



## The Media and Press Freedom in Ghana: From repression, redemption to depression



### Introduction

A free and independent press is critical to the democratisation of countries. It is an enabler of the enjoyment of the right of freedom of expression; a vehicle for accountable and responsive governance and a channel for political expression for a diversity of groups and interests. Ghana has a reputation as one of Africa's most democratic countries, with a vibrant and pluralist media environment where journalists expose corruption, highlight incompetence and crime, and demand accountability from the powerful and duty bearers. Indeed, Chapter 12 of article 162 of the 1992 constitution, which ushered in the Fourth Republic, provides strong safeguards for the freedom and independence of the press in Ghana albeit not fully respected in practice.

Press freedom in Ghana has seen mixed fortunes under the Fourth Republic. With democracy still nascent, the human rights and freedom of expression situation remained tenuous in the early years of the Fourth Republic. There was still a residue of the junta attitude to free speech which Ghanaian civil society labelled as the "culture of silence." It has since evolved from being under repression to gaining a measure of redemption and slumping back into depression.

## Media landscape

Ghana has a clutter of media organisations across its territory. Data from the National Communications Authority ([NCA](#)) put the number of authorized television stations of all service type at 155 out of which 113 are currently on air, as of Q3 of 2022. Radio has a breakdown of Commercial Radio Stations (528); Public Radio Stations (31) Public (Foreign) Radio Stations (5); Community Radio Stations (119) and Campus Radio Stations (24). Many of the stations are regional channels, with the major ones relaying nationally through local independent affiliates. The liberalization of the airwaves in 1996 occasioned the rise of many more private and commercial radio stations in Ghana. In recent times though, there has been a surge in media houses owned by politicians or politically-aligned business people, raising concerns about credibility, independence and professionalism.

The print media played a major role in empowering voices and providing inspiration in the fight for independence and continue to guide the post-independence political process to promote development and consolidate Ghana's democracy. Despite the proliferation in online media in recent times, the newspaper industry continues to play a critical role in information dissemination albeit facing some challenges.

## The Legal framework

Chapter 12 of Article 162 of Ghana's 1992 Constitution guarantee the freedom and independence of the media, prohibit censorship and renounce any law requiring any person to obtain a licence as a prerequisite to establish or operate any type of mass media.

Article 166 of Chapter 12 of the constitution provides for the establishment of the National Media Commission (NMC) by an Act of Parliament. The Commission's membership is stakeholder-based, comprising representatives from professional bodies, Parliament, the Executive, the bar and civil society, tasked to ensure high journalistic standards, mediate and settle complaints made against or by the press or other mass media, and more crucially, insulate the state-owned media from governmental control.

The media landscape in Ghana witnessed a major boost when on July 27, 2001, Ghana's parliament unanimously [repealed](#) the country's criminal libel and sedition laws, including clauses related to sedition and defamation of the president. Also scrapped were laws granting the president discretionary power to ban news outlets. As a result, all pending legal cases filed under the repealed sections were dropped.

The improved legal environment reflected in the newsrooms of newspapers and the studios of broadcast stations, evidenced by some hard-hitting anti-government publications. The friendly

posture of government encouraged journalists and citizens to publish and broadcast without fear of official retaliation.

Ghana achieved sustained improvement in its press freedom landscape over the years, culminating in its ranking by Reporters without Borders (RSF) as Africa's country with the freest media in 2018. This rise to press freedom fame was further crowned by the designation of Ghana by UNESCO to host the global event marking the 2018 World Press Freedom Day (WPFDD). Freedom of expression received a further boost with the passage in 2019 of the Right to Information (RTI) law. This long-awaited law granted citizens a legal basis to access information from public institutions and private entities doing business with government and receiving public funds. The law anchors Ghana's democratic tradition and empowers citizens to demand accountability from public office holders and engage in public discourse from an informed position.

