

Press freedom and safety of journalists in Ghana 2024

An assessment based on the
African Media Barometer



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AUTHOR
Gabriel Baglo

EDITORS
Dickson Kasote
Ama Kodjo
Sarah Millward

LAYOUT
Elena Stammnitz



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An assessment based on the African Media Barometer

DW Akademie in cooperation with the media project of the Friedrich-Ebert-Stiftung (FES), Fesmedia Africa, organized a workshop on April 25, 2024, to assess press freedom and freedom of expression in Ghana using an extract of indicators from the African Media Barometer (AMB).

The focus group discussion covered 18 indicators covering Part 1: Press Freedom and Freedom of Expression; and Part 2: Quality of Media, Working Conditions and Safety of Journalists.

This is the report of the session of six expert panelists.

List of abbreviations

ACHPR	African Commission on Human and Peoples' Rights
AMB	African Media Barometer
AU	African Union
CSO	Civil Society Organization
CHRAJ	Commission on Human Rights and Administrative Justice
E.I. 63	Establishment of Emergency Communications System Instrument, 2020
FES	Friedrich-Ebert-Stiftung
GBC	Ghana Broadcasting Corporation
GCRN	Ghana Community Radio Network
GIBA	Ghana Independent Broadcasters Association
GJA	Ghana Journalists Association
GNA	Ghana News Agency
MFWA	Media Foundation for West Africa
MISA	Media Institute of Southern Africa
NCA	National Communications Authority
NDC	National Democratic Congress
NMC	National Media Commission
NPP	New Patriotic Party
PRINPAG	Private Newspapers and Online News Publishers Association of Ghana
UTV	United Television

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The African Media Barometer

The African Media Barometer (AMB) is an in-depth and comprehensive system for describing and measuring national media environments on the African continent. Unlike other press surveys or media indices, the AMB is a self-assessment exercise based on home-grown criteria derived from African protocols and declarations, such as the Declaration of Principles on Freedom of Expression and Access to Information in Africa (2019) of the African Commission on Human and Peoples' Rights (ACHPR). The tool was developed jointly by Fes-media Africa, the media project of FES in Africa, and the Media Institute of Southern Africa (MISA) in 2004. The AMB is an analytical exercise to measure the media situation in a given country and at the same time serves as a practical lobbying tool for media reform. The results are presented to the public of the country in question in order to push for an improvement of the media situation, using the African Union (AU) Declaration and other African standards as benchmarks.

Methodology and scoring system

In a workshop, a panel of experts—including media practitioners, a lawyer, and civil society representatives—discussed and scored the state of press freedom and freedom of expression in Ghana using 18 predetermined indicators. The discussion and scoring were moderated and recorded by neutral experts. After discussing each indicator, panel members voted anonymously on their individual scores for that indicator according to the following scale:

- 1 Country does not meet indicator**
- 2 Country meets only a few aspects of indicator**
- 3 Country meets some aspects of indicator**
- 4 Country meets most aspects of indicator**
- 5 Country meets all aspects of the indicator**

Summary

The Constitution of the Republic of Ghana unambiguously guarantees freedom of the press and freedom of expression. The constitution devotes an entire chapter to the protection of the freedom and independence of the media and the prevention of censorship. Ghana is one of the few countries in Africa with a constitution that clearly states that freedom of the press and freedom of expression are fundamental rights that cannot be violated.

The constitution is supported by other pieces of legislation, including the National Media Commission Act (1993), the Whistleblowers Act (2006), and the Right to Information Act (2019). However, other pieces of legislation are openly hostile to press freedom and freedom of expression. In particular, Section 208 of the Criminal Code of 1960 and Section 76 of the Electronic Communications Act (2008) are problematic. It is imperative that more progressive legislation be enacted to fully implement the constitution's provisions.

In Ghana, citizens and journalists generally express themselves freely. Social media is vibrant and some citizens criticize the government. However, there have been instances where attacks on and arrests of journalists have created a climate of fear, leading to self-censorship. It is clear that the phenomenon of partisan "militias" and vigilante groups unleashing violence and chilling, terror-inspired threats against journalists is a major obstacle to freedom of expression.

The Criminal Libel Law was repealed in 2001, a clear and positive step forward in line with the spirit of Ghana's constitution. However, it is strongly argued that the retention of Section 208 of the Criminal Code of 1960 (Act 29), the introduction of Section 76 of the Electronic Communications Act (2008), as well as some provisions of the Chieftaincy Act of 2008, are retrogressive and antagonistic and have reversed the gains and further restricted freedom of expression and the space for the media.

