evidence produced.

42. The Commissioner found that Ms Fofanah had suffered professionally as well as personally from Baroness Tonge's actions. The Committee does not consider that there was any reason for Baroness Tonge to think that this would or might be a likely result of either the letter or the press release. Again, there is also in the Committee's view no evidence to demonstrate that it was in fact a result. Ms Fofanah has produced written posts to show that it was, but they do not in the Committee's view do this. They show that a year after the original events (at around the time when LM wrote to Baroness Tonge: see paragraph 12, above), RS contacted a company with which Ms Fofanah had professional dealings, evidently questioning or complaining about the company's association with Ms Fofanah in the light of her views. This then led to a severance of relations between the company and Ms Fofanah. There is nothing in the material produced to show that Baroness Tonge's letter or press statement a year before were referred to or had any relevance to the complaint made or the resulting severance of relations. There may be a connection between RS and LM and they both appear in the four-page string of social media messages produced as set out in paragraph 12, above. But, if so, that is presently irrelevant.
43. Having considered all aspects of this matter, and for the various reasons which we have given, the Committee is unanimous in allowing the appeal. It is unnecessary in this situation for the Committee to consider the sanction recommended by the Commissioner.

APPENDIX 1: TRANSCRIPT OF SOUNDCLOUD INTERVIEW WITH COMPLAINANT

West Africa Democracy Radio: “To cut or not to cut”, interview with Naasu Fofanah, Aminata Koroma and one other⁶

Naasu Fofanah: Let me first pay my condolences to the family of the young woman. It is a very sad event. Any loss of life, in whatever circumstances, is something that is very sad.

To start with, the terminology and the women of Sierra Leone in particular: the very powerful Bondo society, which is at par with the male Poro society, do not recognise the terminology FGM. So female circumcision is a more acceptable terminology, and I must for this conversation be very clear to say I have gone through my rites of passage I went at 15 and I am indeed an esteemed member of the Bondo society in Sierra Leone.

The issue has surfaced once more after the death of the young lady in the north. Because that particular issue is currently under investigation and we have not had official notification of the cause of death, I don't think I am in a position to actually make comments on that. We have to wait for the pathologist's report and police reports, and I think, at that point in time, I would be able to add my voice once we have the real information.

A speaker: Naasu, let me get this clear. You are first of all rejecting the term “female genital mutilation”, because you said you have gone through rites of passage.

Naasu Fofanah: Yes. I don't feel mutilated, and this is not just my view. I don't feel mutilated; I was not mutilated. You know, we have gone through civil war in Sierra Leone; we have seen mutilation first-hand. Before people start categorising and generalising terminologies, they need to look at the psychological implications of those terminologies. When you say somebody has been mutilated, the connotation requires some element of conceived harm. My parents did not and I say this within my context, when I was growing up as a 15 year old consent and pay a lot of money to actually get me through my rites of passage and, you know, say they took me there to get me mutilated. I was not mutilated. I totally stand against that terminology. I think it is divisive; I think it is actually creating a lot of psychological issues for women like us who have gone through our rites of passage who are now being considered almost as second class women or broken women because of the negative connotation.

I totally reject the terminology FGM. I don't think it was well informed for a very small group of people to see it and generalise: maybe in other areas of Africa, where this practice takes place, but within the context of Sierra Leone, where my circumcision took place within the confines of my Bondo society, I don't feel mutilated. I was not mutilated as a child. As an adult, I don't feel mutilated at all and it is creating a lot of problems for women.

A speaker: Madam Naasu, do you think some other girls and women are suffering because of this practice, because, like in Sierra Leone, this data is [unclear] and

6 ‘To cut or not to cut: Sierra Leone's Naasu Fofanah and Aminata Koroma differ in opinion on FGM’, West African Democracy Radio (WADR) (29 August 2016): <https://soundcloud.com/westafricademocracyradio/to-cut-or-not-to-cut-sierra-leones-naasu-fofanah-and-aminata-koromadiffer-in-opinion-on-fgm>

people have also been campaigning that a lot of things that are not good for women are put forward when it comes to the circumcision in some of these bushes?

Naasu Fofanah: One has to put things into context. What I would say to you, Afzal[?], is that there has been lots of generalisation. Where is the evidence? What is happening at the moment is I don't mind, as an intellectual, as a cultural woman, if you show me the evidence, I am happy to listen and engage.

What is happening in the case of Sierra Leone and other countries is that we are having implications or complications of infibulation, which is type 3, being brought to the fore as a generalised norm for all forms of female circumcision. Now, inasmuch as there might be complications with infibulation, which I cannot speak to because I don't have the right expertise to actually comment on that, I totally do not agree with the generalisation of women's sexuality being hampered by female circumcision. I think the evidence needs to be clear, and we are still going on this. So if people can just come and say, "Oh, women cannot orgasm", for example, because they have gone through female circumcision, I would like to see the analysis of orgasm scientific research with the right data to say to me, "Well, Naasu Fofanah, you went through female circumcision as part of your rites of passage and by so doing your sexual prowess cannot be articulated well in bed". I mean, who says that? This is a very subjective issue, so those kinds of generalisations are actually causing women to lose their self esteem when it comes to sex.

However, I believe that my voice and the voice of millions of other women who don't feel victimised, who don't feel like they have been abused, who don't really factor themselves as survivors, because our experiences are different—those experiences should count. That is why we need a holistic approach in actually not only dealing with this but also talking about it.

You can never really talk about an issue if you are going to take a unidimensional approach. This is my problem with the anti FGM campaign. I think they have been very one-sided; they have tried to shut down African women who have the comparative advantage, be it personally, socially, culturally and academically, to engage, and we are now basically saying we will speak on this issue, and when it comes to the issue of the Bondo society, it is women who have been in there, who have gone through this process. We know the shortcomings of what is there and we will talk to our women. You cannot be dismissing the practitioners of the practice and work solo in isolation. We need to work with these women; we need to hear their voices; we need to hear their own stories. Why don't you work with the government to basically ensure that that policy is popularised, is domesticated and ensure that the government passes this law. You jump straight and move on to—you want total abandonment.

A speaker: Naasu, let me ask you this on the same United Nations; you were a gender adviser to the president. But when you look at other Nubian countries—Nigeria, for example, The Gambia and even in Senegal here—they have banned the practice of FGM and other people think the same should happen in Sierra Leone, because the UN and everybody is saying it is violations against women and girls.

Naasu Fofanah: Well, every country is a sovereign state. Again, these are very specific issues, so in The Gambia, of course, they have done it congratulations to the government of The Gambia. It did not happen overnight, did it? A lot of work went into the Gambian situation. It is the same thing: just because The Gambia

or Senegal, when you look at what happens in those three countries, Nigeria, Senegal and The Gambia, they don't have the Bondo society, do they? Female circumcision is not part of rites of passage.

And we have to look at the gender dimensions here in the context of Sierra Leone, where the Bondo societies are at par with the Poro society. Nobody talks about the Poro society in Sierra Leone; absolutely nobody wants to touch that. This is the only group in Sierra Leone where there's women's power, where men really before now cannot even talk about what happens in the Bondo society. The women of Sierra Leone, the women who have gone through rites of passage and initiation in Sierra Leone, we have the social we have the comparative advantage to deal with this. What we don't like is that people are speaking for us; people are labelling us.

We know that girls should not go through this practice for various reasons, including, Notmista[?] the guidelines of the Bondo society. But let me tell you that the current strategy that they have taken is counterproductive because the government has a policy. There is no law at this point, and we have worked very hard to sustain this. During Ebola, it was not the UN; it was not the international community who basically talked to the traditional institutions through the Council of Paramount Chiefs to halt Ebola. It was the Paramount Chiefs—I worked with them and saw it—who voluntarily decided and came up with that and said to the government, "This is our contribution. There will be no initiations for boys and girls from all the secret societies". And then the press release went out. I put that press release out on behalf of the Council of Paramount Chiefs. So we have the capacity to deal with this.

A speaker: Naasu, let me ask you this. You say you have gone through the practice yourself.

Naasu Fofanah: I have.

A speaker: Do you think it is beneficial for women of Sierra Leone in this 21st century?

Naasu Fofanah: My argument is the issue of Bondo, or female circumcision, is very subjective. People have divergent experiences. My experience can be different from my sister and vice versa. Therefore, because my argument is against generalisation, I will not generalise. I would tell you about my experience. My experience was a very humble and a very good one. In fact, when I was growing up I am 47 today we had to basically go to our parents because we needed to go, the reason being girls were bullied if they hadn't gone through their rites of passages; nobody wanted to talk to you. Today, as we speak, when it comes to women's political participation in Sierra Leone, I would bet you that in the hinterlands, in the countryside, it is very difficult for any woman who has not gone through her rites of passage, i.e. a member of the Bondo society, to lead, to become parliamentarians, to become a leader within their communities. It is still extremely entrenched and there are people who hold on to it. The traditional institutions hold on to this.

I don't think I will tell my 18 year old daughter what to do with her body when we have people going to Harley Street—we have people going to Harley Street to have female genital surgery. The name is different. In Sierra Leone we have type 1 and type 2. I could refer to that as female genital surgery or labiaplasty or all the beautiful and glamorous names that they are giving to vaginas in the west. And why should my vagina be different or be categorised as mutilated? My vagina is

not mutilated. Nobody has the right to say my vagina is mutilated. It is my body. This is not for outsiders.

We know if we choose within the Bondo society that after 18 this is also not good; we will do it. It is not somebody who is going to come and dictate to our society that pre dates colonialism.

Aminata Koroma: That is her opinion and I do respect her opinion as much as she is a member of the society. We don't have any other name to call it. In the local context we do call it female circumcision, so that is her view.

A speaker: And according to her some of you—the organisations campaigning against FGM, that you have funds from the western world, from the NGOs to influence on the Sierra Leone culture, which is not good for the Sierra Leonian women.

Aminata Koroma: That is an allegation, and she has a right to make that allegation. We started this campaign without a single cent from anybody. We are working for various organisations, and we have our organisation and mandate; FGM has been part of this and we worked without resources. We are on to this campaign because we are visiting and we know what they went through, and so because of that we are in the campaign.

We are not talking against the Bondo society as a whole. The Bondo society is a noble institution. It is an institution that has a deal of respect. We are talking about that tiny thing that has to do with the health of people — that has to do with the body of people. That is all that we are against and that is what we are campaigning against.

A speaker: And recently, Aminata, there is this case of a 19 year old who lost her life in northern Sierra Leone after she went through the process of initiation. As a coalition, how do you see this issue?

Aminata Koroma: One, Fatmata died after initiation in Makeni, and so we wasted no time and we sent someone to the village. They went to Makeni and they returned the information that the girl indeed died, where they found that they could have already taken steps. The minister of social welfare [unclear] in Makeni linked up with some other peer society in Makeni and it was confirmed that the girl indeed died. There was a post-mortem from a doctor. We are not doctors. We respect the view of the post-mortem results and so we are responding back.

We are not sure what the result of the autopsy was, but since it was not a (unclear) doctor and there were arrests made, we decided to come back and just listen to what the results might be. On our way, we got information from the (unclear) people that the initiations, they are going in Magburaka; they are not (unclear). We are protecting children who are in (unclear), where the eldest was 14 years, the youngest was 4 years. And if they are going to say that we are looking to protect the age (unclear) most children (unclear) are below the age of 14.

A speaker: Yes, Aminata, according to a UNICEF report of 2013, over 90% of Sierra Leonian women have gone through the practice of FGM. Why do you think this practice is so strong and people are unwilling to abandon it?

Aminata Koroma: We are dealing with human beings, and, you know, that is the most difficult aspect of our advocacy. To change perception and to change behaviour is an uphill task. We are now standing with the (unclear), because if we

can now start and talk about issues of FGM, I believe the ground (unclear) and people will still resist. If 90% have gone through, we are advocating for the 10% that have not gone through. I am also, remember—I went through because I never knew what was going to happen to me.

A speaker: Do you regret being part of the process?

Aminata Koroma: I do not regret being part of the culture. I regret being initiated.

A speaker: Any reasons?

Aminata Koroma: The Bondo society, as I said, is a big institution. There are lots of good things; I cannot dispute that. It is a place for professionalisation for women; it is a place of power for women, and for that I respect that institution. But that aspect of the mutilation—the circumcision we call it here—I am against and I do regret that I have been circumcised. I have to live with this.

APPENDIX 2: SOCIAL MEDIA EXCHANGES

LM: A man his type sees women as diseases with infection. I wouldn't entertain him with a dignified comment.

LM: You [FG] must join me on Thursday on this program where they same sort of argument is being put forward by insects I would like to call them.

LM: As you have most of them following your page now as your besties.

FG: For sure [LM]. Send me some details

KL: What a jackass

LM: I know.

RS: Men like this who put this comment don't have a brain. I mean I still like the idea of myself rounding them up and doing a little bit of torture on them

RS: She is unterrly insane this woman naasu. Her right was a good experience. I wonder how she handled child birth sex with her husband the list goes on.

RS: I know u had a telling off from certain high up people. I seriously have safety concerns for any child u are in contact with who is a girl.

Naasu Fofanah: RS, I had no telling off by no one. My daughter is 23. I do not engage in the manner you wat to. I am also going for lunch. But, please pursue all your safety concerns. I have no issues with anything.

RS: Naasu u know and I know taking a child prior to 2003 for fgm abroad was not classed as a crime. Not sure if your child has been circumcised or not but don't worry I am not the type to roll over. Naasu now stop it with your lies did a certain baroness not tell u to stop using her name

APPENDIX 3: FURTHER SOCIAL MEDIA EXCHANGES

EF: There is no law forbidding this practice for underage children

RS: [EF] is there not.

Naasu Fofanah: There is no law [TU]. I thought you would know this since you have covered this topic extensively.

RS: Naasu Fofanah u support fgm don't u

RS: Naasu Fofanah not sure if I am mistaken maybe I get u confused with someone else. Do u not see anything wrong in this practice. First of all parading women with no tops on. Breasts out. Painting women as objects

RS: Naasu Fofanah this practice which u support is like looking at women in the Stone Age

RS: [AB] well I read different it was recommended in children's act 2007 but government gave in and took it out

AB: [RS] yh it was just brought up thats what I meant as a in a suggestion??? I think we are on the same page 😊.

RS: Section 33 (1) is plain. Yet people don't think fgm is cruel. This practice belongs in stone ages

LM: [TU] stop playing safe . This kind of reporting shows that we are not taking the lives of our women and girls serious. You are a well seasoned journalist. Let's say the right thing and stop playing footsy. This is an urgent issue that needed some serious reporting by playing down about the law plays I to the very hands is those that think it's ok to cut such little girls. Please we can do better.

RS: [LM] I am sure some commenting above support fgm

LM: [RS] Ohh yes they do.

RS: [LM] the likes of her fighting for children's and women's rights she should be barred from coming near kids

RS: [LM] I can not respect such a women

RS: [JK] I say it how it is. I don't sugar coat things. Why people must pretend to like each other is beyond me. Maybe it's my condition that won't allow me to see grey areas but it saves a lot of hassle and time

RS: I will apologise for that. Sometimes I lack decorum and thank u. U are always there for support. I am sorry [JK] I will delete said comment

Naasu Fofanah: [RS] please stop harassing me and my partners on social media. [LM] brought you on a post last year to insult me, I have never met you in my life. I am taking this opportunity to formally warn you to kindly refrain from making unsubstantiated claims against my name on social media including contacting my associates. I am here in the UK and would have no other choice, but to take legal action against you and your associates for libel and defamation. I hope we don't have to resort to this, but if it's the only choice, I will take it.

You have a right to your opinion and experience so, please do not impose it on others. Please note that I have evidence of everything you and your associates have done so far. I hope you will stop. Thank you.

GH: Naasu Fofanah Exactly my dear.

RS: Naasu Fofanah legally it's not harrasment. What u don't like is the fact I can see u for the true colours that u are No u have never met me and nor would I want to me an Individual such as yourself And this is not a formal warning lol. This would have to be done in writing to my home address I can give u that if u wish as I know legally I have done nothing wrong. Legal action for libel really. For one everything I said about u to your associates is true and it was your associates choice to pull that. I mean I did mention mr al thani maybe that's why they pulled it

RS: Naasu Fofanah I will not stop posting on a public forum if it is true. U can sue all u like. Darling all my assests u will not and no court will be able to touch. I don't have an income in my own right so sue away

RS: U can threaten me all u like but please keep [LM] out of this. She has never asked me to do such anything and your obecssion with her is beyond belief. Take what ever action u wish

RS: Ps your side kick tagged u.

Naasu Fofanah: [RS] you were brought on board by [LM] to insult me and the records are there. That was my first ever contact. Secondly, I don't need your assets, but if you believe your claims are true, I am sure you understand that libel is not only about assets. So, it you think you can go and start defaming people's character because you're unemployed, you must be joking.

Naasu Fofanah: [RS], you mentioned my kids so many times last year. If you have children and working with kids your behaviour on social media should not be like this. You harass and insult people. So, I am simply going to take action against you to stand up to bullies like you [RS].

RS: You are a bully who makes threats against individuals.

RS: Are u making threats against coming to my home Pay all u want for your lawyers. Just give me their name and I will contact them

Naasu Fofanah: [RS] Nothing in my character is close to that, so will ignore you. But, I will stand up to bullies and blackmailer like you.

RS: Do what action u want and I don't work with kids Do u not understand I actually have said numerous times I spend most my day in gym and drinking coffe.

Naasu Fofanah: [RS] they will get to you. Just go to the police, please.

RS: Look naasu. I have contacted [organisation Ms Fofanah had been associated with] in relation to u accusing me of black mailing them and their opinion on this. I am awaiting their reply

Naasu Fofanah: [RS] yes, and bullying and harassing people. Trying to damage the hard work of others.

RS: Again. They will get to you. That is seen as a threat. Go an waste money on sols. U see sometimes u have to take a step back and allow bullies like u to destroy themselves

Naasu Fofanah: [RS] that's your problem. You did exactly that in my opinion after you identified yourself as the person who contacted them. That's why I am taking you to court.

RS: I don't care what happens to me naasu as long as my children are happy and safe. That is called being a good parent. And whether u think I am safe around my kids is not up to u. It is up to children's services where I live and I am deemed a fit parent Do u think u are the first person to try to use my kids to get to me. Only a person who stoops as low as u does that

Naasu Fofanah: [RS] that's exactly what you need [RS]. You have been doing this as a job. Now, let's face it.

RS: Do as u wish. Waste your cash. Get the letter to me via your sols and I will send my reps to my local court. As due to my circumstances I can not travel to London so this case will have to be heard in Newcastle

RS: Doing what as a job. Do u think I spend my days thinking of u. Get a reality check. I only commment as u tagged me. To me this post was so last week

RS: I can not see grey Naasu I can only see black and white. So please enlighten me on what I need

Naasu Fofanah: [RS] The same way you had the right as you said to go and lie to [organisation Ms Fofanah had been associated with], I have equal rights to question your behaviour as bully. You're always threatening and mentioning people's children saying they should take their children away. So, why are you bothered if yours is questioned?

RS: To be honest someone has to draw a line under this and u do what u gonna do. And u take what ever action u like. I have to go out and enjoy my life. What ever action u take ain't gonna stop me living my life

RS: Look if your friend was in uk. I know her children would be subject to a child protection order as she is pro fgm and she has a child and openly agrees it should be done. But she is not in uk

Naasu Fofanah: [RS] I don't have time to educate you. Please consult [LM] who has brought you into Sierra Leonean issues to educate you.

RS: No matter what u do naasu my kids won't be taken away. If my kids were at risk from u. I would put my kids into care myself to protect them. As protecting my kids is all I care about

Naasu Fofanah: [RS] have you called the police yet?

RS: Why would I say I was going to and not. It is not because of anything other then to warn u to keep away from my home address. I have children in my home U can send what ever correspondence u wish to me I just don't want u coming to my home and I see your comments as threats to that

Naasu Fofanah: [RS] your behaviour is worrisome. That for me is scary. You can't be erratic and abusive on social media, going and destroying people's hard

work and then runaway. You must face the legal consequences. Do you know how many children you were trying to deprive from the opportunity [with the organisation Ms Fofanah had been associated with]? Do you truly understand the consequences of your actions to [initiative Ms Fofanah was associated with]? You and your friend are so full of self hate that you can go so low to destroy opportunities for children and young people in Sierra Leone. Here you are talking about protecting your children, but going on social media to destroy the future of other children and young people. And you expect to talk privately? You must prove your slanderous statements in court.

RS: Naasu I do not run away. I don't know what [the organisation Ms Fofanah had been associated with] have said to u. That is between u and them but how have I destroyed the work u did for Sierra leonne children.

RS: I do a lot of charity for children in Africa. I know how hard life is in Africa and how hard it is even to get pencils to go to school.

Naasu Fofanah: [RS] did I tell you I was coming? Where you not the one who openly threatened last year to come and harm me in London? I have zero violence in my blood. I don't even hate people. I tried to get you off fighting [LM's] battle because we didn't know each other, but you championed it and continue to bully people on social media. There is a lot of evidence and many of these women would be witnesses.

RS: I won't be in court naasu. My circumstances will not allow me to attend court but my advocate will answer any questions

RS: I am not fighting [LM's] battle

RS: Please stop using her name in with me. She has nothing to do with what I did and comments I made

RS: U are mad please let me know how I have destroyed those kids opportunities. U still don't get why I debate with u. Do u. Nothing to do with anyone else. I knew little of fgm till it effects my kids. And even years later even myself is effected because of it.

Naasu Fofanah: [RS] they haven't said nothing I need to be worried about. I was told a Lady did what you have confirmed and was there earlier for another event today. You self identified yourself here so, I am taking you on now I know the witch and bully. That despicable behaviour [RS]. You should honestly be ashamed of yourself to try and destroy people you don't even know.

RS: I did not self identify it was your friend who openly identify me as she spy on me so I had no choice but to do so. Are we seeing the same posts here

Naasu Fofanah: [RS] that won't stop me from suing. Everything you're saying here is evidence. If you have all the time to me here destroying people you must have time to answer to your deeds.

RS: Please don't call me a witch. That's not very nice. U are mad at me for legally posting and do what I was entitled to do so

Naasu Fofanah: [RS] go and speak to your lawyers about your behaviour. They will answer you

RS: Sue all u want darling. Do u think u gonna walk away form money

RS: Naasu u don't realise. I don't care what u do to me. I really don't. I live in my own bubble and don't care what u do to me. I don't have cash I don't have any money in my name. I don't own my own home. I don't even own my car

Naasu Fofanah: [RS] only witches behave the way you behaved. Think about your actions [RS], it's inhumane. Very wrong Madam. That's broad daylight witchcraft.

RS: So what is suing gonna do. U wanna clear your name I get it. But what have I said that is not true. U are pro fgm. U believe women should have right to choose to be circumcised above 18. Shall I go on

Naasu Fofanah: [RS] I simply want justice against a bully and liar like you.

RS: Please call me what u want but I ain't no witch. I am against such actions. I am a Muslim and believe in god

RS: I won't even be in court naasu so what do u want me to stand in the court to waste my money. It will be legal aid

RS: Tell me how u gonna get justice. Take me to court. I can send my reps. U won't have opportunity to question me my circumstances won't allow me to go to court

Naasu Fofanah: [RS] thank God you just stated this. I am liking you [RS]. We can have all this in court as well. You will have to tell the court about the illegality of this statement.

RS: U are calling me all sorts on here. Worst case and I mean worst case u win against me. U will get a bit of paper saying u won. How will that effect me. U won't get a penny from me. How can u get blood out of a stone

Naasu Fofanah: [RS] 😂😂😂😂 you're seriously funny. Don't worry about it.

RS: Naasu I won't discuss my circumstances to u and even your sols won't get to know why I won't be in court.

RS: Naasu u need to take a chill pill. U know if someone like u try's to drag me down. I just get back up fighting. I have had my kids kidnapped. Once u survive that u can take on anyone

RS: I get it u have to act all big and bully me. And u were hoping your threats would quieten me down.

Naasu Fofanah: [RS] I can see you need help, but you can get it legally. You don't need to go around trying to destroy other people and claim special circumstances. You know what you're doing so, you must be held responsible. Period.

Naasu Fofanah: [RS] I am not threatening you, I officially informed you that I will be taking legal action against you.

RS: The facts are the facts Naasu. U can do what u want to me. I will not stand in same room as u under any circumstances. U don't realise I don't care what u think of me. I don't care what u do to me. Naasu u need to stand in front of a mirror and take a long hard look at yourself

RS: Please Naasu don't use a public forum to warn me and threaten me. U have said u have my address. How u obtained that god knows what u should have done is contact your sols and get your sols to write to me

Naasu Fofanah: [RS] I look at a very good human everyday. I feel sorry for you as you have been used, but being a bully yourself it was easy to succumb. Sad.

RS: Naasu I have to go watch my kid play football and I have to live my life. I think u are trying to hurt me. But what u don't realise I am an egotistical individual who lives in their own bubble.

Naasu Fofanah: [RS] you don't need to tell Me what I need to do. You bully people and you think you are untouchable?

RS: Once again please stop commenting Go and live your life and do what u want. Once again as long as my kids are happy I don't care about anyone else. I don't watch the news I don't watch tv as such I don't read the newspapers. What ever case u bring against me. Won't even phase me. My sols will come to me and hey job done

Naasu Fofanah: [RS] I wanted to believe you're, but I believe the courts would decide. You have been going for hours now, but you still haven't left. [RS], what you did was wrong and you know that.

RS: U don't see u are a bully and so much anger towards me. U need to learn to chillax

RS: Hit he block button please. I was gonna block u but your friend said not to

Naasu Fofanah: [RS] 🤔🤔🤔🤔 I will comment as long as you are here. You helping me with facts why should I stop. Please stay [RS].

RS: Do as u wish. I have reported u to police as a safety measure for my kids

Naasu Fofanah: [RS] You are lying.

RS: I am sad to say I am going out now.

Naasu Fofanah: [RS] that makes life easier [RS].

RS: Ps before I go do u like my new water bottle. It's pretty pink

Naasu Fofanah: [RS] if you can listen to your own advice you would be happy and not trying to destroy others.

Naasu Fofanah: [RS], you definitely have a problem. But, we have to get to the bottom of it before you damage people including those around you.

RS: Lol ok thanks for being concerned for the welfare of my kids. But that's not your job. It's the job of the children's services and I know I am a good parent and have been praised by them on numerous occasions. Anyone who is pro fgm needs their head seeing and I deep down feel sad for u

RS: I am anti fgm and I won't stop till fgm is eradicated from this earth

Naasu Fofanah: [RS], you blocked me, but your responses were all captured before you deleted them. I have at least five other women who have sent me

messages of your trolling and bullying. You people go around calling people's jobs, writing illegally on behalf o...

Naasu Fofanah: I will inform the hardworking and serious anti-fgm campaigners I know including [JK], [XX], my cousin, [OP] etc about how you guys are undermining their hard work. I may not agree with some of their positions, but we engage constructively. Never have these women gone so low to destroying other women. But, you people are notorious in making stories including one that costed the UK Government thousands of pounds for a fabricated story about Kharday Zoronkong coming to London to circumcise children. Such criminality should be exposed. Today, that poor woman could not enter the UK because of such false and malicious reporting to the police. For those who want to know more about this story, please Google Kharday Zorokong and see the news articles claiming a Sierra Leonean woman in her 40s who is an anti-fgm campaigner filed this false report. I have the press release from key and notable anti-fgm campaigners disassociating themselves and condemning this barbaric lie against an innocent woman.

I am so thankful for this breakthrough [RS], Thank you for unmasking your devilish ring of women abusers.

JK: Naasu Fofanah

Dear Naasu,

I am really very sorry to learn about this unfortunate issue where “[RS]” saw it fit to make slanderous statements about you to the people you work with and the organisations with which you interact for the purpose of your normal course of work. I am a strong End campaigner who have openly acknowledged that if it wasn't for the work that you and other women have done, our voices would not be heard in Sierra Leone. Despite the fact that we have constructive discussions on points of difference, which is nothing new among activists, our common aim is to stop the cutting of girls and if we believe that we can influence such change gradually, we must take every opportunity to make that change happen in order to win hearts and minds. I and many other campaigners respect your strong commitment to promoting women and girls rights in Sierra Leone and as a Sierra Leonean woman, I reject and condemn the I intimidation of other women and the ugly attempt to defame and discredit another person in the name of FGM. No one person has the answer to ending FGM, but it is through collaboration and discussion with others that we will get there eventually. Ending FGM requires different voices from whom we should learn, including those who don't agree with our strategies. I admire you for leading the policy against child initiation in Sierra Leone and that created a platform and awareness among a variety of individuals and organisations to begin to think about not only the issues of FGM, but the problem of safeguarding girls in Sierra Leone and this opened up the opportunity for myself and others to dialogue with communities on FGM. Unfortunately, I couldn't attend the [a sporting activity associated with Ms Fofanah] when I was recently in Sierra Leone, but it is laudable to promote [the sporting activity] in Sierra Leone to a wider audience and I really appreciate you for this as many young men and women will benefit.

I believe that the attempt to discredit and defame you must be challenged and if this individual thinks that she can just say untruths on social media, she needs to be challenged through legal means so that she will cease and desist her poisonous activities for good. I will share this incident with my fellow campaigners as it has

serious implications and could potentially give a negative view of campaigners and undermining the good work of so many. The End FGM campaign is not about the actions that this individual who is not a campaigner has embarked upon. Many people do sterling work in our communities everyday to end violence against women and girls and I am disgusted with this person's behaviour. I totally stand against that and finally will urge you to bring the full force of the law upon her to ensure that she never targets other individuals in such a despicable way.

Naasu Fofanah: [JK] wow!!! I am speechless, but not surprised my sister for your strong statement here. I have congratulated you many times on your genuine advocacy on FGM and your approach to engage despite differences in opinions. Thank you very much for your kind words, we definitely need to stop this rogue behaviour as it has far-reaching consequences for our girls. You have earned more than my confidence and respect [JK]- thank you! This is true leadership!

Annex A: Report from the Commissioner for Standards

CHAPTER 1: INTRODUCTION

1. This report deals with a complaint made about Baroness Tonge by Naasu Fofanah, a policy advocate and activist on women's and girls' rights, under the provisions of the Code of Conduct dealing with bullying.⁷
2. This report includes explicit and frank discussion of female genital mutilation, also known as cutting or female circumcision. When summarising the evidence of others, I use their preferred term for the practice, and when speaking for myself I use the term female genital mutilation (FGM) as this is the term used by the UK Female Genital Mutilation Act 2003.⁸
3. In this report I am solely concerned with the conduct of Baroness Tonge. I do not enter into any debate on the practice of FGM or take views on different policy positions in relation to it.
4. In addition to the references to FGM, this report contains material relating to the allegation of bullying that some readers may find upsetting or offensive. My aim is always to reflect fairly and fully the evidence I gather in the course of an investigation and not to censor or in any way minimise views expressed or material uncovered. This transparency is essential in helping the House of Lords to be a workplace where everyone is valued and respected.
5. **This report includes discussions of FGM and the findings in this case relate to bullying.**
6. In considering this complaint I have been supported by Samira Cakali, an Independent Investigator from the Andrea Adams Consultancy, and Moriyo Aiyeola and James Whittle, two of the Clerks who assist me in my work. I wish to place on record my thanks to them for their help, while also acknowledging that I am solely responsible for the conclusions reached and the decisions made in this investigation.

7 Complainants have the right to be anonymised in my reports. Ms Fofanah, however, wished to be named.

8 FGM offences are set out in the Female Genital Mutilation Act 2003 ("the 2003 Act"), as amended by the Serious Crime Act 2015.

CHAPTER 2: EXECUTIVE SUMMARY

7. The complaint and this investigation cover a series of events and a large amount of correspondence covering the period from 17 May 2018 to 27 September 2019.⁹ However, at its heart, the complaint concerns a relatively simple narrative.
8. Ms Fofanah met Baroness Tonge in relation to the All-Party Parliamentary Group on Population, Development and Reproductive Health (APPG on PDRH) and their work on abortion policy. Subsequently, and arising out of their contact, Ms Fofanah had her photo taken with Baroness Tonge at an APPG event.¹⁰
9. On 9 July 2018, Ms Fofanah posted the photo with Baroness Tonge to Facebook. On 10 July 2018, Baroness Tonge's office began to receive emails from activists in Sierra Leone—VW and ZA—alleging that Ms Fofanah was a proponent of FGM and that by posting the photo she was seeking to suggest that Baroness Tonge supported her view on FGM.
10. There followed various exchanges between Baroness Tonge's office and those activists, Ms Fofanah, and civil servants with expertise in FGM policy. In correspondence, Ms Fofanah sought to explain her views on FGM and set out the context in which she believed malicious complaints about her were being made to Baroness Tonge. The civil servants also provided information on the complex and sensitive issues involved in the question of the eradication of FGM in Sierra Leone.
11. In the course of that correspondence, Baroness Tonge's office asked Ms Fofanah not to "use any photos with Baroness Jenny Tonge in any campaign work". Her office also asked her to make "it known on social media" that neither Baroness Tonge nor the APPG shared her views on FGM or the correct approach to its eradication. Ms Fofanah replied to say, "I won't be putting out a statement of any sort to her name [Baroness Tonge's] because it would be in my opinion an unfair/unjust publicity to her name and mine".¹¹
12. Baroness Tonge sent a letter on 17 July 2018 to Ms Fofanah, copied to the activists who had contacted her, setting out her own view of FGM and that of the APPG. In the letter which she referred to what she considered to be Ms Fofanah's position as being "very ignorant and misleading" and "very irresponsible". This letter is reproduced in Box 1.

9 The correspondence gathered in the course of this investigation includes details of various other activists and others. They have not directly been involved in this investigation and so have been anonymised. In order to anonymise, letters have been used in place of names. The letters used do not relate to their names.

10 An All-Party Parliamentary Group (APPG) consists of Members of both Houses who join together to pursue a particular topic or interest. APPGs cover a diverse range of subjects and are established for a rich variety of purposes. However, they are not official parliamentary bodies (such as select committees).

11 In this report, where text appears in square brackets this indicates that the quoted evidence has been amended either to improve clarity or to anonymise people or organisations. The evidence is left otherwise unamended.

Box 1: Letter of 17 July 2018

Thank you for your e-mails to [PQ].¹²

I have read your letters and listened to this interview.

<https://soundcloud.com/westafricademocracyradio/to-cut-or-not-to-cut-sierra-leones-naasu-fofanah-and-aminata-koroma-differ-in-opinion-on-fgm>

The APPG on PDRH which I chair, campaigns against FGM and as such, your view on FGM is of great concern to us.

As you should know, the majority of girls subjected to this type of violence suffer terribly afterwards. To suggest that removal of the glans clitoris is not mutilation is very ignorant and misleading. It is extremely painful and mutilating and deprives many girls of enjoyment. Your experience as a 15 year old is rare and should not lead you to think that all such procedures are done properly under analgesia. In many parts of the world they are not.

Campaigning for labiaplasty after the age of 18 in the UK in sterile surroundings by choice, is an entirely different matter! As Chair of our APPG, and a retired doctor and community gynaecologist (trained at UCL/UCH), I am fully aware of the issues. Confusing labiaplasty with FGM is misleading and very irresponsible.

Please can we request that you make it known on social media that the APPG on PDRH does not support your views on FGM, but on the contrary is working to stamp out this harmful practice. Please do not use any photos of me on social media or in any campaign work, as neither I or the APPG on PDRH agree with your promotion of FGM at any age.

I am copying this letter to the people who originally wrote to us and it will also be posted on our website. Please inform us when these actions have been taken. Thank you very much.

13. In the letter of 17 July, Baroness Tonge said that the letter would also be posted to the APPG's website. Ms Fofanah asked for it not to be posted to the website and asked to whom the letter had been copied. Baroness Tonge agreed not to publish the letter and instead posted a statement to the website (see Box 2). Her office asked permission of VW and ZA to release their names to Ms Fofanah; they declined and Baroness Tonge did not identify them to Ms Fofanah.

¹² PQ is a member of Baroness Tonge's office.

Box 2: Statement of 18 July 2018**PRESS RELEASE**

Statement by Baroness Jenny Tonge, Chair, UK APPG on PDRH following meetings with Naasu Fofanah, Sierra Leone, 18th July 2018

The APPG on PDRH have met with Naasu Fofanah to discuss Sierra Leone's Abortion Act, which is of mutual interest.

Naasu Fofanah's position on FGM in Sierra Leone has subsequently come to the attention of the APPG on PDRH—and this statement is published to clarify that the APPG on PDRH does not agree with the views of Naasu Fofanah on FGM.

FGM at any age, which some people refer to as cutting, is one of the most shocking cultural practices found around the world. It contravenes women's rights in a violent and obvious manner and is a serious threat to the health and wellbeing of millions of girls around the world.

FGM must be stopped as it causes physical damage, leads to psychological trauma, reinforces gender inequality, has no health benefits, and is a violation of human rights.

14. Ms Fofanah continued to seek to find out the names of the activists to whom the letter had been copied and eventually took the issue to the Information Commissioner's Office, without success. She also provided Baroness Tonge's office with details of how the letter and statement were being used by others on social media to criticise her, and asked that this be rectified, which Baroness Tonge refused to do. Exchanges with Ms Fofanah, and with other activists, continued on and off until September 2019.
15. Ms Fofanah considered Baroness Tonge's conduct amounted to bullying.
16. Baroness Tonge's view was that her conduct did not constitute bullying and that it had been necessary for her to act as she did to protect her reputation and that of the APPG.

Key questions

17. Although the events discussed in this investigation cover a period of over two years, the key period is from the photo being posted on Facebook on 9 July 2018 to the statement being posted on the APPG website on 18 July 2018.
18. In relation to that period the following questions arise:
 - Was Baroness Tonge justified in seeking to disassociate herself and the APPG from the dispute between Ms Fofanah, VW and ZA?
 - If so, was the way in which she went about this appropriate, particularly in the light of:
 - the information available to Baroness Tonge at the time about the evidence supporting the allegations made by VW and ZA; Ms Fofanah's views on FGM; and the broader context of disputes within the FGM stakeholder community;¹³

¹³ Following the example of CD, we use "FGM stakeholder community" as an umbrella term to describe all of those involved in the debate about FGM and its eradication.