## Declining Fortunes of Press freedom in Ghana

The impressive rise has since been followed by a steep decline in recent times. The country has been recording violations on a scale and severity that defy its reputation as a democratic model in West Africa. Journalists face risks of arrest, detention, and torture from state agencies like the police, military, secret service, and political operatives of political parties with security agents being the worst perpetrators of violations against journalists. The attacks have been systematic, and in nearly all cases, no one has been held to account. Journalists have been assaulted in the open by police and military officers while they covered national events, and in some cases their equipment has been damaged. The attacks became such a common feature that in July 2021, the Media Foundation for West Africa (MFWA) mobilised more than 600 journalists and supporters of press freedom, to petition the country's Parliament to do something about the situation.

The [killing](#) of Ahmed Suale of the Tiger Eye PI on January 9, 2019 in Accra by as yet unidentified persons has been a major blot on Ghana's otherwise clean press freedom sheet. Some of the leading investigative journalists in Ghana have reported receiving threats to their lives and being trailed for various reports they have published. Award-winning investigative journalist Manasseh Azure, had to temporarily relocate outside the country for safety; another investigative journalist, Edward Adeti has also had to seek refuge outside Bolgatanga where he is based. During and after Ghana's 2020 elections also, a number of threats and attacks were perpetrated against journalists covering the electoral process, including a crippling gunshot attack on a reporter at a collations centre.

## Safety of Journalists and the shrinking civic space

Journalists' safety has deteriorated sharply in recent years. In 2020, reporters covering the enforcement of anti-Covid-19 measures were attacked by security forces while political leaders including a law maker issued threats against investigative journalists.

The safety of journalist environment has been undermined and the civic space shrunken by the weaponisation of false publication laws. Using the Electronic Communications Act and the Criminal Code, specifically Section 208 of the Criminal and Other Offences Act, 1960 (Act 29), the police have gone on rampage against a number of journalists and civil society activists for their publications in the media. Media work is substantially constrained by the increasing application of this law. Instead of the sedition law, the authorities now use the Criminal and Other Offences Act and the 2008 Electronic Communications Act to hound critical journalists. Offenders face large fines and up to three years in prison. However, the recent application of the law has been against journalists whose publications could at worst be described as defamatory.

For instance, on May 24, 2022, the police detained Noah Dameh, a journalist with Radio Ada based in the Greater Accra Region of Ghana, over false publication charges. The charges related to a Facebook post by the journalist accusing the police of abusing a suspect in their custody. Dameh is currently standing trial.

On November 1, 2021, the police arrested and detained for one-week Nhyiraba Paa Kwesi Simpson, a radio presenter with Connect FM based in Takoradi on false publication and public order charges. The journalist was arrested together with a listener who had called into his programme to make a kidnap claim which the police said was false.

In one case, an Accra High Court sentenced Oheneba Boamah Bennie of Accra-based Power FM, to 14 days in prison after he was found guilty of contempt of court. The Attorney-General filed a contempt case against the journalist who had alleged that President Akufo-Addo had influenced judges who sat on the 2020 Election Petition.

On February 10, 2022, the police detained Kwabena Bobbie Ansah, a presenter at Accra FM, on charges of “publication of false news and offensive conduct.” The charges relate to a video the journalist posted on social media claiming that President Nana Akufo-Addo's wife had illegally obtained a parcel of state land. Also in the same month, the police arrested Mensah Thompson, the Executive Director of civil society organisation, Alliance of Social Equity and Public Accountability (ASEPA). He had published and later retracted allegations that members of the President's family travelled by the Presidential jet to the UK for shopping.