The state does not use emergencies to restrict freedom of information. However, certain statutory instruments passed during the Covid-19 pandemic threatened freedom of information and other rights enshrined in the Bill of Rights (Chapter 5 of the constitution). For example, the Establishment of the Emergency Communications System Instrument, 2020 (E.I. 63) gave the president the power to make unilateral decisions, effectively making what he said the law. This was challenged in court and found to be unconstitutional. Unfortunately, the decision was not made until the end of 2023, after the pandemic.

Ghana does not have laws in place to protect journalistic sources. The confidentiality of sources is not guaranteed. Journalists are not required by law to reveal their sources of information. Nevertheless, the courts can use a journalist's disclosure or failure to disclose to make a judgment in favor or against

the journalist. The Whistleblowers Law (2006) and the Witness Protection Law (2018) are not yet fully operational.

Establishing a media outlet in Ghana is consistent with the ACHPR Declaration of Principles on Freedom of Expression and Access to Information in Africa. There is no legal requirement for publications/media outlets to register before publishing. They are only required to notify the National Media Commission (NMC) in advance. On the other hand, a persistent challenge is the concentration of ownership and monopolies in the media, with political elites and politically connected business personalities engaging in media consolidation and owning multiple outlets in both print and electronic media. This is seen as a threat to media pluralism and diversity. Attempts to review the 1968 Broadcasting Act to address this challenge have been blocked by vested interests.

The editorial independence of print and online media published by a public authority in Ghana is guaranteed by law. The NMC is constitutionally mandated to protect the public media from government or undue political interference, and Chapter 12 of the constitution (Article 162) guarantees the freedom and independence of all media and protects editors and publishers from government control. Unfortunately, despite the safeguards provided by the NMC, some journalists and editors engage in self-censorship. Some editors of state-owned media houses have stood firm and exercised their editorial independence, warding off any political interference.

The National Communications Authority (NCA) regulates broadcasting, telecommunications and internet infrastructure and deals with the allocation of broadcasting frequencies, while the NMC, is mandated to take all appropriate measures to ensure the establishment and maintenance of the highest journalistic standards in the mass media, including the investigation, mediation and settlement of complaints made to or by the press or other mass media. The NMC and the NCA are the two main media regulatory bodies in Ghana.

The NCA has been criticized for bias and favoritism towards politically connected applicants, and for a lack of transparency in its processes. It is seen as less independent because its Director General, as well as the members and chairperson of the Board, are all appointed by the president. The NMC, on the other hand, is largely independent of political control, mainly because its chairperson is not appointed by the president. However, unlike the NCA, the NMC is not properly funded and lacks the adequate and necessary human resources to effectively carry out its mandate.

Ghana has a policy to facilitate the establishment of independent community radio stations implemented by the NCA. According to the NCA, in the fourth quarter of 2023 there were 137 registered community radio stations and

25 campus radio stations in the various regions of the country. Chapter 5 of the constitution and the Commission on Human Rights and Administrative Justice (CHRAJ) Act of 1993 of guarantee the safety of journalists. However, journalists have been attacked, arbitrarily arrested and even murdered, in some cases with impunity. State security agencies and politicians have been implicated in some cases of crimes against journalists.

The courts have ruled in favor of journalists, and in some cases have ordered compensation to be paid. However, the awards are usually very small. It has become common in Ghana for civil cases to be won in court, while criminal cases remain largely unresolved. The case of the murder of investigative reporter Ahmed Hussein-Suale on January 16, 2019, in Accra remains unsolved despite several attempts over the past five years to secure a conviction of his killer(s) and justice.

Journalists in Ghana belong to professional associations such as the Ghana Journalists Association (GJA), the Private Newspapers and Online News Publishers Association of Ghana (PRINPAG), the Ghana Independent Broadcasters Association (GIBA), and others. However, there is no union in the traditional sense to organize journalists and other media workers. Most journalists in the public service media have joined the public service unions.

Part 1: Press Freedom and Freedom of Expression

1.1. Freedom of expression, including freedom of the media, is guaranteed in the constitution and supported by other pieces of legislation.