- the number and content of emails being sent to Baroness Tonge's office.
19. For the avoidance of doubt, the Code of Conduct clearly excludes from my remit "policy matters or a member's views or opinions". Therefore, although the evidence gathered in this report includes detailed discussions about policies on the eradication of FGM, my report takes no position on that issue. As it is an important issue that informs the motivations of all parties involved, a summary of the views expressed in evidence is included in Appendix 5.
 20. My findings are concerned only with the appropriateness of Baroness Tonge's conduct and whether it amounts to bullying and a breach of the Code of Conduct.

Summary of findings and outcome

21. As a result of my investigation, I have found that although it was reasonable that Baroness Tonge would wish to make her and APPG's position on FGM clear in order to distance herself from Ms Fofanah and to avoid being involved in a dispute between members of the FGM stakeholder community, her methods for doing so were not appropriate for the following reasons:
 - the language used in the letter was inappropriate, offensive and insulting;
 - Baroness Tonge had good reason to understand that VW and ZA were hostile to Ms Fofanah and therefore might share the letter with others hostile to her. Copying the letter to them was therefore ill-judged and irresponsible;
 - given that the personal criticism of Ms Fofanah was not included in the APPG statement—which was also intended to distance Baroness Tonge and the APPG from the dispute between Ms Fofanah, VW and ZA—Baroness Tonge appeared to recognise that such criticism was not necessary for her to achieve that aim;
 - the lack of contextual information in the APPG statement about Ms Fofanah was inappropriately careless and allowed for an inaccurate interpretation of Ms Fofanah's views in contrast to the APPG's and this was exacerbated by the fact that Baroness Tonge had good reason to anticipate that the APPG's statement could be used against Ms Fofanah in the disputes between different elements of the FGM stakeholder community;
 - Baroness Tonge's explanations of the acute need to act at the time—that she and her office were under terrific pressure and her reputation and that of the APPG were at serious risk—are not borne out by the contemporary evidence for the period 9–18 July 2018.
22. I consider it more likely than not that Ms Fofanah has suffered professionally and personally as a result of Baroness Tonge's actions.
23. I find that Baroness Tonge's behaviour meets the criteria to amount to bullying. I find therefore that Baroness Tonge's conduct breached the Code of Conduct.

24. I do not consider remedial action to be an appropriate outcome and therefore make the following recommendation for sanction to the Conduct Committee. That Baroness Tonge:
- make a personal statement of apology in the House: such a statement recognising the impact of her conduct and noting that her previous communications did not fairly reflect Ms Fofanah's views;
 - arrange for the statement concerning Ms Fofanah to be withdrawn from the APPG's website; and
 - undertake bespoke behaviour change coaching
25. However, matters are somewhat complicated by the fact that on 14 December 2020, Baroness Tonge gave notice of her intention to retire from the House of Lords under the provisions of the House of Lords Reform Act 2014. Baroness Tonge may therefore no longer be a member when this disciplinary process is completed, which would significantly reduce the scope to administer sanctions. If Baroness Tonge has indeed retired by the time this report is agreed, or retires shortly thereafter, I would hope that she would, at the very least, still abide by the second of these recommendations and arrange for the statement to be removed from the APPG's website.

CHAPTER 3: RELEVANT ASPECTS OF THE CODE¹⁴

Views and opinions

26. The Guide to the Code sets out at paragraph 127 matters which are not within my remit. These include “policy matters or a member’s views or opinions”.
27. Baroness Tonge’s views on FGM are therefore not part of my investigation and I offer no comment on them.

Fairness and natural justice

28. Paragraph 23(b) of the Code says:

“In investigating and adjudicating allegations of non-compliance with this Code, the Commissioner and the Conduct Committee shall [...] act in accordance with the principles of natural justice and fairness.”
29. How I apply these principles in my investigations is set out in detail in Appendix 8.

External investigator

30. Paragraph 131 of the Guide to the Code says:

“In cases involving bullying, harassment or sexual misconduct, the Commissioner is supported by independent investigators. The Commissioner may delegate to the investigator to the extent she considers appropriate any of her investigatory functions.”
31. In this case, I was supported by Samira Cakali of Andrea Adams Consultancy. I did not delegate any of my investigatory functions to her, but discussed all aspects of the investigation with her, welcomed her input, and took account of her views and suggestions.

Parliamentary Behaviour Code and the Code of Conduct for Members of the House of Lords

32. Paragraph 10 of the Code of Conduct says:

“Members of the House should observe the principles set out in the Parliamentary Behaviour Code of respect, professionalism, understanding others’ perspectives, courtesy, and acceptance of responsibility. These principles will be taken into consideration when any allegation of bullying, harassment or sexual misconduct is under investigation.”
33. Paragraph 17 says that “Members are required to treat those with whom they come into contact in the course of their parliamentary duties and activities with respect and courtesy” and makes clear that “behaviour that amounts to bullying, harassment or sexual misconduct is a breach of this Code.”

¹⁴ References to the Code in this report are to the tenth edition of the Code published on 8 July 2020. The investigation was launched under the eighth edition of the Code. Where relevant I have applied the procedure provisions of the tenth edition as the changes on these matters have been to the benefit of both the complainant and respondent. The definitions of bullying and the standard of proof required have not changed between the editions.

34. For other types of conduct the Code's remit is "the discharge of their parliamentary duties" and it does not extend to "duties unrelated to parliamentary proceedings, or to their private lives." However, paragraph 17 applies more broadly to "the standards of conduct expected of members in performing their parliamentary duties and activities whether on the Parliamentary estate or elsewhere."
35. This report therefore considers the extent to which Baroness Tonge's conduct aligned with the principles set out in the Behaviour Code, though it is only in respect of behaviour that met the criteria for bullying that I find her in breach of the Code.

Definitions of bullying, harassment and sexual misconduct

36. The Parliamentary Behaviour Code, included as Appendix A to the Code of Conduct, sets out six principles of conduct:
- Respect and value everyone - bullying, harassment and sexual misconduct are not tolerated;
 - Recognise your power, influence or authority and don't abuse them;
 - Think about how your behaviour affects others and strive to understand their perspective;
 - Act professionally towards others;
 - Ensure Parliament meets the highest ethical standards of integrity, courtesy and mutual respect;
 - Speak up about any unacceptable behaviour you see.
37. Appendix B of the Code defines bullying at some length, drawing from definitions included in the Independent Complaints and Grievance Scheme Delivery Report.

Bullying

38. Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour involving an abuse or misuse of power that can make a person feel vulnerable, upset, undermined, humiliated, denigrated or threatened.
39. Power does not always mean being in a position of authority and can include both personal strength and the power to coerce through fear or intimidation.
40. Bullying can take the form of physical, verbal and non-verbal conduct.
41. Bullying behaviour may be in person, by telephone or in writing, including emails, texts or online communications such as social media.
42. It may be persistent or an isolated incident and may manifest obviously or be hidden or insidious.
43. My investigation applied these definitions in considering whether Baroness Tonge's conduct towards Ms Fofanah amounted bullying and as such constituted a breach of paragraph 17 of the Code of Conduct.

CHAPTER 4: MS FOFANAH'S COMPLAINT AND BARONESS TONGE'S RESPONSE

Ms Fofanah's complaint

44. Ms Fofanah's complaint, as disclosed via the helpline, said:

"Complainant (C) wishes to raise a complaint as she feels she has been subject to bullying and intimidating behaviour caused by the following Respondents (R).

Respondent 1 (R1)–Baroness Jennifer Louise Tonge, Co-Chair (for the APPG [All-Party Parliamentary Group] of Population, Development and Reproductive Health [PDRH])

Respondent 2 (R2)–[PQ]

11th June 2018

C met with R1 and R2 at the Parliamentary estate to discuss the Safe Abortion Bill in Sierra Leone. C described this meeting as fruitful and [was] subsequently invited to an event on the 9th July 2018 at the Houses of Parliament. During the event, R2 advised C that [a Government minister] had responded to R1's questions on the abortion bill and R2 would email this across shortly.

10th July 2018

C received the discussed email from R2 on the abortion bill. However, the email also referenced campaigners in Sierra Leone and stated that C support FGM. C was surprised and upset that this has information been included. C responded via email stating '... This procedure should be banned for children below 18 ... I am totally against initiations of children regardless of gender ...' C went on to explain that she was circumcised at 15, but does not consider herself a mutilated woman.

C was subsequently received a strongly worded letter from R1 [letter of 17 July 2018] rebuking C for stating that she did not feel mutilated. R1 also stated that she would be sharing this [letter] on the internet and some people in contact with her to dissociate the organisation with C's views. C felt extremely disturbed by the letter and immediately contested sharing her information, as she believed this would lead to online bullying. R2 accepted the concerns raised but proceeded to release a public statement [of 18 July 2018] stating that they do not agree with her views.

18th July 2018

The statement was released which did not include C's views about FGM for under 18's being unacceptable. C feels that R1 deliberately omitted this statement and did not include a true reflection of her opinion on FGM. C felt the lack of clarity was intentional intimidation and bullying to prevent C speaking about her personal experiences. This led to C being bullied online by [LM] and [RS] who are representatives of anti-FGM campaigns.

C raised this issue with R2 who was dismissive of the concerns she was raising. C felt that the emails was humiliating and forced her to feel reports psychologically unstable about her circumcision. C feels that R2's failure to acknowledge the information enabled the online bullying and threats to continue.

Finally In addition, they shared the information with other organisations that the C was working which caused C's character and reputation to be negatively affected. C reached out to R2 to explain she felt this was bullying behavior and that this was having a psychological impact on C. R2 dismissed these claims, and C felt shaken by her response."

45. Samira Cakali and I, with Ms Aiyeola in attendance, interviewed Ms Fofanah on 21 January 2020 to discuss her complaint and to ascertain whether it met the criteria for passing preliminary assessment.

46. In this meeting, Ms Fofanah discussed with us how the actions taken by Baroness Tonge and PQ had affected her:

"my experience is my experience and I really felt like my identity was being ripped away from me because of someone else's opinion. And that is almost like, you know, you are dehumanising me for saying, you know, 'I went through this. This is my position, but for me this is what I went through', just like you have asked me; this is what happened to me and this is my story".

47. Ms Fofanah also explained how the actions taken by Baroness Tonge had caused her harm:

"It is very difficult for me. If she had done what she had done today and she was still not convinced and said, 'Well, Naasu, this is our position,' because what I met her for had nothing to do with FGM and she did a good job even putting forward the request to see how the Government—the current, the UK Government—are going to engage the current Government of Sierra Leone on the Safe Abortion Bill, another issue that was very, very contentious. So I was really happy that somebody at that level was taking that. So to just dismiss all of that and then write such a letter to me basically trying to strip me of my cultural identity and then not stopping there but going and putting my name—I think if she had said, 'This is Naasu's position', maybe that would have been—but she has left it in a world where this is all over the place basically giving anybody who looks at that that I was, you know, supporting this practice. There is nothing about the work that I have explained to you here today to be known. And I apply for jobs now, I go through great interviews, but people do check. If you Google me, you see that it is from the House of Lords. This is a state institution with so much power."

48. Following my meeting with Ms Fofanah in January 2020, I wrote to her on 27 January 2020 to inform her of my decision that her complaint had passed preliminary assessment and I was launching an investigation to consider whether the letter sent by Baroness Tonge on 17 July 2018, the alleged distribution of that letter, and the statement published on the APPG's website on 18 July 2018 constituted breaches of paragraph 17 of the Code of Conduct.

Baroness Tonge's initial written response

49. I wrote to Baroness Tonge in similar terms on 5 February 2020 and invited her to respond in writing with a full and accurate account of the matter in question.
50. Baroness Tonge replied on 12 February 2020. In her response she provided a summary of events from her first meeting with Ms Fofanah to the sending of the letter and the publication of the statement on the APPG on PDRH website.
51. She explained that after Ms Fofanah posted a photo of herself, Baroness Tonge and PQ at a World Population Day reception in July 2018 on her Facebook page:

“this triggered a string of emails to my office from 2 anti-FGM organisations/people making reference to this photo and to Ms Fofanah’s position on FGM (which is that FGM ought only to be illegal for girls under 18). Although I did not know it at the time, Ms Fofanah’s position on FGM has been a matter of public record for many years. The communications were a surprise to me and contained worrying claims from the involved parties relating to FGM, young girls being in danger, and death threats. The issues were not clear to me so I asked [PQ] to contact UK Government Officials and to communicate with Ms Fofanah and the anti-FGM campaigners to get clarity on the issues at stake. From these inquiries it soon became clear to me that I needed to make my and the APPG on PDRH’s position on FGM very clear and distance myself from Ms Fofanah and her opponents’ long-standing dispute on FGM.

I tried, unsuccessfully, to accomplish this in emails to the various parties. Finally, I had to resort to writing the letter to Ms Fofanah referred to above, which I copied to [the Government] and the two anti-FGM campaigners who had contacted me about Ms Fofanah’s social media post and position on FGM. The letter was copied to the two anti-FGM campaigners because they had sent us numerous emails and we wanted to make clear to them our unequivocal opposition to Ms Fofanah’s stance on FGM. At Ms Fofanah’s request (see email dated 17th July 2018), we did not post the letter on the APPG on PDRH website, but instead posted a pared down statement making the three points enumerated above”.

52. She said that despite Ms Fofanah’s repeated requests for them to reveal the names of the campaigners who had contacted her office, they did not reveal their identities so as not to break any data protection rules.
53. She also said in her response:

“Ms Fofanah now claims that I have harassed and bullied her. I strongly deny these claims. At all times, our communications with her have been professional, courteous, based on factual research, and made in the interest of the APPG on PDRH and UK public policy. While I respect Ms Fofanah and her right to her views, it was necessary for me to firmly disassociate myself from those views.

Whether intentionally or not, by posting a photo of us together on her social media, Ms Fofanah involved me in her pre-existing and long-standing dispute with other FGM activists in Sierra Leone. It is regrettable if this action inadvertently resulted in her experiencing further bullying and harassment by her pre-existing opponents, but it was not as a result of my actions or those of the APPG on PDRH. I did not disclose anything about Ms Fofanah publicly or otherwise that was not already in the public domain with regards to her position on FGM, but instead made my personal view and the APPG on PDRH's stance clearer."

Conclusion

54. **The factual elements of Ms Fofanah's complaint are made out: Baroness Tonge wrote the letter to Ms Fofanah of 17 July 2018, and copied it to other activists, and she arranged for the statement to be placed on the APPG webpage, where it remains.**

CHAPTER 5: PROCESS AND CHRONOLOGY OF THE INVESTIGATION

Identifying the respondent

55. In her original complaint of October 2019, Ms Fofanah had named both Baroness Tonge and a member of her staff, PQ, as respondents.
56. I carried out a preliminary assessment to establish whether the complaint engaged the Code of Conduct and to find out which of the respective respondents were responsible for the conduct complained of. I wrote to both Baroness Tonge and PQ separately, asking for written responses on the details I requested. Baroness Tonge replied to take full responsibility for all of the communications with Ms Fofanah.
57. In the light of this, and as the key matters were:
 - the letter from Baroness Tonge,
 - her decision to copy the letter to VW and ZA, and
 - the statement published by Baroness Tonge on the APPG website,

I considered Baroness Tonge to be the sole respondent to Ms Fofanah's complaint.

Preliminary assessment

58. I was not able to meet Ms Fofanah until January 2020 as a result of the December 2019 General Election and subsequent recesses which extended the preliminary assessment stage longer than I would have liked. However, I wanted to take the opportunity to discuss the complaint with her to aid my preliminary assessment.
59. After this meeting, I concluded that Ms Fofanah's complaint did engage the Code. I wrote to Baroness Tonge again to launch my investigation formally and to request a full response to Ms Fofanah's complaint. In that letter I explained that my investigation would consider whether paragraph 17 of the Code had been breached:

“Members are required to treat those with whom they come into contact in the course of their parliamentary duties and activities (including parliamentary proceedings) with respect and courtesy. Behaviour that amounts to bullying, harassment or sexual misconduct is a breach of this Code.”

Investigation

60. Samira Cakali and I, with Moriyo Aiyeola supporting us, interviewed Baroness Tonge in March 2020, CD¹⁵ in June, PQ in July, and Baroness Tonge once again in July. Each person interviewed was given the opportunity to review the transcript of their interview for factual accuracy and to clarify or add further detail if necessary.

¹⁵ CD is a civil servant who has worked extensively on FGM policy and from whom Baroness Tonge sought advice, through PQ, in 2018 while engaging with Ms Fofanah and other FGM activists. They have requested to remain anonymous. The initials given bear no relationship to their name and throughout this report plural pronouns, rather than gendered singular pronouns, have been used.

61. I met with Ms Fofanah again in September 2020 to discuss the evidence I had gathered during the investigation. I also informed her I had made the provisional decision to uphold her complaint.
62. Then, in accordance with paragraph 155 of the Guide to the Code, I produced a draft report of the facts of the complaint and sent it to both Ms Fofanah and Baroness Tonge in October 2020. I informed Baroness Tonge I had made the provisional decision to uphold Ms Fofanah's complaint and invited her to share the draft factual report with PQ as she was a key witness throughout this investigation. Baroness Tonge's and PQ's responses to the draft factual report are included at Appendix 6. Ms Fofanah's response is included at Appendix 6. The final version of the factual report is included at Appendix 4.
63. I considered that this was not a matter that could be dealt with by way of remedial action (see Chapter 11), as I did not consider Baroness Tonge's conduct to be a minor breach of the Code, and did not consider that she acknowledged she had breached the Code.
64. In accordance with paragraph 157 of the Guide to the Code, I wrote to Baroness Tonge on 18 December 2020 to inform her that I had found that the Code had been breached, that I had decided remedial action was inappropriate, and that I would therefore be reporting to the Conduct Committee with a recommended sanction. I informed her of the breaches I had found and provided a summary of the relevant parts of this report. I invited her to present any mitigating evidence she would wish me to take into account when considering my recommended sanction.
65. On 6 January 2021, Baroness Tonge replied (see Appendix 7). In her letter she said that she disagreed with my findings. She noted that she was "very sorry that Ms Fofanah experienced any detriment as a result of my actions. It was never my intention that she should feel bullied or harassed."
66. She repeated what she had consistently said during the investigation: that her actions had been intended "clarify my position on FGM and extricate myself and the APPG on Population, Development and Reproductive Health (APPG on PDRH) from the long-standing disagreements between her and the anti-FGM individuals who contacted my office."
67. She said that she now considered that copying the letter of 17 July 2018 to VW and ZA "was an error of judgment, but it seemed the right thing to do at the time given how upset they were."
68. Her letter made other points about the events and about this investigation. These are dealt with where relevant in the report.
69. Baroness Tonge closed her reply by saying:

"While I disagree with her position on FGM, I want to say again how sorry I am if Ms Fofanah was made to feel vulnerable, upset, undermined and humiliated as a result of my actions. Given the chance, I would have handled matters differently, particularly with respect to the letter of 17th July 2018."

CHAPTER 6: WAS BARONESS TONGE JUSTIFIED IN WISHING TO MAKE HER AND THE APPG'S POSITION ON FGM CLEAR?

70. The initial email from VW on 10 July 2018 alleged that Ms Fofanah was associated with "pro activists promoting this barbaric act on women which you and your colleagues have tirelessly worked to condemn". The email alleged that Ms Fofanah would use an association with the APPG to promote her own status.
71. PQ replied to VW later that day after having exchanged emails with Ms Fofanah. PQ's email summarised information provided by Ms Fofanah, saying "We understand her position to be simple/clear on FGM/C. i.e. that this procedure should be banned for children below 18."
72. VW replied that evening to say "By all indications you seem to be defending her. [...] I must say I am disappointed with your response". VW emailed again on 12 July 2018 saying, "Interesting Baroness Tonge you seem to accept FGM on over 18 women is acceptable and fail to see the element of violence."
73. VW had copied ZA into these emails and ZA had replied to VW. ZA's email was included in the chain of emails sent to Baroness Tonge's office by VW. In that email ZA said:

"A woman who sees nothing wrong of having in cutting the criteria of a 19 year old woman should not be giving a platform of that nature.

I am surprised that she was allowed to have such a meeting with a high profile person in the UK. I was contacted by [a Government department] before that meeting and my advice was please don't allow anyone to give her the platform as she will use it against us and promote the practice of FGM in Sierra Leone."

74. On 16 July 2018, PQ wrote to Ms Fofanah:

"please can we request you make it known on social media that the APPG on PDRH does not support your views on FGM, but to the contrary - are working to stamp out this harmful practice. Please do not use any photos with Baroness Jenny Tonge in any campaign work, as she nor the APPG on PDRH agree with your promotion of FGM at any age."

75. In the morning of 17 July, Ms Fofanah replied to PQ saying:

"I equally take my reputation and my work on FGC seriously and would therefore vigorously challenge any unfair characterization. I am not a 'Pro-FGM' campaigner and to smear people's reputation with such label is another strategy by anti-FGM campaigners to silence those who disagree with majority of the tactics and sometimes misleading assertions with no supporting empirical evidence.

If my engagements with you and Baroness Tonge was on FGM/C, I am sure no one would need to write to you about my position which is well known and in line with British Law. Therefore, I won't be putting out a statement of any sort to her name because it would be in my opinion an unfair/unjust publicity to her name and mine. The policy/UK in my country of birth and the UK is not to initiate children under 18 years,

one I worked had to put in place in Sierra Leone. However, I would be perfectly happy to put out a statement once I get the initial trigger complaint and the name of organizations accordingly.

[...]

My engagement with the group was primarily on abortion rights and I hope that won't be undermined."

76. The letter from Baroness Tonge was sent later that day to Ms Fofanah, VW and ZA, and CD.
77. Throughout the investigation, Baroness Tonge was clear that her primary purpose in sending the letter of 17 July and posting the statement on the APPG website had been to "make my and the APPG on PDRH's position on FGM very clear and distance myself from Ms Fofanah and her opponents' long-standing dispute on FGM."
78. In her interview on 2 March 2020, Baroness Tonge said:

"Well, because we had letters, as you know we have sent you copies of the letters which informed us that she was very, very well-known campaigner for FGM. Now, she maintains that she promotes FGM only after the age of 18. Of course, our position, as a country and [the Government's] position, is that FGM is illegal at any age; it should not be done because so many women are coerced into it.

[...]

we felt we had to do that to support our Government and support our group, you know. It was our reputation... Based on the fact that it was all around Sierra Leone by this time that Baroness Tonge and her group supported Naasu Fofanah's position."

79. When I interviewed PQ on 15 July 2020, she also provided a similar explanation of feeling the need to disassociate the APPG and Baroness Tonge from what appeared to be an argument between Ms Fofanah and the other campaigners in contact with the office:

"We don't want to get engaged in their internal politics and cultures. [...] That's what the whole thing was, to dissociate ourselves from this thing pretty much from the beginning when all this started. But it was so difficult because we just kept getting bombarded."

Analysis and conclusion

80. Whether Baroness Tonge's method of making the APPG's position on FGM clear was appropriate is dealt with in the next chapter.
81. Ms Fofanah rejected VW and ZA's descriptions of her being pro-FGM and defended her position on the eradication of FGM in emails to Baroness Tonge's office. However, it remains clear from their own descriptions of their views about FGM that Baroness Tonge and Ms Fofanah have fundamentally different opinions about how to approach the eradication of FGM in Sierra Leone.

82. It is also clear from her evidence that Baroness Tonge understood, or had good reason to understand, that there was a “long-standing dispute” between different sections of the FMG stakeholder community, which she did not want to become involved with.
83. **It is therefore reasonable that Baroness Tonge would wish to make her and APPG’s position on FGM clear in order to distance herself from Ms Fofanah, with whose views she disagreed, and to avoid being involved in a dispute between members of the FGM stakeholder community.**

CHAPTER 7: WAS BARONESS TONGE'S METHOD OF MAKING HER AND THE APPG'S POSITION ON FGM CLEAR APPROPRIATE?

84. Baroness Tonge's method of making her and the APPG's position on FGM very clear in order to distance herself from the dispute between Ms Fofanah, and VW and ZA on FGM comprised three elements:
 - The letter to Ms Fofanah of 17 July 2018;
 - Copying the letter to VW and ZA; and
 - Publishing a statement on the APPG website.
85. In her complaint, Ms Fofanah described the letter as being "strongly worded [...] rebuking [her] for stating that she did not feel mutilated."
86. In her complaint, Ms Fofanah noted that the statement did not include her "views about FGM for under 18's being unacceptable." She considered that this context had been "deliberately omitted" and that the statement did "not include a true reflection of her opinion on FGM." She considered that "the lack of clarity was intentional intimidation and bullying to prevent [her] speaking about her personal experiences."
87. As set out in Box 1, the letter said that "[t]o suggest that removal of the glans clitoris is not mutilation is very ignorant and misleading"; that "[c]onfusing labiaplasty with FGM is misleading and very irresponsible"; and that "neither I [Baroness Tonge] or the APPG on PDRH agree with your promotion of FGM at any age".
88. As set out in Box 2, the statement said "Naasu Fofanah's position on FGM in Sierra Leone has subsequently come to the attention of the APPG on PDRH—and this statement is published to clarify that the APPG on PDRH does not agree with the views of Naasu Fofanah on FGM", before setting out the APPG's zero tolerance position.
89. This chapter explores the information that was available to Baroness Tonge at the relevant time (10–18 July 2018) to consider the context in which she wrote the letter and statement.

The evidence supporting the allegations made by VW and ZA

90. As noted above, VW and ZA emailed on 10 and 12 July 2018. Their emails contained a number of allegations about Ms Fofanah. They alleged that Ms Fofanah was pro-FGM (describing her as a "cutter"); that she had enabled "thousands of women and girls as young as 6 months old" to undergo FGM; and that she was a "leading voice on promoting FGM".
91. To support these allegations, two hyperlinks were provided.
92. The first was to an article in the Sierra Leone Telegraph: *FGM in Sierra Leone—to ban or not to ban: A rejoinder*.¹⁶ The article was by Fuambai Sia Ahmadu, Co-founder of All Women Are Free to Choose (AWAFC) (not

16 'FGM in Sierra Leone – to ban or not to ban: A rejoinder', Sierra Leone Telegraph (2 September 2006): <http://www.thesierraleonetelegraph.com/fgm-in-sierra-leone-to-ban-or-not-to-ban-a-rejoinder/> (accessed 27 January 2021)

by Ms Fofanah as VW said). The article began by stating that AWAFRC was “categorically opposed to any under 18 legal ban against what opponents call Female Genital Mutilation (FGM) in Sierra Leone” but supported the system of self-regulation with the Bondo¹⁷ which prohibited the circumcision of girls under the age of 18. The article mentioned Ms Fofanah once in her previous role as gender adviser to the President, in which she was “instrumental in coordinating the Sowe Council”.¹⁸

93. The second link was to a recording of an interview with Ms Fofanah with West Africa Democracy Radio.¹⁹ In the interview Ms Fofanah talked about her own experiences, her rejection of the description of mutilation and her views on the correct approach to the eradication of FGM.

94. On her own experiences, she said she did not consider herself to have been mutilated:

“I don’t feel mutilated; I was not mutilated. You know, we have gone through civil war in Sierra Leone; we have seen mutilation first-hand. Before people start categorising and generalising terminologies, they need to look at the psychological implications of those terminologies. When you say somebody has been mutilated, the connotation requires some element of conceived harm. My parents did not and I say this within my context, when I was growing up as a 15 year old consent and pay a lot of money to actually get me through my rites of passage and, you know, say they took me there to get me mutilated. I was not mutilated. I totally stand against that terminology. I think it is divisive; I think it is actually creating a lot of psychological issues for women like us who have gone through our rites of passage who are now being considered almost as second class women or broken women because of the negative connotation.”

95. She was asked directly whether she considered FGM to be “beneficial for women of Sierra Leone in this 21st century”. She replied that “the issue of Bondo, or female circumcision, is very subjective. People have divergent experiences.”
96. She said her experience of being initiated into the Bondo society (which at that time included what she what she describes as female circumcision) had been “a very humble and a very good one”, saying that at the time “girls were bullied if they hadn’t gone through their rites of passages; nobody wanted to talk to you”. She thought that in parts of Sierra Leone today it remained “very difficult for any woman who has not gone through her rites of passage, i.e. a member of the Bondo society, to lead, to become parliamentarians, to become a leader within their communities. It is still extremely entrenched and there are people who hold on to it.”

17 The Bondo is a secret, women-only society, associated with the practice of FGM as an initiation ritual, which fulfils a number of philosophical, economic, political, social, religious, and educational functions in Sierra Leone

18 Sowe Council is an organisation representing Bondo interests.

19 ‘To cut or not to cut: Sierra Leone’s Naasu Fofanah and Aminata Koroma differ in opinion on FGM’, West African Democracy Radio (WADR) (29 August 2016): <https://soundcloud.com/westafricademocracyradio/to-cut-or-not-to-cut-sierra-leones-naasu-fofanah-and-aminata-koroma-differ-in-opinion-on-fgm> (accessed 27 January 2021)

97. She discussed the what she considered the importance of the Bondo society in Sierra Leone to be:

“This is the only group in Sierra Leone where there’s women’s power, where men really before now cannot even talk about what happens in the Bondo society. The women of Sierra Leone, the women who have gone through rites of passage and initiation in Sierra Leone, we have the social we have the comparative advantage to deal with this. What we don’t like is that people are speaking for us; people are labelling us.”

98. She argued that different people viewed their own experiences differently and that “because our experiences are different, those experiences should count”:

“You can never really talk about an issue if you are going to take a unidimensional approach. This is my problem with the anti-FGM campaign. I think they have been very one-sided; they have tried to shut down African women who have the comparative advantage, be it personally, socially, culturally and academically, to engage, and we are now basically saying we will speak on this issue, and when it comes to the issue of the Bondo society, it is women who have been in there, who have gone through this process. We know the shortcomings of what is there and we will talk to our women. You cannot be dismissing the practitioners of the practice and work solo in isolation. We need to work with these women; we need to hear their voices; we need to hear their own stories. Why don’t you work with the government to basically ensure that that policy is popularised, is domesticated and ensure that the government passes this law. You jump straight and move on to—you want total abandonment.”

99. She said she knew girls should not go through the process, and explained that she and others had worked with relevant organisations to get their agreement that under 18s, boys and girls, would not go through circumcision in the secret societies, and that this achieved something that neither the government nor international organisations had managed.

100. In correspondence with Baroness Tonge’s office, Ms Fofanah rejected VW’s allegation that she was pro-FGM. After she had sent PQ her initial response to these allegations, PQ replied to say that she would ask VW for “proof that shows your support for the practice in its totality”.

101. PQ wrote to VW asking for such proof. VW replied saying:

“By all indications you seem to be defending her. If by association with known individuals supporting FGM on women and girls, speaking on platforms that oppose ending FGM and is ambiguous of her position is not telling you anything then sorry to have bothered you.”

102. CD is a civil servant who has worked extensively on FGM policy and exchanged correspondence with PQ as her Government contact. PQ contacted CD on 16 July 2018 and sought advice. CD offered a phone call with PQ. In addition, on 19 July 2018, after both the letter had been sent and the statement published, CD wrote again to PQ to say:

“There has been a lot of discussion over recent years related to legislating against the practice before 18 as a means of ultimately eradicating the

practice. This appears to be something of a compromise position that even some anti-FGM campaigns have supported. This is quite different to ‘pro-choice’ after 18 arguments, which don’t recognise and often actively deny the negative and dangerous impacts of FGM.”

Analysis

103. VW and ZA made a series of allegations about Ms Fofanah. They characterised her position as being pro-FGM. As set out above, Ms Fofanah rejected that description as an inaccurate summary of her position: that she did not consider herself to have been mutilated, she refused to generalise about others’ experiences of FGM, and she did not feel she should tell adult women what they should do with their bodies; but she that was opposed to FGM on under-18s and had worked to achieve prohibitions on such FGM.
104. She asked PQ to invite VW to offer proof that she supported FGM “in its totality”. PQ said she would do so and wrote to VW asking that they provide “proof that shows her support for FGM, as the link/article you sent does not state her position on FGM”.
105. Neither VW nor ZA provided any additional proof. Their position appears to have been that, by not having a zero-tolerance approach and by speaking about what she felt were the positive aspects of her own experience of Bondo initiation (which included what she describes as female circumcision) and membership, Ms Fofanah effectively enabled FGM and was therefore pro-FGM.
106. Irrespective of those discrepancies in the characterisation of Ms Fofanah’s views, VW and ZA’s emails gave Baroness Tonge to understand that Ms Fofanah held views on FGM with which she disagreed.
107. What is absent from the emails from VW and ZA is any evidence to underpin their assertions that Ms Fofanah had promoted an association with Baroness Tonge or that it was now widely understood in Sierra Leone that Baroness Tonge and the APPG approved of Ms Fofanah’s position.

Ms Fofanah’s views on FGM

108. When the first email from VW arrived, Baroness Tonge’s office contacted Ms Fofanah for further information about her position on FGM. She replied:

“I work closely with traditional institutions including practioners and the government. It is public knowledge that I spearheaded the opening up of the dialogue that have allowed anti-fgm campaigners and the international community to have a space in Sierra Leone to talk openly about this issue. I was employed by the UN to specifically champion this in 2010 and that work resulted to the current open atmosphere which was not possible prior. In collabouration with traditional institutions, the government developed a policy that bans circumcision of girls below 18 in 2013 and proposed legislation.

[...]

My position is simple/clear on FGM/C. This procedure should be banned for children below 18, hence I worked hard on a policy that was adopted by Government which is with the UK position/law. I am not sure, I will be in the position to advocate what women over 18 choose

to do with their bodies anywhere in the world. I am totally against initiations of children regardless of gender and I am on record in both national and international media.”

109. When Ms Cakali and I interviewed Baroness Tonge on 2 March 2020, we asked her about her understanding of Ms Fofanah’s position. She said she did not really know what Ms Fofanah’s position really was:

“quite honestly, if you asked me, I would not know exactly what Naasu’s position is, because I think it probably varies, and I could not—I don’t think it would be right for me to—say what her position was, except as she stated in that interview she made with West Africa Radio. [...] we did not know completely what it was. I mean, do you know exactly what it was? I don’t know.

[...]

We do not know either from her rather confused remarks are about her own FGM just what her attitude is to younger people, and in fact we did have accusations in those letters from the two main correspondents that she promoted FGM and encouraged FGM in younger age groups.”

110. CD is a civil servant who has worked extensively on FGM policy and exchanged correspondence with PQ as her Government contact. PQ contacted CD on 16 July 2018 and sought advice. CD offered a phone call with PQ, which took place on 17 July.

111. When Ms Cakali and I interviewed CD on 19 June 2020, they provided some broad context on Ms Fofanah’s experience that she has not been mutilated:

“It is really for a survivor of any experience, let alone an extreme form of violence, to define themselves however they wish and I think we must be extremely respectful of that.”

112. They noted the need for sensitive language, particularly the objections to the word “mutilation”. CD said:

“If you want to end that practice, you can’t go into those communities as an outsider and say, with these value-laden terms, ‘You’re mutilating your girls’, you know. You talk about the practice with less loaded language and the language that they use as a way of working with the community rather than alienating them.”

113. In the phone call with PQ, CD said they had sought to convey some of the challenges that they were aware of between different members of the “Ending FGM” community around the world, including the challenges of engaging with the FGM stakeholder community and the need to be cautious and careful when engaging with the community, to handle it sensitively and to not do any harm.

114. Following our interview on 30 July 2020, Baroness Tonge wrote to expand on her view of CD’s evidence to us:

“[CD] apparently emphasised how carefully one has to tread when dealing with long standing cultural issues and I agree that as representatives of another country giving aid and advising in Sierra Leone, [Government] staff have to behave in the way that they do.

We must never forget however, that FGM is a particularly horrible form of child abuse which can lead to disability and death in some cases. It should therefore be treated as a criminal act and the perpetrators punished accordingly. This is what is done in many parts of the world—even the new Sudanese government has just past a law against it, after thousands of years of it being regarded as a ‘cultural practice’.

Campaigners and the APPG take this view and want to see swift action for the sake of women and girls in the countries where it still prevails. We cannot delay.”

Analysis

115. Ms Fofanah’s views on FGM appear to have been consistently stated. Her description by email to PQ is in line with her interview with West Africa Democracy Radio and her evidence to us.
116. Baroness Tonge’s remarks in interview that it was unclear what Ms Fofanah’s views were in relation to younger people are not supported by the evidence. While Ms Fofanah spoke positively about her own experience of initiation into and membership of the Bondo Society (which included what she describes as female circumcision), she appears to have been consistent in terms of her policy position of opposition to FGM on under 18 year olds, not generalising from her own experience and not being prepared to say what over-18s should do with their own bodies.
117. Neither PQ or CD could place exactly when their phone call took place. The letter was sent to Ms Fofanah at 2.31pm on 17 July. The wording of the letter followed closely an email sent by PQ to Ms Fofanah on 16 July but with the references to Ms Fofanah’s position being “very ignorant and misleading” added. An email from CD to PQ on 18 July suggests that their phone call had taken place the day before.
118. The only substantive differences between PQ’s email of 16 July and Baroness Tonge’s letter is the inclusion of the personal criticism of Ms Fofanah. The inclusion of such language appears to run counter to CD’s advice to be sensitive to issues around how those who had undergone FGM and the nature of the debate within the FGM stakeholder community in Sierra Leone (see next section) and I must assume that, having sought CD’s input, Baroness Tonge would have taken it on board. I therefore consider it more likely than not that the call took place after the letter had been sent.
119. Baroness Tonge therefore had access to the information set out above at the relevant time and, had she waited for CD’s response before sending the letter, would have had access to that information too.

Broader context of the FGM stakeholder community

120. When PQ emailed Ms Fofanah to say they had received allegations from VW, Ms Fofanah replied setting out her own position and work on FGM and added:

“The easiest path is to call people on the ground working hard and making a difference supporters of FGM. We see anti-FGM campaigners using divergent tactics including cyber bullying targeting women working even here in local communities like Bristol as long as their views are different. [...] I can understand the pre-emptive messages to you by

anti-fgm campaigners to silence this dialogue, but as a professional, I normally communicate with evidence and they are probably jittery that the weakness might be exposed.”

121. She wrote again later to say:

“if possible, I would like to know these organizations because we have certain individuals/organizations who try to deliberately smear the image of people they do not agree with. This is a behavior that should not be entertained in practice at all. Policy issues require divergent perspectives.”