## Advocacy against a backslide to the dark days of the culture of silence

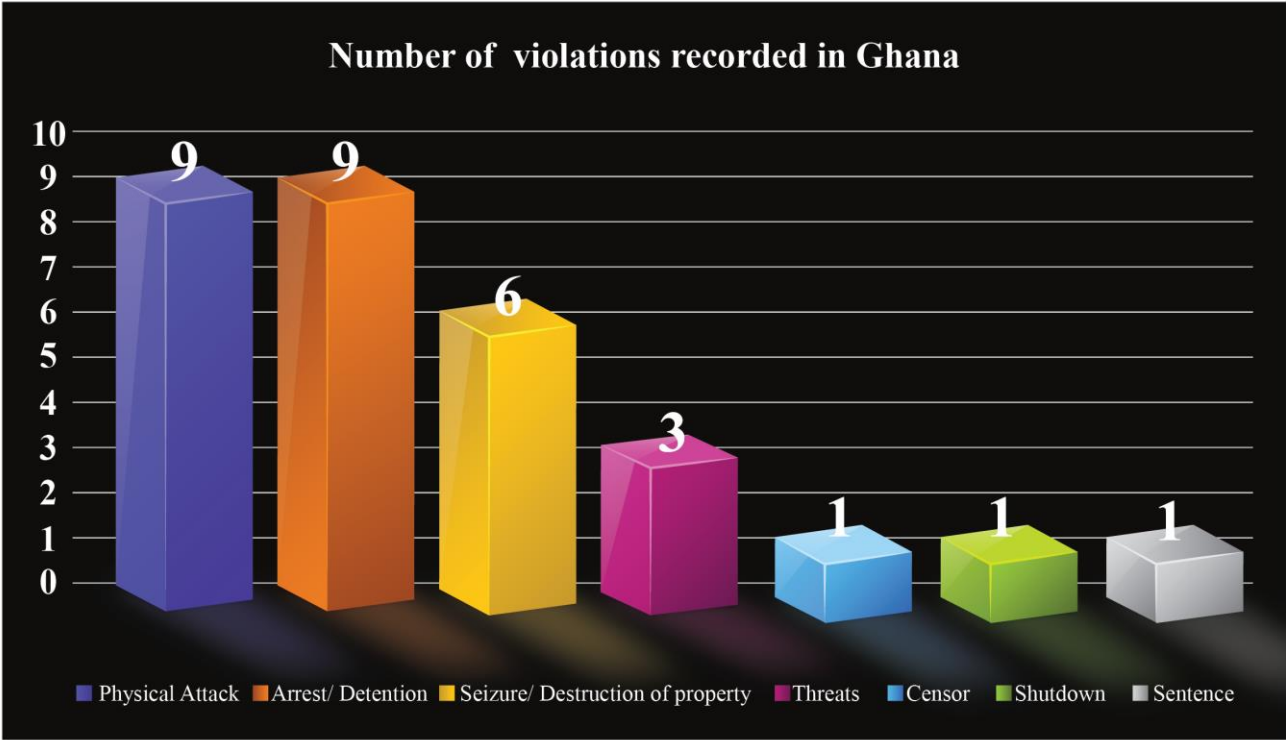
In the face of these violations, the media, civil society organisations and the public began to caution against the apparent backslide to the dark days of the culture of silence. In February 2022, four organisations, Ghana Centre for Democratic Development (CDD-Ghana), IMANI Africa, STAR-Ghana and the Africa Center for International Law & Accountability (ACILA), [jointly condemned](#) the series of arrests and prosecution of journalists and activists whose statements in the media were said to be false and liable to pose security threat.

“Instructively, during the heyday of the criminal libel law in the 1990s, the criminal law was used in precisely the way it is now being used: to prosecute and punish journalists and public speakers for allegedly false or defamatory statements against certain family members or associates of the President”, the CSOs said in a statement.

This repressive trend has seen Ghana decline from 30th in 2021 to 60th position in 2022 in the global press freedom ranking by Reporters Without Borders (RSF). In the Africa ranking, the country fell from 3<sup>rd</sup> to 13<sup>th</sup>.