ANALYSIS

The Constitution of the Republic of Ghana Amendment Act, 1996 guarantees in strong terms freedom of expression and press freedom. Chapter 5 of the constitution is the Bill of Rights, which outlines the Fundamental Human Rights and Freedoms. “All persons shall have the right to freedom of speech and expression, which shall include freedom of the press and the media.” Chapter 5, Article 21(1).

Chapter 12 is a special provision of Ghana’s constitution on Freedom and Independence of the Media. It guarantees the freedom and independence of the media, protects the media from censorship, and guarantees the right for media houses to be established without impediments.

Chapter 12, Article 162 (1-4) states:

1. Freedom and independence of the media are hereby guaranteed.
2. Subject to this Constitution and any other law not inconsistent with this Constitution, there shall be no censorship in Ghana.
3. There shall be no impediments to the establishment of private press or media; and in particular, there shall be no law requiring any person to obtain a license as a prerequisite to the establishment or operation of a newspaper, journal or other media for mass communication or information.
4. Editors and publishers of newspapers and other institutions of the mass media shall not be subject to control or interference by Government, nor shall they be penalized or harassed for their editorial opinions and views, or the content of their publications.

Chapter 12 of the constitution explicitly states that there is no place for self-censorship in the media and that the protection of all opinions is guaranteed. The media is empowered to function

as the fourth estate of the realm. As an institution, the media has a duty to uphold the principles of the constitution and a responsibility to hold those in power accountable on behalf of the people.

Article 162 (5) affirms the role of the media in holding the government accountable to the public: “All agencies of the mass media shall at all times be free to uphold the principles, provisions and objectives of this Constitution and shall uphold the responsibility and accountability of Government to the people of Ghana.”

Many other legal instruments guarantee, protect, and uphold press freedom and freedom of expression:

- **the National Media Commission Act (1993)**
- **the Commission on Human Rights and Administrative Justice Act (1993)**
- **the Whistleblowers Act (2006)**
- **the Right to Information Act (2019)**

However, although the Criminal Libel Law was repealed in 2001, Section 208 of the Criminal Code of 1960 remains on the statute book and is referred to as “the causing fear and panic law”. Similarly, Section 76 of the Electronic Communications Act (2008) is described as undesirable and seen as a reintroduction of the repealed libel law. The review of the Broadcasting Act of 1968 has been postponed several times, with failed attempts in 2014 and 2019.

The review of the Broadcasting Act is expected to address issues related to media concentration and ownership monopolies. Attempts to revise the Broadcasting Act have been resisted by electronic media owners and politically exposed persons who continue to own many media houses, thereby limiting media ownership to a few. The revised Broadcasting Act is expected to limit arbitrariness and patronage in the industry, especially in the distribution of frequencies/licenses, and to maintain fairness in the respective memoranda of understanding with the media promoters.

Score

1. Country does not meet indicator						
2. Country meets only a few aspects of indicator						
3. Country meets some aspects of indicator						
4. Country meets most aspects of indicator	✓	✓	✓	✓		✓
5. Country meets all aspects of the indicator					✓	

Average: 4.2

1.2. The right to freedom of expression is practiced and citizens, including journalists, assert their rights without fear.

ANALYSIS

In recent years under the current government, citizens—including journalists—have continued to express themselves freely. Social media in Ghana is vibrant and some citizens criticize the government and “go to sleep without fear”, a panelist said. However, there is a certain amount of fear among journalists, especially when it comes to issues that affect the political interests of those in power.

One of the panelists said: “Journalists enjoy their freedom of expression without fear, but only because they practice routine journalism that does not have political and economic impact. When politicians feel threatened, they respond”.

There has been a lot of pressure on the media and many attacks on journalists and media outlets. One example is the case of well-known investigative journalist Anas Aremeyaw Anas, who has been attacked for reporting politically sensitive stories. A judge labeled him a “terrorist.” One panelist recalled that in 2015, Anas produced a documentary that resulted in the indictment of a number of judges due to its exposure of cases of corruption within the judiciary. These cases and others like them are having a chilling effect on the media and investigative reporting. Some editors and reporters are exercising caution and self-censorship to avoid retribution. According to a panelist, some editors have recently apologized to the authorities and other powerful people for their work to protect their media outlets and ensure their safety.

Journalists have experienced threats and attacks by security forces, political party activists and vigilante groups.