122. On 16 July 2018, Ms Fofanah emailed again to say:

“I have tried to do some preliminary enquires regarding who might have sent you the information. However, everyone I know leaving in Sierra Leone who are active anti-FGM Campaigners are stating that they are not aware of such a move. They have equally requested that I share the details of the organizations once I get it from you. A familiar picture is emerging of someone who lives in London who is known to use her access with State institutions to intimidate people. In 2016, she lied and created another misleading situation which involved the Met and Home Office causing the Government to waste unnecessary funds on a bogus story.”

123. On 16 July 2018, PQ wrote to Ms Fofanah to say that they had listened to interview with West Africa Radio, saying, “The APPG on PDRH campaigns against FGM and as such, your view on FGM is of great concern.” In this email PQ asked Ms Fofanah to make a statement to clarify that the APPG did not agree with her views.

124. On 17 July, Ms Fofanah replied to PQ. In that email she repeated points from her earlier emails about what she considered to be the tactics of those who opposed her view:

“I equally take my reputation and my work on FGC seriously and would therefore vigorously challenge any unfair characterization. I am not a ‘Pro-FGM’ campaigner and to smear people’s reputation with such label is another strategy by anti-FGM campaigners to silence those who disagree with majority of the tactics and sometimes misleading assertions with no supporting empirical evidence.”

125. When I interviewed PQ on 15 July 2020, she explained that Baroness Tonge acted as she did because of the need to disassociate the APPG and Baroness Tonge from what appeared to be an argument between Ms Fofanah and the other campaigners in contact with the office:

“It’s complex and we need to just dissociate us with these different factions of people who are involved in this. That’s what I felt, that I was speaking to Jenny about,

[...]

We don’t want to get engaged in their internal politics and cultures. That’s what I felt.”

126. CD said that in their phone call with PQ, they had emphasised that members of the stakeholder community were all very passionate and there were some disagreements and fractures across the community.

Analysis

127. The tone of the emails from VW and ZA were very emotive and suggested a prior dispute between them and Ms Fofanah.
128. Ms Fofanah explained in several emails her view that these emails were “smears” and attempts to mischaracterise her views in order to undermine her.
129. PQ’s evidence to us during the investigation suggests that at the time she understood these exchanges with Baroness Tonge’s office were part of an ongoing dispute.

The number and content of emails being sent to Baroness Tonge’s office

130. In her evidence, Baroness Tonge referred to the sheer number of emails, and the content of those emails, as having put her and her office “under such terrific pressure and getting so, so worn out by this saga” as an explanation for her actions.
131. She repeated this point in her letter to me of 6 January 2021, she said, “[PQ] and I were receiving alarming emails from the anti-FGM individuals. We felt a bit under siege.”
132. PQ also described a similar position saying, “I felt I was being bombarded from all angles and there were death threats and things.” She said that the letter and statement came about after she had tried “many, many times to say, ‘Please, can we just no more’. I tried many, many times with both sides.” She said they “felt like a pig in the middle” and wanted only to “distance ourselves from this fight between them” but that “[i]t just kept coming in. It took so long to work out what it was all about, to be honest.”
133. PQ emphasised that the correspondence she was dealing with for Baroness Tonge was “not the ordinary email communications”. She said:

“I have never had emails like this before about people being threatened with their lives, having been transported down to the police stations from both sides, which makes things ... it gets you a little bit more involved in something when we are. This is not ordinary emails. They’re death threats. This is really frightening. When you are somehow being associated with something that is threats and death threats, then you get a bit, ‘Hang on, we really need to be absolutely clear we do not want anything to do with this.’”

Analysis

134. The first email from VW was received on Tuesday, 10 July 2018. The letter was sent on Tuesday, 17 July 2018 and the statement published on Wednesday, 18 July 2018. There was, therefore, one week from the first email from VW being received to the letter being sent.

135. During this time according to the information received by us from both parties there were three emails from VW (one of which included the email from ZA), and five emails from Ms Fofanah.
136. As can be seen in the factual report (see Appendix 4), after the letter was sent and the statement published, there were many more emails, some of which do include distressing details. These emails exchanges continued for some months and were added to by other activists not part of the original emails to Baroness Tonge's office. I do not doubt that these were unpleasant to deal with and were, as PQ said, "not the ordinary email communications".
137. However, the period relevant to assessing Baroness Tonge's decision to send the letter, copy it to VW and ZA, and publish the statement is 10–18 July 2018. In this period there were only a limited number of emails. No doubt these were not what Baroness Tonge or her office wished to deal with but they do not support the characterisation of them being put under terrific pressure.

Wording of the letter copied to VW and ZA

138. In her complaint, Ms Fofanah described the letter of 17 July as having been a "strongly worded" letter, "rebuking" her for "stating that she did not feel mutilated".
139. In her written response, Baroness Tonge said:

"Ms Fofanah now claims that I have harassed and bullied her. I strongly deny these claims. At all times, our communications with her have been professional, courteous, based on factual research, and made in the interest of the APPG on PDRH and UK public policy."
140. The letter of 17 July 2018 said that "[t]o suggest that removal of the glans clitoris is not mutilation is very ignorant and misleading"; that "[c]onfusing labiaplasty with FGM is misleading and very irresponsible"; and that "neither I [Baroness Tonge] or the APPG on PDRH agree with your promotion of FGM at any age".
141. During our interview on 2 March 2020, we asked Baroness Tonge about the use of the words "very irresponsible" and "ignorant" in her letter to Ms Fofanah, shared with VW and ZA, and whether she considered them appropriate. She told us:

"I think irresponsible. I think 'ignorant' was a bit strong; I would agree with you there. But irresponsible, certainly, in terms of what she was promoting for other women [...] I think her remarks about having had FGM herself at the age of 15 and not feeling mutilated is also a very dangerous thing for her to be saying because it is almost condoning the practice and trying to convince people that it is perfectly all right really."
142. Although Baroness Tonge initially withdrew her support of her use of the word "ignorant", in her second interview of 30 July 2020, she said she stood by her use of the word:

"I find it very difficult to use the right word because I am so much against this practice that in a way, although I withdrew 'ignorant', ignorant nevertheless still stands because people do not seem to understand or accept what terrible damage the removal of the clitoris and FGM

generally can do to a woman, and it is ignorant not to understand the consequences.

I was a doctor working in women's services and doing a lot of gynaecology before I came into Parliament, so I know very well that, if people think it does not do much harm and it is just a rite of passage, that is a very ignorant view actually. I think to confuse, I mean, the other thing is something quite different; it is about labiaplasty, confusing labiaplasty with FGM. So I was not using those two words about the same thing. I had said 'very ignorant', and then you persuaded me or I agreed to withdraw the word 'ignorant', and now presumably it says, 'and very misleading', but then the next paragraph is referring to comparing FGM with labiaplasty, and I called that very irresponsible, and I think that is very irresponsible."

143. In interview, we asked Baroness Tonge if she considered that by sending the letter in which she described Ms Fofanah as "ignorant" and "irresponsible" to VW and ZA, she was providing material that could be used against Ms Fofanah. Baroness Tonge replied, "I do not think there was anything untrue in that letter". She went on:

"I suppose, yes, that it could have been, but, you know, is she by taking the position that she does, she expects to get this sort of flak all the time. I am sure she is quite used to it. It is happening all the time in Sierra Leone. I was, I will repeat just trying to distance my group from the attitude that she took; you know, I had to."

Analysis

144. Baroness Tonge's language in the letter was informed by her strength of feeling on the matter. She is, of course, entitled to feel strongly on this issue and to express herself robustly.
145. However, the language was not "professional, [or] courteous" and Ms Fofanah's reading of it as a rebuke is reasonable.

Wording of the statement

146. Baroness Tonge had originally intended to publish the letter of 17 July 2018 to the APPG website, as well as copying it to VW and ZA. Ms Fofanah asked for this not to happen. Baroness Tonge agreed to this and "instead posted a pared down statement".
147. In her complaint, Ms Fofanah noted that the statement did not include her "views about FGM for under 18's being unacceptable." She considered that this context had been "deliberately omitted" and that the statement did "not include a true reflection of her opinion on FGM." She considered that "the lack of clarity was intentional intimidation and bullying to prevent [her] speaking about her personal experiences."
148. The statement said "Naasu Fofanah's position on FGM in Sierra Leone has subsequently come to the attention of the APPG on PDRH—and this statement is published to clarify that the APPG on PDRH does not agree with the views of Naasu Fofanah on FGM", before setting out the APPG's zero tolerance position.

149. We asked Baroness Tonge whether she considered the statement was sufficiently clear in how Ms Fofanah's position was represented to avoid misunderstanding or criticisms of her. Baroness Tonge's view was that it was not for her to "set out Naasu's position":

"We were defending our position, because that had been attacked by the people who had contacted us. They were saying, you know, you are agreeing with this woman by meeting with her, you are agreeing with her."

150. I asked Baroness Tonge why she had not put out a statement confirming the APPG's position, without mentioning Ms Fofanah:

"Yes, I think that is very reasonable, but I think probably we were under such terrific pressure and getting so, so worn out by this saga that was going on that maybe we should have done it in a different way, and maybe we can put another statement up in the future.

[...]

I can only say that we did our best at the time because we were defending our position and that of our [Government]."

151. In correspondence with us, CD wrote:

"On the statement itself, while [the Government] would not necessarily have taken the same approach, the statement itself was quite measured and did not try to portray the activist's own personal stance on FGM, or get into the rights and wrongs of that. In that respect I felt it was measured."

Analysis

152. Baroness Tonge acknowledged that, with hindsight, the statement need not have referred to Ms Fofanah and "maybe we should have done it in a different way".
153. The purpose of the statement was to make the APPG's position on FGM very clear, and to distance the APPG and Baroness Tonge from the dispute on FGM between Ms Fofanah and her opponents. However, it is the case that by referring to her, and the APPG's disagreement with her views, the statement was at best ambiguous in what it conveyed about Ms Fofanah's position. It would be reasonable to understand from it that while the APPG was against FGM, Ms Fofanah was in favour of it. Ms Fofanah had stated clearly that this was not her position.
154. When Baroness Tonge sent the letter to Ms Fofanah, and VW and ZA she had intended also to post it to the APPG website. She agreed not to at Ms Fofanah's request and posted the statement instead. As both the letter and statement were intended to disassociate the APPG from Ms Fofanah's views and the dispute, it is notable that Baroness Tonge presumably considered the wording of the statement sufficient to achieve this end without the direct criticism of Ms Fofanah included in the letter.
155. There is no evidence to support Ms Fofanah's view that any contextual information about her views on FGM was "deliberately omitted".

Conclusions

156. As set out in the previous chapter, Baroness Tonge was entitled to take steps to ensure that her link with Ms Fofanah as evidenced by the photo did not lead to any misunderstandings about her position and that of the APPG on FGM.
157. However, in considering whether the way she chose to do this was appropriate, I have borne in mind that:
 - The evidence provided by VW and ZA only supported the position on FGM Ms Fofanah herself had explained: the Sierra Leone Telegraph article made only one passing reference to Ms Fofanah and in the radio interview Ms Fofanah set out the same position as she did in emails to Baroness Tonge's office;
 - VW and ZA provided no evidence to support their assertions that there was, or was likely to be, a wide-spread understanding that she and APPG supported Ms Fofanah's views;
 - Although Baroness Tonge and her office would later find themselves receiving and dealing with a substantial amount of correspondence, some of which was unpleasant, this was not the case during the relevant period and cannot be considered an explanation for Baroness Tonge's actions;
 - Despite her office having sought the advice of CD, Baroness Tonge appears not to have waited to receive it before acting; and
 - Baroness Tonge accepted that the statement need not have mentioned Ms Fofanah.
158. I have considered it particularly significant that Baroness Tonge had every reason at the time to know that the correspondence from VW and ZA was likely to be part of an ongoing and serious dispute within the FGM stakeholder community. While Baroness Tonge was free to disagree with Ms Fofanah, she knew, or had good reason to know, that these interactions were part of an ongoing dispute. Furthermore, the steps Baroness Tonge took resulted in VW and ZA being privy to otherwise private correspondence with Ms Fofanah, provided in an easily shareable format. These factors should have informed her actions and led her to consider their impact on Ms Fofanah.
159. **In the light of these factors I consider that:**
 - **The language used in the letter, was inappropriate, offensive and insulting;**
 - **Copying the letter to VW and ZA, who Baroness Tonge had good reason to understand were hostile to Ms Fofanah and therefore might share the letter with others hostile to her, was ill-judged and irresponsible;**
 - **Given that the personal criticism of Ms Fofanah was not included in the APPG statement—which was also intended to distance Baroness Tonge and the APPG from the dispute between Ms Fofanah, VW and ZA—Baroness Tonge appeared to recognise that such criticism was not necessary for her to achieve that aim;**

- **The lack of contextual information about Ms Fofanah was inappropriately careless and allowed for an inaccurate interpretation of Ms Fofanah’s views in contrast to the APPG’s. Again, this conduct is exacerbated by the fact that Baroness Tonge had good reason to anticipate that the APPG’s statement could be used against Ms Fofanah in the disputes between different elements of the FGM stakeholder community;**
- **Baroness Tonge’s explanations of the acute need to act at the time—that she and her office were under terrific pressure and her reputation and that of the APPG were at serious risk—are not borne out by the contemporary evidence for the period 9–18 July 2018.**

160. Baroness Tonge’s stated reason for sharing the letter with VW and ZA and for publishing the statement was to remove herself and the APPG cleanly from any pre-existing dispute between Ms Fofanah, VW and ZA. It failed to meet this end. Indeed, the language used in the letter and the absence of any contextual information about Ms Fofanah in the statement, was more likely to engage Baroness Tonge and her office further in the argument (as turned out to be the case).
161. While Baroness Tonge was entitled to seek to ensure her and the APPG’s position on FGM was clearly understood and to communicate to Ms Fofanah her disagreement with her views, none of the reasons presented justify the steps Baroness Tonge took. It is unclear what circumstances would have justified her acting as she did.
162. **Given these conclusions, I consider that Baroness Tonge’s methods of making the APPG’s position on FGM very clear in order to distance herself and the APPG from the dispute between Ms Fofanah and her opponents was not appropriate. Her assertion that such clarification and distancing was all she was seeking does not justify her conduct.**

CHAPTER 8: IMPACT OF BARONESS TONGE'S CONDUCT ON MS FOFANAH

163. In the later correspondence, after the letter had been sent and the statement posted on the APPG website, Ms Fofanah provided substantial evidence of the impact Baroness Tonge's actions had had. On 3 September 2018 she emailed Baroness Tonge's office to provide examples of online comments about her and wrote:

"I am extremely shaken by this as the entire plan was hatched to undermine my credibility [...] never have anyone gone so far to victimise me or my country for not subscribing to their views. I did not use any of your pictures on my page to support anything connected to FGM. I therefore believe that I have been victimised and as you can see from these and many threats and your office has been used to equally reinforce the bullying. The content of the statement should also have been shared with me before posting my name on the internet. This entire situation has traumatised me. I totally do not deserve this from anyone including Baroness Tonge."

164. She explained that she had suffered professional consequences from the publication of the statement: she considered she had lost out on professional opportunities as her reputation had been damaged by Baroness Tonge's actions.
165. She wrote again on 27 September 2019 to explain the impact matters had had on her:

"I want you to know that your actions have caused considerable psychological and professional damage to me over the past year. I felt bullied by the Group because my personal views are based on my experiences and you have deliberately imposed psychological harm on me for expressing my human rights. You are aware that I have done historic work in bringing national policy to ban female circumcision in my country. However, because I said I do not feel mutilated, nor do I feel psychologically affected by the practice, you have intentionally decided to impose psychological damage by your actions on me as a punishment. I have been having sleepless nights and feeling suicidal because of your actions. I hope you will do the right thing and remove this release down as it continues to be misused by [LM] and [RS] for gross cyber bullying.²⁰ While you continue to empower this people you are harming me for sharing my experiences. You disagree with my experience, but it didn't warrant you to use the APPGRH to expose me to bullying and defamation. By exposing my communications you have enabled these women continue their terror. I hope you can weigh the seriousness of this email against your actions and my safety and wellbeing."

166. Ms Fofanah described the impact on her in similar terms in interview with us on 21 January 2020:

"my experience is my experience and I really felt like my identity was being ripped away from me because of someone else's opinion. And that is almost like, you know, you are dehumanising me for saying, you know,

20 LM and RS were two activists Ms Fofanah interacted with on social media as a result of the letter and the statement. LM later contacted Baroness Tonge directly (see below).

‘I went through this. This is my position, but for me this is what I went through’, just like you have asked me; this is what happened to me and this is my story, not my sister’s story, not my niece’s, you know, who is 30 now - not her story.

[...]

to just dismiss all of that and then write such a letter to me basically trying to strip me of my cultural identity and then not stopping there but going and putting my name - I think if she had said, ‘This is Naasu’s position’, maybe that would have been - but she has left it in a world where this is all over the place basically giving anybody who looks at that that I was, you know, supporting this practice. There is nothing about the work that I have explained to you here today to be known. And I apply for jobs now, I go through great interviews, but people do check. If you Google me, you see that it is from the House of Lords. This is a state institution with so much power.”

167. When I met with Ms Fofanah on 10 September 2020 to discuss the evidence I had gathered at the end of the investigation, she expanded on the effect of Baroness Tonge’s actions on her:

“I raised the flag to let them understand that this could be an intentional plot to defame me, but I feel like, you know, I feel like it’s they didn’t care Baroness Tonge and [PQ], they were now part of the plot. They became us against her. It was no longer APPH or whatever the organisation is called, they went personal. And it was as if they wanted to give me the maximum pain or destruction to my career so I will not rise from this. It was extreme and intentional. They wanted to destroy me... And by lying to me that they never shared my information with anybody, they aided and abetted the destruction that they have caused me.”²¹

[...]

Since I didn’t feel mutilated, I should feel mutilated professionally and psychologically. I think that’s what this is translating into; and that gets me very angry.

I wish again, I want to say this again—that you know, I wished the bullying has contained within us and not so much to the world. Bullying is unacceptable at all levels, but when it’s done at a global level like this by a powerful person through an equally powerful institution like the APPG or from the House of Lords, one becomes disabled. I might never recover from this, but it’s now my reality and I have to deal with it.”

168. In our interview on 2 March 2020, we discussed the impact her conduct may have had on Ms Fofanah with Baroness Tonge:

“I don’t think it has done her harm. I hope that it has made her think again and realise just what harm she is in fact doing. That was the intention of the letter. She is doing a lot of harm to be campaigning in the way she is and making it into a political issue. I mean, I can’t emphasise enough to you how dreadful this procedure is. I mean, it is

²¹ On 27 September 2019, PQ emailed Ms Fofanah to say “We have not disclosed any of our communications with external individuals or organisation”. This was inaccurate as the letter had been copied to VW and ZA.

really you mentioned male circumcision; I mean, it is nothing like male circumcision in the matter of degree and consequence to the individual. Anyone who lets themselves, even on a compromise, which I guess that Naasu would say she had a compromise position on this—there is no compromise: you have to say it must not happen. Otherwise people will grab what you have said and go ahead with it.”

169. In our interview on 30 July 2020, we discussed the impact on Ms Fofanah with Baroness Tonge again:

“I am not totally clear what the consequences for Ms Fofanah are. I gather she is claiming that she is not getting work because of it, that she is not getting jobs because of this.

[...]

I am very sorry if that has happened and I would like, you know I am sorry, but I do not understand how any potential employer would seek out probably now deleted Facebook pages and look at the website of an All Party Parliamentary Group they have probably never heard of. Baroness Tonge is not very famous for goodness’ sake.”

170. Ms Fofanah asserted that the scale of the impact of Baroness Tonge’s conduct is related to Baroness Tonge’s influence as a campaigner on FGM and other issues and her role as a member of the House of Lords.
171. In our interview on 15 July 2020, PQ agreed that “on different issues, including on women’s health” Baroness Tonge was an influential voice, not least due to her membership of the House of Lords.

Analysis

172. It is clear that Ms Fofanah repeatedly tried to explain what the impact of Baroness Tonge writing to VW and ZA and publishing a statement on the APPG website had been, hoping to have the statement removed and to find out who had been sent a copy of the letter.
173. From the evidence we have received, Baroness Tonge appears to have given no consideration to this material from Ms Fofanah. Her responses in interview with us were disbelieving, dismissive, sceptical and demonstrated no attempt to accept or understand the impact of her conduct.

Conclusion

174. **I consider it more likely than not that Ms Fofanah has suffered professionally and personally as a result of Baroness Tonge’s actions.**

CHAPTER 9: OTHER MATTERS ARISING DURING THE INVESTIGATION

175. In the course of their evidence both Baroness Tonge made allegations about Ms Fofanah's conduct either as part of her explanation of her actions or as contextual information.

That the criticisms of Ms Fofanah arose out of her decision to post a photo of her with Baroness Tonge

176. Ms Fofanah's posting of a photo of her with Baroness Tonge is what brought their engagement to the attention of VW and ZA. This photo was taken at an event in Parliament. Ms Fofanah had previously met Baroness Tonge and asked for a photo. Baroness Tonge declined on that first occasion. However, on the second occasion, Ms Fofanah "came rather at the last minute from the side" and had got a photo. Baroness Tonge was therefore not happy that Ms Fofanah had had a photo. She said that she did not agree Ms Fofanah had permission to post a picture of her on Facebook and that she should have been asked for her permission.
177. In her written response, Baroness Tonge suggested that it was Ms Fofanah's action in posting the photo that was responsible the emails to Baroness Tonge's office from VW and ZA:

"Without my knowledge or consent, Ms Fofanah subsequently posted this photo of us on her social media. This action triggered a string of emails to my office from two anti-FGM organisations/people making reference to this photo and to Ms Fofanah's position on FGM

[...]

Whether intentionally or not, by posting a photo of us together on her social media, Ms Fofanah involved me in her pre-existing and long-standing dispute with other FGM activists in Sierra Leone. It is regrettable if this action inadvertently resulted in her experiencing further bullying and harassment by her pre-existing opponents, but it was not as a result of my actions or those of the APPG on PDRH."

178. During my interview with her, Baroness Tonge said she had refused a photograph with Ms Fofanah at their first meeting because photographs are not allowed in the room in Parliament where they had met. She also said that she had been informed that Ms Fofanah had political aspirations and she did not normally allow photos with individuals she did not know much about. Because she had declined a photo when they first met, Baroness Tonge also considered it dishonest that Ms Fofanah would seek to have a photo when they met later and then to post that photo online.

Analysis

179. It is undoubtedly true that posting the photo set off subsequent events. However, there is no evidence that Ms Fofanah was being dishonest in having the photo taken; she asked to do so and Baroness Tonge agreed.²² I think it is unreasonable of Baroness Tonge to expect Ms Fofanah to ask her permission

²² We have seen the photo. It shows Ms Fofanah with Baroness Tonge and PQ standing next to each other and smiling at the camera.

to put the photo on her Facebook page, when this is such a common practice nowadays.

180. Baroness Tonge suggests that any adverse impacts experienced by Ms Fofanah arose only from her posting the photograph, not “as a result of my actions or those of the APPG on PDRH”. However, as set out in the preceding chapter, there is good evidence (such as social media posts criticising Ms Fofanah with direct reference to Baroness Tonge’s actions) to conclude that Baroness Tonge’s letter and the APPG statement gave weight to the criticism of Ms Fofanah from those who oppose her position on FGM.

Conclusion

181. **While it is true that by posting the photo, the emails to Baroness Tonge’s office were triggered, this does not provide an explanation or justification for Baroness Tonge’s own conduct.**

That Ms Fofanah had bullied LM and PQ

182. In July 2019, Baroness Tonge’s office received an email from another activist—LM—alleging that Ms Fofanah had been posting comments about them on social media and claiming that they had been the activists who had contacted Baroness Tonge in 2018.
183. During our interview on 30 July 2020, Baroness Tonge said that Ms Fofanah had been bullying LM:

“If you read very carefully through the evidence, Naasu thought that the people who were contacting [PQ], in other words [ZA], and someone called [VW]—they are the only two names I can remember—were [LM] and she was actually bullying [LM]. If you read all the later correspondence that has happened, I think, even this year, has it not, between [LM], she has been bullied by Naasu because Naasu thought that she was the person who was sending us emails about her?

[...]

No, she actually made a mistake in who she thought was sending [PQ] all the information and bullying. She made a mistake on that, which was a pity, but I really do think that, I don’t know. It is the first time I have ever seen [PQ] truly upset by events that were going on.”

184. The email to Baroness Tonge from LM read:

“It has been brought to our attention through several Facebook postings made by the aforementioned Ms Naasu Fofanah about a report made to your offices about her conduct. It is noted in her posts and subsequent comments elsewhere on Facebook that she has deliberately mentioned my name as the individual who contacted your office. Furthermore Ms Fofanah also made a live video on Facebook again mentioning my name as the individual who contacted you. She has also made verbal statements to colleagues asserting the same allegations. Please see attached posts. In response to her live video I I made a live video where I openly informed her I will be making a formal complaint to your organisation. I will be happy to supply you with my video.”

185. The post from Ms Fofanah attached to LM's email read:

"What has this post got to do with FGM? My Sierra Leonean people this is what's happening, every time I post or share something positive about my work, a non-Sierra Leonean woman fully aided by a Sierra Leonean woman will write to organisations telling them I am a PRO-FGM campaigner in my country. Notably, these two women who I have now identified with proof contacted the House of Lords last year after I posted an update on my engagement about the abortion bill. They wrote using the Not In My Name Campaign and copied in [a Government minister] and other international development partners that I was pro-fgm. I have now proof of the Sierra Leonean woman who single-handedly did this to my name. The action led to a very unfair press release by the All Party Parliamentary Group on reproductive rights disassociating themselves from "My FGM position" I went through the process of challenging Baroness Tonge this issue to name the culprits behind this heinous defamation. I however learned that it is almost impossible for people who give information rightly or wrongly to be identified by organisations. This is unfair as one would have to deal with the consequences of malicious libel while perpetrators stay safe. This experience not only emboldened by Sierra Leonean sister to not only try to defame my personality on social media, but actually told people I was a Sowie who circumcised people - can you imagine?"

186. The posting went on to refer to other impacts relating to other organisations. It ended with Ms Fofanah saying she intended to pursue legal action.

187. In her response to the draft factual report, Baroness Tonge also said she felt that Ms Fofanah was responsible for bullying:

"Finally I must say that I consider my office to have been bullied and harassed, not the reverse, ever since the 'Selfie' picture was posted by Naasu on her Facebook page."

188. Similarly, in her interview on 30 July 2020, she also said she felt that PQ was being bullied "unmercifully" by both sides of the argument.

189. In our interview on 15 July 2020, we asked PQ how she had felt about Ms Fofanah's emails:

"I felt I kept letting her know and we don't want any more to do with this. These long emails, sometimes twice a day, kept coming in even though I had said on many, many occasions, 'Look, this is the end. No more. No more.' Again, I always reply to emails when people write to me. I don't just ignore things. That's probably my fault. I just felt that so many times have I said, 'No more, no more,' and it just kept on and on and on, and I am thinking, 'Oh my goodness me.'"

190. She said she found Ms Fofanah's emails after the letter had been sent and the statement published particularly challenging:

"I suppose one of the things around the bullying, she kept asking me for these names of the opposition, of the people that were contacting me. I said, 'Well, let me ask them about it.' I asked them and they said, 'No, we don't want our names revealed,' and I got back to her and she said, 'Well, I want them.' I felt, I suppose, harassed and bullied around. She

kept asking me and kept pushing me on these names and I kept saying, 'I'm sorry but I can't give them. As far as I am aware, they don't want their names written down.' I felt really harassed around that.

[...]

Yeah, I think six months later. I was like, 'Oh gosh not this. I have already said to her I don't want to.' So there were issues around that. Funny things kept cropping up down the line. I thought 'I have already said I can't give names.' That's not for me to do."

Analysis

191. I have read all the communications from Ms Fofanah to Baroness Tonge or PQ that have been put in evidence. None of these communications make threats or use derogatory language. Many of them contained Ms Fofanah's attempts to show Baroness Tonge and PQ that the activists who wrote to them were trying to discredit her because of her approach to the eradication of female circumcision (as she describes it) in her country. Later she asked for information in response to the decision made by Baroness Tonge to share her letter with VW and ZA. Her requests were denied, and she was persistent in seeking a change of response, but she never used inappropriate language. I accept that PQ in particular felt bullied by Ms Fofanah's persistence. However, as Ms Fofanah's persistent requests for information was almost entirely after the letter was sent and the statement put on the webpage, the perception of bullying cannot have had anything to do with those actions.
192. With regard to her Facebook post provided by LM, this provides no evidence of Ms Fofanah bullying LM. LM's email suggests that there were other Facebook postings but this was the only one provided. It is notable that at no point does it name LM. It is also unclear in what way it may be considered a relevant factor in explaining Baroness Tonge's decision to send her letter and publish the statement a year earlier.
193. In her letter received on 6 January 2021, Baroness Tonge expressed regret that I had not interviewed VW, ZA and LM in order to "gain a fuller picture of the context. I believe such interviews would have assisted you in understanding that I/the APPG on PDRH were third parties being unwittingly dragged into a pre-existing dispute."
194. The focus of my investigation was Baroness Tonge's conduct in sending the letter of 17 July 2018, copying it to VW and ZA, and publishing the statement on the APPG website.
195. That VW and ZA were likely to be hostile to Ms Fofanah and that there was a pre-existing dispute was something Baroness Tonge had good reason to understand at the time.
196. The experiences of LM were brought to Baroness Tonge's attention around a year after the letter and statement and appear to have been triggered by them. They provide no evidence relevant to Baroness Tonge's decision to send the letter and publish the statement.
197. I therefore did not consider that it would have been relevant to interview VW, ZA and LM.

Conclusion

198. **There is nothing in the evidence supplied to show that the allegations of bullying by Ms Fofanah of PQ or LM had any relevance to Baroness Tonge's decision to send the letter and publish the statement.**

That Ms Fofanah had been dishonest

199. In her interview with us on 2 March 2020, Baroness Tonge said she had listened to the radio interview Ms Fofanah had done with West Africa Democracy Radio and felt she had been “conned” and “brought into someone else’s campaign inadvertently”:

“That was my feeling at the time, and I felt we had to be very, very strong and very, very firm and very, very blatant about our position.”

200. In her evidence, PQ also suggested dishonesty on Ms Fofanah’s part. In her letter to me of 25 March 2020, PQ said that Ms Fofanah’s “quoted affiliations were misleading” and that she “networks and affiliates herself with VIPs often at the expense and detriment of others.” In correspondence with us on 4 May 2020, PQ explained what detriment she meant:

“I have indeed suffered detriment and believe others have also, in that I have had to receive, understand and respond to numerous emails from both Ms Fofanah and FGM activists that included threats to life

I have had to divert my work and attention away from my usual ‘work to save women’s lives and ensure women/girls Sexual and Reproductive Health and Rights’ to reply to Ms Fofanah’s allegations and emails for nearly 2 years

Having allegations of bullying and harassment made against one’s boss and indirectly myself, is very uncomfortable and draining, especially when I feel these allegations are unwarranted.

Somehow Ms Fofanah, by posting this selfie with Baroness and myself - involved the APPG on PDRH in her long standing disputes and disagreements with others! Distancing the APPG on PDRH from Ms Fofanah’s position on FGM and her long standing opponents was extremely difficult (she rejected the offer to make it known on her social media that the APPG on PDRH does not support your views on FGM, but to the contrary - are working to stamp out FGM).—she continued sending me unpleasant emails - which felt like bullying to me! As you are aware Ms Fofanah tried extracting names from me that were not for me to divulge via different means and now the bullying allegations. Parliamentary advocacy and its direct impact is difficult to measure, but the more time is spent answering Ms Fofanah’s individual email and allegations - the less time is spent on improving women health, which is supposedly also Ms Fofanah’s aim - so all rather odd! From emails and social media postings received and copied to you - it appears to me as if Ms Fofanah is bullying others also ([LM] being an example as per the emails you have received already).”

201. PQ said Ms Fofanah was also dishonest based on her interview with West Africa Democracy Radio. Having listened to that interview, PQ said she could not be sure of the truth of a statement by Ms Fofanah in an email she

sent PQ on 10 July 2018, where Ms Fofanah said she was against FGM for those under 18.

Analysis

202. I have read the transcript of the radio programme, and can see no reasonable basis for saying that it casts doubt on Ms Fofanah's opposition to FGM for under 18s.
203. I also consider that the views Ms Fofanah expressed on 10 July 2018, at PQ's request, are consistent with the views expressed in the radio programme, taking account of the different circumstances in which they were expressed.
204. There seems little doubt that if Baroness Tonge had asked Ms Fofanah for her views on FGM for adult women, Ms Fofanah would have given them her views. I do not see, therefore, how Baroness Tonge can claim to have been conned by the fact that Ms Fofanah did not volunteer this information when they were discussing safe abortion, nor do I see any of the dishonesty that she and PQ claim to have experienced.

Conclusion

205. **I found no evidence if Ms Fofanah behaving dishonestly in her dealings with Baroness Tonge or PQ, at any time.**

CHAPTER 10: FINDINGS

Did Baroness Tonge's conduct amount to bullying?

The Behaviour Code

206. Paragraph 10 of the Code provides that:

“Members of the House should observe the principles set out in the Parliamentary Behaviour Code of respect, professionalism, understanding others’ perspectives, courtesy, and acceptance of responsibility. These principles will be taken into consideration when any allegation of bullying, harassment or sexual misconduct is under investigation.”

207. Although a failure to act in accordance with the Behaviour Code is not, in itself, a breach of the Code of Conduct, it is necessary to consider its principles.

Respect and value everyone - bullying, harassment and sexual misconduct are not tolerated

208. Baroness Tonge disagreed with Ms Fofanah’s position on FGM, as she is entitled to do. Such policy disagreements, however strongly felt, do not override the requirement to act respectfully. The language used in the letter was not respectful of Ms Fofanah.

209. This lack of respect was exacerbated by the fact that some of Baroness Tonge’s criticisms related to Ms Fofanah’s descriptions of own lived experience of FGM.

210. Baroness Tonge’s attempts to portray Ms Fofanah as having acted in bad faith also serve to highlight the lack of respect she showed Ms Fofanah.

Recognise your power, influence or authority and don’t abuse them

211. Baroness Tonge has a platform, position, and influence as a member of the House of Lords, and as Co-Chair of the APPG for PDRH. She used her platform as a member of the House of Lords and as Co-Chair of the APPG on PDRH to publish a statement to clarify her own and the APPG’s zero tolerance position on FGM, while making Ms Fofanah vulnerable to assumptions she is supportive of the practice in general. She also distributed a letter to Ms Fofanah’s opponents that used insulting language, which she must, or ought to, have known would have the effect of undermining Ms Fofanah in the eyes of those who read the letter.

212. When I interviewed Baroness Tonge on 30 July 2020 she denied her influence and therefore does not recognise it.

Think about how your behaviour affects others and strive to understand their perspective

213. Ms Fofanah made several attempts to explain her position on FGM and to outline the likely and, later, actual impact of Baroness Tonge’s letter and statement. We could find no evidence that Baroness Tonge attempted to understand Ms Fofanah’s perspective. Rather, Baroness Tonge appears to have accepted at face value the allegations of VW and ZA, as evidenced by

the reference in the letter of 17 July 2018 that Ms Fofanah promotes FGM (an allegation Ms Fofanah rejects).

214. Throughout their interactions, there is no evidence that Baroness Tonge considered how her actions would affect Ms Fofanah but was concerned only with a perceived need to protect her reputation and that of the APPG.

Act professionally towards others

215. Some of the previous comments apply here.

Ensure Parliament meets the highest standards of integrity, courtesy and mutual respect

216. Some of the previous comments also apply here.

Speak up about any unacceptable behaviour you see

217. This is not relevant in this case.

Bullying

218. Ms Fofanah alleged Baroness Tonge bullied her. At the preliminary assessment stage I concluded, with the assistance of Samira Cakali, that the publication of the statement and the distribution of the letter could amount to bullying.

219. I have therefore tested Ms Fofanah's complaint against the definition of bullying in the Code to determine whether Baroness Tonge's behaviour did amount to bullying on the balance of probabilities.

220. The definition of bullying is at Appendix B of the Code, and states:

“Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour involving an abuse or misuse of power that can make a person feel vulnerable, upset, undermined, humiliated, denigrated or threatened.”

221. It also provides that examples of bullying may include, but are not limited to “verbal abuse, such as shouting, swearing, threatening, insulting, being sarcastic towards, ridiculing or demeaning others, inappropriate nicknames or humiliating language” and “sending, distributing or posting detrimental material about other people including images, in any medium.”

Did Baroness Tonge's behaviour amount to offensive, intimidating, malicious or insulting behaviour?

222. In her letter, Baroness Tonge described Ms Fofanah's position on FGM as “very ignorant”, “misleading” and “very irresponsible”. This is pejorative language.

223. The strength and effect of Baroness Tonge's choice of language was exacerbated by her decision to copy the letter to VW and ZA, who she had good reason to understand were hostile to Ms Fofanah.

224. Furthermore, given that Baroness Tonge published the statement on the APPG website as part of her attempts to disassociate herself and the APPG from Ms Fofanah without such critical language, it may be presumed that the critical language was not essential to her achieving that end.

225. I consider that Baroness Tonge's behaviour in using this language in her letter copied to VW and ZA was offensive and insulting.

Did the distribution of the letter and publication of the statement involve "an abuse or misuse of power"?

226. Baroness Tonge's power, influence and authority while she is in the House of Lords and as Co-Chair of the APPG on PDRH is evident. Baroness Tonge publishing a statement on the website of the APPG is further evidence she has a platform where she can exert her influence.

227. Baroness Tonge's stated intention was only to affirm the APPG's position on FGM in order to disassociate herself and the APPG from Ms Fofanah's position. However, the motives of the person whose behaviour is alleged to amount to bullying are not determinative of whether bullying took place. In considering whether this might constitute a misuse of her power, I have taken into account:

- the content of the letter in the light of it being copied to VW and ZA;
- the evidence of the lack of account Baroness Tonge paid to Ms Fofanah's descriptions of the likely impact on her of taking such action,
- particularly by copying the letter to VW and ZA whom she had ample reason to understand were hostile towards Ms Fofanah and her work;
- the lack of any evidence that there was any widespread conflation of Ms Fofanah's views with those of the APPG in the FGM stakeholder community;
- the haste with which Baroness Tonge acted, and particularly the fact that she sought the advice of CD but apparently acted before receiving it.