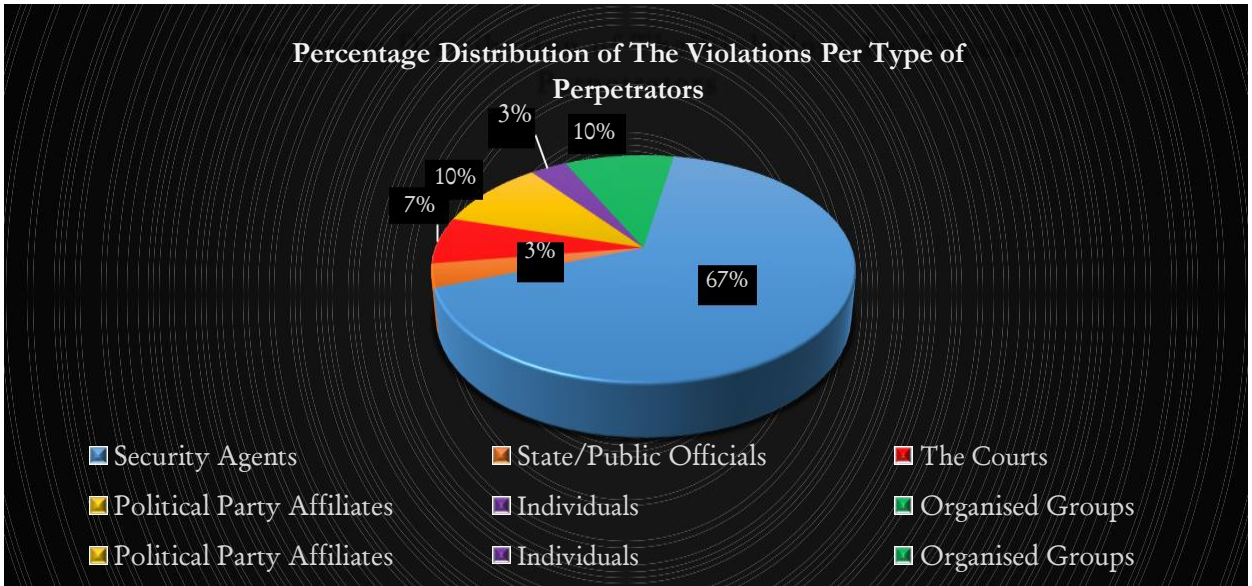
In the past two years, the MFWA has recorded 30 press freedom violations ranging from physical attacks to arrests/detentions, threats, shutdown of media houses and seizure or destruction of journalists’ equipment. The graph below shows the types and frequency of press freedom violations recorded in Ghana from January 2021 to September 2022.

Types and incidence of Violations								
	Physical Attacks	Arrests/ Detentions	Seizure/ Destruction of property	Threats	Censor	Shut-down	Sentence	Total
<b>Incidence of Violations</b>	9	9	6	3	1	1	1	30



### Types of Perpetrators

	Security Agents	State/Public Officials	The Courts	Political Party Affiliates	Individuals	Organised Group	Total
Number of Violations	20	1	2	3	1	3	30



In view of the above, there is the urgent need for a multi-stakeholder effort to stop the decline and keep Ghana on its anchor as a model democracy and a bastion of press freedom. Fortunately, government has lately made positive gestures in that direction. The Ministry of Information and the National Media Commission inaugurated the [Office of the Coordinated Mechanism](#) for the Safety of Journalist on May 4, 2022, to monitor, record and validate attacks on press freedom in order to provide redress.

## Key recommendations towards improving press freedom in Ghana

- a) The government should call the security agencies, particularly the police and national security agencies, to order and ensure that they are penalised for their arbitrary attacks on, and arrests of, journalists. In this regard, an independent security services complaints unit may be established to receive and deal with public complaints against personnel of the security services.
- b) Government should demonstrate its commitment to press freedom by condemning attacks on journalists and providing the necessary support to the justice system to ensure speedy investigation and prosecution of perpetrators of violence against journalists.
- c) Government should also resource the National Media Commission to carry out its regulatory functions effectively and in a proactive manner that will stave off external interferences which are often hostile.
- d) Media owners and managers should prioritise the safety and security of their journalists by establishing and observing safety and security protocols within their offices; provide training on safety and appropriate equipment to their staff; report abuses against their staff to the police and follow up to ensure justice.
- e) Media owners, managers, civil society and the government should work together to organize regular training workshops to build the capacity of journalists and improve their professionalism in order to enhance standards and win public confidence in the media.

*This article was published as part of activities to mark the International Human Rights Day 2022 which was globally celebrated under the theme: “Dignity, Freedom, and Justice for All.” The piece was put together by **Muheeb Saeed**, Programme Manager for **Freedom of Expression at the Media Foundation for West Africa (MFWA)** and **Philip Teye Agbove** of the MFWA’s 2022 New Generation Investigative Journalism Fellowship, with support from the Embassy of the Czech Republic in Ghana.*



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