The New Patriotic Party (NPP) and the National Democratic Congress (NDC) are the two major political parties dominating politics in Ghana. They have some vigilante groups to protect their electoral interests, especially when they are in opposition. These vigilantes are brought with them when they come to power. In recent years, vigilante groups have become a threat to the safety of journalists and the media. They have threatened and assaulted many journalists at their workplaces, at party headquarters, and during political rallies.

In 2019, Manasseh Azure Awuni, an investigative journalist produced a documentary that rocked the nation and caused a stir. The documentary titled “Militia in the heart of the nation” detailed how a private and unlicensed security group (De-Eye Group), affiliated with the NPP and pro-government, was allowed to operate on government premises: in Osu Castle, the former seat of government. It was reported that a “militia group” was trained by retired military officers, recruited and directed by the De-Eye Group. The government subsequently lost control over the group when it initiated attacks on government units. In response to Manasseh’s report, the government filed a petition with the NMC. The NMC dismissed aspects of the documentary, calling it a misrepresentation of facts. However, it acknowledged that De-Eye’s operations were “problematic and unacceptable.”

On January 16, 2019, Ahmed Hussein-Suale, an investigative reporter, was tragically shot and killed in Accra, Ghana. Many media reports suggested that the incident may have been the result of a contract killing. Suale was employed by the Tiger-Eye PI group, an investigative organization led by Anas Aremeyaw Anas, who is known for his undercover investigative work. Suale was the lead investigator of the Tiger-Eye documentary on corruption in the Ghana Football Association, which was released in June 2018, just ahead of the 2018 World Cup. Five years later, the individuals responsible for Suale’s death are still at large.

There are cases of journalists from some private media houses losing their jobs if they are perceived to be critical of those in power. Panelists referenced the November 2023 case of Kofi Tutu, a journalist with Bohyeba FM in the Central Region of Ghana, who was let go from the radio station owned by a deputy minister. Over posts in a WhatsApp group in which Tutu had highlighted the deteriorating social infrastructure and lack of development in a town in the Assin South Constituency, where the deputy minister was a member of parliament. The station accused the journalist of sabotaging his employer.

The February 2022 arrest of Kwabena Bobie Ansah was also referenced. The Accra FM presenter was taken into custody and charged with “publication of false news and offensive conduct”. The matter concerned an allegation that First Lady Rebecca Akufo-Addo had obtained state land for private use in a manner that he deemed to be fraudulent.

“Many Civil Society Organization (CSO) leaders are afraid to speak out publicly for fear of reprisals,” said one CSO leader on the panel, who was targeted after giving an interview critical of the president.

Media and civil society organizations, including the Media Foundation for West Africa (MFWA), have reported a disturbing trend of raids on media houses, in some cases by armed men, destruction of studio equipment, violent disruption of broadcasts, assault and intimidation of presenters and guests. State security agencies were responsible for some attacks, while political party activists, organized groups, and unknown individuals were responsible for other violent incidents against journalists.

Panelists referred to the following incidents that were also reported on by MFWA: In October 2023, during a live broadcast at the studios of United Television (UTV), a group gained access to the premises and intimidated the host and guests. The station temporarily went off the air. The intruders were reportedly

not pleased with comments often made by the regular panelists on the Showbiz Show.

Radio Ada, a community radio station, was the target of an attack in January 2022. Journalists were assaulted by the assailants and equipment destroyed, reportedly in response to the station’s programs that had criticized the controversial lease of the Songhor Lagoon.

Caleb Kudah, a broadcast journalist with Citi FM & TV, was arrested and reportedly assaulted by agents of the Ministry of National Security in May 2021 for filming abandoned vehicles belonging to the Microfinance and Loans Center. The agents then proceeded to raid the premises of Citi FM & TV and attempted to arrest Zoe Abu-Baidoo Addo, a colleague of Kudah’s, to whom he had electronically sent some of the files he recorded at the ministry.

Reverend Isaac Owusu Bempah, founder and leader of the Glorious Word and Power Ministry International, stormed the premises of Radio XYZ with armed men in March 2019 after one of the station’s hosts made critical remarks. The attackers intimidated and manhandled the station’s administrator and other staff.

Despite these compelling cases of negative developments that have caused fear in society, the scoring of the indicator is above average, meaning that Ghanaians have continued to express themselves freely.