228. In the light of these factors, I consider that Baroness Tonge misused her power to protect the reputation of herself and the APPG at the expense of Ms Fofanah.

Was Ms Fofanah made to feel vulnerable, upset, undermined, humiliated, denigrated or threatened?

229. Ms Fofanah has described in evidence to me and in correspondence with Baroness Tonge's office the impact of the letter and statement. She described feeling that her identity was being "ripped" away from her and described Baroness Tonge's comments as "dehumanising". She also said she was made to feel "psychologically unstable" about her circumcision.

230. She also provided evidence of the adverse impact of Baroness Tonge's actions in the form of social media postings. She also asserts that she has lost out on jobs and opportunities as a result of this statement.

231. I consider that Baroness Tonge's actions left Ms Fofanah feeling vulnerable, upset, undermined and humiliated.

Finding

232. **Baroness Tonge's behaviour meets the criteria to amount to bullying.**
233. **I find therefore that Baroness Tonge's conduct breached the Code of Conduct.**

CHAPTER 11: OUTCOME

234. Under the Code of Conduct, when I uphold complaints I must produce a report for publication and identify an appropriate outcome, which can range from no action to expulsion from the House.
235. Three possibilities follow in case of bullying, harassment or sexual misconduct:
- if the conduct complained of, though justified, is towards the lower end of the scale of seriousness and minor, is acknowledged by the member concerned, and is agreed by both the complainant and the member, the matter can be dealt with by remedial action;
 - if remedial action is proposed, but either the complainant or the member does not agree to it, my report and recommended sanction go to the Conduct Committee for resolution;
 - if remedial action is inappropriate, my report and recommended sanction also go to the Conduct Committee.
236. If my report goes to the Conduct Committee, any of my findings of breach can be appealed by the complainant and the respondent. The respondent can also appeal my recommended sanction. Nothing will be published until the outcome of any appeal, at which point the Conduct Committee will publish its own report, to which my report will be annexed.

Did Baroness Tonge intend to bully Ms Fofanah?

237. As noted above, the motives of the person whose behaviour is alleged to amount to bullying are not determinative of whether bullying took place. Motives are, however, relevant factors when considering the appropriate outcome.
238. Ms Fofanah said in her complaint she believed Baroness Tonge's actions were intentional intimidation and bullying to stop her talking about her personal experiences.
239. In Baroness Tonge's initial response to Ms Fofanah's complaint, she strongly denied that she had bullied Ms Fofanah.
240. Baroness Tonge also said that with the benefit of hindsight, she might have handled matters differently.
241. In our interview on 2 March 2020, we discussed the Code's definitions of bullying and asked Baroness Tonge whether, in the light of those definitions, she would consider her actions to have been bullying:

“No, I think we were just being honest. And I would repeat over again there was no element of bullying in our actions. We would not have dreamt of doing that. We were defending our position. It was a defensive thing—a defensive action, because we were so worried that we and [a Government department] and our Government had been linked with something they do not agree with and had campaigned against.”

242. We also discussed the definitions during our meeting on 30 July 2020. Baroness Tonge said:

“I really find it quite upsetting, and I am sure you do not intend, to imply that I am a bully. I have never seen myself as a bully; in fact I have spent my whole career defending people who are being bullied.”

243. In her letter to me received on 6 January 2021, Baroness Tonge repeated that she had not intended to bully Ms Fofanah. She wrote:

“I am, of course, very sorry that Ms Fofanah experienced any detriment as a result of my actions. It was never my intention that she should feel bullied or harassed. By my actions, I only ever hoped to clarify my position on FGM and extricate myself and the APPG on Population, Development and Reproductive Health (APPG on PDRH) from the long-standing disagreements between her and the anti-FGM individuals who contacted my office. I would also like to acknowledge that copying the letter of 17th July 2018 to the two anti-FGM individuals who contacted my office was an error of judgment, but it seemed the right thing to do at the time given how upset they were.”

Analysis

244. I accept that Baroness Tonge is being sincere when she says she does not consider that she is a bully, or that she bullied Ms Fofanah.
245. However, this unfortunate series of events appears to have arisen out of Baroness Tonge’s decision to accept and act on the allegations of VW and ZA in order to mitigate a perceived risk to her reputation and that of the APPG.
246. These activists were not known to Baroness Tonge, they provided no substantive evidence to justify their allegations despite being asked to by Baroness Tonge’s office, and Baroness Tonge acted within a matter of a week without waiting for the advice sought from CD.
247. By contrast, Ms Fofanah had been introduced to her by another parliamentarian, appeared at that point to have credentials which Baroness Tonge found satisfactory, and with whom it seems she had had a useful discussion on abortion. Ms Fofanah was open about her views on FGM when asked and took steps to explain, from her point of view, the likely motivations of VW and ZA.

Conclusion

248. **This mindset of unquestioningly prioritising the concerns of VW and ZA and the perceived risk to her reputation and that of the APPG led her to act without any thought to the effect of her behaviour on Ms Fofanah, and to act in a way which meets the criteria for bullying.**

Would remedial action be an appropriate outcome?

249. As set out above, remedial action is an appropriate outcome where a breach is “minor and acknowledged”. Both criteria need to be met for remedial action to be appropriate.

250. Baroness Tonge's acknowledgment of the effect of her conduct on Ms Fofanah has been partial at best. At points in the investigation she categorically denied having acted inappropriately or her actions having had an adverse impact on Ms Fofanah. Where she has made acknowledgements, these have come very late in the process and been accompanied by further attempts to justify her actions.
251. I also bear in mind that Baroness Tonge has made no attempt to rectify matters. For example, the statement remains on the APPG website.
252. The letter on its own, with the insulting and offensive language, could be considered minor, in the sense of being at the lower end of possible breaches. However, copying the letter to VW and ZA, who could be expected to circulate it more widely, and publishing a poorly worded statement that allowed for a damaging impression of Ms Fofanah, in an attempt to ensure her position and that of the APPG were not misunderstood were not minor breaches. I must also take into account the effect of her actions on Ms Fofanah. I do not consider that the impacts described by Ms Fofanah are minor. There is evidence that she has faced bullying online which directly draws on Baroness Tonge's conduct. She also asserts that she has lost out on job opportunities due to it.
253. I do not consider remedial action to be appropriate.

Recommended sanction

254. My role, therefore, is to recommend a suitable sanction to the Conduct Committee.
255. However, matters are somewhat complicated by the fact that on 14 December 2020, Baroness Tonge gave notice of her intention to retire from the House of Lords under the provisions of the House of Lords Reform Act 2014. Baroness Tonge may therefore no longer be a member when this disciplinary process is completed, which would significantly reduce the scope to administer sanctions.
256. **Nonetheless, I recommend that Baroness Tonge:**
- **make a personal statement of apology in the House: such a statement recognising the impact of her conduct and noting that her previous communications did not fairly reflect Ms Fofanah's views;**
 - **arrange for the statement concerning Ms Fofanah to be withdrawn from the APPG's website; and**
 - **undertake bespoke behaviour change coaching.**
257. **If Baroness Tonge has indeed retired by the time this report is agreed, or retires shortly thereafter, I would hope that she would, at the very least, still abide by the second of these recommendations and arrange for the statement to be removed from the APPG's website.**

APPENDIX 1: FACTUAL REPORT

Investigation Correspondence

1. On 10 October 2019, Naasu Fofanah, a policy advocate and activist on women's and girls' rights, submitted a complaint form to my office about the conduct of Baroness Tonge and PQ via the Bullying and Harassment helpline. The complaint form said:

“Complainant (C) wishes to raise a complaint as she feels she has been subject to bullying and intimidating behaviour caused by the following Respondents (R).

Respondent 1 (R1)–Baroness Jennifer Louise Tonge, Co-chair (for the APPG of Population, Development and Reproductive Health]

Respondent 2 (R2)–[PQ]

11th June 2018

C met with R1 and R2 at the Parliamentary estate to discuss the Safe Abortion Bill in Sierra Leone. C described this meeting as fruitful and subsequently invited to an event on the 9th July 2018 at the Houses of Parliament. During the event, R2 advised C that the minister for DFID had responded to R1's questions on the abortion bill and R2 would email this across shortly.

10th July 2018

C received the discussed email from R2 on the abortion bill. However, the email also referenced anti-FGM campaigners in Sierra Leone and stated that C support FGM. C was surprised and upset that this has information been included. C responded via email stating ‘ ... This procedure should be banned for children below 18 ... I am totally against initiations of children regardless of gender ... ‘ C went on to explain that she was circumcised at 15, but does not consider herself a mutilated woman.

C was subsequently received a strongly worded letter from R1 rebuking C for stating that she did not feel mutilated. R1 also stated that she would be sharing this statement on the internet and some people in contact with her to dissociate the organisation with C's views. C felt extremely disturbed by the letter and immediately contested sharing her information, as she believed this would lead to online bullying. R2 accepted the concerns raised but proceeded to release a public statement stating that they do not agree with her views.

18th July 2018

The statement was released which did not include C's views about FGM for under 18's being unacceptable. C feels that R1 deliberately omitted this statement and did not include a true reflection of her opinion on FGM. C felt the lack of clarity was intentional intimidation and bullying to prevent C speaking about her personal experiences. This led to C being bullied online by [LM] and [RS] who are representatives of anti-FGM campaigns.

C raised this issue with R2 who was dismissive of the concerns she was raising. C felt that the emails was humiliating and forced her to feel reports psychologically unstable about her circumcision. C feels that R2's failure to acknowledge the information enabled the online bullying and threats to continue.

Finally In addition, they shared the information with other organisations that the C was working which caused C's character and reputation to be negatively affected. C reached out to R2 to explain she felt this was bullying behavior and that this was having a psychological impact on C. R2 dismissed these claims, and C felt shaken by her response."

2. On 7 November 2019, I wrote separately to both Baroness Tonge and PQ, informing them I was conducting a preliminary assessment of Ms Fofanah's complaint to determine whether there was sufficient evidence to establish there was a prima facie case to be investigated.

3. To Baroness Tonge, I wrote:

"I am writing because I have received a complaint about your conduct and that of [PQ] from Naasu Fofanah.

Details of the complaint is attached.

I am in the process of conducting my preliminary assessment of the complaint to determine whether there is sufficient evidence to establish there is prima facie case to be investigated. If I conclude that there is a case to be investigated I will write again for a formal response.

At this stage I am simply seeking clarity about who may be considered the respondent for the relevant aspects of the conduct complained about.

In her complaint, Ms Fofanah names both you and [PQ] as respondents. As evidence to support her complaint she has provided copies of emails from [PQ] and a letter from you. I should therefore be grateful to know:

- whether [PQ] was working under your instruction when emailing Ms Fofanah; and
- who made the decision to publish a statement on the website of the APPG on Population, Development and Reproductive Health.

I have also written to [PQ] in similar terms. Should you wish to reply jointly, please do so. A response by 22 November would greatly assist me in considering this matter in a timely fashion."

4. To PQ, I wrote:

"I am writing because I have received a complaint about your conduct and that of Baroness Tonge from Naasu Fofanah.

Details of the complaint is attached.

I am in the process of conducting my preliminary assessment of the complaint to determine whether there is sufficient evidence to establish there is prima facie case to be investigated. If I conclude that there is a case to be investigated I will write again for a formal response.

At this stage I am simply seeking clarity about who may be considered the respondent for the relevant aspects of the conduct complained about.

In her complaint, Ms Fofanah names both you and Lady Tonge as respondents. As evidence to support her complaint she has provided copies of emails from you and a letter from Lady Tonge. I should therefore be grateful to know:

- whether you were working under Lady Tonge's instruction when emailing Ms Fofanah; and
- who made the decision to publish a statement on the website of the APPG on Population, Development and Reproductive Health.

I have also written to Lady Tonge in similar terms. Should you wish to reply jointly, please do so. A response by 22 November would greatly assist me in considering this matter in a timely fashion."

5. PQ replied on 8 November 2019. Her email said:

"Baroness Jenny Tonge, Chair of the APPG on PDRH met with Naasu Fofana on 11th June 2018 to discuss abortion legislation and policy in the UK and Sierra Leone, as per [the request of an MP] (a member of the APPG on PDRH)—she was introduced as an MA student in the UK interested in Abortion!

Communications followed with various FGM actors and Naasu Fofana regarding this meeting and Naasu Fofana's invitation to the UK APPG on PDRH annual World Population Day reception July 2018. The communications resulted in Baroness Jenny Tonge posting a letter on the APPG on PDRH website to clarify all matters relating to her connection to Naasu Fofanah and the UK APPG on PDRH position on FGM. This letter is available here: [http://www.appg-popdevrh.org.uk / PRESS%20RELEASE%20Naasu%20Fofanah.pdf](http://www.appg-popdevrh.org.uk/PRESS%20RELEASE%20Naasu%20Fofanah.pdf)

Baroness Jenny Tonge also sent a private letter to Naasu Fofana 17th July 2018, which is attached noting that the APPG on PDRH does not agree with FGM as per UK Government and DFID policy!

Naasu Fofana has on several occasions since then been in contact requesting names and contact details of FGM stakeholder whom contacted the APPG on PDRH about her meeting/connection with Baroness Tonge (FGM stakeholders became aware of the meeting following Naasu Fofana posting on her facebook page a selfie with Baroness Tonge).

In January 2019 Naasu Fofana filed a legal complaint - Case reference: RFA0793806—re Data protection concerns. An APPG on PDRH response was made and the case was subsequently dropped as the APPG on PDRH had not divulged any personal information (please see below and attached communications).

I shall be happy to print out and send you hard copies of all correspondence between Naasu Fofana—Baroness Tonge, Chair APPG on PDRH—myself Advisor, APPG on PDRH—and FGM NGOs when next in the

office or if you need any particular information prior, please do let me know. Thank you.”

6. Baroness Tonge replied to my letter on 12 November 2019. Her email said:

“Thank you for your letter dated 7th November 2019. Please see below reply to accompany [PQ]’s email and attachments dated 8th November.

[PQ] has been working as the full time secretariat for the APPG on PDRH since 2001 until today’s date.

She works under my guidance as the chair of the APPG on PDRH - but as common practice with APPGs - many day to day communications are dealt with directly by the secretariat.

With regards to communications with Naasu Fofanah, some were between her and myself, and many were between Naasu Fofanah and [PQ] and other FGM activists - under my guidance/ supervision.

The statement available on the APPG on PDRH website and the personal letter to Naasu Fofanah I sent, were deemed necessary to upload/send, by the APPG on PDRH committee, after Naasu Fofanah posted a selfie with me on her facebook page (unknown to me) and emails started to arrive from FGM activists and subsequently Naasu Fofanah claiming bullying/death threats/intimidation etc and inadvertently trying to involve the APPG on PDRH.

Below you will find a couple of emails received from FGM activists, which may be of interest. Again all can be printed out and forwarded if required. Please note that I will be abroad 18th November–12th December 2019.”

7. Following a meeting with Ms Fofanah on 21 January 2020 to discuss her complaint, I wrote to Ms Fofanah on 27 January to inform her of my decision that I found it appropriate to investigate whether the letter sent by Baroness Tonge on 17 July 2018, the alleged distribution of that letter, and the statement published on the APPG website, constituted breaches of Paragraph 17 of the Code of Conduct:

“I write in reference to your complaint made via the Bullying and Harassment helpline and our meeting on 21 January.

I have carried out a preliminary assessment of the complaint against the provisions of the revised Code of Conduct and have decided that it would be appropriate for me to investigate whether the letter to you from Baroness Tonge of 17 July 2018, the alleged distribution of that letter, and the press release published on the APPG’s website, constitute breaches of the Code of Conduct.

Relevant aspects of the Code

In particular, I intend to investigate whether the following provision of the Code of Conduct was been breached:

‘Members are required to treat those with whom they come into contact in the course of their parliamentary duties and activities with respect and courtesy. Behaviour that amounts to bullying, harassment or sexual

misconduct is a breach of this Code. The bullying, harassment and sexual misconduct provisions apply to behaviour that took place after 21 June 2017 (the start of the 2017 Parliament). Behaviour that took place before this date may still constitute a breach of the personal honour provision if undertaken in the performance of the member's parliamentary duties and activities.' (paragraph 17)

Details of the Behaviour Code and associated definitions of bullying, harassment and sexual misconduct are included in the Guide to the Code of Conduct. The Code and Guide are available online at www.parliament.uk/hl-code

Use of independent investigators

In cases involving allegations of bullying, harassment or sexual misconduct, I may be supported by independent investigators. The independent investigator will be Samira Cakali of the Andrea Adams Consultancy. The Andrea Adams Consultancy is an external investigation, mediation and resolution service contracted by the Houses of Parliament to support the Commissioner of both Houses in the handling complaints of bullying, harassment and sexual misconduct.

Contact with respondent and confidentiality

I would wish to draw your attention to paragraph 137 of The Guide to the Code of Conduct:

'From the point that the Commissioner decides to undertake an investigation all evidence and correspondence relating directly to the inquiry is covered by parliamentary privilege. It must remain confidential unless and until it is published. If such evidence or correspondence were to be published or disclosed to anyone else without the agreement of the Conduct Committee or the Commissioner, this would be a contempt of the House. An attempt to obstruct an investigation is a contempt of the House.'

In my view, this restriction includes contact or communication between respondent and complainant. I have therefore asked that Baroness Tonge does not contact you while this investigation is underway. Should you receive any contact from Lady Tonge, directly or indirectly through an intermediary, please do let me know. Similarly, I would ask that you do not contact Lady Tonge while the investigation is underway.

Support available

Should you wish to receive support during the investigation, Parliament has contracted two helplines that can provide advice and signpost other support services:

- the Independent Bullying & Harassment Reporting Helpline is available on 0800 028 2439 or email disclosure@healthassured.co.uk
- the Independent Sexual Misconduct Advisory Service (ISMA Service) is available on 0800 1124 318 or email isma@solacewomensaid.org

Next steps

I will write to Baroness Tonge for a written response to the complaint. Once I have received her reply I shall come back to you to discuss next steps in more detail.

In the email alongside this letter is also attached the transcript from 21 January. As you will see, we had a technical failure with the recorder, for which I apologise. Therefore we were unable to capture your full account of cultural practices surrounding female circumcision in Sierra Leone, the work you undertook for the United Nations, and how this background informed your personal position on the practice. It would be very helpful if you could fill in the gaps as I want to make sure this point gets across clearly. Obviously I do not expect a verbatim account of what you told us, but simply a clear and sufficiently detailed explanation of your position and how you came to it.

As the information discussed on 21 January provides an important element of your complaint, by providing context, I do not wish to write to Baroness Tonge until I have your account. I hope, therefore, that you will be able to get back to me on this soon.”

8. I subsequently wrote to Baroness Tonge on 5 February 2020 on similar terms:

“Thank you for your letter with [PQ] of 12 November.

I have now completed my preliminary assessment of the complaint made against you by Naasu Fofanah and have concluded that there is sufficient evidence to establish there is *prima facie* case to be investigated with particular regard to the personal letter you sent to Ms Fofanah on 17 July 2018, the alleged distribution of that letter, and the press release published on the APPG’s website.

Relevant parts of the Code

In particular, I intend to investigate whether the following provision of the Code of Conduct has been breached:

‘Members are required to treat those with whom they come into contact in the course of their parliamentary duties and activities with respect and courtesy. Behaviour that amounts to bullying, harassment or sexual misconduct is a breach of this Code. The bullying, harassment and sexual misconduct provisions apply to behaviour that took place after 21 June 2017 (the start of the 2017 Parliament). Behaviour that took place before this date may still constitute a breach of the personal honour provision if undertaken in the performance of the member’s parliamentary duties and activities.’ (paragraph 17)

Details of the Behaviour Code and associated definitions of bullying, harassment and sexual misconduct are included in the Guide to the Code of Conduct. The Code and Guide are available in the Printed Paper Office and online at www.parliament.uk/hl-code.

I also draw your attention to the seven general principles of conduct identified by the Committee on Standards in Public Life and incorporated into the Code of Conduct.

Use of independent investigators

In cases involving allegations of bullying, harassment or sexual misconduct, I may be supported by independent investigators. I have chosen to make use of this provision to investigate the complaint against you. The independent investigator will be Samira Cakali of the Andrea Adams Consultancy. The Andrea Adams Consultancy is an external investigation, mediation and resolution service contracted by the Houses of Parliament to support the Commissioner of both Houses in the handling complaints of bullying, harassment and sexual misconduct.

Contact with complainant and confidentiality

Contact or communication with a complainant during an investigation risks constituting behaviour amounting to bullying or harassment, and therefore may be, in itself, a breach of the Code. I would therefore ask that you make no contact, either directly or through any intermediaries, with Ms Fofanah.

I would also draw your attention to paragraph 137 of the Guide to the Code of Conduct:

‘From the point that the Commissioner decides to undertake an investigation all evidence and correspondence relating directly to the inquiry is covered by parliamentary privilege. It must remain confidential unless and until it is published. If such evidence or correspondence were to be published or disclosed to anyone else without the agreement of the Conduct Committee or the Commissioner, this would be a contempt of the House. An attempt to obstruct an investigation is a contempt of the House.’

Support available

Should you wish to receive support during the investigation, Parliament has contracted two helplines that can provide advice and signpost other support services:

- the Independent Bullying & Harassment Reporting Helpline is available on 0800 028 2439 or email disclosure@healthassured.co.uk
- the Independent Sexual Misconduct Advisory Service (ISMA Service) is available on 0800 1124 318 or email isma@solacewomensaid.org

Next steps

This, together with the original complaint sent to you on 7 November, I invite you to respond in writing with a full and accurate account of the matter in question; this response may be made by email or letter and to whatever length you feel necessary.

Without wishing to limit what you may include in your response, I would be particularly grateful for the following further details:

- Whether the personal letter to Ms Fofanah which I understand was sent on 17 July 2018 was distributed to external parties and whether that letter was published online;
- Full details of the exchange with the Information Commissioner's Office, including any documents provided to them;
- Full details of the correspondence from FGM activists you included in your last letter of 12 November.

I now also enclose an indexed bundle of the documents in the case; I also enclose an extract from an interview with Ms Fofanah on 21 January, during the preliminary assessment and a statement from her concerning the cultural practices surrounding female circumcision in Sierra Leone, the work she has done with the United Nations, and how this background informs her personal position on the practice.

A response by 14 February would greatly assist me in investigating this matter in a timely fashion.

I should also be grateful if we could meet to discuss the details of the complaint. Could you let my office know your likely availability in March?"

9. I wrote to PQ on 5 February 2020:

"Thank you for your letter with Baroness Tonge of 12 November.

I have now completed my preliminary assessment of the complaint and have decided not to investigate the complaint so far as it relates to your communications with Naasu Fofanah. This is because the complaint does not provide sufficient evidence to establish there is *prima facie* case to be investigated with regard to those communications.

This letter is for information; there is no need for you to respond."

10. Baroness Tonge responded to my letter on 12 February 2020:

"Complaint from Naasu Fofanah

Thank you for your letter dated 5th February 2020 in relation to the complaint made by Naasu Fofanah.

I understand that Ms Fofanah is claiming that she felt bullied and harassed by my actions, specifically:

- (a) My sending her a letter stating my position on FGM, which is contrary to hers but aligned with DFID's zero tolerance position, together with a request for her to remove the material and photo of us she had posted on her social media account without my knowledge or consent;
- (b) Me sending a copy of the above letter to the FGM campaigners that had written to me after Ms Fofanah posted material and my photo on her social media;

- (c) The APPG on PDRH uploading a separate statement to its website making three points:
- (d) the reason the APPG on PDRH had met with Ms Fofanah (i.e. that it was a meeting to discuss abortion and was unrelated to FGM),
- (e) the APPG on PDRH's position on FGM, and
- (f) to inform the public that the APPG on PDRH did not agree with Ms Fofanah's position on FGM.

Summary of events

Ms Fofanah asked to meet with me to discuss abortion in June 2018, as recommended by [an MP], and I met with her as part of my role as chair of the UK APPG on PDRH. At this meeting Ms Fofanah requested a photo of us together, but I gently declined.

Following this meeting I tabled written PQs as per her encouragement on abortion in Sierra Leone and the replies were sent to her soon after by [PQ].

Ms Fofanah subsequently found out that I was hosting a World Population Day reception in July 2018 and she contacted me to ask if she could attend the event. I agreed, she was sent an invitation, and she attended.

At this event in July 2018, Ms Fofanah came up to speak to me (NB I did not recognise her) and asked somebody to take a photo of us. Without my knowledge or consent, Ms Fofanah subsequently posted this photo of us on her social media. This action triggered a string of emails to my office from two anti-FGM organisations/people making reference to this photo and to Ms Fofanah's position on FGM (which is that FGM ought only to be illegal for girls under 18). Although I did not know it at the time, Ms Fofanah's position on FGM has been a matter of public record for many years.

The communications were a surprise to me and contained worrying claims from the involved parties relating to FGM, young girls being in danger, and death threats. The issues were not clear to me so I asked [PQ] to contact UK Government Officials and to communicate with Ms Fofanah and the anti-FGM campaigners to get clarity on the issues at stake. From these inquiries it soon became clear to me that I needed to (a) make my and the APPG on PDRH's position on FGM very clear and (b) distance myself from Ms Fofanah and her opponents' long-standing dispute on FGM. I tried, unsuccessfully, to accomplish this in emails to the various parties. Finally, I had to resort to writing the letter to Ms Fofanah referred to above, which I copied to [the Government] and the two anti-FGM campaigners who had contacted me about Ms Fofanah's social media post and position on FGM. The letter was copied to the two anti-FGM campaigners because they had sent us numerous emails and we wanted to make clear to them our unequivocal opposition to Ms Fofanah's stance on FGM. At Ms Fofanah's request (see email dated 17th July 2018), we did not post the letter on the APPG on PDRH website, but instead posted a pared down statement making the three points enumerated above.

Throughout this process Ms Fofanah had on numerous occasions asked me and [PQ] to reveal the names of the people who contacted my office alerting me to the material and photo of us on her social media. In order not to breach any data protection rules, these stakeholders were contacted and asked if they consented to us revealing their identity to Ms Fofanah. They declined and we informed Ms Fofanah that we would not disclose their identities.

Ms Fofanah then made a complaint to the Information Commissioner's Office (ICO) on the basis that the APPG on PDRH had not complied with her Subject Access Request in which she requested details of the individuals and organisations with whom the APPG on PDRH had shared her personal information. The APPG on PDRH responded to the ICO complaint, enclosing a copy of the letter and copies of the email correspondence in which Ms Fofanah had requested the names of the people/organisations that had contacted my office and received a copy of the letter. The complaint was investigated and dismissed on the basis that the APPG on PDRH had not disclosed Ms Fofanah's personal information to any third party.

Ms Fofanah now claims that I have harassed and bullied her. I strongly deny these claims. At all times, our communications with her have been professional, courteous, based on factual research, and made in the interest of the APPG on PDRH and UK public policy. While I respect Ms Fofanah and her right to her views, it was necessary for me to firmly disassociate myself from those views.

Whether intentionally or not, by posting a photo of us together on her social media, Ms Fofanah involved me in her pre-existing and long-standing dispute with other FGM activists in Sierra Leone. It is regrettable if this action inadvertently resulted in her experiencing further bullying and harassment by her pre-existing opponents, but it was not as a result of my actions or those of the APPG on PDRH. I did not disclose anything about Ms Fofanah publicly or otherwise that was not already in the public domain with regards to her position on FGM, but instead made my personal view and the APPG on PDRH's stance clearer.

Please find attached/enclosed copies of correspondence in relation to this matter.

I am available to meet with you to discuss above on Monday 2nd -, Tuesday 3rd - or Wednesday 4th March 2020, 10:00–13:00 if any of these days/times suit you schedule or alternative please do suggest other dates/times.

I look forward to meeting Simira Cakali of the Andrea Adams Consultancy."

11. Following an interview with her on 2 March 2020, Baroness Tonge wrote to my office on 11 March 2020 to provide further comments on the matters discussed. The relevant parts of her response said:

"I referred to [the UK Government] 'promoting' abortion in Sierra Leone. That was incorrect on reflection. I should have said 'supporting'.

Otherwise the transcript is fine but I wish I could have conveyed better the upset this has caused to my office, particularly [PQ] who is at the receiving end. References to death threats to the people who contacted us were difficult for her to cope with in a busy office. It was a major reason for my feeling that we needed a swift and firm response.”

12. I replied to Baroness Tonge on 23 March 2020:

“Thank you for your email of 11 February and for sending through to my office all additional correspondence.

With regards to your transcript, I am happy to include your additional comments, including those concerning the upset caused to your office. I would be grateful if you could specify and expand on the effect of this upset so it can be conveyed accurately. For example, you mention “references to death threats to the people who contacted us”, and that [PQ] was at the receiving end of such correspondence. Could you further detail the circumstances of these threats and the effect on [PQ]?

Another matter on which I am requesting further detail concerns an email you forwarded to my office. In an email response to [LM] that you sent on 25 July 2019 at 14:11 you mention, I assume concerning Ms Fofanah, “I do not mean ‘dangerous’ in the physical sense, but she does make up stories about her connections, especially with our group!”

From the current evidence we have gathered it is not clear to me where Ms Fofanah may not have been truthful about her connections and her connection with your group. Are you able to provide any evidence of Ms Fofanah not being truthful about such connections?”

13. Baroness Tonge replied on 25 March 2020:

“Thank you for your letter dated 23rd March 2020, where you asked me to clarify the word dangerous.

The word dangerous was used in an e-mail to [PQ] from me, which I accidentally cc to [LM] and I subsequently sent an email to her, explaining that by saying dangerous, I did not mean this in the physical sense, but to women/girls and the APPG on PDRH’s reputation as a whole.

I have asked [PQ] to reply to you directly to specify and expand on the effect of the upset Ms Fofanah caused her and Ms Fofanah’s truthfulness about connections, including with the APPG on PDRH.”

14. PQ wrote to my office on 25 March 2020:

“As Baroness Tonge was not present in the office for most of the events relating to Ms Fofanah, she has asked me to reply to you directly with regards to the upset Ms Fofanah has caused me and her truthfulness about connections to officials and the APPG on PDRH.

As a preamble, I think it may be helpful for you to know, that apart from the e-mail communications you have received, important background to these were 1) The face to face meetings with Ms Fofanah and 2) My telephone conversations with [Government] staff in London and indirectly [with the UK Government] in Sierra Leone.

Without prejudice, I have been working full time for the APPG on PDRH for 20 years, and see myself as a very patient and fair person, working solely to improve women's sexual and reproductive health rights (SRHR) globally for over 30 years. I am a nurse/midwife and have an MSc in Public Health (specialising in Reproductive Health) and MA in Medical Law and Ethics. I have no political affiliation and work cross party!

Agreeing to meet and setting up a meeting between Baroness Tonge and Ms Fofanah is a big regret of mine as:

What was initially seen as a regular 30 min. briefing meeting only on Sierra Leone and Abortion/SRHR has turned into many weeks of work diverted from helping women and girls around the world to answering/replying to Ms Fofanah's allegations!

- (1) Ms Fofanah I would say is 'dangerous' and dishonest and has caused me upset in that:

Ms Fofanah networks and affiliates herself with VIPs often at the expense and to the detriment of others.

When Baroness Tonge and I met with Ms Fofanah in June 2018 she said she wanted to be the Prime Minister of Sierra Leone and had links to Ministers in Sierra Leone and the UK as well as the UN and was working to improve women and girls SRHR. It transpires that [Government] officials have indeed met with Ms Fofanah, but disagree with her Human Rights principles, as do many others, as we now know i.e. Ms Fofanah's quoted affiliations were misleading.

- (2) Ms Fofanah invited herself to the APPG on PDRH July event and took a photo of Baroness Tonge, me and herself and posted it on her social media without Baroness Tonge's consent - this she did, despite Baroness Tonge declining a photo with her only weeks prior i.e. I find this to be dishonest and disrespectful. I do not know what message Ms Fofanah posted with the photo, but somehow this caused a string of upsetting emails with threats and Ms Fofanah's affiliations with the APPG on PDRH.
- (3) Ms Fofanah tried bullying me into providing her with names of people that contacted the APPG on PDRH despite me explaining to her on several occasions, that they did not want their names revealed - this was very uncomfortable, especially as communications from the various stakeholders made links to girls being in danger, death threats etc
- (4) Ms Fofanah subsequently made a complaint to the Information Commissioner's Office, which she lost - again I had to divert my attention from improving women and girls lives, to replying to her allegations - it felt bullied into giving her the names - but didn't!
- (5) Ms Fofanah is now claiming bullying allegations from Baroness Tonge and myself - which is unwarranted and has again taken a lot of time away from our goal of ensuring universal SRHR for all as per the Sustainable Development Goals - again for Ms Fofanah

potential own personal gratification and somebody else's downfall
who works tirelessly for Women's and Girls' SRHR globally.

In summary neither Baroness Jenny Tonge nor I have bullied Ms Fofanah, but to the contrary I feel bullied, nor are we her enemies, but we totally disagree with her stand on FGM as FGM is to the detriment of many girls and causes a lot of suffering and indeed deaths.

Big questions remains to be answered: Why is Ms Fofanah so keen to obtain exact names of people that wrote to Baroness Tonge and why is she claiming these bullying allegations? Ms Fofanah's social media reveals many of her oppositions names in any case! I fear for her opposition!

Bullying allegations made against a strong human rights campaigner and amazing boss Baroness Tonge, does not make any sense - she has been my boss for the past 10 years and I have only got positive things to say!

Please note neither Baroness Tonge nor I are her enemies nor opposition - we do however disagree with her Human Rights principles and have had to make this very clear to all parties involved to distance ourselves from Ms Fofanah and devote time to the main purpose of the APPG on Population, Development and Reproductive Health.

I hope this answers your questions. All the best."

15. I wrote to PQ on 1 May 2020:

"Thank you for your email of 25 March.

I am writing to ask some further questions concerning the ongoing investigation into the complaint made by Ms Naasu Fofanah.

I would be grateful if you could clarify the following points that have arisen as I have continued to gather evidence:

- Ms Fofanah has provided us with an email she sent you on 3 September 2018 at 9:37am, see below. It was not included in the emails that you have sent to my office. Please confirm that you received it.

Dear [PQ],

Thank you very much for your response. I am extremely shaken by this as the entire plan was hatched to undermine my credibility. I was introduced to Baroness Tonge [an MP] to discuss abortion issues and people working on this issue were very pleased with the progress we were making. I have had official meetings with UK Government many times on FGM, never have anyone gone so far to victimise me or my country for not subscribing to their views. I did not use any of your pictures on my page to support anything connected to FGM. I therefore believe that I have been victimised and as you can see from these and many threats and your office has been used to equally reinforce the bullying. The content of the statement should also have been shared with me before posting my name on the internet. This entire situation has traumatised me. I totally do not deserve this from anyone including Baroness Tonge.

I look forward to hearing from you.

Yours truly, Naasu

- Ms Fofanah also sent you an email on 27 September 2018 at 5:55am, see below. This was also not included in the correspondence you sent to my office. Please confirm you received it.

Dear [PQ],

Trust this email finds you well. I am formally writing to ask Baroness Tonge that you kindly remove the press release you placed on the internet about me regarding FGM. My reasons for the request are as follows:

My position was not stated and that has left people and organisations with no other choice, but to believe that I am in total support of the practice of FGM. It is my view that the Body intentionally did this to cause me maximum harm to my hard earned reputation.

- (1) *I want to once again inform you that my communications with you including this Press Release have been used by [LM] and [RS] to continue perpetuating online bullying and harassment against me. Recently, [LM] referred to the communications I sent you last year to confirm whether they were the people who had sent you the letter. She claimed that I screenshot and sent a Facebook message to a very powerful Woman. You are the only person I sent that message to.*
- (2) *While you have failed to disclose the people who brought this information to you, you continued to share contents of my communications with people who I have informed you were bullying me. This has emboldened them to use those communications including the press release to bully and defame my character online.*
- (3) *Finally, I want you to know that your actions have caused considerable psychological and professional damage to me over the past year. I felt bullied by the Group because my personal views are based on my experiences and you have deliberately imposed psychological harm on me for expressing my human rights. You are aware that I have done historic work in bringing national policy to ban female circumcision in my country. However, because I said I do not feel mutilated, nor do I feel psychological affected by the practice, you have intentionally decided to impose psychological damage by your actions on me as a punishment. I have been having sleepless nights and feeling suicidal because of your actions. I hope you will do the right thing and remove this release down as it continues to be misused by [LM] and [RS] for gross cyber bullying. While you continue to empower this people you are harming me for sharing my experiences. You disagree with my experience, but it didn't warrant you to use the APPGRH to expose me to bullying and defamation. By exposing my communications you have enabled these women continue their terror. I hope you can weigh the seriousness of this email against your actions and my safety and wellbeing.*

Thank you in advance for your understanding. Sincerely,

Naasu Fofanah

- Amongst the correspondence you sent us, directly after the email from [VW] dated 10 July 2018 at 8:32, is an email from Ms

Fofanah, see below. The email is undated. Please could you let me know when you received it?

[PQ]

Thank you very much [PQ] for your response. I am sure you understand that you cannot just be out of this now when the actions of sharing my information with people without my consent has led to bullying and intimidation. I will also now seek options that are legally available to me.

Once, thank you. Regards,

Naasu

- You sent an email to [CD] on 4 September 2018 and you have provided us with what I assume is [their] reply, starting ‘Some context below of FGM, in SL that might be useful’. The email is not dated. Can you supply this date?
- You also sent [CD] an email on 10 September 2018 headed ‘Naasu, SDG review and APPG on PDHR Hearing Report on Abortion poster, Kigali Rwanda FP Conference’. Please explain the significance, if any, of the items in the heading other than ‘Naasu’ to Naasu Fofanah. Also, if you only sent us part of the email, please confirm if any of the remainder of the email related to Ms Fofanah and/or FGM, and, if so, please provide that part of the email.
- You received a reply from [CD] dated 12 September 2018. Has there been any subsequent communication? If so, please provide.
- In your letter to [the Information Commissioner’s Office] in response to hers to [an MP] of 22 January 2019, you refer to an attached letter. Please could you send this to my office.
- You sent us an email from [LM] to Baroness Tonge dated 25 July 2019 at 10:09, together with 4 pages of social media posts. Were they provided by [LM]? If not, who provided them? What is their significance?
- You have sent us email exchanges between [LM] and yourself and Baroness Tonge between 25 July and 1 August 2019. In her email of 25 July at 14:11, Baroness Tonge ‘Please be assured I did not mean ‘dangerous’ in the physical sense, but she does make up stories, especially with our group!’
- I cannot see any other reference to Baroness Tonge referring to Ms Fofanah as ‘dangerous’ so would be grateful for the email or other document in which this was said.
- There also appears to be a missing email from Baroness Tonge between the one from [LM] to herself at 10:09 on 25 July 2019 and the next one from [LM] at 1:49pm, as this later email refers to having received a response to the first email. Please could you provide this.
- In your email to me of 25 March 2020 you say that Ms Fofanah networks and affiliates herself with VIPs often at the expense and the detriment of others. I understand from your email that you blame her for the events that followed her posting the photo

from the World Population Day reception on 9 July 2018, and wonder whether the point you are making here is that you have suffered detriment because of the events following the posting of the picture? I would be grateful for your clarification on this. If you are saying others have suffered detriment, please identify the evidence for this.

- I have read the exchanges with [the Government] that you sent me. In your email of 16 July 2018 at 14:03 you ask for information on whether Ms Fofanah ‘has close contacts with [the Government] London and SL staff/ministers as she claims, and if they can shed any light on this lady?’ The replies that you have provided to me, dated July and September 2018, do not contain answers to your query. Did you get a reply on this point? If so, please provide it.
- Between the email from [ZA] on 3 September 2018 at 9:27 and an email to you from Baroness Tonge on 3 September at 11:15 is an email from you to [ZA] starting ‘YES think a good idea.’ What is the date and time of this email you sent?

I would also lastly draw your attention to paragraph 137 of the Guide to the Code of Conduct:

‘From the point that the Commissioner decides to undertake an investigation all evidence and correspondence relating directly to the inquiry is covered by parliamentary privilege. It must remain confidential unless and until it is published. If such evidence or correspondence were to be published or disclosed to anyone else without the agreement of the Conduct Committee or the Commissioner, this would be a contempt of the House. An attempt to obstruct an investigation is a contempt of the House.’”

16. I wrote to Ms Fofanah on 1 May 2020:

“I am writing to update you and to ask you questions that will help me with the ongoing investigation.

I have been gathering evidence and have already met with Baroness Tonge. I will update you on this in due course. I also apologise for having to delay our last scheduled meeting, however, my office will be in touch soon to schedule for an alternative date.

I would be grateful if you could answer the following questions to help clarify some points that have arisen:

- In your original complaint to the Bullying and Harassment helpline under the heading 10th July 2018, in the second paragraph, you refer to a strongly worded letter from Baroness Tonge rebuking you, I presume this is a reference to the undated letter sent on 17 July 2018, which was provided by you; please confirm.
- You sent us 14 pages of social media exchanges, starting with one from [EF], and ending with one from you to [JK]. Can you date these exchanges? The first and last are the most important, but the others as well if this is easy.

- In your email to [PQ] of 1 September 2018, you include a number of messages from [LM] and [RS]. Can you date these messages? Are they all Facebook posts?
- Baroness Tonge's office has sent us a number of emails, most of which are dated. One from you is not, see below, and it is not among those you sent us. Could you please try to find it and send it to us, and say to which email from whom it was a response?

Dear [PQ],

Thank you very much [PQ] for your response. I am sure you understand that you cannot just be out of this now when the actions of sharing my information with people without my consent has led to bullying and intimidated. I will also now seek options that are legally available to me.

Once, thank you. Regards,

Naasu

- Please can you send us a copy of your complaint to the ICO together with any correspondence or documents relating to the complaint.
- You also referred to a post made by a journalist named [BC], and some comments by [YZ]. Could you please let me have these as well?
- You have sent me a concept note on 'Engaging local institutions to combat Gender Based Violence'. Can you confirm that this is something you wrote? If so, when did you write it?
- Did you also write the article of 2 September 2016 in the Sierra Leone Telegraph 'FGM in Sierra Leone—To ban or not to ban: a rejoinder'? If you did not write it, what is your connection to it?"

17. Ms Fofanah responded to my office on 2 May 2020 in a series of emails, accompanied with attachments. Her first email said:

"Thank you your email and the letter from the commissioner. I have found some of the correspondences requested. Do you mind if I forward them directly?

Furthermore, the letter that is not dated is different from what I sent. I almost looks like someone tried to copy what I had written but there are few discrepancies from mine. I will highlight these when I forward the letter.

I will try to respond over the weekend"

18. Ms Fofanah then provided answers in italicised font under each of my questions in a subsequent email:

- "In your original complaint to the Bullying and Harassment helpline under the heading 10th July 2018, in the second paragraph, you refer to a strongly worded letter from Baroness Tonge rebuking you, I presume this is a reference to the undated letter sent on 17 July 2018, which was provided by you; please confirm.

Yes please

- You sent us 14 pages of social media exchanges, starting with one from [EF], and ending with one from you to [JK]. Can you date these exchanges? The first and last are the most important, but the others as well if this is easy.

The exchanges all happened on 03/07/2019 on [BC]'s Facebook Page. He is a Sierra Leonean journalist.

- In your email to [PQ] of 1 September 2018, you include a number of messages from [LM] and [RS]. Can you date these messages? Are they all Facebook posts?

I cannot be absolutely certain, but it must have been soon after it happened so possibly on the 31st August or 1st September 2018.

- Baroness Tonge's office has sent us several emails, most of which are dated. One from you is not, see below, and it is not among those you sent us. Could you please try to find it and send it to us, and say to which email from whom it was a response?

"Dear [PQ],

Thank you very much [PQ] for your response. I am sure you understand that you cannot just be out of this now when the actions of sharing my information with people without my consent has led to bullying and intimidated. I will also now seek options that are legally available to me.

Once, thank you. Regards,

Naasu"

Although the contents are same, but there are differences as highlighted between my original email and this one. There was no salutation "Dear [PQ]" and my mail didn't state "intimidated." I will forward my original email:

"Thank you very much [PQ] for your response. I am sure you understand that you cannot just be out of this now when the actions of sharing my information with people without my consent has led to bullying and intimidation. I will also now seek options that are legally available to me.

Once, thank you. Regards,

Naasu"

It was a response to this message:

"Dear Naasu,

I have taken advise on our correspondence—and the decision is that the UK APPG on PDRH statement is the final involvement the APPG on PDRH will be having.

*Sorry not to be more helpful, but it is not appropriate to be further involved.
Yours truly, [PQ]"*

- Please can you send us a copy of your complaint to the ICO together with any correspondence or documents relating to the complaint.

I will forward the complaint, decision and other related documents.

- You also referred to a post made by a journalist named [BC], and some comments by [YZ]. Could you please let me have these as well?

They are the ones on 03/07/2019 (14 pages)

- You have sent me a concept note on “Engaging local institutions to combat Gender Based Violence”. Can you confirm that this is something you wrote? If so, when did you write it? Is it this one below?

An innovative approach to reducing the practice of Female Circumcision in Sierra Leone: Engaging Traditional Leaders of the Bondo Society (Sowies) as development partners in combating Gender Based Violence.

I wrote this one in 2010 to commence the activities as stipulated in my TOR with the United Nations Peacebuilding Office in Sierra Leone (UNIPSIL). Any other one would have been from the department file and not authored by me.

- Did you also write the article of 2 September 2016 in the Sierra Leone Telegraph “FGM in Sierra Leone—To ban or not to ban: a rejoinder”? If you did not write it, what is your connection to it?

No, I did not write this. It’s authored by a renowned American Sierra Leonean Anthropologist Dr. Fuambia Ahmadu. She has written extensively, and her work is published in many academic journals. I made no contribution nor was I aware of the article until she published it in newspapers and her media pages. I do know her professionally.”

19. PQ then responded to my letter of 1 May on 4 May 2020:

“Thank you for your letter dated 1st May 2020.

As you are aware, I have received many emails from Ms Fofanah including several on the same day - along with communications in connection with/to her from others and again several on the same day - I am sorry if any important communications were left out!

To answer your specific questions, I have done a simple ‘search for sentences’ which I hope answers your questions——please note that the email trails sent point 1 - 13, are not the complete correspondence on that particular day nor particular point, as explained above.

...

Point 1: Yes, I received this email - email can be found at the end of this e-mail communication

Point 2: Yes, I received this email - email is sent separately with [PQ] point 2 in subject heading

Point 3: Yes, I received this email on 12th September 2018 - email sent separately with [PQ] point 3 in subject heading

Point 4: I received this from [CD] 19th July 2018 - 4th September 2018 is me following up again - email sent separately with [PQ] point 4 in subject heading

Point 5: This email communications with [CD] had several subjects headings - only one being Ms Fofanah - i.e. other subjects discussed are irrelevant to Ms Fofanah - email sent separately with [PQ] point 5 in subject heading

Point 6 : This I believe was the last e-mail communications with [CD]

Point 7: Email sent separately with attachments - with [PQ] point 7 in subject heading

Point 8: Yes, email with social media was received from [LM]. I imagine social media was enclosed to support her concerns/email communications - email sent separately with [PQ] point 8 in subject heading

Point 9: This is communications between Baroness Tonge and [LM] re Ms Fofanah with the word 'dangerous' - Note Baroness Tonge's reply with the word 'dangerous' was meant for me - but went by mistake to [LM]- email sent separately with [PQ] point 9 in subject heading

Point 10: Please see email sent separately with [PQ]

Point 11: Yes, I blame Ms Fofanah, for the events that followed her posting the photo of herself, Baroness Tonge and myself. And yes, I have indeed suffered detriment and believe others have also, in that A) I have had to receive, understand and respond to numerous emails from both Ms Fofanah and FGM activists that included threats to life B) I have had to divert my work and attention away from my usual 'work to save women's lives and ensure women/girls Sexual and Reproductive Health and Rights' to reply to Ms Fofanah's allegations and emails for nearly 2 years C) Having allegations of bullying and harassment made against one's boss and indirectly myself, is very uncomfortable and draining, especially when I feel these allegations are unwarranted. Somehow Ms Fofanah, by posting this selfie with Baroness and myself - involved the APPG on PDRH in her long standing disputes and disagreements with others! Distancing the APPG on PDRH from Ms Fofanah's position on FGM and her long standing opponents was extremely difficult (she rejected the offer to make it known on her social media that the APPG on PDRH does not support your views on FGM, but to the contrary - are working to stamp out FGM). - - she continued sending me unpleasant emails - which felt like bullying to me! As you are aware Ms Fofanah tried extracting names from me that were not for me to divulge via different means and now the bullying allegations. Parliamentary advocacy and its direct impact is difficult to measure, but the more time is spent answering Ms Fofanah's individual email and allegations - the less time is spent on improving women health, which is supposedly also Ms Fofanah's aim - so all rather odd! From emails and social media postings received and copied to you - it appears to me as if Ms Fofanah is bullying others also ([LM] being an example as per the emails you have received already). Hope this clarifies my position and thoughts thanks.

Point 12: As you note from my initial email to [CD] re information on Ms Fofanah - [CD] requested a telephone conversation as opposed to email communications--- which is rather unusual! I do not recall the exact wording/conversation but in summary my take home was: A) Yes, [Government] staff knew Ms Fofanah in London and SL office B) Yes,

[Government] staff had held meetings with Ms Fofanah, but disagreed with her position on FGM as to the detriment of women and girls C) [The Government] did not plan to have any future meeting with Ms Fofanah despite her trying D) The APPG on PDRH should distance itself from Ms Fofanah!

Point 13: The e-mail starting ‘YES think a good idea ...’ is from me to Baroness Tonge - date and time as per email sent separately with [PQ] point 13 in subject heading.”

20. I interviewed CD on 19 June 2020 to discuss correspondence she exchanged with PQ. Following that interview, CD wrote to my office on 30 June 2020. The relevant parts of their email said:

“Lucy said to add anything in addition to what is in the interview. On the statement itself, while [the Government] would not necessarily have taken the same approach, the statement itself was quite measured and did not try to portray the activist’s own personal stance on FGM, or get into the rights and wrongs of that. In that respect I felt it was measured.”

21. Following an interview with PQ on 15 July 2020, PQ wrote to my office on 30 July 2020 to provide further comments on the matters discussed:

“Thank you for the transcript. It appears to be an accurate record of the interview.

Regarding any further evidence to support some of my statements please see below:

I was asked why I thought Baroness Tonge used the word ‘dangerous’ in her communications and I would like to add that this word may have been used in connection with - a danger to women/girls - in that Naasu stand on FGM/C is not a zero tolerance to FGM unlike the APPG on PDRH and DFID - which ultimately results in deaths and suffering of women/girls. Naasu also claims to be a Human Rights campaigner - which is incorrect when she promotes FGM/C after 18 years of age!

You wrote: ‘You also mention an individual named ‘[DE]’ who apparently received threats from Naasu, are you able to verify this, explain further or correct that name? (page 42 of transcript)’ The correct spelling is: [LM]. You have already received communications between her, Baroness Tonge and myself, but some reattached. It appears that Naasu is threatening [LM] on social media, believing her to be one of the people that contacted the APPG on PDRH initially - which we believe not to be the case and according to [LM] it was not her either!’

Identifying material where NF has made things up (page 21 of transcript) - please see above re ‘Human Rights campaigner’ and below communications between Naasu and myself - see [bold] and my comment in [bold] in particular thanks!

Yours truly,

[PQ]”

22. [Attached correspondence]:

“Dear [PQ],

Thank you very much for your kind email. I am pleased with the process so far and I am sure we will get there on abortion.

On the issue of female circumcision, firstly, the article was on Dr. Ahmadu who is a renowned specialist on this topic. Anti-FGM Campaigners are misleading the UK on this issue especially on the Sierra Leonean context. I work closely with traditional institutions including practitioners and the government. It is public knowledge that I spearheaded the opening up of the dialogue that have allowed anti-fgm campaigners and the international community to have a space in Sierra Leone to talk openly about this issue. I was employed by the UN to specifically champion this in 2010 and that work resulted to the current open atmosphere which was not possible prior. In collaboration with traditional institutions, the government developed a policy that bans circumcision of girls below 18 in 2013 and proposed legislation. Campaigners deliberately fail to understand and work with people on the ground who are doing the hard work. I have had meetings here in the UK with [the Government], the FGM Center and recently in Sierra Leone with the UK High Commissioner on the issue. I have also in the past had high level meetings and conversations with bi-lateral partners including Hon. Justine Green, Mrs. Cherie Blair, Dr. Jill Biden, wife of the Former VP of the US and many more on the difficulties and complexities which they themselves have mostly confirmed independently. If the issue of female circumcision in Sierra Leone was that easy, I am sure the Government of SL wouldn't have refused funding from [the Government] in 2016 on this issue. The easiest path is to call people on the ground working hard and making a difference supporters of FGM. We see anti-FGM campaigners using divergent tactics including cyber bullying targeting women working even here in local communities like Bristol as long as their views are different. Most of these campaigners are vocal on the media, but truly not that influential on this issue on the ground. As a Sierra Leonean/British woman, I believe it's my civic responsibility to support both countries with the right information on these issues. I can understand the pre-emptive messages to you by anti-fgm campaigners to silence this dialogue, but as a professional, I normally communicate with evidence and they are probably jittery that the weakness might be exposed.

Based on all I know, the UK government continues to be misinformed on the issue. I am happy to have a meeting with you on this. I got targeted as well by anti-abortion rights activists for championing the issue from a policy perspective. My position is simple/ clear on FGM/C. This procedure should be banned for children below 18, hence I worked hard on a policy that was adopted by Government which is with the UK position/law. I am not sure, I will be in the position to advocate what women over 18 choose to do with their bodies anywhere in the world. I am totally against initiations of children regardless of gender and I am on record in both national and international media. Please ask the anti-fgm campaigners to provide a single proof that shows my support for the practice in its totality (My comment to this last paragraph is: I am unsure about this statement - after I listened to the interviews with Naasu which you have received also). Warm regards, Naasu”

23. Following an interview with Baroness Tonge on 30 July 2020, Baroness Tonge wrote to my office on 5 August 2020 to provide further comments on the matters discussed:

“Thank you for letting me see the transcript.

I am happy that it is an accurate record of our conversation. If possible I would like to add one further point.

[CD] apparently emphasised how carefully one has to tread when dealing with long standing cultural issues and I agree that as representatives of another country giving aid and advising in Sierra Leone, [Government] staff have to behave in the way that they do.

We must never forget however, that FGM is a particularly horrible form of child abuse which can lead to disability and death in some cases. It should therefore be treated as a criminal act and the perpetrators punished accordingly. This is what is done in many parts of the world—even the new Sudanese government has just past a law against it, after thousands of years of it being regarded as a ‘cultural practice’.

Campaigners and the APPG take this view and want to see swift action for the sake of women and girls in the countries where it still prevails. We cannot delay.

Once, again, thank you for being so patient.”

24. On 28 August 2020, I wrote to Ms Fofanah to send her the evidence I had gathered, in the form of summarised interviews I had conducted across the investigation, and to also invite her to comment on that evidence:

“I am writing to you concerning the ongoing investigation into your complaint.

Since I was last in contact, I met with Baroness Tonge on 30 July where I invited her to comment on the evidence I have gathered.

I am sending you alongside this letter the summaries of four interviews I have conducted throughout the investigation with the independent investigator working with me on this case, Samira [Cakali]. Having considered the evidence, I want to inform you that I have decided to uphold your complaint against Baroness Tonge.

I would now like to invite you to comment on this evidence and meet with you remotely to discuss the evidence, my finding, and the outcome of your complaint.

My earliest availability is 7 September and 9 September after 1pm. Do let me know if these dates work for you and my office will arrange.”

25. Ms Fofanah replied to my office on 31 August 2020. The relevant parts of her email said:

“Thank you very much for the emails. Sorry for the emails forwarded earlier, I have just been so unbalanced this weekend with the contents of this investigation. I was not expecting what I have seen - I am extremely troubled.

I have tried to comment separately on the documents in preparation for our meeting. Sorry if it wasn't organised properly, I am just not totally myself. I would be available on both days 7 & 9 September. I would be happy with the 7th if I had to choose.

Please find reactions on the documents attached. I didn't have comments on [CD] because it was straight forward.

Thank you once again."

...

Attachments [from Ms Fofanah]:

March JT

1. So, why did they deny that they never shared the letter? 2. The women are anti-FGM not pro-FGM

3. Lucy Scott Moncrieff: Can I just raise a question. I don't know whether you have the email from [VW], but in his email, in the first paragraph, he said, "This individual has allowed thousands of cutters to continue cutting thousands of women and girls as young as six months old - - FGM." That does not fit very well with her efforts to - - - This level of malicious damage is unbearable. Where is the evidence? I have only met this individual once through her boss. I am beyond shocked. Will forward emails to that effect. This was the lowest of all. In fact I tried to apply for a job at the organisation she works for because her boss was so kind not knowing she was spreading such gruesome lies about me.

Baroness Tonge 30th July 2020

2. I am surprised about [ZA] writing about me. This is a woman I have stood up for in Sierra Leone because she is not liked by many traditional women in the country. In fact, she was one of the first people I tried to call when this whole saga started to explain what had happened but was unable to get through to her. When I finally saw her, she told me she had been unwell, but she quickly walked away. I didn't make anything of it and never bothered again to explain to her. Quiet recently, she undertook a programme on ending FGM, but it was questionable and I briefly made a comment to state that the approach wasn't new as stated because there was a Dutch woman who had been doing that for many years. [ZA] quickly got a very senior and well-respected woman to call and beg me to put the comment down because it might affect her programme. I respectfully agreed, not knowing what she had done to me. [ZA] works in only one district out of 16 and because she was one of the first women who started campaigning openly, she has been held in high esteem by international partners. I have helped this woman since 2010, I never would have expected her to be part of this. I guess because they never expected it to come out and I am a political target. [ZA] and [LM] are from the same region and tribe and people use all of these to undermine others. I know of no other reason why she would do such. I would have denied if someone had told me so. I am deeply hurt by this. I have no battles with her—nothing comes to mind.

I refused to put out a statement on FGM on my page because nothing under that depicted that image. The comments were all positive were very happy about the meeting. I am happy to provide the copy of reactions on that post. Knowing what I know now, that would have been an easy trap for me to undermine my case. It was explicit in previous posts that my meeting was on unsafe abortion.

5. Contrary to Baroness Tonge, I am not a negatively controversial person in my country. I am well respected because I stand up to power and injustice. I would accept that line of controversial. I have been named amongst the 50 Most Influential women in my country for three consecutive years. People won't be surprised if the conclusions of these process was made public because it's very consistent with my principles on injustice. Baroness Tonge referred to [PQ] as valuable and experienced, but yet decided to devalue my lifetime's worth. I find this troubling at all levels.

Many employers google search especially after interviews. Baroness Tonge does not seem to understand the power of social media and that every time someone searches my name that document comes up.

This entire section just upsets me. Why does she think I have to live by her standards? Totally devaluing me at so many levels. It is okay for her to feel passionate about her views on an issue she knows so little about. But yet she tries to silence me using her power at all levels.

Again Baroness has been totally misled thinking I get opposed a lot in my country. That is exceptionally far from the truth. And when I get such it's normally very constructive.

It is obvious she only cared about [PQ] and the ant-FGM activists. No concern towards my feelings even after pleading with them to put the post down due to its impact on me.

Does Baroness Tonge have evidence of me bullying [LM]? Does she understand what this woman does on social media? I find this statement very hurtful. She has taken an opportunity to defend and respect everyone except me. [LM] has been very at the helm of this and recruited others including her to destroy me. She sent her a letter about me which she has used through others damage my reputation including the one with [other organisation]. [LM's] friend who I have never met [RS] was the first person who disclosed the contents on Facebook and [LM] was there.

[PQ] 15th July 2018

2. [PQ] told me about the event during our first meeting on the abortion issue. I told her I would be returning to London for my birthday on the 7th July. She promised to send me an invitation and she did (copy of invitation attached). Regarding pictures, I would always request permission and disclose that I update my audience on my activities. I have taken pictures with numerous dignitaries and shared on my public page. In fact, I have a picture of me and Baroness Tonge in 2016 at the same event and updated on my meeting on the abortion stating there were no pictures because the rules don't allow. Baroness Tonge politely

declined the request stating that reason. There was no further request or discussion on that.”

Chronological account of key evidence: 17 May to 19 July 2018

26. During the investigation, email correspondence and other key evidence was provided to my office by Baroness Tonge, PQ and Ms Fofanah which I present below chronologically.
27. A professional contact first encouraged Ms Fofanah to get in contact with an MP. That MP later suggested Ms Fofanah meet with Baroness Tonge and PQ to discuss abortion matters. Baroness Tonge is the co-Chair for the APPG on Population, Development and Reproductive Health (PDRH) and PQ is the secretariat for the APPG.
28. Ms Fofanah met Baroness Tonge and PQ on 11 June 2018 on the Parliamentary Estate and a second time at the World Population Day event on 9 July 2018. A picture was taken of Ms Fofanah, Baroness Tonge and PQ at Ms Fofanah's request which Ms Fofanah posted on Facebook shortly after the event.
29. Following the posting of the picture on Facebook, VW contacted the APPG's office on 10 July 2018:

“I would like to bring to your attention your recent association with a known female genital Mutilation campaigner Naasu Fofanah of Sierra Leone. This individual has allowed thousands of cutters to continue cutting thousands of women and girls as young as 6 months old FGM.

I am pleading with you NOT to engage with this individual as your position is used as a way of her showing that they have the power and the way all to continue to intimidate and mutilate women. You just have to google her name to see her association with known pro activists promoting this barbaric act on women which you and your colleagues have tirelessly worked to condemn.

She doesn't care about your stance what she cares about is her standing and gaining a high profile which in turn her fellow cutters use to exert their power and more calls to mutilate. She is evil.

I am from Kenya and Tanzania but my wife is from Sierra Leone she was in tears when she saw her photo of you with her. All these countries have high prevalence of FGM that lives women and girls with life long pain. Naasu and other cutters don't see that. She thinks speaking against FGM is a propaganda not violence against women and girls.

Here is an article she wrote my wife has never forgotten those words

- <http://www.thesierraleonetelegraph.com/fgm-in-sierra-leone-to-ban- or-not-to-ban-a-rejoinder/>”

30. In response to this letter, PQ emailed Ms Fofanah on 10 July 2018. The relevant parts of her email said:

“I have been contacted by anti-FGM campaigners in Sierra Leone and surrounding countries.

They claim that you support this harmful practice in SL and sent me this link <http://www.thesierraleonetelegraph.com/fgm-in-sierra-leone-to-ban-or-not-to-ban-a-rejoinder/>

Please would you be so kind and send me any information to assist me in my reply—as obviously goes against conversations we have had on SRHR!”

31. Ms Fofanah replied to PQ on 10 July 2018. The relevant parts of her email said:

“On the issue of female circumcision, firstly, the article was on Dr. Ahmadu who is a renowned specialist on this topic. Anti-FGM Campaigners are misleading the UK on this issue especially on the Sierra Leonean context. I work closely with traditional institutions including practioners and the government. It is public knowledge that I spearheaded the opening up of the dialogue that have allowed anti-fgm campaigners and the international community to have a space in Sierra Leone to talk openly about this issue. I was employed by the UN to specifically champion this in 2010 and that work resulted to the current open atmosphere which was not possible prior.

In collabouration with traditional institutions, the government developed a policy that bans circumcision of girls below 18 in 2013 and proposed legislation. Campaigners deliberately fail to understand and work with people on the ground who are doing the hard work. I have had meetings here in the UK with [the Government], the FGM Center and recently in Sierra Leone with the UK High Commissioner on the issue. I have also in the past had high level meetings and conversations with bi-lateral partners including Hon. Justine Green, Mrs. Cherie Blair, Dr. Jill Biden , wife of the Former VP of the US and many more on the difficulties and complexities which they themselves have mostly confirmed independently. If the issue of female circumcision in Sierra Leone was that easy, I am sure the Government of SL wouldn’t have refused funding from [the UK Government] in 2016 on this issue. The easiest path is to call people on the ground working hard and making a difference supporters of FGM. We see anti-FGM campaigners using divergent tactics including cyber bullying targeting women working even here in local communities like Bristol as long as their views are different. Most of these campaigners are vocal on the media, but truly not that influential on this issue on the ground. As a Sierra Leonean/ British woman, I believe it’s my civic responsibility to support both countries with the right information on these issues. I can understand the pre-emptive messages to you by anti-fgm campaigners to silence this dialogue, but as a professional, I normally communicate with evidence and they are probably jittery that the weakness might be exposed.

Based on all I know, the UK government continues to be misinformed on the issue. I am happy to have a meeting with you on this. I got targeted as well by anti-abortion rights activists for championing the issue from a policy perspective. My position is simple/clear on FGM/C. This procedure should be banned for children below 18, hence I worked hard on a policy that was adopted by Government which is with the UK position/law. I am not sure, I will be in the position to advocate what women over 18 choose to do with their bodies anywhere in the world. I

am totally against initiations of children regardless of gender and I am on record in both national and international media.

Please ask the anti-fgm campaigners to provide a single proof that shows my support for the practice in its totality.”

32. PQ replied to Ms Fofanah on 10 July 2018:

“Just saw your reply below!

I.e. I think the best way forward is for me to ask them to provide some proof that shows your support for the practice in its totality, as we understand that you spearheaded the opening up of the dialogue that have allowed anti-fgm campaigners and the international community to have a space in Sierra Leone to talk openly about this abuse. And we understand your position is simple/clear on FGM/C. i.e. that this procedure should be banned for children below 18.

It might also be a good idea to know what organisations they are working with (note the reason for me needing to reply is that they have cc UK Secretary of State of ID and others also so need to relay messaging.”

33. PQ wrote to VW on 10 July 2018:

“Thank you again for your communications below.

Naasu Fofanah was invited to the World Population Day reception in the UK Parliament, as we understand she amongst other issues, spearheaded the opening up of the dialogue that have allowed anti-FGM campaigners and the international community to have a space in Sierra Leone to talk openly about FGM and its detrimental effect on children and young girls. We understand her position to be simple/clear on FGM/C. i.e. that this procedure should be banned for children below 18.

Please would you be so kind and provide/send proof that shows her support for FGM, as the link/article you sent does not state her position on FGM.

PS: It would be good to know if you or your wife work for an organisation—or are you corresponding as an individual concerned about Naasu Fofanah?”

34. VW replied that evening:

“Many thanks for your response

By all indications you seem to be defending her. If by association with known individuals supporting FGM on women and girls, speaking on platforms that oppose ending FGM and is ambiguous of her position is not telling you anything then sorry to have bothered you. [ZA] copied here was a [former senior politician in Sierra Leone] telling you who she is and you yet want more evidence.

Well no wonder FGM is open book in Sierra Leone. UK. government and the world see FGM is violence against women and girls. No age limit.

I am writing this message to bring to your attention an individual who speaks in support of FGM. Would you ask if my wife had been raped to provide evidence of other rapes that would have committed by her perpetrator.

You just have to read articles and interviews she has conducted to know she is defending the practice.

I must say I am disappointed with your response and see why my wife was reluctant to report to anyone.

She has never spoken in defence of the violation of FGM.

Perhaps you should ask her to provide you with evidence where she has supported end FGM.

She is a member of leading voice on promoting FGM.”

35. That evening, Ms Fofanah also emailed PQ:

“Thank you very much for your response. Yes, please I stand by those assertions including spearheading the government policy on banning under 18 FGC.

These are all public that could be fact-checked. Similarly, if possible, I would like to know these organizations because we have certain individuals/organizations who try to deliberately smear the image of people they do not agree with. This is a behavior that should not be entertained in practice at all. Policy issues require divergent perspectives.

I truly hope we can have a meeting with Dr. Bernadette Lahai. I believe it would be extremely helpful.

I look forward to hearing from you.”

36. On 12 July 2018, VW sent PQ a further email:

“Interesting Baroness Tonge you seem to accept FGM on over 18 women is acceptable and fail to see the element of violence.

I am sorry but you fail to see the issue.

I am not a campaigner or wish to be one but a husband worried about my wife and what FGM has done to her. See her in pain everyday and those that did this to her are welcome in the corridors of power. My wife cries everyday from her constant pain.

Your comments similar to those made in this interview.

<https://m.soundcloud.com/westafriicademocracyradio/to-cut-or-not-to-cut-sierra-leones-naasu-fofana-h-and-aminata-koroma-differ-in-opinion-on-fgm>

The medicalisation of FGM is also not promoted by the World Health Organisation.

Organisations in Kenya working to eradicate FGM.

Madam Hilary whose work my wife and I have followed will give you the context of FGM.”

37. ZA, who was copied into this correspondence, also emailed VW and PQ:

“Thank you for copying me on this very important communications. Meeting with Naasu dis not just give her a platform but also undermine our work as anti-FGM campaigners in Sierra Leone. A woman who sees nothing wrong of having in cutting the criteria of a 19 year old woman should not been giving a platform of that nature.

I am surprised that she was allowed to have such a meeting with a high profile person in the UK. I was contacted by [a Government department] before that meeting and my adviced was please don’t allow anyone to give her the platform as she will use it against us and promote the practice of FGM in Sierra Leone.”

38. PQ replied to both VW and ZA on 16 July 2018:

“Thank you for sending links/interviews - and as you we are now very concerned re what we have heard. We are liasing with the [the Government] and will get back with any follow up information.”

39. On 16 July 2018, PQ wrote to civil servants, CD and their colleague, at their Government department to seek advice about her communications with Ms Fofanah. The relevant parts of her email said:

“Baroness Jenny Tonge was introduced to a lady called Naasu Fofanah from Sierra Leone by [a parliamentarian] a couple of months ago in London and met with her to discuss SRHR in Sierra Leone in the Pugin Room, HoC—she was subsequently invited to the APPG on PDRH World Population Day reception, where you may have met her (photo attached)

According to her, she is wanting to stand for Presidency in Sierra Leone at the next elections—she is currently in the UK doing an MSc, but has been a gender/SRHR advisor to prominent politicians in Sierra Leone and the UN and been actively involved in pushing the pro-choice agenda including the Abortion Act in Sierra Leone.

After the World Population Day reception Baroness Jenny Tonge and others, including [other members of Parliament] received email communications from [two anti-FGM campaigners] stating that this lady is dangerous and has caused a lot of controversy in Sierra Leone as promoting FGM in country!

I contacted Naasu to determine what this ‘hate mail’ was about and she claimed that she (as you note from below communications) is and has always been working to eradicate FGM for under 18! She makes claim to having met with [Government] officials and UK Embassy staff etc (please see below) etc.

I found some links to her being interviewed here where she state the opposite: <https://soundcloud.com/westafricademocracyradio/to-cut-or-not-to-cut-sierra-leones-naasu-fofanah-and-aminata-koroma-differ-in-opinion-on-fgm>

I am about to reply to Nassu asking her to kindly clarify her position on FGM on her facebook/twitter accounts and request she does not use any photos with Baroness Jenny Tonge in her campaign work as her views are contrary to the APPG on PDRH etc..

I am writing to ask you could check if Naasu has close contacts with [the Government in] London and SL staff/Ministers as she claims and if they can spread any further light on this lady?

She wrote:

“I have had meetings here in the UK with DFID, the FGM Center and recently in Sierra Leone with the UK High Commissioner on the issue. I have also in the past had high level meetings and conversations with bi-lateral partners including Hon. Justine Green, Mrs. Cherie Blair, Dr. Jill Biden , wife of the Former VP of the US and many more on the difficulties and complexities which they themselves have mostly confirmed independently.”

40. Ms Fofanah emailed PQ on 16 July 2018. The relevant parts of her email said:

“Trust your weekend went well. I have tried to do some preliminary enquires regarding who might have sent you the information. However, everyone I know leaving in Sierra Leone who are active anti-FGM Campaigners are stating that they are not aware of such a move. They have equally requested that I share the details of the organizations once I get it from you. A familiar picture is emerging of someone who lives in London who is known to use her access with State institutions to intimidate people. In 2016, she lied and created another misleading situation which involved the Met and Home Office causing the Government to waste unnecessary funds on a bogus story. I am attaching a copy of the release that fellow campaigners led by [XX] wrote to disassociate themselves from the incident for your perusal.

I look forward to hearing from you as soon as possible. Clearly, we cannot condole people using blackmailing tactics at the highest level.”

41. PQ replied to Ms Fofanah on 16 July 2018:

“Thank you for your e-mail.

I have found this interview on line and sent it to Baroness Jenny Tonge: <https://soundcloud.com/westafricademocracyradio/to-cut-or-not-to-cut-sierra-leones-naasu-fofanah-and-aminata-koroma-differ-in-opinion-on-fgm>

The APPG on PDRH campaigns against FGM and as such, your view on FGM is of great concern.

As you know, the majority of girls subjected to this type of violence suffer terrible after i.e. your experience as a 15 year old is rare!

FGM is a harmful practice that deprive so many girls of their rights, and causes a great deal of physical and mental problems and indeed death in many developing countries.

Campaigning for labiaplasty after the age of 18 in the UK in sterile surroundings by choice and autonomous women is a whole different discussion to be had!

As such, please can we request you make it known on social media that the APPG on PDRH does not support your views on FGM, but to the contrary - are working to stamp out this harmful practice. Please do not use any photos with Baroness Jenny Tonge in any campaign work, as she nor the APPG on PDRH agree with your promotion of FGM at any age.

Thank you very much. Yours truly, [PQ]

PS: Please would you be so kind and let me know when msg has been disseminated.”

42. In the morning on 17 July 2018, Ms Fofanah replied to the email PQ had sent her on 16 July 2018. The relevant parts of her email said:

“I just wanted to further add that this is not the first time I have attended that meeting in 2016 and have the attached photo and many more which were equally posted on my Facebook. [XX] knows my work and invited me to that event and many more including the Home Affairs Committee. We are still working together as professionals to achieving the common goal without causing further harm to anyone. I am sure if she considered me a threat she would not have done so.

I equally take my reputation and my work on FGC seriously and would therefore vigorously challenge any unfair characterization. I am not a “Pro-FGM” campaigner and to smear people’s reputation with such label is another strategy by anti-FGM campaigners to silence those who disagree with majority of the tactics and sometimes misleading assertions with no supporting empirical evidence.

If my engagements with you and Baroness Tonge was on FGM/C, I am sure no one would need to write to you about my position which is well known and in line with British Law. Therefore, I won’t be putting out a statement of any sort to her name because it would be in my opinion an unfair/unjust publicity to her name and mine. The policy/UK in my country of birth and the UK is not to initiate children under 18 years, one I worked had to put in place in Sierra Leone. However, I would be perfectly happy to put out a statement once I get the initial trigger complaint and the name of organizations accordingly.

Finally, I would like to correct the assertion that female circumcision at 15 is rare. Maybe in other countries I would agree, hence my zero tolerance position on under 18 circumcision. My engagement with the group was primarily on abortion rights and I hope that won’t be undermined.

Once again, thanking you for your understanding”

43. Later on 17 July 2018, PQ replied to Ms Fofanah’s last email:

“Again thank you for your communications.

Please find attached letter from Baroness Jenny Tonge. Yours truly,
[PQ]

PS: We are well aware that FGM at 15 is not rare- what is rare is somebody having been subjected to FGM at 15 years of age—not feeling mutilated and/or experiencing subsequent either physical or mental or indeed both health problems! Hope this clarifies the position.”

44. In the afternoon of 17 July 2018, PQ sent a short email to the two anti-FGM campaigners who had contacted the APPG’s office:

“Please find attached letter sent to Naasu today.”

Later on 17 July 2018, PQ emailed CD and their colleague: “FYI letter sent to Naasu today. Yours truly, [PQ]”

45. After this correspondence, a phone conversation took place between PQ and CD.

46. The letter of 17 July 2018 attached to PQ’s email, also distributed to CD and their colleagues at her Government department and VW and ZA in the morning, said:

“Thank you for your e-mails to [PQ].

I have read your letters and listened to this interview.

<https://soundcloud.com/westafricademocracyradio/to-cut-or-not-to-cut-sierra-leones-naasu-fofanah-and-aminata-koroma-differ-in-opinion-on-fgm>

The APPG on PDRH which I chair, campaigns against FGM and as such, your view on FGM is of great concern to us.

As you should know, the majority of girls subjected to this type of violence suffer terribly afterwards. To suggest that removal of the glans clitoris is not mutilation is very ignorant and misleading. It is extremely painful and mutilating and deprives many girls of enjoyment. Your experience as a 15 year old is rare and should not lead you to think that all such procedures are done properly under analgesia. In many parts of the world they are not.