Score

1. Country does not meet indicator						
2. Country meets only a few aspects of indicator						
3. Country meets some aspects of indicator	✓		✓	✓		✓
4. Country meets most aspects of indicator		✓			✓	
5. Country meets all aspects of the indicator						

Average: 3.3

1.3. The state has amended or repealed laws that criminalize sedition, insult and publication of false news.

ANALYSIS

The criminal libel law was repealed in 2001 under the first NPP government. However, Section 208 of the Criminal Code of 1960 (Act 29) remained on the statute books. This Section 208, which allows for the prosecution of those who publish false news to cause fear and alarm, has been referred to by journalists and legal practitioners as the “causing fear and panic law”.

“ Section 208 — Publication of false news with intent to cause fear and alarm to public.

(1) Any person who publishes or reproduces any statement, rumor or report which is likely to cause fear and alarm to the public or to disturb the public peace knowing or having reason to believe that the statement, rumor or report is false is guilty of a misdemeanor.

(2) It is no defense to a charge under subsection (1) that the person charged did not know or did not have reason to believe that the statement, rumor or report was false unless he proves that, prior to publication, he took reasonable measures to verify the accuracy of the statement, rumor or report.

“ Section 76 — False communications.

Section 76 of the Electronic Communications Act (2008) has also been described as obnoxious.

(1) A person who by means of electronic communications service, knowingly sends a communication which is false or misleading and likely to prejudice the efficiency of life saving service or to endanger the safety of any person, ship, aircraft, vessel or vehicle commits an offence and is liable on summary conviction to a fine of not more than three thousand penalty units or to a term of imprisonment of not more than five years or both.

(2) A person is taken to know that a communication is false or misleading if that person did not take reasonable steps to find out whether the communication was false, misleading, reckless or fraudulent.

(3) Subsection (2) does not apply to the operator or provider of a network or service over which a communication is sent.

In February 2022, the police arrested and detained Kwabena Bobie Ansah, a presenter on Accra FM radio, using the Electronic Communications Act (2008). He was charged with “publication of false news and offensive conduct” for stating that the First Lady, Rebecca Akufo-Addo, had obtained state land illegally for her use. Journalists and the media condemned the arrest, arguing it was not a criminal case.

On March 30, 2023, Noah Dameh, journalist and deputy station coordinator of Radio Ada, was re-arrested and charged with publishing false news. The charges related to a post he made on Facebook on May 8, 2022, in which he alleged that some chiefs of Ada and Daniel McKorley, the founder of Electrochem Ghana Limited, a subsidiary of the McDan Group, were dispossessing indigenous salt miners in Ada. The Tema Magistrate Court ruled that it lacked jurisdiction in December 2022, and Noah Dameh was discharged.

This law is still in effect and is considered more severe than the repealed libel law, as it carries a five-year prison sentence, while the repealed libel law carried a three-year sentence.

Media lawyers are concerned about the misuse of these provisions and believe that they are only appropriate in a democracy if their civil rather than criminal aspects are considered.

The Chieftaincy Act of 2008 is also seen as problematic. The Act makes it an offence to insult a chief. Section 63 (c) “A person who knowingly uses disrespectful or insulting language or insults a chief by words or conduct commits an offence and is liable on summary conviction to a fine of not more than two hundred penalty units or to a term of imprisonment of not more than three months or to both and, in the case of a continuing offence, to a further fine of not more than twenty-five penalty units for each day on which the offence continues”.

Score

1. Country does not meet indicator						
2. Country meets only a few aspects of indicator						
3. Country meets some aspects of indicator		✓		✓		
4. Country meets most aspects of indicator	✓		✓		✓	✓
5. Country meets all aspects of the indicator						

Average: 3.7

1.4. The state refrains from using emergencies such as natural disasters, pandemics, or other kinds of national crises to curtail freedom of information.

ANALYSIS

The government issued executive orders during the Covid-19 pandemic that transferred all decisions and powers to the presidency. The E.I. 63, under which whatever the president said was law, was challenged in court. The decision was not made until the end of 2023. The executive orders weakened the Bill of Rights in the constitution (Chapter 5). During this time, there was a complete blackout of information about the acquisition of COVID-19 vaccines and the means by which they entered the country.

There was also the Imposition of Restrictions Act, which was used to curtail freedom of information. Also, the Public Health Act gave the ministry the power to issue executive orders. There were concerns about the protection of individual privacy in the E.I. 63, which required telecommunications companies to collect and provide customer data on demand. Some church leaders were arrested for violating Covid-19 regulations. Decisions from the State House were imposed without consultation with the Ministry of Health.