Campaigning for labiaplasty after the age of 18 in the UK in sterile surroundings by choice, is an entirely different matter! As Chair of our APPG, and a retired doctor and community gynaecologist (trained at UCL/UCH), I am fully aware of the issues. Confusing labiaplasty with FGM is misleading and very irresponsible.

Please can we request that you make it known on social media that the APPG on PDRH does not support your views on FGM, but on the contrary is working to stamp out this harmful practice. Please do not use any photos of me on social media or in any campaign work, as neither I or the APPG on PDRH agree with your promotion of FGM at any age.

I am copying this letter to the people who originally wrote to us and it will also be posted on our website. Please inform us when these actions have been taken. Thank you very much.

Yours sincerely, Dr Jenny Tonge Baroness”

47. Ms Fofanah responded to PQ later on 17 July 2018:

“Thank you very much for forwarding the letter from Baroness Tonge. I note at the end of her message that she will copy the people who originally wrote to her. However, I did not see the individuals been copied. I am kindly requesting the names of the individuals and a copy of the initial before I can take any further action. I believe that if my information and correspondence is been shared, I have a right to know with whom. I would like to respectfully respond to Baroness Tonge’s letter so, please provide me the information as promised.

I await your kind response.”

48. Ms Fofanah also sent a further email to PQ later that evening:

“I would like to categorically state that I do not consent to my information been shared publicly. I believe that the intent of the initial contact was malicious and misleading. I also state that the note from Baroness Tonge does not give the full background including my very important work against child female circumcision. In the absence of these very important information, I believe that any public statement would be prejudicial to my person.

My engagement with the group was on another important issue that affects millions of women and girls in my country and around the World - abortion rights. I stay committed to ending child Female Circumcision and promoting the rights of women to choose what they do with their bodies including safe abortion.”

49. PQ forwarded both Ms Fofanah’s emails to Baroness Tonge the following morning on 18 July 2018. Baroness Tonge’s response to PQ’s forwarded emails said:

“I do not understand which letter is in reply to what! This one is replying to you ?

FGM/C after 18 is not UK policy though !

I don’t think she understands the difference between FGM and labiaplasty do you?”

50. PQ replied to Baroness Tonge’s email on 18 July 2018:

“This is Naasu’s reply to your letter sent yesterday (attached).

I think she knows exactly what she is doing ... but I do not know exactly why she is doing itnot sure if this could potentially give her future votes in SL !!! I somehow doubt this but who knows ... (I could ask [the Government] if they know why she has this stand?)—... she definately does not want the word mutilation used in relation to her body after FGM (maybe a bit like child abuse—girls do not want to be called victims but instead survivors!!!! Just a thought)”

51. PQ emailed CD later that day on 18 July 2018 to seek further clarification on her communications with Ms Fofanah:

“Sorry me again re Naasu—

Do you know why she takes this unusual stand! Is it for potential future votes in Sierra Leone ... would this gain major votes in country by women in particular communities?

Do you know if we could get into trouble posting the letter on our website—as her reply is quite threatening re her not consenting to it being made public etc

Thanks for any thoughts J. Yours [PQ]”

52. CD replied the same afternoon on 18 July 2018:

“I am just checking in with our High Commission in Sierra Leone for their perspective and will come back to you shortly.”

53. PQ also emailed Ms Fofanah that afternoon on 18 July 2018:

“Please do forward any correspondence to Baroness Jenny Tonge via me thanks. Yours truly, [PQ]

PS: A statement (instead of the letter from Baroness Jenny Tonge to you) will be added to the APPG on PDRH website on FGM as per your concern and request!”

54. On 18 July 2018, a statement was posted on the APPG’s website. The statement said:

“PRESS RELEASE

Statement by Baroness Jenny Tonge, Chair, UK APPG on PDRH following meetings with Naasu Fofanah, Sierra Leone, 18th July 2018

The APPG on PDRH have met with Naasu Fofanah to discuss Sierra Leone’s Abortion Act, which is of mutual interest.

Naasu Fofanah’s position on FGM in Sierra Leone has subsequently come to the attention of the APPG on PDRH—and this statement is published to clarify that the APPG on PDRH does not agree with the views of Naasu Fofanah on FGM.

FGM at any age, which some people refer to as cutting, is one of the most shocking cultural practices found around the world. It contravenes women’s rights in a violent and obvious manner and is a serious threat to the health and wellbeing of millions of girls around the world.

FGM must be stopped as it causes physical damage, leads to psychological trauma, reinforces gender inequality, has no health benefits, and is a violation of human rights.”

55. The following day, on 19 July 2018, PQ replied to CD’s last email:

“Thanks for checking. I think the way forward is for Jenny to make a statement about meeting with Naasu on Abortion..but APPG on PDRH does not agree with her stand on FGM etc ... X”

56. CD then wrote to PQ later that morning on 19 July 2018:

“Some context below on FGM in SL that might be useful.

There is a lot of support for the practice in Sierra Leone. Support is highest among women, with 72% believing it should continue and 22% believing it should be discontinued according to 2013 DHS. It is deeply political and there are cases of electoral candidates paying for girls to undergo FGM (as part of initiation into the Bondo society) as a way of winning votes, which demonstrates the value placed on this. Some politicians are supportive of ending the practice but there does appear to be considerable apprehension at taking concrete action given the high levels of support.

The reasons for this level of support in Sierra Leone are quite complex. There appears to be a deep-rooted connection between cultural heritage/ identity, womanhood and FGM, which may explain why educated women have chosen to undergo the practice and to promote it, although in general prevalence does decrease among more educated and higher income populations in the country. It is undertaken as part of the initiation into Bondo Society (women's secret societies), which has considerable sway especially in rural areas and it is a source of income and power for the leaders of the secret societies.

There has been a lot of discussion over recent years related to legislating against the practice before 18 as a means of ultimately eradicating the practice. This appears to be something of a compromise position that even some anti-FGM campaigns have supported. This is quite different to 'pro-choice' after 18 arguments, which don't recognise and often actively deny the negative and dangerous impacts of FGM. There has been a wave of pro-FGM campaigners promoting FGM over the last year as the articles demonstrate, which is deeply problematic and completely at odds with efforts to end FGM at any age.

Also worth noting that [ZA] who appears to have been one of the people who got in touch with you is a regarded campaigner for eradication of FGM and a former SL minister. She is seen as a legitimate and knowledgeable source on the matter.

Hope this is helpful. Is it possible to see the original letter that was sent as it has not reached us yet?"

57. PQ then shared this reply with Baroness Tonge later that day:

"Please see below reply from [CD] re FGM in SLInterestingbut suppose this is the problem in most countries ...it is the Elder women still wanting and doing it - but even more ingrained in SL than possibly other SS African countries/cultures! Disaster XXX"

Chronological account of key evidence: 1 September to 12 September 2018

58. On 1 September 2018, Ms Fofanah wrote to PQ:

"Trust your break went well. I am writing once again to request the names of the organizations that wrote to you because I now have safety concerns as certain women threatening my life on social media have mentioned contents of the letter you sent me. Women and men working on this issues from Sierra Leone have denied any knowledge of writing such a letter and are totally upset that anyone would try to do such without their consent. Two anti-fgm campaigners have been threatening

me after I cautioned one of them [LM] for calling women who do not agree with her stance “insects.” This immediately as usual triggered abusive and bullying languages. In view of my safety especially as you shared contents of a letter with people I may or may not know, I am officially requesting that you disclose to me all the people who you shared my information in the contents of the letter that was written to me. I would specifically want to know if that letter was shared with these women and if they were part of the group who sent you the original letter.

I have not included some of the threatening remarks here until I hear from you.”

59. Ms Fofanah included in her correspondence some of the messages that had been exchanged on social media. Ms Fofanah dated these messages as being posted between 31 August 2018 and 1 September 2018:

“[RS]: She is untterly insane this woman naasu. Her rright was a good experience. I wonder how she handled child birth sex with her husband the list goes on.

[RS]: I know u had a telling off from certain high up people. I seriously have safety concerns for any child u are in contact with who is girl.

Naasu Fofanah: [RS], I had no telling off by no one. My daughter is 23. I do not engage in the manner you want to. I am also going for lunch. But, please pursue all your safety concerns. I have no issues with anything.

[RS]: Naasu u know and I know taking a child prior to 2003 for fgm abroad was not classed as a crime. Not sure if your child has been circumcised or not but don’t worry I am not the type to roll over. Naasu now stop it with your lies did a certain baroness not tell you to stop using her name.”

60. On 3 September 2018, PQ replied to Ms Fofanah’s email:

“Thank you for your communications—I am very sorry to hear about the threats you are experiencing! Baroness Jenny Tonge is not available the mth of September as abroad, but I will contact the people who wrote to her to request names and revert back.”

61. On 3 September 2018, Ms Fofanah wrote a further email to PQ:

“Thank you very much for your response. I am extremely shaken by this as the entire plan was hatched to undermine my credibly. I was introduced to Baroness Tonge by [an MP] to discuss abortion issues and people workinh on this issue were very pleased with the progress we were making. I have had official meetings with UK Government many times on FGM, never have anyone gone so far to victimise me or my country for not subscribing to their views. I did not use any of your pictures on my page to support anything connected to FGM. I therefore believe that I have been victimised and as you can see from these and many threats and your office has been used to equally reinforce the bullying. The content of the statement should also have been shared with me before posting my name on the internet. This entire situation has traumatised me. I totally do not deserve this from anyone including Baroness Tonge.

I look forward to hearing from you.”

62. Ms Fofanah also provided further information to PQ to accompany her previous email:

“I thought I’d share this too that [RS] posted on her facebook page to intensify the attack on my person:

‘I am writing this post as anyone who knows me knows I am not exactly very subtle when I come to certain things and my line of thinking is to grab someone’s attention then do it in my style. I mean here she is claiming that she has been attacked etc but yet she fails to tell individuals that she had a telling off by a baroness don’t be fooled by this women. She looks so elegant and graceful but it’s women like her that are putting women at risk and in danger. This individual claims she is some sort of women’s rights campaigner. Yet she is pro fgm. Stating women have a right to do what they want with their body. But the women really don’t have a choice. This lady is based in uk and she has many blind followers and I do have serious safety concerns in relation to any girl or women she has control off. And yes naasu I do hope u read this. This is my point of sharing it. Attaching a good friend for her endless work to end the practice of fgm won’t be tolerated. I invite u to meet me in London naasu’

They have my name all over the social media on this. I await your response.”

63. PQ emailed both the anti-FGM campaigners who had contacted the APPG’s office in July 2018, requesting permission to forward their names to Ms Fofanah.
64. Both VW and ZA replied that they did not want their names shared. ZA who had been copied into VW’s correspondence with PQ, wrote a further email on 3 September 2018:

“i am becoming more worried. Worried than [VW] who actually contacted you. As I say, I have no idea who [VW] is and have never met with him or her.

why not talk with the British High commissioner, the [Government] staff, Irish Aid. I am now scared to even hold activities because of the attacks from Naasu and her pro FGM campaigners. They know I am the only anti FGM campaign who will not bend to anyone either through financial support or political appointment to change for now she assumes I am the only one to have informed the parliamentarian in the UK. Sorry [PQ] but you have to handle this issue professional to avoid confrontation and lost of lives. Yes, losts of lives. i have over 30 girls i am protecting from FGM and if there is a problem al those girls will be directly affected in cluding my two girls.

Refer Naasu to your institutions in Sierra leone, they are you representatives and ears on the ground.”

65. PQ replied she would not reveal their names to Ms Fofanah as requested, and also forwarded the above correspondence to Baroness Tonge on the same day.

66. Baroness Tonge replied to PQ's forwarded emails:

"Dearie me. What a Saga. Perhaps we could say we do not intend to communicate further and all requests should go to [the Government]!"

67. PQ replied:

"YES think a good idea ... I have already sent all communications to [CD] (FGM expert who knows this lady well) for advise ... this sounds like best idea as getting rather worryingX"

68. On 4 September 2018, PQ emailed CD:

"... and from Naasu——await advise from Embassy SL re how I should proceed re replying to Naasu—thank you for any advice."

69. On 10 September 2018, Ms Fofanah sent a follow up email to PQ, once again requesting the names of the of anti-FGM campaigners:

"Trust this email finds you well. I am writing to remind you about the names of the organizations/individuals who my information was shared with. I need response before considering my next steps.

I look forward to hearing from you soon."

70. On 12 September 2018, CD replied to PQ's email:

"Hope you are well and sorry for not coming back to you before.

In relation to 1) I have spoken with our office in Sierra Leone so they are aware. They wondered what specific information from them would be useful? They know [ZA] and consider her to be credible. They did say that there is a lot of acrimony on social media and twitter between different Sierra Leonean activists around FGM, but it is hard for them to comment on a particular situation in the UK. Let me know if there is more I can helpfully ask them or if you want to have a call? It may be best to let Nassau know that the statement is the final involvement the APPG will be having and leave it at that (if that is the case)? For you to decide of course."

71. PQ then emailed Ms Fofanah on 12 September 2018:

"I have taken advise on our correspondence—and the decision is that the UK APPG on PDRH statement is the final involvement the APPG on PDRH will be having.

Sorry not to be more helpful, but it is not appropriate to be further involved."

72. Ms Fofanah replied later on 12 September 2018:

"Thank you very much [PQ] for your response. I am sure you understand that you cannot just be out of this now when the actions of sharing my information with people without my consent has led to bullying and intimidation. I will also now seek options that are legally available to me.

Once, thank you."

Chronological account of key evidence: 25 July 2019 to 27 August 2019

73. No relevant evidence was provided to me until that of July 2019.

74. On 25 July, LM wrote to Baroness Tonge:

“My name is [LM] and I am a global Anti FGM Campaigner and a Women and Girls Rights advocate based in the United Kingdom. I vehemently campaign and oppose these issues because I am a survivor of female genital mutilation (FGM) as a young girl in Sierra Leone where I was born. An experience that has left me with lasting complications and pain.

It has been brought to our attention through several Facebook postings made by the aforementioned Ms Naasu Fofanah about a report made to your offices about her conduct. It is noted in her posts and subsequent comments elsewhere on Facebook that she has deliberately mentioned my name as the individual who contacted your office. Furthermore Ms Fofanah also made a live video on Facebook again mentioning my name as the individual who contacted you. She has also made verbal statements to colleagues asserting the same allegations. Please see attached posts. In response to her live video I made a live video where I openly informed her I will be making a formal complaint to your organisation. I will be happy to supply you with my video.

I am contacting you directly as I note she claims to be working with your office on abortion rights therefore I would like to ask you kindly to investigate the matter thoroughly and respond appropriately to my complaint.

Please be advised that I have been left with no choice but make this formal complaint as these are very serious allegations made by Ms Fofanah levied against me as an individual.

I am extremely concerned about the statements made by Ms Fofanah given her position as a member of your team. Furthermore Ms Fofanah as noted is a proponent for FGM. Given that we are on opposing sides her allegations I take very seriously.

Therefore your inquiry into this urgent matter will help resolve the distress and embarrassment she has subjected me through over the weekend. Made worse by the fact that I have also lost a relative and I am grieving.

Therefore I would welcome your swift response to our email. Looking forward to hearing from you.”

75. The relevant part of the post from Ms Fofanah that LM attached read:

“What has this post got to do with FGM? My Sierra Leonean people this is what’s happening, every time I post or share something positive about my work, a non-Sierra Leonean woman fully aided by a Sierra Leonean woman will write to organisations telling them I am a PRO-FGM campaigner in my country. Notably, these two women who I have now identified with proof contacted the House of Lords last year after I posted an update on my engagement about the abortion bill. They wrote using the Not In My Name Campaign and copied in [a Government

minister] and other international development partners that I was pro-fgm. I have now proof of the Sierra Leonean woman who single-handedly did this to my name. The action led to a very unfair press release by the All Party Parliamentary Group on reproductive rights disassociating themselves from “My FGM position” I went through the process of challenging Baroness Tonge this issue to name the culprits behind this heinous defamation. I however learned that it is almost impossible for people who give information rightly or wrongly to be identified by organisations. This is unfair as one would have to deal with the consequences of malicious libel while perpetrators stay safe. This experience not only emboldened by Sierra Leonean sister to not only try to defame my personality on social media, but actually told people I was a Sowie who circumcised people - can you imagine?”

76. I have not included the rest of this statement in order to obscure various names of individuals and organisations Ms Fofanah is affiliated with at her request.

77. Baroness Tonge, reacting to this email, wrote to PQ on 25 July 2019, She also copied in LM to this response:

“This is extraordinary. This woman is dangerous! Need to talk when you get back but I will think about a relpy meanwhile.”

78. Baroness Tonge then wrote again to LM later the same day:

“Please be assured, I did not mean ‘dangerous’ in the physical sense, but she does make up stories about her connections, especially with our group!.

The advisor to our group [PQ] had a lot of dealings with her about a year ago. We certainly would not have divulged any names or contacts to her .

[PQ] is away on holiday until July 31st but I have copied our correspondence to her and I am sure she will be in touch.

Please note, membership of our group is confined to members of the House of Commons and House of Lords!

I do hope we can meet in the Autumn when we hope to get all campaigners against FGM together for a meeting at Westminster.”

79. On 27 September 2019, Ms Fofanah wrote once again to PQ:

“Trust this email finds you well. I am formally writing to ask Baroness Tonge that you kindly remove the press release you placed on the internet about me regarding FGM. My reasons for the request are as follows:

My position was not stated and that has left people and organisations with no other choice, but to believe that I am in total support of the practice of FGM. It is my view that the Body intentionally did this to cause me maximum harm to my hard earned reputation.

I want to once again inform you that my communications with you including this Press Release have been used by [LM] and [RS] to continue perpetuating online bullying and harassment against me.

Recently, [LM] referred to the communications I sent you last year to confirm whether they were the people who had sent you the letter. She claimed that I screenshot and sent a Facebook message to a very powerful Woman. You are the only person I sent that message to.

While you have failed to disclose the people who brought this information to you, you continued to share contents of my communications with people who I have informed you were bullying me. This has emboldened them to use those communications including the press release to bully and defame my character online.

Finally, I want you to know that your actions have caused considerable psychological and professional damage to me over the past year. I felt bullied by the Group because my personal views are based on my experiences and you have deliberately imposed psychological harm on me for expressing my human rights. You are aware that I have done historic work in bringing national policy to ban female circumcision in my country. However, because I said I do not feel mutilated, nor do I feel psychological affected by the practice, you have intentionally decided to impose psychological damage by your actions on me as a punishment. I have been having sleepless nights and feeling suicidal because of your actions. I hope you will do the right thing and remove this release down as it continues to be misused by [LM] and [RS] for gross cyber bullying. While you continue to empower this people you are harming me for sharing my experiences. You disagree with my experience, but it didn't warrant you to use the APPGRH to expose me to bullying and defamation. By exposing my communications you have enabled these women continue their terror. I hope you can weigh the seriousness of this email against your actions and my safety and wellbeing.

Thank you in advance for your understanding.”

80. PQ replied the same day:

“thank you for your communications. We have not disclosed any of our communications with external individuals or organisation. Baroness tonge's statement will remain on website as Simply states that you met and she disagrees with your approach to fgm . We do not wish to have any further communications with you. Thank you.”

81. Ms Fofanah then sent her last email to PQ:

“Thank you for your response, I will now seek legal advice and possible redress for this blatant institutional bullying. I never asked to meet you all and it's the biggest regret of my life.

You could have stated my position, but because your intent was to cause psychological and professional harm/damage you first wrote a letter which I now know was shared with those who you claim to have written to you. I will use my last breath to stand against this bullying. This was wrong, it is my experience not to feel mutilated and you cannot force be to feel that way. It's my experience. It is also my human right! This is State institutional bullying- period and I will fight it in a court of Law.

Thank you.”

21 January 2020: Interview with Naasu Fofanah

82. To aid my preliminary assessment of Ms Fofanah's complaint, I invited Ms Fofanah to a meeting with Samira Cakali and me, with Ms Aiyeola in attendance, on 21 January 2020 to discuss her complaint and the supporting evidence.
83. In the light of the statement posted by Baroness Tonge on 17 July 2018, Ms Cakali asked Ms Fofanah to explain exactly what her views on FGM were.
84. Ms Fofanah said she was born and raised in Sierra Leone having lived there until the age of 23. As was the common experience in Sierra Leone at the time, she went through female circumcision as part of her rite of passage. She said there was no sense of the practice being right or wrong, it was just the established practice when she was growing up. Ms Fofanah said she was first introduced the term "female circumcision" when she came to the UK in 1993.
85. She said she was against female circumcision for women under 18 and explained the context of her position in a statement she provided to my office on 31 January 2020:

"Male and female circumcision are key cultural practices that are mandatory for boys and approximately 90% of women and girls in Sierra Leone. For women and girls, this act is an integral part of the initiation rites of passage into the very powerful women's Bondo Secret Society. Traditionally, puberty was the marker for preparedness of girls to attain womanhood through their membership. Although there is an equally powerful male society, circumcision is done on boys mostly 7 days after birth and would be done later if as requirement for membership.

Growing up, I knew nothing different because my entire lineage were members of the Bondo Society and it was almost impossible for girls older than 16 not to have been initiated. This was the biggest event for girls and majority of us looked forward to it even though we did not know what it entailed. Girls who were not members of the society were almost treated as inferior as the others would not even allow them to be in their company. This is organized by the female members with support from fathers. Whether fathers agreed or not, their opinions were mostly irrelevant and same would occur for mothers regarding their son's membership to the male secret society.

I was initiated together with my sisters at age 15. I spent approximately two months in the bush to be trained as a woman. Circumcision is the first ritual that occurred, and the rest of the rituals are around self esteem and leadership training. I was shocked by the circumcision and angry with my mother, but the secret oath does not permit anyone including mothers to pass on information to their children. Wives are also forbidden to discuss any aspect of their rites of passage with husbands, children and worst of it non-members. This strict code of applies to the male society as well. Despite the unexpected cutting, I enjoyed my time in the bush with my grandmothers, my mother and other female relatives. We bonded and we were told that our circumcision was the worst pain we would ever endure and that coming out of it was endurance to deal with what the world throws at you. We are made to believe that every woman should be circumcised. In our context no woman would become a leader

of any sort in provincial areas then and now if they are not members of the Bondo Society. The same applies traditionally to men. As I write nothing much has changed about this in Sierra Leone.

For example, it would be virtually impossible to have a female President, MP or Councilor that is not a member of the Bondo Society except if they are based in the capital city or from the minority Creole tribe. Men would use it as a huge campaign tool to disenfranchise women for leadership and women would rather vote a man than a non-member. So, the secret societies hold enormous political and cultural clout and they are courted by politicians. Due to the sensitivity around non-disclosure by the societies, interference from government is almost political suicide. It is therefore almost impossible to engage the Bondo Society or the male Poro society if you are not a member on issues related to the practice.

Based on this background, government and the international community had no success in engaging traditional practitioners before 2010. Researchers and organizations who tried to contact leaders of the secret societies met strict resistance including threats of forced initiations into the society. No police or court will investigate a case regarding male or female secret societies and nothing much has changed to date. These practices are also enshrined in our constitution so, that makes it more difficult especially as 90% of our lawmakers are also members at every given time.

Therefore, the United Nations in Sierra Leone was very desperate to finding an entry point in engaging the Sowies (Traditional Circumcizers). I was headhunted by the UN after I organized a benefit concert for Haiti in collaboration with national artists and raised \$12,000 and the Head of Mission was our special guest to the event. My key role was to engage Traditional Leaders especially Sowies on working with the international community on ending Female Circumcision. This term of reference was deemed dangerous and impossible to deliver. So, I told them that my acceptance of the position was dependent on the outcome of consultation with the Head of Bush where I was initiated. Without her backing (for my security), I would not accept the role. Fortunately, after travelling 5hrs to have this conversation she agreed to grant me her blessing and support to undertake my work. Although she was retired, her influence was highly relevant so, she requested that the current Head of the Society ensures that nothing happened to me and that they should give me the fullest support. However, I was cautioned that I would not make any proclamations on their behalf without prior agreements. After that verbal and very important dialogue, I was able to accept the job with the UN to commence a national dialogue with Sowies in 2010. I will be forwarding some emails to support my statement on my work with the Sowies on Female Circumcision while working for the UN and Government.

In summary those emails are proof of how I spearheaded the historic dialogue with the Sowies leading to the current government policy on underage circumcision for girls. While serving as Gender Adviser to the Former President, I ensured that the commitments made by the Sowies became a national policy. To that end, the women voluntarily proposed their commitment to have the policy and went further to request a law to ban the practice for children. This is captured in the Pillar 8 document

under sub heading violence against women. I am happy to have found some of these emails to support my position.

Based on my extensive work with Paramount Chiefs, Sowies, the UN and Government and my personal experience, I am of the view that it would be almost impossible for Sierra Leone to ban this practice totally because of the powers invested in both female and male secret societies. I also know that most women in the provinces especially those from ruling houses would be disenfranchised for leadership within their communities if they are not members.

However, I believe the practice is gradually declining due to migration after the war. For example, the last person that went through female circumcision from my immediate family is 30 years old. None of my nieces and my daughter will go through the practice even though some have lived in Africa all their lives. The girls in the family do not have the same cultural obligations I had and they have more choices today than I would have dreamt of at 15.

My Position on Female Circumcision:

I believe that women should have a right to identify with terminology that befits their experiences as categorized by the World Health Organization—Female Genital Mutilation or Female Circumcision. I reject the terminology of mutilation because my experience is not congruent with the terminology and I believe it's psychologically damaging to my self-esteem. I identify with being a circumcised woman as part of my cultural identity.

I am totally against all forms of initiation rites against children including female circumcision for girls. To this end, I have led policy dialogues with traditional leaders during my tenures at the UN and Government of Sierra Leone leading to the current national policy on underage initiation rites of passage.

I do not have the power to impose my views on women over 18 years. I believe that they have the agency to choose what they want with their bodies.

I believe that the practice will gradually phase out, but the current strategy on eradication is confrontational and counterproductive, leading to panic mass initiation/ circumcision of children in Sierra Leone."

In addition to providing this contextual background, Ms Fofanah also discussed with Ms Cakali and me how the actions taken by Baroness Tonge and PQ had affected her:

"my experience is my experience and I really felt like my identity was being ripped away from me because of someone else's opinion. And that is almost like, you know, you are dehumanising me for saying, you know, 'I went through this. This is my position, but for me this is what I went through', just like you have asked me; this is what happened to me and this is my story, not my sister's story, not my niece's, you know, who is 30 now - not her story."

86. Ms Fofanah also explained the actions taken by Baroness Tonge and PQ had caused her harm, both personally and professionally:

“It is very difficult for me. If she had done what she had done today and she was still not convinced and said, ‘Well, Naasu, this is our position,’ because what I met her for had nothing to do with FGM and she did a good job even putting forward the request to see how the Government the current, the UK Government - are going to engage the current Government of Sierra Leone on the Safe Abortion Bill, another issue that was very, very contentious. So I was really happy that somebody at that level was taking that. So to just dismiss all of that and then write such a letter to me basically trying to strip me of my cultural identity and then not stopping there but going and putting my name - I think if she had said, ‘This is Naasu’s position’, maybe that would have been but she has left it in a world where this is all over the place basically giving anybody who looks at that that I was, you know, supporting this practice. There is nothing about the work that I have explained to you here today to be known. And I apply for jobs now, I go through great interviews, but people do check. If you Google me, you see that it is from the House of Lords. This is a state institution with so much power.”

87. Ms Fofanah said towards the end of our meeting that she believed the approach Baroness Tonge took was personal, and that she was trying to teach her a lesson and keep her quiet.

2 March 2020: Interview with Baroness Tonge

88. On 2 March 2020, Ms Cakali and I interviewed Baroness Tonge, with Ms Aiyeola in attendance.
89. I asked Baroness Tonge about the picture taken of herself, PQ and Ms Fofanah at the World Population Day event on 9 July 2018, later uploaded to Facebook by Ms Fofanah.
90. Baroness Tonge said she was unaware she was having a picture taken with Ms Fofanah and that she had failed to recognise her. She said Ms Fofanah came “rather at the last minute from the side” to have the picture taken. Baroness Tonge said that she had refused a picture with Ms Fofanah a few weeks before when they had met to discuss abortion matters partly because you are not allowed photos in the Pugin room and partly because she does not like photos with individuals she does not know much about. She said that she did not agree Ms Fofanah had permission to post a picture of her on Facebook and that she should have been asked for any permission.
91. Baroness Tonge then explained how she came to engage with Ms Fofanah, and that she was informed Ms Fofanah was influential in Sierra Leone, “political” and “gunning for president.”
92. I asked Baroness Tonge why she singled out Ms Fofanah to distance herself from publicly:

“Well, because we had letters, as you know we have sent you copies of the letters which informed us that she was very, very well-known campaigner for FGM. Now, she maintains that she promotes FGM only after the age of 18. Of course, our position, as a country and [the

Government's] position, is that FGM is illegal at any age; it should not be done because so many women are coerced into it."

93. Baroness Tonge said that they had found out Ms Fofanah had been initiated into the Bondo society in Sierra Leone. She said this was all against the APPG's ethos and the Government's. She said the two anti-FGM campaigners who had written to them to complain were well known to the Government and considered well-respected:

"we felt we had to do that to support our government and support our group, you know. It was our reputation... Based on the fact that it was all around Sierra Leone by this time that Baroness Tonge and her group supported Naasu Fofanah's position."

94. I asked Baroness Tonge why she did not give the statement that went up on the APPG website on 18 July 2018 any context, or explain that there had been misunderstanding from the anti-FGM campaigners, regarding their concerns that Baroness Tonge and her group supported Ms Fofanah's position.

95. Baroness Tonge said she had listened to a radio interview by Ms Fofanah and felt she had been "conned" and "brought into someone else's campaign inadvertently":

"That was my feeling at the time, and I felt we had to be very, very strong and very, very firm and very, very blatant about our position."

96. She also said communications they had with officials in the Government had warned them that Ms Fofanah was a difficult person and not to associate with her.

“Commissioner for Standards: Do you think that it was appropriate to describe her as ‘very irresponsible’ and ‘ignorant’ in your letter?

Baroness Tonge: I think irresponsible. I think ‘ignorant’ was a bit strong; I would agree with you there. But irresponsible, certainly, in terms of what she was promoting for other women ... in a way, she would say she was trying to mediate between two extreme views, but by doing so she is in fact promoting FGM, because women in Sierra Leone after the age of 18 are not like women over here after the age of 18. I mean, they don't have the same independence from their society and from their family pressures. It is a very, very different situation for them. That is what we understand... I think her remarks about having had FGM herself at the age of 15 and not feeling mutilated is also a very dangerous thing for her to be saying because it is almost condoning the practice and trying to convince people that it is perfectly all right really.

[...]

Commissioner for Standards: I don't know whether you have the email from [VW] but in his email, in the first paragraph, he said, ‘This individual has allowed thousands of cutters to continue cutting thousands of women and girls as young as six months old - - FGM.’ That does not fit very well with her efforts to - -

Baroness Tonge: No, it doesn't at all. I entirely agree with you, and nevertheless there are vibes that what she actually says in public is not always what she will do when she is out campaigning in the field, and I think that is the sort of thing he is referring to.

Commissioner for Standards: ... Just on that point, when you say 'vibes', do you mean vibes from, was it, [VW]?

Baroness Tonge: [VW] yes, which were endorsed really by the other person who wrote to us, who was a former minister in Sierra Leone."

97. Ms Cakali asked Baroness Tonge whether she had made any attempts to get back in touch with Ms Fofanah to get to the bottom of matters, following complaints made after the posting of the picture.
98. Baroness Tonge said she had provided me with all the correspondence that involved PQ communicating with the campaigners who had complained to her office. She said she was unaware of any further campaigners contacting her office other than the two already mentioned. She also said that the letter sent on 17 July 2018 to Ms Fofanah and the two anti-FGM campaigners was not sent to other campaigners.
99. Baroness Tonge said that Ms Fofanah had requested that the letter not be posted on the APPG website. They agreed and that is why they posted the statement on the website instead.

"Ms Cakali: So would you agree that your letter and the statement are unclear in that they do not fully set out Naasu's position?

Baroness Tonge: Well, I don't think it was for us to set out Naasu's position. We were defending our position, because that had been attacked by the people who had contacted us. They were saying, you know, you are agreeing with this woman by meeting with her, you are agreeing with her. And, quite honestly, if you asked me, I would not know exactly what Naasu's position is, because I think it probably varies, and I could not—I don't think it would be right for me to - - say what her position was, except as she stated in that interview she made with West Africa Radio.

[...]

Ms Cakali: ... so at any point during that correspondence did you ask her what her position was on FGM?

Baroness Tonge: She says that her position is that FGM should not be performed on any girl/woman until after that age of 18. That is, from our point of view, still illegal and [the Government] holds it as illegal in developing countries because women of that age do not have the same autonomy that women in this country have. We do not know either from her rather confused remarks are about her own FGM just what her attitude is to younger people, and in fact we did have accusations in those letters from the two main correspondents that she promoted FGM and encouraged FGM in younger age groups.

Now, you know, without having a team of detectives going out to Sierra Leone to investigate what was going on, we couldn't possibly find out

exactly what her position was, what she was promoting and where, so we thought it much better just to state very clearly what our position was.”

100. I asked Baroness Tonge why they did not put out a statement confirming the APPG’s position, without mentioning Ms Fofanah, and also explaining that the picture does not indicate their support of any view:

“**Baroness Tonge:** Yes, I think that is very reasonable, but I think probably we were under such terrific pressure and getting so, so worn out by this saga that was going on that maybe we should have done it in a different way, and maybe we can put another statement up in the future.

[...]

I can only say that we did our best at the time because we were defending our position and that of our [Government].

Commissioner for Standards: ...why did you copy [the letter of 17 July 2018] to the people that had contacted you?

Baroness Tonge: Well, again, at the time they had been so vehement and also [Government officials] had assured us that they were both people they knew when they were campaigners that it would be a good thing for them to know we had no association at all and did not agree with Naasu. I mean, it was this association with her people had picked up. I was being accused in particular of being a sort of in agreement with her and in agreement with that she was promoting, which I absolutely was not. I mean, you know, it was wrong and we had to refute that.”

101. Ms Cakali asked Baroness Tonge whether emails to the campaigners who had complained, saying that they had sorted the matter, would have been effective instead. Baroness Tonge agreed that in hindsight that would have been an alternative and she may have done many things differently. She said her office was having to balance other matters and this matter had to end.
102. Ms Cakali asked Baroness Tonge whether she considered that the letter in the hands of certain campaigners could be used against Ms Fofanah, or add fuel to any existing attacks against her. Baroness Tonge answered that it would likely add fuel to the campaign against FGM, but that they did not consider it a personal matter.
103. Ms Cakali asked Baroness Tonge whether she agreed Ms Fofanah is entitled to object to being described as mutilated:
- “I think that is perfectly fine for an individual who is not campaigning on this issue. But she must know full well that enormous numbers, if not the majority of people who have had FGM do feel mutilated. I have had them as patients myself and they are mutilated. It is a terrible, terrible thing that is done to women. To actually use that as part of her campaign I think is wrong. I think it was quite wrong and I don’t think she should have said that.”
104. Baroness Tonge said that she does not agree over 18s are entitled to the Bondo initiation ritual as she said that is the UK’s official position. She also

said she did not feel over 18s in Sierra Leone necessarily have the freedom to make their own decisions.

105. Baroness Tonge said that she did not agree that any society should require you to “mutilate” your body for the sake of belonging to them. She said that the more “extreme” forms of FGM all take away a woman’s ability to respond to sexual stimulation properly and referred to other difficulties associated with childbirth, orgasms and natural intercourse. She explained that with the Bondo initiation, what takes place is the removal of the glans clitoris and the hood which can cause excessive scarring which can cause problems later in life.
106. I asked Baroness Tonge whether she agreed that the letter and statement, coming from her with her status and position, had done Ms Fofanah harm:

“If you look at the words separately—I mean ‘ignorant’ is actually probably a rather impolite thing to say about anybody, but she is ignorant of the consequences of what she is promoting. That is what was meant by that. She clearly does not understand the consequences of FGM or cutting, as she prefers to call it. ‘Irresponsible’, I think, yes, she is irresponsible because she is promoting something that can cause great harm. So I don’t actually think although, if you pick it out like that, and it sounds rather blatant, I think they are actually words that were quite justified. She does not seem to understand the consequences of what she is promoting and it is irresponsible to promote them in those circumstances.

[...]

I don’t think it has done her harm. I hope that it has made her think again and realise just what harm she is in fact doing. That was the intention of the letter. She is doing a lot of harm to be campaigning in the way she is and making it into a political issue. I mean, I can’t emphasise enough to you how dreadful this procedure is. I mean, it is really you mentioned male circumcision; I mean, it is nothing like male circumcision in the matter of degree and consequence to the individual. Anyone who lets themselves, even on a compromise, which I guess that Naasu would say she had a compromise position on this—there is no compromise: you have to say it must not happen. Otherwise people will grab what you have said and go ahead with it.

Commissioner for Standards: And in the paperwork that we sent you, she set out what she has done and why she has done it, which is to try and work with the seniors in the Bondo organisations to get their agreement to gradually reduce the need for this process. I mean, is that not a good thing?

Baroness Tonge: Well, that is what she is saying, but actually her opponents were saying something rather different.

Commissioner for Standards: But why do you believe her opponents and not her?

Baroness Tonge: Well, I am not believing, I am just saying that she should not be promoting FGM in any form at any age in Sierra Leone because it is being taken wrongly. That is what we——

Commissioner for Standards: Yes, I mean, when you say promoting, are you saying she says it is a good thing?

Baroness Tonge: She is saying that it is okay after the age of 18.

Commissioner for Standards: She is saying it is a matter of personal choice... It is not quite the same thing as promoting, is it?

Baroness Tonge: Well, in Sierra Leone it would be seen as that, I think."

107. I asked Baroness Tonge, as Ms Fofanah is from Sierra Leone, has a deep knowledge of the cultural context, and thinks the incremental approach is more effective for eradicating the process, whether she should therefore appreciate that position:

"There could be [something in that position]. It is just, again, I have to say that the consensus of opinion, I think, from the people we consulted in [the Government] was that it is not the case, that she is not helpful."

108. I then discussed the definition of bullying with Baroness Tonge:

Commissioner for Standards: Bullying is to do with an abuse or misuse of power to make somebody feel vulnerable, upset, undermined, humiliated denigrated or threatened. One of the ways in which that can happen is when somebody is belittled about their beliefs. However much you may disagree with her beliefs, do you accept that by calling her ignorant and very irresponsible that you are belittling her cultural beliefs?

Baroness Tonge: No, I think we were just being honest. And I would repeat over again there was no element of bullying in our actions. We would not have dreamt of doing that. We were defending our position. It was a defensive thing - a defensive action, because we were so worried that we and [a Government department] and our Government had been linked with something they do not agree with and had campaigned against.

Commissioner for Standards: In paragraph 2.11 of the Behaviour Code one example of bullying is 'Sending, distributing or posting detrimental material about other people.' Do you agree that by copying that letter to those two other people in which she is described as ignorant, very irresponsible and so on that you are posting detrimental material?

Baroness Tonge: Well, we did not think so at the time. We were just answering their complaints, and again defending our position as a group."

19 June 2020: Interview with CD

109. To find out more about PQ and Baroness Tonge's communications with Government officials; and PQ's allegations against Ms Fofanah in correspondence she sent to my office, I invited CD to an interview on 19 June 2020.

110. CD said they came to engage with Baroness Tonge and PQ through CD's work on managing parliamentary relations relating to her policy areas at their Government department, via the APPG.
111. CD was asked to explain their view on the progress that had been made, if any, on eradicating FGM in Sierra Leone. CD said progress is never linear and that there is still strong support for the practice in Sierra Leone. While CD said progress was challenging, they said any progress is "Africa-led" and being led by activists within such countries.
112. CD then said how they came to engage with Naasu Fofanah. CD said they had a meeting with Ms Fofanah at their Government department with another colleague in 2018. Ms Fofanah had got in touch with CD's office via an academic supervisor who had asked whether she could do a work placement. They offered to meet with her as she had been working in the field of ending FGM and CD thought it important engaging and hearing from a wide range of stakeholders. CD said this was her only interaction with Ms Fofanah.
113. CD said they found the meeting very interesting, that Ms Fofanah had said she was well connected and had been involved in some high-profile initiatives relating to FGM alongside interesting academic work.
114. While CD wanted to be careful not to represent Ms Fofanah's personal position on FGM as it was personal to Ms Fofanah, CD said they found her position thought provoking: that women over age 18 may be able to make the choice of whether to have FGM, relating to the legitimising and empowering experience that may take place for some women as related to the cultural context in Sierra Leone.
115. CD then outlined their view on how a ban of the practice would fit in with the importance placed on the initiation of girls into the Bondo secret societies in Sierra Leone. CD said that there were possibilities of girls still having the initiation ritual, but the actual FGM being replaced with something else that is not harmful to the girl.
116. CD said that the letter sent to Ms Fofanah on 17 July 2018 by Baroness Tonge was sent onto their office at their Government department and had also been copied to one of the department's ministers. CD said they did not reply to the letter.
117. CD then provided detail on the telephone conversation they had had with PQ in July 2018. CD said PQ had sought advice on how to handle the communications concerning Ms Fofanah and the anti-FGM campaigners.
118. CD said they offered the telephone call to attempt to convey some of the challenges that they were aware of between different members of the "Ending FGM" community around the world, including the challenges of engaging with the FGM stakeholder community. CD said that members of the stakeholder community are all very passionate and there are some disagreements and fractures across the community. CD said their Government department have learned to be extremely cautious and careful when engaging with the community, to handle it sensitively and to not do any harm. CD said this is what they wanted to convey to PQ.

119. CD also said the Government takes a zero tolerance approach to FGM, and while they did feel they had learned about a different perspective from Ms Fofanah, CD would still exercise caution regarding any future engagement with her due to her not taking a complete zero tolerance approach. While CD said they found the meeting with Ms Fofanah very informative and would be open to another meeting, CD would be careful to make sure that it was managed in a way that did not misrepresent the Government's own position.
120. CD said they never said to PQ that they would never meet Ms Fofanah again, as had been PQ's recollection of the telephone conversation.
121. I told CD PQ had said that CD had advised her that the APPG should distance itself from Ms Fofanah. CD said they would never have said that as CD did not see giving a parliamentarian or APPG such advice as an appropriate role for a civil servant:

"I really felt my role was to give them contextual information about the community, information about the situation in Sierra Leone, you know intel from our office there so that they could make their own informed decisions about what they wanted to do. And I was very careful to try and come across like I was not giving advice, which is why I didn't advise any, sort of, course of action. I didn't advise them to write a letter or make a statement.

I mean, you know, I would possibly have handled it slightly differently, but my aim was really to give them enough contextual information and to try and help them understand a bit of the nuances about what they are getting into for them to be able to handle it sensitively."

122. CD said they were told by the High Commissioner to Sierra Leone at the time that he had met Ms Fofanah. The office in Sierra Leone said they took a similar approach to her when it came to engaging with particular stakeholders: while they did not take the same position as Ms Fofanah, they met as part of their commitment to hearing from a wide range of stakeholders from different perspectives.
123. I also asked CD about PQ's statement that Ms Fofanah had been trying to meet with other members at her Government department and whether they knew what those meetings were about. CD said they were not aware Ms Fofanah had been trying to meet with anyone else in their department.
124. I asked CD about PQ's statement that Government officials had refused to meet with Ms Fofanah. CD said that they were unaware of any refusal to meet Ms Fofanah from Government staff, but that they have numerous offices around the world so CD could only speak from what they knew in their own office.
125. Ms Cakali asked CD for their views on Ms Fofanah's statement that she provided to my office on 31 January 2020, with focus on Ms Fofanah's position that she does not see herself as having been mutilated:

"Ms Cakali: Ms Fofanah has told us and she has told [PQ] and the Baroness that she doesn't see herself as a mutilated woman. Do you accept her position on that?

CD: Yes, completely, I do. I mean, it is really for a survivor of any experience, let alone an extreme form of violence, to define themselves however they wish and I think we must be extremely respectful of that. And language really, really matters when you are talking about FGM. So, for example, we use the term ‘survivor’ for someone who has undergone the practice of FGM and not ‘victim’. Because ‘survivor’ is respectful, it is non-stigmatising, and, you know, it is not that kind of value-laden term that can really, sort of, re-traumatise someone who has gone through a practice like this.

Even the term ‘mutilated’ actually can be a bit controversial. So you will probably be aware that some people call it ‘female genital cutting’ and some people call it ‘female genital mutilation’, and some people call it ‘FGM/C’ as a compromise between the two. I don’t want to get into too much of the detail on that, but, you know, the people that don’t use the word ‘mutilated’ often use the word ‘cutting’ because it has a less loaded, sort of, value-laden term reflecting the fact that, you know, in many countries like this it is carried out, it is not perpetuated potentially as a horrific act of harm but it is relatively routine, it is a rite of passage, it is something that has happened for generations and it will help you be accepted into your society.

If you want to end that practice, you can’t go into those communities as an outsider and say, with these value-laden terms, ‘You’re mutilating your girls’, you know. You talk about the practice with less loaded language and the language that they use as a way of working with the community rather than alienating them.

Now we call it-- [my department], the UK Government, calls it ‘mutilated’, and that reflects the language that is agreed at the United Nations, you know. That’s language that was fought for by some very courageous African women at the time. And that also reflects the fact that we view it as a Human Rights violation. We use the term ‘mutilation’ in relation to the act - female genital mutilation. We don’t refer to individual women as ‘mutilated’. And again, that’s because you’re taking that down to a very personal—You’re not talking about the act any more, but you’re talking about a person, a human being, who is living with this for their entire life. Saying someone is ‘mutilated’ can be extraordinarily stigmatising and it is very loaded language. So we have to be extremely respectful to any survivor of violence and talk about them in a way that they would like to be referred to.

So, yes, I can completely understand her position and I am very familiar with it. Yes.”

126. Ms Cakali then asked CD whether Ms Fofanah describing herself as not being a mutilated woman was a commonly held opinion:

“I can understand that that would be the position, yes, because like I mentioned before, in lots of contexts, including Sierra Leone, FGM is a very normal practice. It’s something that’s done as a rite of passage. It’s seen as a positive thing and people who grow up in those communities, with the strength of that norm, their mothers will have had FGM, their grandmothers will have had FGM. They know that they will be accepted into society if they have FGM. It can be seen as a positive thing.

So taking that and then taking our, you know, coming from a Western perspective, taking our, sort of, totally different view on FGM and trying to impose that on them, then you can end up in a bit of a challenge because you're saying, well, you know, they're not seeing themselves as mutilated because of the context in which FGM happens in their community whereas, you know, if someone in the UK or from a different community might believe that."

127. I asked CD whether the Government would have made a statement to the effect of the one produced by Baroness Tonge concerning Ms Fofanah.
128. CD said that their department would not take that approach. Although CD said they found the statement measured, they questioned why Baroness Tonge and the APPG felt the need to do that when CD had explained the nuances and complexities of the ending FGM community in Sierra Leone. However, CD said that was because their department had a lot of experience working in this area and understood the dynamics. CD said they had tried to make PQ clear of the need to be sensitive of the cultural context and to do no harm.
129. CD also said that although they had said in an email to PQ that their office found the name of the second anti-FGM campaigner that had contacted PQ and Baroness Tonge credible, it was not intended to imply that Ms Fofanah was not to be trusted.
130. I then asked CD about an email they sent PQ on 10 September 2018:

"Commissioner for Standards: in that email that you sent of 10 September, you said at the bottom of the second paragraph, 'It may be best to let Naasu know that the statement is the final involvement the APPG will be having and leave it at that, is that's the case--- for your to decide, of course.' I know this is quite difficult, but what was the status of that suggestion? Was it a, sort of, personal bit of advice? ... What was your motive?

CD: So I think at this point, you know, up to this point, I'd been giving contextual information. We'd had emails. We'd had the call. And it seemed to me, you know, drawing out and drawing on and I'd been really careful not to give any advice. You know, I didn't give any advice on how they should proceed in handling that particular situation. But once [PQ] and, presumably, Baroness Tonge, had decided that they would do the letter and they had decided that they would issue the statement, you know, by that point I think this was, you know, a question as to whether they would now draw a line under the matter so as not to cause a further inflammation of tensions, which is what I was concerned about. So once they had decided what to do, you know, my hope was that that would be the end of the matter.

Commissioner for Standards: Right, okay. Without in any way saying that they should do what you said, you were hoping that they would not make things worse.

CD: Exactly... Which is why, you know, I put the caveat in there because I was very cognisant that I didn't want to give them any advice, but, by this time, you can see from the emails and the calls, it had been dragging on and it seemed to be escalating. And, you know, I felt that they had

now decided what to do. So, you know, I really hoped that would be the end of the matter.

Ms Cakali: I suppose maybe being crude, is there some line of thought that if Ms Fofanah became someone in power in Sierra Leone that some of the work that's been done by the anti-FGM campaigners could be undone? Or was that a view shared or are you aware of that view?

CD: Yeah, I mean, I've never—I haven't had a discussion along those lines with anyone and it's not a line of thought that I've, you know, had myself or given much thought to and I didn't have any discussions with anyone about it. But the Bondo Society is very, you know, as we mentioned before, it's very closely linked with those positions of power, politics, you know, law, judiciary, those kinds of things. So the things are intrinsically linked. There's definitely a connection there.

Ms Cakali: And are you aware of any campaigners that share that thought, that if Ms Fofanah came to power that she may undo some of their good work? Is that - I mean, I don't know the answer to that. Is there a line of, sort of, from any anti-FGM campaigners that you're aware of?

CD: I've never had any discussions with anyone along those lines at all."

131. CD wrote to my office on 30 June 2020 to provide further comments following the interview. CD said:

"On the statement itself, while [my department] would not necessarily have taken the same approach, the statement itself was quite measured and did not try to portray the activist's own personal stance on FGM, or get into the rights and wrongs of that. In that respect I felt it was measured."

15 July 2020: Interview with PQ

132. I wrote to PQ on 8 July 2020 to inform her that I had taken the opportunity to speak to CD about communications she exchanged with them concerning Ms Fofanah; and that I had considered the evidence available to me. I invited her to an interview with Samira Cakali and myself, with Ms Aiyeola in attendance on 15 July 2020:

"I am writing to you concerning the ongoing investigation into the conduct of Baroness Tonge.

Since I was last in contact, I have considered the evidence currently available to me and have taken to opportunity to speak to [CD] about communications you exchanged with [them] concerning Naasu Fofanah.

I would now like to arrange a remote meeting to discuss with you those communications and other evidence that has been provided to me.

I am currently available on Wednesday 15 July at 2:30pm, Thursday 16 July at 12pm, and Friday 17 July at 11:30am. Do let me know if any of these times work for you and my office will arrange.

Finally, I would draw your attention to paragraph 136 of The Guide to the Code of Conduct:

‘From the point that the Commissioner decides to undertake an investigation all evidence and correspondence relating directly to the inquiry is covered by parliamentary privilege. It must remain confidential unless and until it is published. If such evidence or correspondence were to be published or disclosed to anyone else without the agreement of the Conduct Committee or the Commissioner, this would be a contempt of the House. An attempt to obstruct an investigation is a contempt of the House.’ I would therefore be grateful if you kept this correspondence confidential between my office and yourself.”

133. In the interview, I asked PQ about an email she sent on 25 March 2020 to my office where she wrote:

“Ms Fofanah invited herself to the APPG on PDRH July event and took a photo of Baroness Tonge, me and herself, and posted it on her social media account without Baroness Tonge’s consent. This she did despite Baroness Tonge declining a photo with her only weeks prior, i.e. I find this to be dishonest and disrespectful.”

134. I asked what PQ meant by saying Ms Fofanah invited herself. She said that the APPG World Population Day reception was co-hosted with the International Planned Parenthood Federation and sometimes the United Nations Populations Fund. They usually prepared the invitation list, and then Baroness Tonge and other members of the APPG could add names to the list. PQ said Ms Fofanah contacted them by email asking if she could be invited to the World Reception Day, despite not being on the invitation list. However, PQ confirmed that she did not turn up unexpectedly and was sent an invitation following her request.

135. I then asked PQ to explain what she found dishonest and disrespectful about the photo of Ms Fofanah, Baroness Tonge and herself that was eventually posted to Facebook:

“When Jenny and I met with her—which was in the Pugin Room to discuss abortion in Sierra Leone on the request of [an MP], at the end of that meeting it became apparent that she was quite a political person. She said she wanted to be the President of Sierra Leone. She did an awful lot of name-dropping. Then at the end of the discussion and talk around Sierra Leone and abortions, she said, ‘Oh, can I please take a photo?’ Now, my experience with Jenny Tonge is that she is usually quite happy to pose in pictures with people. You know, most parliamentarians are. But obviously, Jenny felt something. She didn’t want a picture done.

She said, ‘No, sorry, but I don’t want a picture done.’ ‘Are you sure?’ ‘Yeah, Yeah.’ You know, she was quite adamant. Naasu wanted a photo, but Jenny said, ‘Thank you but no thank you’; it was quite clear.

Then at the World Population Day reception, which I think was two or three weeks later, Jenny didn’t recognise her because she was in a completely different outfit. I did recognise her. At the end of it, she came out to the front of the Cholmondeley Room and that’s where the picture was. She gave—somebody must have given her the phone. Throughout the reception, there were lots of pictures being done and there was a quick picture and that was it. I didn’t really think about it. At the time, I remember Jenny saying, ‘No,’ before and I should probably have alerted

Jenny to say, ‘Look, Jenny, this lady was the lady you didn’t want a photo with,’ but there were so many pictures being done and we were just closing up. Then this was really what sparked this whole thing—that she posted this particular picture on her Facebook and this is when I start getting all these, you know, threats.

[...]

I felt that she should not have posted that photo because she knew Jenny had said, ‘No,’ before when she had been in conversation with her and knew her, whereas this was just like another person at the reception who was taking a picture. Jenny had no idea who this woman was, but she knew beforehand that Jenny had said, ‘No,’ to her. That’s why I felt she should not have. She could take it, but I certainly think it was very, very wrong of her to post it on her website when she knew Jenny had said, ‘No,’ to her before.’

[...]

Commissioner for Standards: When we spoke to Baroness Tonge, she said that she said, ‘No,’ when Ms Fofanah asked to take a photo in the Pugin Room, firstly, because generally speaking, she doesn’t like her photo being taken with people she doesn’t know very well, and, secondly, because you are not allowed to take photos in the Pugin Room, which isn’t obviously something that Ms Fofanah would know. I am just making the point that it sounds a bit sort of—it’s a standard reason for saying, ‘No,’ rather than it being specific to Ms Fofanah.

PQ: Right. I felt it was specific to her. [...]

That’s how I felt, I must say, because there was a lot of politics involved in this conversation which we weren’t expecting. That’s why I thought Jenny had said, ‘No.’ I didn’t know you couldn’t take pictures.”

136. I asked PQ about the telephone conversation she had with CD in July 2018. I explained that I had interviewed CD who had said they had used that telephone conversation to attempt to explain how complicated the FGM situation was in Sierra Leone and how much importance the Government gave to doing no harm in its interventions. I asked PQ whether she understood those points and whether that came through in the conversation for her
137. PQ answered that she understood it was complex. She also said that FGM is one of the issues at the remit of the APPG’s interests and when they started receiving email complaints following the posting of the photo, they felt they had to take action to distance themselves.
138. PQ said the emails coming through from the activists after the posting of the photo were “very frightening” and critical. She said they accused Baroness Tonge and the APPG of associating themselves with Ms Fofanah.
139. I asked PQ about the effect of the posting of the statement on Ms Fofanah:

“Commissioner for Standards: What did you think the effect of the statement would be?

PQ: The effect from our perspective was to make the APPG’s stand very clear and we didn’t agree with Naasu’s stand on this particular

point, which we felt we were being associated with. That was all. It was basically a reason for—As these emails were coming in from different people, it was a way of me referring people, now and in the future whenever I would keep getting these emails, that we could refer to them and say, ‘Please look on the website. There’s a statement.’ So we are not associating ourselves with this stand, which is what we felt we were being sort of accused of.

Commissioner for Standards: Couldn’t you have done that without mentioning her name? Couldn’t you have said, ‘Let me just make absolutely clear that the APPG has a zero tolerance approach to FGM. We don’t agree with it for people of any age in any country’? Wouldn’t that have done?

PQ: We could have done, and, in hindsight, that’s probably what we should have done. However, at the time, all the emails I received were always referring to this lady. So that is why the decision was made to this lady and that, because I have never, ever experienced that in my career, anything like this ever. Every single correspondence we had was always with this particular lady.

[...]

I just felt that we had to dissociate us from this whole thing. That’s all I remember thinking. If I kept getting all this work in my intray, on something that was really not our business to deal with, that I could refer them to somewhere, ‘Please look at the website.’ I felt I was being bombarded from all angles and there were death threats and things. It was literally a way of saying, ‘Look, this lady, this is our stand, there you go. No more. No more.’”

140. PQ was then asked to comment on the email Baroness Tonge had sent to LM on 25 July 2018 who had complained to her about Ms Fofanah. Baroness Tonge had written the email to explain an earlier email she had copied to LM by accident, which she had intended only for PQ:

“Please be assured I did not mean dangerous in the physical sense, but she does make up stories especially with our group!”

141. I asked PQ if she could clarify what Baroness Tonge meant by that comment. Although PQ answered she could not be sure, she said Baroness Tonge was likely referring to Ms Fofanah’s “name-dropping” and her political ambitions.
142. I asked PQ if she was able to identify any material that showed Ms Fofanah made up stories. In correspondence PQ sent to my office after the interview, she identified a paragraph in an email Ms Fofanah sent her on 10 July 2018:

“Based on all I know, the UK government continues to be misinformed on the issue. I am happy to have a meeting with you on this. I got targeted as well by anti-abortion rights activists for championing the issue from a policy perspective. My position is simple/clear on FGM/C. This procedure should be banned for children below 18, hence I worked hard on a policy that was adopted by Government which is with the UK position/law. I am not sure, I will be in the position to advocate what women over 18 choose to do with their bodies anywhere in the world. I

am totally against initiations of children regardless of gender and I am on record in both national and international media.”

143. PQ said she could not be sure about the truth of this statement having listened to the interview she did with West Africa Democracy Radio.
144. I asked PQ whether Ms Fofanah, as a survivor of FGM, was entitled to her own view and opinion.
145. PQ answered that Ms Fofanah was entitled to her own opinion.
146. I asked PQ to comment on the fact that it appeared Baroness Tonge was taking sides in what would be considered a fraught, fractious and complex matter. PQ answered that Baroness Tonge has every right to take sides as she is opposed to the practice of FGM.

PQ: I think probably what this refers to is that, when women have FGM, it causes death and terrible pain and suffering, and if you got somebody who wants to rise up the ladder politically and making statements, that causes so much harm and abuse to many, many people. That is I suppose what you could call to me as well, I would probably say that is a bit dangerous because people support you in many ways, but then they start believing and thinking this is actually okay to do this. But it isn't okay. I don't know if that makes sense.

Commissioner for Standards: [...] I completely understand the position of the APPG, of you and of Baroness Tonge. What I am concerned about is the effect of some of these remarks and these emails on Ms Fofanah, who has said that she has been extremely damaged by it. It's a debate in her country where people have a whole variety of different views. Do you see any problem in that?

PQ: Well, she obviously has a problem with it. She has these people opposing her, and, like I said, we just feel like the pig in the middle. I don't think we have inflamed anything in anything that we have said or done. I can't see, because her opponents have always been her opponents. It's not something that I think, I imagine what she said, 'Oh, Baroness Jenny Tonge is somebody who is in the House of Lords and her opinion matters.'

[...]

I don't think Jenny Tonge has said anything wrong. I look at this over and over again, and I think, throughout this, she tries to dissociate herself with what she believes strongly in. She is always entitled to her belief and I believe very much that Baroness Jenny Tonge feels that as well, but do not associate Baroness Jenny Tonge or the APPG with what you feel personally. I don't think a lot of people would feel the same as Naasu, I have to say.

Commissioner for Standards: We are talking about slightly different things. One is what people think about FGM, and the other is what people think about Naasu Fofanah. I come back to this. Do you accept that Baroness Tonge, as a member of the House of Lords, has got huge status around the world?

PQ: Yes, on her issues around on different issues, including on women's health. Yes.

Commissioner for Standards: Yeah, and, therefore, if she says things on FGM and says that somebody with a particular view is dangerous and so on, that's going to have a big effect, isn't it?

PQ: This is on social media, this is. It's obviously the people that is connected to her social media that would be seeing this, I think. I think that word 'dangerous' that Jenny referred to—was that just as an email that was sent? I can't remember or did that—

Commissioner for Standards: I think it was an email.

PQ: I think it was just an email, so this is nothing public. What Jenny has said in public is the statement on the website. I think that is fine, because of all the people she had people contacting her about this. I feel that's fine. You might, like you said, 'The name, why the name?', because all the emails were always referring to this particular lady, which the APPG felt it had to dissociate itself with. That's all I can say. In hindsight, yes, maybe the names shouldn't have been there. But this was all the emails that came to our intray and it was a way of referring people to that, so I didn't have to compose individual letters for each single person in the future.

Commissioner for Standards: ...Do you think if you had known then what you know now that you might have taken a slightly different approach to Ms Fofanah?

PQ: Are you talking about the particular sentence I wrote?

Commissioner for Standards: I am talking about the issue of being mutilated and permanent physical and mental health problems. Obviously, that's a lot of people's experience, but it seems fairly clear that it's not everyone's experience.

PQ: About they don't want to be noticed being mutilated, you mean?

Commissioner for Standards: Yeah, that.

PQ: People are called survivors. Again, people that have gone through this obviously want different words used for it and that's obviously respectful for how they want to be what they wanted to be called. I still stand by what I wrote though."

147. I asked PQ again about the telephone conversation she had with CD before the posting of the letter and the statement, and whether she fully understood the message CD was trying to convey concerning approaching the matter with caution and attempting to do no harm:

"**PQ:** I mean this is [CD], how [CD] remembers the conversation. All I remember from the conversation was that this is complex, it's political, and the important thing is that this is a very small area of our work that we need to distance ourselves from this because we don't know enough about this. It's complex and we need to just dissociate us with these different factions of people who are involved in this. That's what I felt, that I was speaking to Jenny about, dissociating and making it clear

what our stand is on this and just go away from their internal issues and problems around this and be clear it's a human rights abuse.

We don't want to get engaged in their internal politics and cultures. That's what I felt. That's why I said I felt that we tried to do that over and over again, but we kept getting bombarded from different people. Really, we didn't know enough about this to get so deeply involved in. These people have lived with this. That's what the whole thing was, to dissociate ourselves from this thing pretty much from the beginning when all this started. But it was so difficult because we just kept getting bombarded. I don't remember the exact—what [CD] is saying here. All I remember is it's complicated, it's political, and we need to get away from this. We do not want to get involved with it. We don't know enough about it.

Commissioner for Standards: Would you agree when we spoke to Baroness Tonge, she said that the purpose of the APPG statement was to protect the APPG. That's more or less what you are saying as well. So there appears to be agreement on that. Would you accept that, in putting up that statement, very little attention was given to the effect that it might have on Ms Fofanah?

PQ: In hindsight. Because of all of this, I had no idea about this. I never even thought about it. Never.

[...]

This was in no way to alienate this woman in any possible way. That is the last thing on Jenny's and my mind. It was only to dissociate us and not be associated with this and the internal politics and beliefs and cultures. Neither Jenny nor I ever wanted to harm anybody. We are only here to, you know I did not, I never thought this would be a personal harm and hurt or anything.

[...]

I did feel before the statement and the letter was written by Jenny, I felt that I had tried many, many times to say, 'Please, can we just no more'. I tried many, many times with both sides. Like I said, we felt like a pig in the middle. I felt many, many times via communications that we tried to literally just not get involved in this. Throughout the whole thing to be honest. That's what I felt. I felt throughout the whole thing, constantly trying to distance ourselves from this fight between them. But they just that's why I said, I literally felt like bullying. I just kept getting it. It just kept coming in. It took so long to work out what it was all about, to be honest.

Commissioner for Standards: Did you get any death threats or allegations of mutilation made by Ms Fofanah or were they being made by the others?

PQ: She was also sending this thing about that she had had threats.

Commissioner for Standards: Yes.

PQ: The others had had threats and this other lady [LM] said she had been down the police station because of threats from Naasu. To me, it was just a bombardment from all angles about death and threats and anger and just all. To me, it was from all sides. It was equal from all sides. I was just constantly feeling like we have got to distance ourselves from this—getting into something that’s got nothing to do with you at all.”

148. I asked PQ why, if she found the emails from activists overwhelming and frightening, she did not delete them and stop replying.

149. PQ answered that she replies to all emails:

“Commissioner for Standards: Then we have the difficulty of Baroness Tonge writing a letter to Ms Fofanah calling her ignorant and irresponsible and copying it to the activists.

PQ: The only thing I can say to that is that, because there was an awful lot of things around death threats, I keep going back to that it’s not the ordinary email communications. I have never had emails like this before about people being threatened with their lives, having been transported down to the police stations from both sides, which makes things... It gets you a little bit more involved in something when we are. This is not ordinary emails. They’re death threats. This is really frightening. When you are somehow being associated with something that is threats and death threats, then you get a bit, ‘Hang on, we really need to be absolutely clear we do not want anything to do with this.’

Like I said, I felt I did that to all of them. We don’t want try and warn them away. But it didn’t happen. This is how I explained it to Jenny Tonge as well. I think that’s when she said, ‘Look, we just need to make this a final, for all, dissociation,’ and that’s why she wrote the letter and the statement. She wrote the letter and Naasu said, ‘I don’t want that up,’ and it was changed to just what I thought was a very basic statement and put up on the website.

Commissioner for Standards: But do you agree that copying the letter in which Baroness Tonge called her irresponsible and ignorant was likely to be used? Here it is, a Member of the House of Lords calling Ms Fofanah ignorant and irresponsible. It’s very damaging, isn’t it?

PQ: At the time, to be honest, there were no intentions of that behind it, whatsoever.

[...]

There were no intentions of that at all. These were the two people that contacted Baroness Tonge initially about her association after this posting of a photo, as I keep saying, which I am sure she would have known Jenny would not have agreed with. I don’t know why she did that, apart from trying to raise her status. Self promotion or whatever, you know, that is on social media. The letter was copied to two activists only. In hindsight, I can see that probably shouldn’t have been done, and I take responsibility for that. I probably shouldn’t have done that in hindsight. But, at the time, it felt like again, because all of those death

threats and everything. We had dealt with this. We have got nothing to do with this. This is the reason behind it.”

150. I asked PQ about her comment in the email she had sent me on 4 May 2020, that stated she had felt bullied by Ms Fofanah’s communications. I asked whether it was Ms Fofanah’s statements that she was going to take legal action were what she considered to be bullying:

“**PQ:** No, not at all. No, I don’t have a problem with legal action. I had a problem with that I felt I kept letting her know and we don’t want any more to do with this. These long emails, sometimes twice a day, kept coming in even though I had said on many, many occasions, ‘Look, this is the end. No more. No more.’ Again, I always reply to emails when people write to me. I don’t just ignore things. That’s probably my fault. I just felt that so many times have I said, ‘No more, no more,’ and it just kept on and on and on, and I am thinking, ‘Oh my goodness me.’ I kept thinking it was she sort of started it up... ‘

Commissioner for Standards: She put the photo up, didn’t she? Then it was the activists who started the row that involved you and Baroness Tonge, wasn’t it?

PQ: They had reacted to her photo on social media, I suppose, which is what I felt that she knew she had these opponents which we knew nothing about. By doing that, inadvertently we became involved in something we had nothing to do with.

[...]

I suppose one of the things around the bullying, she kept asking me for these names of the opposition, of the people that were contacting me. I said, ‘Well, let me ask them about it.’ I asked them and they said, ‘No, we don’t want our names revealed,’ and I got back to her and she said, ‘Well, I want them.’ I felt, I suppose, harassed and bullied around. She kept asking me and kept pushing me on these names and I kept saying, ‘I’m sorry but I can’t give them. As far as I am aware, they don’t want their names written down.’ I felt really harassed around that. She then took it to the, what was it called—

Commissioner for Standards: Information Commissioner.

PQ: Yeah, I think six months later. I was like, ‘Oh gosh not this. I have already said to her I don’t want to.’ So there were issues around that. Funny things kept cropping up down the line. I thought ‘I have already said I can’t give names.’ That’s not for me to do.”

30 July 2020: Interview with Baroness Tonge

151. I wrote to Baroness Tonge on 16 July 2020 to inform her I taken the opportunity to interview CD concerning communications CD had with PQ, and that I had interviewed PQ the previous day. I invited Baroness Tonge to a second interview on 30 July 2020 to discuss the evidence I had gathered:

“I am writing to you concerning the ongoing investigation.

I have been gathering and considering evidence available to me. Last month I also took the opportunity to interview [CD] concerning

communications [they] had with [PQ]. Yesterday, I also interviewed [PQ].

I would now like to take the opportunity to meet with you remotely to discuss the evidence I have gathered. My preference would be to meet as Parliament enters into its summer recess but I am flexible about meeting in August. My current availability is 30 July after 11:30am. Do let me know if this works for you and my office will arrange.

Of course I know that you and [PQ] work closely together, but as she is a witness in this investigation I have asked her not to discuss her involvement, or interview, with anyone, including you. I would be grateful if you could not ask her about the interview.”

152. In the interview, I asked Baroness Tonge, despite her prior explained reservations against having a photo taken with Ms Fofanah, why she agreed to have the photo taken at the World Reception Day in 2018. She answered that the event was for invitees only and she was almost unaware a photo was being in the first place, saying that it happened very quickly. She also said she had been warned, and Ms Fofanah had confirmed herself at the first meeting in the Pugin room, that Ms Fofanah had political aspirations in Sierra Leone. Therefore, she said she was hesitant of having a photo taken for that reason, for not wanting to involve herself in any political campaigns. While Baroness Tonge said it was likely Ms Fofanah was not aware of these reservations, she still questioned Ms Fofanah’s motivations for putting the photo on Facebook:

“**Baroness Tonge:** I suppose in her mind, if I was her, yes, I would probably have put it on my Facebook page. She was very pleased to have the photograph. But it was subsequent events that actually made it so difficult. “

153. I asked for her view on PQ’s comments that Ms Fofanah was to blame for the emails from the campaigners that were very critical of Baroness Tonge and Ms Fofanah.
154. Baroness Tonge said she found the whole affair very upsetting as they were immediately associated with an individual whose views on FGM they did not share:

“**Baroness Tonge:** One of the people who actually wrote at that time was someone called [ZA]... She was [position in Sierra Leone], and she has been campaigning for many, many years in Sierra Leone against the practice of FGM in her country, and the letter being from her, one of the letters being from her, which was very significant indeed, and, frankly, I reacted very strongly and said, ‘We have got to dissociate ourselves immediately from this person if she is an enemy to those people in Sierra Leone trying to stop FGM’.

[...]

Baroness Tonge: I also must point out that we asked her to put a statement on her Facebook page saying that we did not have the same views as she did about FGM, but she refused to do that.”

155. I asked Baroness Tonge what she meant by her comment in her last interview with me, that she felt she had been conned by Ms Fofanah and brought into “someone else’s campaign inadvertently”.
156. Baroness Tonge said that she meant the anti-FGM campaigners had assumed they were supportive of Ms Fofanah by meeting with her.
157. Baroness Tonge was then asked about her wording she used in the letter she sent Ms Fofanah of 17 July 2018:

“Ms Cakali: When we last spoke you withdrew ‘ignorant’ but maintained ‘irresponsible’. Does that remain your position?

Baroness Tonge: I find it very difficult to use the right word because I am so much against this practice that in a way, although I withdrew ‘ignorant’, ignorant nevertheless still stands because people do not seem to understand or accept what terrible damage the removal of the clitoris and FGM generally can do to a woman, and it is ignorant not to understand the consequences.

I was a doctor working in women’s services and doing a lot of gynaecology before I came into Parliament, so I know very well that, if people think it does not do much harm and it is just a rite of passage, that is a very ignorant view actually. I think to confuse, I mean, the other thing is something quite different; it is about labiaplasty, confusing labiaplasty with FGM. So I was not using those two words about the same thing. I had said ‘very ignorant’, and then you persuaded me or I agreed to withdraw the word ‘ignorant’, and now presumably it says, ‘and very misleading’, but then the next paragraph is referring to comparing FGM with labiaplasty, and I called that very irresponsible, and I think that is very irresponsible.

Ms Cakali: Was any thought given prior to drafting that statement on the APPG website to how this may affect Naasu Fofanah and whether or not she would be singled out by you taking that action?

Baroness Tonge: She was already singled out because of all the letters and the phone calls [PQ] had received opposing her, and in fact on some of those phone calls I remember [PQ] being very frightened because one person said they had had death threats from her. I do not know whether that is true or not, but the whole thing was getting terribly out of hand and I felt and I supported [PQ] and we put out that statement mentioning Naasu because we felt we just had to distance ourselves from this person.

Ms Cakali: I suppose, by virtue of that, would it be fair of me to surmise that you were thinking of this other individual that had been emailing you and [PQ] but you had not given any thought to how it would impact on Naasu Fofanah, because you had already requested her to put a statement out on her own social media?

Baroness Tonge: I asked her to do that and she did not do it.”

158. I presented Baroness Tonge with comments made by CD during their interview, with focus on those concerning the telephone conversation CD

had with PQ where CD had attempted to explain the complexity of the FGM context in Sierra Leone and the need for careful handling:

“Commissioner for Standards: ...Do you accept that the APPG statement put up on the APPG website provided fuel for those activists on their attacks on Ms. Fofanah?

Baroness Tonge: It just was intended to distance the group from the position Ms Fofanah takes, and that was surely in line with what [the Government] is saying, that we do not support or decry anybody; we just do not support a particular position because we know how delicate it is. But we are actually against FGM.

Commissioner for Standards: But you went further than that, did you not? You named Ms. Fofanah and you knew by this time that this was a very sort of fraught area because of all the emails that you had been receiving. Do you accept that the statement that was put up, whether you intended it to be so or not I fully accept that you did not intend to do any harm—was going to be taken as ammunition by those activists in their disagreements with Ms. Fofanah?

Baroness Tonge: If we had not put out a statement, and we did I will repeat ask Naasu Fofanah to put out her own statement but she refused, if we had not put out a statement we would then in Sierra Leone—where we do a lot of work; [the Government] does a lot of work and our group has been—somehow be associated with Naasu’s views. I appreciate it was very difficult and very delicate and you feel we should not have mentioned her by name, but she is apparently not apparently, she is a very controversial figure in Sierra Leone and I did not want my group to be associated with her views. It is as simple as that.”

Baroness Tonge also said that it had caused great upset for PQ, and she felt a need to consider PQ’s position as she considered her to be valuable and experienced:

Commissioner for Standards: the consequences for Ms Fofanah were dramatic. I do not want to put words in your mouth, but do you agree that with the benefit of hindsight it might have been better not to mention her name or do you think it was inevitable that you had to?

Baroness Tonge: I am not totally clear what the consequences for Ms Fofanah are. I gather she is claiming that she is not getting work because of it, that she is not getting jobs because of this.

Commissioner for Standards: Yes. [...]

Baroness Tonge: I am very sorry if that has happened and I would like, you know I am sorry, but I do not understand how any potential employer would seek out probably now deleted Facebook pages and look at the website of an All Party Parliamentary Group they have probably never heard of. Baroness Tonge is not very famous for goodness’ sake.

Commissioner for Standards: I think you underestimate the significance of your own position and of the APPG, and it is not a matter of employers seeking things out; it is a matter of activists spreading the word and contacting people who they know are associated with Ms.

Fofanah and saying, ‘Look, look what Baroness Tonge says. Look what the APPG says’. That is what has happened, and I am sure that was not your intention.

Baroness Tonge: It was not my intention. My intention was to protect the reputation of my group, and I still maintain that we had to do that.”