Were the emergency measures appropriate in a democratic society? On this indicator, panelists' views and perceptions of the quality and impact of the measures varied, as reflected in the scores below.

Score

1. Country does not meet indicator						✓
2. Country meets only a few aspects of indicator						
3. Country meets some aspects of indicator	✓	✓				
4. Country meets most aspects of indicator			✓			
5. Country meets all aspects of the indicator				✓	✓	

Average: 3.5

1.5. Confidential sources of information are protected by law and/or the courts.

ANALYSIS

The Code of Ethics of the GJA states that: “A journalist protects confidential sources of information.” However, there is no legal provision that protects or compels journalists to protect confidential sources of information. Moreover, case law does not protect the confidentiality of sources. In court, the judge or the lawyer may ask the journalist to reveal the source of his or her information in order to consolidate the veracity of the information in dispute. The journalist is free and is not compelled to reveal the confidential source, but does so at his or her own peril, as the disclosure or failure to disclose may influence the court’s decision.

The Whistleblowers Act (2006) protects whistleblowers from victimization. The purpose of the Act is “to provide for the manner in which individuals may, in the public interest, disclose information that relates to unlawful or other illegal conduct or corrupt practices of others; to provide for the protection

against victimization of persons who make these disclosures; to provide for a fund to reward individuals who make the disclosures; and to provide for related matters.” The Act was the basis for the legal protection of Anas Aremeyaw Anas in 2015, in the case of his report on judges implicated in a corruption scandal.

The Witness Protection Act (2018) seeks to establish a Witness Protection Agency.

“The object of the Agency is to provide the framework and procedures for giving special protection, on behalf of the State, to persons who possess important information and face potential risk or intimidation due to their cooperation with law enforcement agencies with respect to investigation and prosecution” Section 2, (1).

The “Reward Fund” and the “Witness Protection Agency” have yet to be established.

Some journalists in danger have been taken out of the country for their protection or have been allowed to keep their cover in court or in public.

Score

1. Country does not meet indicator	✓	✓	✓	✓	✓	✓
2. Country meets only a few aspects of indicator						
3. Country meets some aspects of indicator						
4. Country meets most aspects of indicator						
5. Country meets all aspects of the indicator						

Average: 1.0

1.6. Civil society in general and media lobby groups actively advance the cause of media freedom.

ANALYSIS

A number of civil society actors defend and promote the cause of media freedom. Most notable among them are the GJA, GIBA, MFWA, PRINPAG and the Ghana Community Radio Network (GCRN).

Score

1. Country does not meet indicator						
2. Country meets only a few aspects of indicator						
3. Country meets some aspects of indicator						
4. Country meets most aspects of indicator						
5. Country meets all aspects of the indicator	✓	✓	✓	✓	✓	✓

Average: 5.0

1.7. The state guarantees the right to establish various forms of independent media and any registration of media is for administrative purposes only.

ANALYSIS

There is no legal requirement that publications/media outlets have to be registered prior to publication. However, there is a requirement to notify the NMC within a specified period. Print publications do not require prior permission to publish.

The NMC, which is an independent and constitutional body, requires print publishers to register with it at least four months after their first publication, but does not require prior authorization to publish. Furthermore, the NMC's registration does not deny a publisher the right to publish.

Similarly, there is no requirement for websites, blogs and other digital platforms to register with or obtain permission from state authorities in order to operate. However, to register a radio or television station, the promoter must be employed by a company that is eligible to apply to the NCA.

Score

1. Country does not meet indicator						
2. Country meets only a few aspects of indicator						
3. Country meets some aspects of indicator						
4. Country meets most aspects of indicator						
5. Country meets all aspects of the indicator	✓	✓	✓	✓	✓	✓

Average: 5.0

1.8. The state promotes a diverse media landscape and takes effective measures to avoid concentration of ownership and monopolies.

ANALYSIS

The media landscape has been liberalized by the constitution. However, there is no specific state policy to promote a diverse landscape. The Broadcasting Act was passed in 1968 and there have been attempts to review and revise it in 2014 and 2019 to address the concentration of ownership and monopolies in the media. Unfortunately, these attempts have been thwarted by media moguls, politically exposed persons and high-ranking politicians who own many media outlets in the country.

The intention of the Broadcasting Bill 2019 was to break concentration and monopolies.