159. I presented Baroness Tonge with CD’s comment from her interview, where CD questioned why they felt the need to post the statement given what they knew about the complexities. Baroness Tonge answered that she assumed [the Government’s] approval when the statement was shared with them. They had not responded, but Baroness Tonge had accepted this silence as approval.
160. I asked Baroness Tonge about the email she sent to LM on 25 July 2019 where she said: “Please be assured that I did not mean ‘dangerous’ in the physical sense but she does make up stories especially with our group”:

“**Baroness Tonge:** I said to [PQ], you know, ‘This lady is dangerous’, meaning dangerous to our group, ‘and politically it could be very difficult for the group and for me if she is allowed to carry on like this’. That was meant for [PQ], but because of the string of emails, and you know how emails come in a string, it went to [LM] as well, or it went to [LM] first, copied to [PQ], one way or the other, and it should never have gone to [LM]. That is why I then wrote to [LM] having realised what had happened and said, ‘Of course I didn’t mean dangerous in the physical sense. I meant dangerous in the political sense’, if you like, that she could make something of our group being involved, and [LM] is a known campaigner against FGM who has had FGM herself and was apparently very upset about this and it just goes on to say, yes, it was the last day, it was the day of the recess and I was on the tube coming back and I do apologise for that word and for sending the emails in the wrong direction.

Ms Cakali: Did you ever believe that Ms. Fofanah claimed she worked with the APPG in London? Did you ever believe that or did you think that?

Baroness Tonge: No, she did not. I don’t think she ever claimed she worked with us, no.

Ms Cakali: So, in terms of any evidence, did you have any evidence that she made up stories, especially with the APPG, or was it just in relation to what you have set out?

Baroness Tonge: What I had heard about her, and what [the MP who introduced me to her] said, is she knows everybody, she talks to everybody. He gave the impression that she was really around and about, very political, talked to everybody, knew everybody and would be very useful on the abortion thing, which is what we originally met her about. I had just got the impression that she was one of those people who was into everybody and what do we say in England name dropping, you know, very good at saying, ‘I know this person’, and, ‘I have talked to this person’. That is what I meant really.

Commissioner for Standards: I am still not quite clear about the, ‘making things up especially about our group’. If you are saying she is a terrible name dropper, well, there is a lot of that about, isn’t there, and it is are you simply saying that she sort of bigged up her own position in things or you got the feeling that she—

Baroness Tonge: Yes.

Commissioner for Standards: overinflated?

Baroness Tonge: Yes, very much so, but it was an unfortunate sentence.”

161. I then asked Baroness Tonge whether she agreed Ms Fofanah was entitled to her own view and opinion that she does not feel mutilated:

“**Baroness Tonge:** Yes, but she should not imply that it is okay and there is no harm and, ‘I am absolutely fine. Look at me’, and that is what she does imply by saying that, and that is a careful choice of words very, very wrong thing to say because it gives support to those people who say, ‘Oh, FGM is nothing; it is just like circumcision, you know. You just have it; it is a rite of passage. Bondo in Sierra Leone, the women’s society, require you to have this done. It is perfectly all right. No need to make a fuss about it’. That is what she implies by saying that, when I know, as a medic, just what effect it has.

This is not tiny, if I can just reiterate: this is literally that in a village somewhere most girls have their clitoris dug out with a pen knife, to put it bluntly, and that is what can happen. They go away to have this done before they can be admitted to be a proper female in this culture society. I know it is cultural, I know it is their culture and their tradition. And if you listen to Naasu in that interview, she makes this very clear—that it is their tradition and this is what happens. It is their culture. Well, all I can say to you is that, you know, we used to burn witches in our country. That was our culture too and we do not any more, and I do not think you could take that as an argument for FGM, that it is a cultural practice. I am sorry I am sounding off about that, but I really do feel very passionately about it.

Ms Cakali: Looking at that letter, would you accept that sending that letter to the activists and anyone else that they may send it on to and having the words used to describe Ms. Fofanah as very ignorant and very irresponsible would be used against her?

[...]

Baroness Tonge: I was not aware and I should have been aware, and I do not know what [PQ] says about this but I do not think I thought that that was going to be copied to the activists, but it is a long time ago. It is entirely my responsibility if it did, but I was not aware that it was going to the activists as well.

Ms Cakali: It did go to the activists, as far as the evidence shows, but would you accept that that would be used against Ms. Fofanah, so that letter being sent to the activists and having those words used to describe her as being very ignorant and very irresponsible, and I accept and you

have relayed obviously that ‘ignorant’ was the reference to FGM and ‘very irresponsible’ was the labiaplasty.

Baroness Tonge: Irresponsible was equating it with labiaplasty, was it not? I would not withdraw that. I think it is perfectly reasonable.

Ms Cakali: I am not asking you to withdraw anything, but would you accept now in hindsight that that letter, if it was sent to her oppositions, would be used against her and as fuel in any campaign, I suppose?

Baroness Tonge: I do not think there was anything untrue in that letter.

Ms Cakali: No, I think you have made your position very clear, that you stick by the contents of that letter, but if it was sent to someone that opposed Ms. Fofanah’s view, which we know it was, would you accept now, looking at that, that it would be used against her?

Baroness Tonge: Well, I suppose, yes, that it could have been, but, you know, is she by taking the position that she does, she expects to get this sort of flak all the time. I am sure she is quite used to it. It is happening all the time in Sierra Leone. I was, I will repeat just trying to distance my group from the attitude that she took; you know, I had to.”

162. Ms Cakali presented Baroness Tonge with comments from CD’s interview, relating to the sensitivities of using language like “mutilated” to describe women had had experienced FGM:

“**CD:** Even the term ‘mutilated’ actually can be a bit controversial. So you will probably be aware that some people call it ‘female genital cutting’ and some call it ‘female genital mutilation’, and some people call it ‘FGM/C’ as a compromise between the two. I don’t want to get into too much of the detail on that, but, you know, the people that don’t use the word ‘mutilated’ often use the word ‘cutting’ because it is a less loaded, sort of, value-laden term reflecting the fact that, you know, in many countries like this it is carried out, [...] a horrific act of harm but it is relatively routine, it is a rite of passage, it is something that has happened for generations and it will help you be accepted into your society.

If you want to end that practice, you can’t go into those communities as an outsider and say, with these value-laden terms, ‘You’re mutilating your girls’, you know. You talk about the practice with less loaded language and the language that they use as a way of working with the community rather than alienating them”.

163. Baroness Tonge was asked to comment on CD’s statement:

“**Baroness Tonge:** That is very wise words by [CD]. I do not have any objection to what [CD] says and [CD] has worked extensively in the area, but it is a matter of the words you use to describe things, isn’t it, and I think the most commonly used term in this country is FGM actually? We do not use the word ‘mutilation’; people say FGM. I think ‘cutting’ is probably better in a way—to say ‘cutting’—but I don’t think we should diminish or try to diminish what this actually is, and it does worry me that being very delicate and skirting around the subject and

trying not to offend people sometimes it loses its power and you really need to impress on people that this is a very wrong practice, whether it is cultural or not, and it should stop. And, you know, there are an enormous number of men who feel this too. It is not just a women's issue. Men in a lot of countries I have been to are campaigners against FGM/C, let us call it, even more than the women are."

164. I then discussed with Baroness Tonge the definition of bullying in the Code of Conduct.

"Commissioner for Standards: ...I want to turn now, if I may, Lady Tonge, to the definition of bullying in the Code of Conduct. The definition of bullying is that it may be characterised as offensive, intimidating, malicious or insulting behaviour involving an abuse or misuse of power that can make a person feel vulnerable, upset, undermined, humiliated, denigrated or threatened. Power does not always mean being in a position of authority and can include both personal strength and the power to coerce through fear or intimidation.

I think it follows from that that you do not have to have a direct employment relationship with someone to be able to say things that amount to bullying. Do you accept that by reason of your status as a Peer and your position at the APPG that you have the advantage of power over Naasu Fofanah?"

165. Baroness Tonge answered that she did not agree, and that her greatest concern was for PQ for whom she had great respect and who was very upset by the event. Baroness Tonge felt PQ was being bullied "unmercifully" by both sides of the argument. In hindsight the approach would have best been not to reply but Baroness Tonge acknowledged this was not in PQ's nature:

"Baroness Tonge: If you read very carefully through the evidence, Naasu thought that the people who were contacting [PQ], in other words the previous minister of social affairs, [ZA], and someone called [VW] (the first anti-FGM campaigner)—they are the only two names I can remember—were [LM] and she was actually bullying [LM]. If you read all the later correspondence that has happened, I think, even this year, has it not, between [LM], she has been bullied by Naasu because Naasu thought that she was the person who was sending us emails about her?

[...]

No, she actually made a mistake in who she thought was sending [PQ] all the information and bullying. She made a mistake on that, which was a pity, but I really do think that, I don't know. It is the first time I have ever seen [PQ] truly upset by events that were going on.

[...]

I really find it quite upsetting, and I am sure you do not intend, to imply that I am a bully. I have never seen myself as a bully; in fact I have spent my whole career defending people who are being bullied.

[...]

I still have to defend myself and I defend [PQ] in what we have done. Yes, we have made some mistakes along the way, but we were under a lot of pressure on something that we felt very passionately about, and we knew that, if the word got round that our group was supporting a different line on FGM, we would be condemned by all sorts of people; I mean, it would be very detrimental to the group and our members.

Commissioner for Standards: Yes. When we talked last time, you were saying that you thought that, if there is some kind of finding upholding the complaint, that you would be very willing to consider trying to remedy that through putting out some other statement or whatever.

Baroness Tonge: I think that is what we should do, yes. It really does need a statement and it needs to be distributed widely both here and in Sierra Leone.

[...]

I would go so far as to say we should apologise if any of it was construed in a different way to how we intended.”

10 September 2020: Interview with Naasu Fofanah

166. On 28 September 2020, I wrote to Ms Fofanah to send her summaries of the interviews I had conducted throughout the investigation and invited her to comment on the evidence I had gathered. I also invited her to a meeting on 10 September 2020 to discuss that evidence and the next stage of her complaint.
167. At the start of the meeting, Ms Fofanah said how shocked she had been by the evidence gathered:

“What I found out and what I feel now is that it was well planned; it was well orchestrated by a group of antiFGM activists. This is what I take from this, it’s truly repulsive that people could be so calculated. And I believe, even though within the transcripts that Baroness Tonge kept saying that [LM] is not the one who wrote the letter, but all of those people named are connected to [LM]. I feel like what she has done is brought everyone on board to do her dirty work and stay at the back but then will call and reinforce the crime and making allegations of death threats and all of that. That is what I have taken from this.

Unfortunately for Baroness Tonge and [PQ], I would reply to them that I tried to bring their attention to this woman in a number of my emails. But I felt, from their reaction towards me, that their minds were so made up and they believed, you know, this woman who (from the transcripts) had been calling [PQ] and crying and making all of these allegations. I don’t feel like they were ready to listen to me at any time. And I feel like if they had given me the same opportunity that they gave the others, not demeaning and disrespectful way, and not talking down to me, I feel like we wouldn’t have gotten here and they wouldn’t have gone as far as destroying my professional character.

I raised the flag to let them understand that this could be an intentional plot to defame me, but I feel like, you know, I feel like it’s they didn’t care

Baroness Tonge and [PQ], they were now part of the plot. They became us against her. It was no longer APPH or whatever the organisation is called, they went personal. And it was as if they wanted to they wanted to give me the maximum pain or destruction to my career so I will not rise from this. It was extreme and intentional. They wanted to destroy me. I don't know how to bless God. I don't know what happened. I went on the internet and I found this process. I honestly don't know. I would never have had money to pay lawyers in the world to get to unearth what has happened here. Because, I couldn't believe that they denied to the people who I first wrote to that they never shared my information. Baroness Tonge and [PQ] lied to me and others. And by lying to me that they never shared my information with anybody, they aided and abetted the destruction that they have caused me."

168. Ms Fofanah continued to explain the effect the matters raised in her complaint have had on her:

"And for someone you know, for people to maliciously, you know, deliberately come together to destroy my hard work. And I was saying, if you go into Google today and type my name as we speak, that letter from Baroness Tonge APPG would come up in the first few searches. It is there as since July 2018. Imagine how many people would have accessed that and the opportunities I have lost? This is so hurtful and unfair.

There is no doubt that that has caused me loss of jobs because I have gone to interviews, including applying to DFID, even though I didn't go through the first stage; but I was qualified like most of them. I am thinking, it's all of what I have read might have contributed to all these setbacks. I have gone to interviews where I have walked out of interviews and I felt like I had the job in my hand. But anybody who goes on Google and types my name, which most employers do that letter will come up. So I have basically given up on applying for jobs in international development. It felt like this was so damaging and it was having negative psychological impact on me. I lost my confidence to apply for jobs and other opportunities.

I wrote to google to see if they could take take it off. They said, 'No', I should get in contact with those who put it there. I wrote back to them to say, 'Can you take this off?', and they said, 'No'. Baroness Tonge, [PQ], they said no. It's not like they didn't understand the implications of what they had done, they knew. This was deliberate, intentional and calculated. They wanted to use me as an example to silence me and others who had alternative views. It was as if they didn't want to lose this opportunity to damage someone. The truth is they never thought I would go this far. I was meant to be treated this way, go away either while they rejoice for their inhumane act. And I would be having these stumbling blocks and the names of those who have done this would never have been revealed. Baroness Tonge and [PQ] refused and protected these people and were in communication with them. This was very shocking to know. They knew they were causing a lot of damage to me, but believed I would disappear and live with the consequences of their evil act. The activists had this information and used it to destroy my hard earned relationship with [external organisation]. This organisation had invested in my education by granting me a fully scholarship and

I became the ambassador of their initiative. They decided to help me further with promoting Rugby in Sierra Leone and these people called them, harassed and tried to blackmail them to disassociate themselves from me. This is just one example of the direct impact from their activities.

So the evidence is there. So it's not that they didn't know. They knew but I feel like it was deliberate that they wanted to cause the maximum harm because they felt I had a voice, I had authority on this issue. And basically, like, we are going to silence her. That's what I have taken from this, and the punishment needed to be painful. Since I didn't feel mutilated, I should feel mutilated professionally and psychologically. I think that's what this is translating into; and that gets me very angry."

169. Ms Fofanah also said:

"I wish again, I want to say this again—that you know, I wished the bullying has contained within us and not so much to the world. Bullying is unacceptable at all levels, but when it's done at a global level like this by a powerful person through an equally powerful institution like the APPG of from the House of Lords, one becomes disabled. I might never recover from this, but it's now my reality and I have to deal with it.

I am not sure Baroness Tonge is sorry for what she has done. She is shielding [PQ], but her actions in her own words had a direct impact on me. I feel cheated that she covered her. I don't have a problem with her apologising, it's the least and decent thing she should do without been told. But, she only wants to apologise because she feels like this will resolve everything, but not because she is sorry."

APPENDIX 2: VIEWS ON FGM

1. Although it is not part of this report to take a view on the various positions taken on the eradication of FGM in Sierra Leone, the views, or assumed views, of Baroness Tonge and Ms Fofanah provide the context in which Baroness Tonge behaved in a way that led Ms Fofanah to make a formal complaint against her. To assist in understanding this context, I have therefore set out the views of Ms Fofanah, Baroness Tonge and CD, as given to us in interview and in other evidence provided.
2. To avoid making assumptions, we use the own words of the complainant and respondent extensively.
3. Although some of the expressed views were made during our investigation rather than at the time of the events in 2018, the views expressed by Ms Fofanah and Baroness Tonge were broadly known, or available, to each other before Baroness Tonge's conduct leading to the complaint.
4. On 10 July 2018, after Baroness Tonge's office received the first email from someone who had seen the photo Ms Fofanah put up on her Facebook page, and complained that Ms Fofanah supported FGM, including for children as young as six months, PQ asked Ms Fofanah to explain her views on FGM. Ms Fofanah emailed her the same day, explaining her work in this field; her views on how best to achieve eradication of FGM/C for under 18's; the difficulties caused by other activists with a different agenda who sought to undermine the efforts of those they disagreed with; and also made the following points:

“My position is simple/clear on FGM/C. This procedure should be banned for children below 18, hence I worked hard on a policy that was adopted by Government which is with the UK position/law. I am not sure, I will be in the position to advocate what women over 18 choose to do with their bodies anywhere in the world. I am totally against initiations of children regardless of gender and I am on record in both national and international media.”
5. When Ms Cakali and I met Ms Fofanah on 21 January 2020 to discuss her complaint, Ms Cakali asked her to explain her views on FGM. Ms Fofanah said she was born and raised in Sierra Leone having lived there until the age of 23. As was the common experience in Sierra Leone at the time, she went through female circumcision as part of her rite of passage. She said there was no sense of the practice being right or wrong, it was just the established practice when she was growing up. Ms Fofanah said she was first introduced to the term “female circumcision” when she came to the UK in 1993.
6. She said she was against female circumcision for women under 18 and expanded on her position on FGM in a statement she provided to my office on 31 January 2020:

“My Position on Female Circumcision:

I believe that women should have a right to identify with terminology that befits their experiences as categorized by the World Health Organization—Female Genital Mutilation or Female Circumcision. I reject the terminology of mutilation because my experience is not congruent with the terminology and I believe it's psychologically

damaging to my self-esteem. I identify with being a circumcised woman as part of my cultural identity.

I am totally against all forms of initiation rites against children including female circumcision for girls. To this end, I have led policy dialogues with traditional leaders during my tenures at the UN and Government of Sierra Leone leading to the current national policy on underage initiation rites of passage.

I do not have the power to impose my views on women over 18 years. I believe that they have the agency to choose what they want with their bodies.

I believe that the practice will gradually phase out, but the current strategy on eradication is confrontational and counterproductive, leading to panic mass initiation/circumcision of children in Sierra Leone.”

7. When Ms Cakali and I interviewed Baroness Tonge on 2 March 2020, we asked her why she had not explained Ms Fofanah’s position on FGM in her the letter shared with VW and ZA or in the statement published on the APPG website. She said she did not really know what Ms Fofanah’s position really was:

“quite honestly, if you asked me, I would not know exactly what Naasu’s position is, because I think it probably varies, and I could not—I don’t think it would be right for me to—say what her position was, except as she stated in that interview she made with West Africa Radio. [...] we did not know completely what it was. I mean, do you know exactly what it was? I don’t know.

[...]

We do not know either from her rather confused remarks are about her own FGM just what her attitude is to younger people, and in fact we did have accusations in those letters from the two main correspondents that she promoted FGM and encouraged FGM in younger age groups.”

8. During our interview on 30 July 2020, we again discussed Baroness Tonge’s understanding of Ms Fofanah’s position and whether she agreed that Ms Fofanah was entitled to her position that she does not feel mutilated. She explained her understanding of Ms Fofanah’s view and how it differed to her own:

“she should not imply that it is okay and there is no harm and, ‘I am absolutely fine. Look at me’, and that is what she does imply by saying that, and that is a careful choice of words very, very wrong thing to say because it gives support to those people who say, ‘Oh, FGM is nothing; it is just like circumcision, you know. You just have it; it is a rite of passage. Bondo in Sierra Leone, the women’s society, require you to have this done. It is perfectly all right. No need to make a fuss about it’. That is what she implies by saying that, when I know, as a medic, just what effect it has.

This is not tiny, if I can just reiterate: this is literally that in a village somewhere most girls have their clitoris dug out with a pen knife, to put it bluntly, and that is what can happen. They go away to have this done

before they can be admitted to be a proper female in this culture society. I know it is cultural, I know it is their culture and their tradition. And if you listen to Naasu in that interview, she makes this very clear—that it is their tradition and this is what happens. It is their culture. Well, all I can say to you is that, you know, we used to burn witches in our country. That was our culture too and we do not any more, and I do not think you could take that as an argument for FGM, that it is a cultural practice.”

9. CD is a civil servant who has worked extensively on FGM policy and exchanged correspondence with PQ as her Government contact. When Ms Cakali and I interviewed CD on 19 June 2020, they provided some broad context on Ms Fofanah’s experience that she has not been mutilated:

“It is really for a survivor of any experience, let alone an extreme form of violence, to define themselves however they wish and I think we must be extremely respectful of that. And language really, really matters when you are talking about FGM. So, for example, we use the term ‘survivor’ for someone who has undergone the practice of FGM and not ‘victim’. Because ‘survivor’ is respectful, it is non-stigmatising, and, you know, it is not that kind of value-laden term that can really, sort of, re-traumatise someone who has gone through a practice like this.

Even the term ‘mutilated’ actually can be a bit controversial. So you will probably be aware that some people call it ‘female genital cutting’ and some people call it ‘female genital mutilation’, and some people call it ‘FGM/C’ as a compromise between the two. I don’t want to get into too much of the detail on that, but, you know, the people that don’t use the word ‘mutilated’ often use the word ‘cutting’ because it has a less loaded, sort of, value-laden term reflecting the fact that, you know, in many countries like this it is carried out, it is not perpetuated potentially as a horrific act of harm but it is relatively routine, it is a rite of passage, it is something that has happened for generations and it will help you be accepted into your society.

If you want to end that practice, you can’t go into those communities as an outsider and say, with these value-laden terms, ‘You’re mutilating your girls’, you know. You talk about the practice with less loaded language and the language that they use as a way of working with the community rather than alienating them.

Now we call it—[the Government] calls it ‘mutilated’, and that reflects the language that is agreed at the United Nations, you know. That’s language that was fought for by some very courageous African women at the time. And that also reflects the fact that we view it as a Human Rights violation. We use the term ‘mutilation’ in relation to the act—female genital mutilation. We don’t refer to individual women as ‘mutilated’. And again, that’s because you’re taking that down to a very personal—You’re not talking about the act any more, but you’re talking about a person, a human being, who is living with this for their entire life. Saying someone is ‘mutilated’ can be extraordinarily stigmatising and it is very loaded language. So we have to be extremely respectful to any survivor of violence and talk about them in a way that they would like to be referred to.”

10. CD also discussed the practice within a cultural context:

“in lots of contexts, including Sierra Leone, FGM is a very normal practice. It’s something that’s done as a rite of passage. It’s seen as a positive thing and people who grow up in those communities, with the strength of that norm, their mothers will have had FGM, their grandmothers will have had FGM. They know that they will be accepted into society if they have FGM. It can be seen as a positive thing.

So taking that and then taking our, you know, coming from a Western perspective, taking our, sort of, totally different view on FGM and trying to impose that on them, then you can end up in a bit of a challenge because you’re saying, well, you know, they’re not seeing themselves as mutilated because of the context in which FGM happens in their community whereas, you know, if someone in the UK or from a different community might believe that.”

11. Following our interview on 30 July 2020, Baroness Tonge wrote to expand on her view of CD’s evidence to us:

“[CD] apparently emphasised how carefully one has to tread when dealing with long standing cultural issues and I agree that as representatives of another country giving aid and advising in Sierra Leone, [Government] staff have to behave in the way that they do.

We must never forget however, that FGM is a particularly horrible form of child abuse which can lead to disability and death in some cases. It should therefore be treated as a criminal act and the perpetrators punished accordingly. This is what is done in many parts of the world—even the new Sudanese government has just past a law against it, after thousands of years of it being regarded as a ‘cultural practice’.

Campaigners and the APPG take this view and want to see swift action for the sake of women and girls in the countries where it still prevails. We cannot delay.”

APPENDIX 3: RESPONSES TO THE DRAFT FACTUAL REPORT

1. In accordance with paragraph 155 of the Guide to the Code, I produced a draft report of the facts of the complaint and sent this draft factual report to both Ms Fofanah and Baroness Tonge in October 2020. I informed Baroness Tonge I had made the provisional decision to uphold Ms Fofanah's complaint and invited her to share the draft factual report with PQ as she was a key witness throughout this investigation.
2. Baroness Tonge's response was received on 14 October:

“Thank you for the report on the above complaint.

I have no amendments but [PQ] has made some minor amendments and she will send these to you separately.

I am rather surprised that in the course of your investigation, you have not conducted an interview with [LM] or [RS], both of whom live in the UK and are campaigners against FGM.

Finally I must say that I consider my office to have been bullied and harassed, not the reverse, ever since the ‘Selfie’ picture was posted by Naasu on her Facebook page.”
3. PQ replied on 14 October with some suggested amendments to the text. In further emails she also added:

“Only one last thing that has been playing on my mind - no sure if referenced in the draft report - but I made a comment at the interview with the CfS with regards to [CD's] interview along the lines of: ‘I agree with everything [CD] said’ - I however still stand by my previous points/ comments made in writing with regards to my interpretation of our telephone conversation!”
4. Ms Fofanah replied on 26 October:

“Thank you very much for your email. Reading through this report was extremely difficult for me. I finally had to face commenting on it yesterday. My comments are very explicit within the document. I would just like to reinforce the following points:

I do not agree with [PQ] not being investigated. She took independent decisions and contributed to the bullying and intimidation I suffered.

The identities of [ZA] and [VW] should be verified. I believe these to be fictitious emails created possibly by [LM].

I want all references to [organisation she had been associated with] to be deleted from the report.

Once again thank you very much for your support and I look forward to next steps.”
5. I replied to Ms Fofanah's response on 3 November 2020 to explain that the references to the organisation she referred to would be removed as they were not relevant to the conduct under investigation; that the identifications of ZA and VW would not be verified as that would be beyond the scope of my

remit to investigate; and that I had already determined that Baroness Tonge was the proper respondent in this case.

APPENDIX 4: SUBMISSION ON SANCTION

1. On 18 December 2020, I wrote to Baroness Tonge to inform her that I had concluded that her conduct towards Ms Fofanah amounted to bullying and therefore constituted of a breach of the Code of Conduct. I wrote:

“I have considered whether this case could be resolved by remedial action. However, for remedial action to be appropriate I should need to be satisfied that the breach was acknowledged by the member and that the breach was minor. I do not consider either of these criteria to be met in this case.

I must, therefore, report to the Conduct Committee with a recommended sanction.

In accordance with paragraph 157 of the Guide to the Code of Conduct, the purpose of this letter is to summarise my findings and invite you to present any material you would wish me to take into account when considering the sanction I recommend to the Conduct Committee.

The Guide to the Code of Conduct contains a definition of bullying at Appendix B:

‘Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour involving an abuse or misuse of power that can make a person feel vulnerable, upset, undermined, humiliated, denigrated or threatened.’

The Appendix also provides that examples of bullying may include, but are not limited to ‘verbal abuse, such as shouting, swearing, threatening, insulting, being sarcastic towards, ridiculing or demeaning others, inappropriate nicknames or humiliating language’ and ‘sending, distributing or posting detrimental material about other people including images, in any medium.’

I have concluded that writing to Ms Fofanah using terms such as ‘very ignorant’, ‘misleading’ and ‘very irresponsible’ was offensive and insulting.

I have concluded that publishing the statement and copying your letter to others constitutes an abuse or misuse of your power as a member of the House and as Co-Chair of the APPG. In reaching this conclusion I have paid particular attention to:

- the content of the letter, in particular, which including insulting and derogatory language about Ms Fofanah;
- the evidence of the lack of account you paid to Ms Fofanah’s descriptions of the likely impact on her of taking such action, particularly by copying the letter to others whom you had ample
- reason to understand were hostile towards Ms Fofanah and her work;
- the lack of any evidence that there was any widespread conflation of Ms Fofanah’s views with those the APPG in the FGM policy community; and

- the haste with which you acted, and particularly the fact that you sought the advice of CD but acted before receiving it.

I consider that Ms Fofanah has provided ample evidence of the adverse impact your actions have had on her and that they left her feeling vulnerable, upset, undermined and humiliated.

Given the above, I find that by publishing the statement on the APPG's website naming Ms Fofanah and by copying your letter to Ms Fofanah to others, your conduct meets the criteria for bullying.

In order for you me to continue to proceed with my report, I should be grateful if you could provide me with any material you wish me to take into account when considering what sanction to recommend by 7 January 2021."

2. I received the following reply from Baroness Tonge on 6 January 2021:

"Thank you for your letter dated 18th December 2020 and for giving me the opportunity to respond.

I respect the work that you and your colleagues have done concerning the complaint made by Ms Fofanah, but I cannot agree with your conclusions. I am, of course, very sorry that Ms Fofanah experienced any detriment as a result of my actions. It was never my intention that she should feel bullied or harassed. By my actions, I only ever hoped to clarify my position on FGM and extricate myself and the APPG on Population, Development and Reproductive Health (APPG on PDRH) from the long-standing disagreements between her and the anti-FGM individuals who contacted my office. I would also like to acknowledge that copying the letter of 17th July 2018 to the two anti-FGM individuals who contacted my office was an error of judgment, but it seemed the right thing to do at the time given how upset they were.

I would like to make a few points which I don't think received adequate weight in the draft report. In particular, I believe insufficient weight was given to the context in which [PQ] and I acted and the need to make a strong statement on FGM.

During our initial meeting in the Houses of Parliament to discuss abortion in Sierra Leone, Ms Fofanah was at pains to highlight her connections to highly placed people in that country and abroad. Indeed, [PQ] and I emerged from the meeting with the sense that Ms Fofanah was an ambitious, well-connected and important person in her country, who had considerable influence there. By posting on social media the photo of us together (without my consent), I felt Ms Fofanah may be using my position as a member of the House of Lords to elevate or reinforce her own status in Sierra Leone.

When two anti-FGM individuals saw the photo, they contacted me and alerted me to Ms Fofanah's views on FGM. As an outspoken proponent of women's sexual and reproductive health and rights (SRHR), I was deeply concerned that by exhibiting the photo of us together, Ms Fofanah may be using my position to bolster or legitimise her views in the eyes of people in Sierra Leone. I was anxious that I should not be affiliated with

her views on FGM, which I regard as anathema to the work I have done on female empowerment and SRHR.

As a first step, we asked that Ms Fofanah make a post to her social media to clarify that I do not agree with her views on FGM. She refused. Had she made a simple statement, the matter would have been settled. Meanwhile, [PQ] and I were receiving alarming emails from the anti-FGM individuals. We felt a bit under siege. It is therefore disappointing that you did not interview the anti-FGM individuals and [LM] (the anti-FGM campaigner who later reported to us that Ms Fofanah was intimidating and harassing her) so that you could gain a fuller picture of the context. I believe such interviews would have assisted you in understanding that I/the APPG on PDRH were third parties being unwittingly dragged into a pre-existing dispute. However, because Ms Fofanah refused to make her own statement on social media and because we were alarmed by what the anti-FGM individuals were telling us, [PQ] and I felt compelled to write a strong letter in response. We wish we had not felt forced to do so if harm subsequently resulted to Ms Fofanah. The entire situation is deeply regrettable. I would also note that [PQ] and I did not post the letter of 17th July 2018 on the APPG on PDRH's website at Ms Fofanah's request. Instead, we posted a restrained public-facing statement which, while stating that the group disagreed with Ms Fofanah's position, merely sought to set out the APPG on PDRH's zero-tolerance position on FGM.

I accept that the language I used in my letter to Ms Fofanah dated 17th July 2018 was intemperate. I am not a lawyer accustomed to painstakingly weighing my choice of words. I am a doctor who has seen first-hand the damage, the life-altering harm that is caused by FGM. There are good reasons why the UK and the APPG on PDRH, as well as the UN including WHO, have taken a zero-tolerance view on FGM. It is a gross abuse of women and girls' human rights which often results in irreversible, long-term psychological and physical injury or death. If I used immoderate language in my letter to Ms Fofanah, it is because I cannot countenance any circumstances under which perpetuation of this practice is acceptable and I felt it was necessary to make that view plain. Indeed, any approach to FGM which is not zero-tolerance only serves to perpetuate this human rights abuse, injury, death, and the continued subjugation of women.

In your report, you take my words out of context. By doing so, it appears that you mistakenly conflate my view of Ms Fofanah's position on FGM with my views on her as a person. The language in my letter of 17th July 2018 referred only to her position on FGM. I can (and do) disagree with people; disagreement about an issue - even in strong language - does not in itself amount to bullying or harassment. I want to make it clear that in speaking out against FGM, I am not denigrating the experience of those who have undergone FGM. One's views are necessarily shaped by one's own subjective experience. Happily for her, Ms Fofanah's experience of 'female circumcision' (to use her phrase) was a relatively positive one. But it is not a common one. While I admire some of the work she has done on SRHR, I continue to hold that her views on FGM represent a threat to women and girls.

While I disagree with her position on FGM, I want to say again how sorry I am if Ms Fofanah was made to feel vulnerable, upset, undermined and humiliated as a result of my actions. Given the chance, I would have handled matters differently, particularly with respect to the letter of 17th July 2018.

Please contact me if I can be of any further assistance.”

APPENDIX 5: PRINCIPLES RELATING TO INVESTIGATIONS AND OUTCOME

1. I have now investigated a number of complaints under the revised provisions in the Code for dealing with bullying, harassment and sexual misconduct. In each case I have applied the principles of natural justice, fairness, proportionality, openness, and transparency in reaching decisions as to the appropriate ways to proceed and sanctions to agree or recommend.

Natural justice and fairness

2. The Guide to the Code of Conduct states that:

“In investigating and adjudicating allegations of non-compliance with this Code, the Commissioner and the Conduct Committee shall act in accordance with the principles of natural justice and fairness.”
(paragraph 137)
3. How the rules of natural justice apply to the respondent were extensively discussed in a previous investigation and may be consulted in the second report of that investigation.²³
4. The requirement of fairness applies to both complainant and respondent, and here I set out how I interpret this principle.
5. I do not give any advantage to one or the other in the investigatory process; for both I offer the same options and conduct interviews in the same way. I seek documentary or third-party corroboration of any disputed evidence and assess the reliability of evidence using the same criteria for both parties, which does not include any assumption that status, power or reputation makes one person’s evidence inherently more reliable than that of someone of lesser status, power or reputation.
6. Where there are points in an investigation where the parties have to agree to a particular proposal, I will take particular care to ensure that agreement is freely given, and for the right reasons.
7. Paragraph 141 of the Guide to the Code says that “Members, and in cases involving bullying, harassment or sexual misconduct the complainant, are given an opportunity to review and, if they so wish, challenge the factual basis of any evidence supplied.”
8. Paragraph 155 of the Guide to the Code sets out the process for this, requiring me to:

“share with the member a summary of the evidence she has obtained upon which her findings will be founded, so that the member has an opportunity to comment on it. In cases involving bullying, harassment or sexual misconduct, the Commissioner will provide the complainant with the same opportunities to challenge or comment on the evidence.”
9. Fairness also requires that where mediation is under consideration at an early stage in the investigation, any response to the complaint by the respondent

²³ Committee for Privileges and Conduct, Further report on the conduct of Lord Lester of Herne Hill (Third Report, Session 2017–19, HL Paper 252)

will be made available to the complainant before mediation takes place, even if no report of the facts has been prepared.

Proportionality

10. The next principle is that of proportionality. This is implicit in the Code and the Guide to the Code, which envisage a range of appropriate outcomes in the event of a breach. Some of these can be recommended by me but must be agreed by the Conduct Committee and imposed by the House. Others can be decided by me with the agreement of the complainant and respondent.

Remedial action

11. A sanction proposed by me and agreed to by the complainant and respondent is referred to as “remedial action”. The Guide to the Code sets out where such an outcome might be proportionate and what it might involve:

“Remedial action may be agreed if the complaint, though justified, is minor and is acknowledged by the member concerned.” (paragraph 146 of the Guide to the Code)

“In cases involving bullying, harassment or sexual misconduct any remedial action recommended at the end of an investigation will need to be agreed by both the member and the complainant and possibly negotiated through mediation. Remedial action in such cases may include the respondent apologising to the complainant or agreeing to attend appropriate training.” (paragraph 148 of the Guide to the Code)

12. “Minor”, in this context, does not mean trivial, and does not imply that the effect on the complainant has been minor. Rather, it acknowledges that in the full range of behaviours covered by the provisions, the behaviour complained of is at the lower end of the range.
13. In considering whether to agree to deal with a matter by remedial action, the consent of both complainant and respondent is required. Although this is necessary, it is not sufficient; I also have to decide that it is a proportionate response.
14. If the respondent is the subject of complaints relating to conduct similar to that previously dealt with by remedial action, I would take into account this apparent lack of modification in his or her conduct when considering whether further remedial action would be appropriate. This did not apply in this case, as the behaviour complained of pre-dated the complaints that led to the imposing of the previous sanction.

Sanctions imposed by the Conduct Committee or House

15. Some sanctions can only be imposed by the House: suspension, denial of access to services and expulsion. These are the more severe sanctions available and would be used where the behaviour complained of was at the higher end of the range.
16. It may also be necessary to resort to a sanction imposed by the Conduct Committee for less severe breaches if remedial action, even if considered proportionate by me, cannot be agreed by the parties or is not proportionate as it has proven to be ineffective in the past.

Agreed resolution

17. The Guide to the Code of Conduct also provides for an outcome prior to any finding by “agreed resolution”:

“At any time during an investigation involving bullying, harassment or sexual misconduct the Commissioner may reach an agreed resolution with both the complainant and the member under investigation. At the Commissioner’s discretion, such an agreed resolution can bring the investigation to an end. In this case, it is at the discretion of the Commissioner, having consulted the complainant and the member, whether a report is published on her webpages on the parliamentary website.” (paragraph 151)

18. This outcome differs from remedial action in that:
- No finding is reached;
 - No sanction is imposed (though the parties may agree to some action as part of the agreement); and
 - A report is not necessarily published. If no report is published, the existence of the complaint and investigation will remain confidential indefinitely.
19. The Guide to the Code does not stipulate when this course of action might be suitable but I would expect it to be the exception rather than the norm, and would expect it only to apply as a result of the particular circumstances of the case.
20. Two factors to which I would anticipate paying particular attention when considering a request for an agreed resolution would be the motivation behind any such request and the need for the enforcement of the Code of Conduct to be as open and transparent as possible.
21. In particular, I would want to be sure that a complainant was choosing an agreed resolution in his or her own interests, rather than those of the respondent, and that a respondent who disputed the accuracy of the complainant’s account was not agreeing to this outcome simply to avoid publicity.

Openness and transparency

22. The principle of openness and transparency may be relevant when considering proportionality.
23. If I, or the Conduct Committee, uphold a complaint, the Code requires that a report is published, naming the respondent.
24. Publication is not a sanction, but the effect of publication is, in my view, a matter that I can take into account when considering the proportionality of any sanction I may impose, as publicity may itself be a very effective catalyst for change in the respondent’s behaviour.
25. The educative benefits of openness and transparency require me in most, if not all, cases to publish in my report significant details of the respondent’s agreed and alleged behaviour, and its effects on the complainant. This is the case even though the respondent may be deeply embarrassed at the descriptions of the behaviour, and the effects of the behaviour on the complainant, being

made public. Publishing the details allows readers to assess whether their own behaviour requires modification to avoid the possibility of a complaint being made and upheld, and allows readers who may have been affected by similar or equivalent behaviour to recognise that they have a remedy. Both these effects, over time, should improve the working environment of the House of Lords.