Section 57 (1): "A person engaged in free-to-air sound broadcasting services shall not

(a) have controlling interest over more than three sound broadcasting services; or

(b) be a director of a company that exercises or is in a position to exercise control over more than three sound broadcasting services.

(2) A person engaged in free-to-air television broadcasting services shall not:

(a) have controlling interest over more than two television broadcasting services;

(b) be a director in a company that exercises or is in a position to exercise control over more than two television broadcasting services;

(c) have controlling interest over a television broadcasting service and be a director of another company that exercises control or is in a position to exercise control over more than one other television broadcasting service;

(d) be a director of a company that exercises or is in a position to exercise control over a television broadcasting service and at the same time be in a position to exercise control over more than one television broadcasting service;

(3) A person who intends to acquire a controlling interest in a free to air broadcasting service shall seek prior approval from the Commission."

Ghana has no competition law and the NMC has no mandate to curb monopolization or media concentration. The NCA Act has no provisions on competition. During the debates on the review of the Broadcasting Act in 2014 and 2019, GIBA made it known that it was opposed to any anti-concentration provisions. There are several examples of cross-ownership and the owners are publicly known.

One panelist believed that the amendment to the Companies Act (2019) could address the issues of diversity, concentration and monopolies in advance, since a company is required to apply for an audiovisual media license.

Score

1. Country does not meet indicator						✓
2. Country meets only a few aspects of indicator					✓	
3. Country meets some aspects of indicator	✓	✓	✓	✓		
4. Country meets most aspects of indicator						
5. Country meets all aspects of the indicator						

Average: 2.5

1.9. The editorial independence of print and online media published by a public authority is protected adequately against undue political interference.

ANALYSIS

The editorial independence of public service media, both print and online, is ensured and guaranteed by law. The NMC has a constitutional duty to protect the public media from government or undue political interference. There are two main daily newspapers published by a public corporation: The Daily Graphic and the Ghanaian Times. They also operate online multimedia platforms. The Ghana News Agency (GNA) is another publicly funded organization that has also gone multimedia.

Chapter 12 of the constitution (Article 162) guarantees the freedom and independence of all media. Article 162 (4) states that: "Editors and publishers of newspapers and other institutions of the mass media shall not be subject to control or interference by Government, nor shall they be penalized or harassed for their editorial opinions and views or the content of their publications."

One panelist argued that "the NMC oversees the operations of the state media, and the law enjoins NMC to ensure they are independent. We can't discuss the independence of state media without discussing NMC". Articles 166 and 167 "give oxygen" to the guarantee of media independence by creating the NMC and empowering it to "insulate the state media from government control". The constitution also tasks the NMC with appointing board members and chief executive officers of state-owned media. The independence of the NMC is guaranteed by Article 172 of the constitution. Although Article 166 of the constitution sets out the parameters of the NMC's composition, its ability to effectively protect the editorial independence of state media has been questioned as indicated by the scoring of one panelist as well.

Despite these constitutional guarantees and the role of the NMC, it is up to the managing editors of the state-owned media houses to exercise their editorial independence and resist political interference. Despite the existence of an independent NMC, some journalists and editors practice "self-censorship" or allow other forms of political influence. In general, it is believed that editors of state-owned media houses feel that they can operate fairly independently for the most part.

Score

1. Country does not meet indicator						
2. Country meets only a few aspects of indicator	✓					
3. Country meets some aspects of indicator						
4. Country meets most aspects of indicator		✓	✓		✓	✓
5. Country meets all aspects of the indicator				✓		

Average: 3.8

1.10. The body that regulates broadcasting, telecommunications and internet infrastructure is independent, appointed transparently, and protected by law against political or commercial interference.

ANALYSIS

The NCA is the body that regulates broadcasting, telecommunications and internet infrastructure. The NCA is responsible for awarding broadcasting licenses. It has been criticized for bias, favoring politically connected applicants, and not following a transparent process.

The director general of the NCA, as well as the members and chairperson of the NCA's board of directors, are all appointed by the president. The Ministry of Communications also supervises the NCA. Therefore, the NCA is under the mandate of the ministry and

is not independent, transparently appointed and protected by law from political or commercial interference.

Some media experts contend that the NCA oversteps its authority by interfering with content matters that are, by law, the preserve of the NMC. The NCA has in the past used national security as a reason to shut down some radio stations when it perceived their content to be critical or not in favour of the ruling elites.

The NMC and the NCA are the two main media regulatory bodies in Ghana. The Broadcasting Bill also sought to redefine the roles of these two regulators to work hand in hand for the interest of the media industry in Ghana. The NMC, as established by the constitution, is thus independent of political control. Its independence is further ensured by the fact that its chairperson is not appointed by the president, in contrast to the head of the NCA.

In January 2000, the Supreme Court reaffirmed the constitutional mandate of the NMC to appoint the members of its board, including the heads of the state media. The constitution specifies the composition of the 15 member representative body, the source of its funding, and its functions. However, the NMC is not

adequately funded, housed, and equipped with the appropriate and necessary human resources to effectively carry out its constitutionally mandated functions and objectives.

The NCA is subject to strong political influence and control, including from sympathizers and financiers of the ruling party. In addition to its budget allocation, the NCA generates significant revenues from license application and periodic renewal fees, as well as from administrative fees it levies on telecommunications companies in particular for various violations. Ultimately, this means it enjoys a good measure of financial independence. However, the same cannot be said of the NMC, which is financially dependent on the central government, as evidenced by the ritual complaint of lack of or inadequate resources, which affects the effective functioning of the NMC.

Some campaigners for the passage of the Broadcasting Bill believe that the inaction is due to some sections of the proposed law which explicitly prohibit the granting of broadcasting licenses to political parties and applicants who are found to be under the control of politicians.

Score

1. Country does not meet indicator						
2. Country meets only a few aspects of indicator	✓	✓				
3. Country meets some aspects of indicator			✓	✓	✓	
4. Country meets most aspects of indicator						✓
5. Country meets all aspects of the indicator						

Average: 2.8

1.11. Public service broadcast media are adequately funded in a manner that protects them from political interference through allocation of budgets and from commercial pressure.

ANALYSIS

The Ghana Broadcasting Corporation (GBC) is the public broadcaster that operates national radio and television. The salaries of the staff of the GBC are paid by the state as they are

considered public servants. The GBC generates resources for its operations. The figures for the GBC's internally generated funds and the percentage of state subsidies are not publicly available. Although the panel was not able to assess the funding of the GBC based on figures, the panelists agreed that its dependence on funding from the government puts it under pressure.

Score

1. Country does not meet indicator						
2. Country meets only a few aspects of indicator						
3. Country meets some aspects of indicator	✓				✓	
4. Country meets most aspects of indicator		✓	✓	✓		✓
5. Country meets all aspects of the indicator						

Average: 3.7

1.12. The editorial independence of public service broadcast media from political influence is guaranteed by law and practiced to ensure balanced and fair coverage of news and current affairs.

ANALYSIS

The editorial independence of the public broadcaster, the GBC, is guaranteed by Article 167 of the constitution, which ensures the independence of the state broadcaster through the NMC, tasked with “insulating the state-owned media” from government influence.

“The functions of the National Media Commission are:

a. To promote and ensure the freedom and independence of the media for mass communication or information;

b. to take all appropriate measures to ensure the establishment and maintenance of the highest journalistic standards in the mass media, including the investigation, mediation and settlement of complaints made against or by the press or other mass media;

c. to insulate the state-owned media from government control.”

Article 163 of the constitution calls for fairness in the state media by stipulating that: “All state-owned media shall afford fair opportunities and facilities for the presentation of divergent views and dissenting opinions.” Parts 11 and 12 of Article 55 of the constitution, which deals with political parties, also addresses the fair treatment of all political parties by state-owned media: “(11) The state shall provide fair opportunity for all political parties to present their programs to the public by ensuring equal access to state-owned media. (12) All presidential candidates shall be given the same amount of time and space in the state-owned media to present their programs to the people.” However, some panelists argued that while these guarantees exist in law, in practice this is not always the reality on the ground.

Score

1. Country does not meet indicator						
2. Country meets only a few aspects of indicator						
3. Country meets some aspects of indicator	✓					
4. Country meets most aspects of indicator		✓	✓		✓	✓
5. Country meets all aspects of the indicator				✓		

Average: 4.2

1.13. The state promotes the establishment of independent community broadcasters who deliver content relevant to the interests of their communities.

ANALYSIS

There is a policy to organize and facilitate the establishment of independent community broadcasters that provide content relevant to the interests of their communities. This policy is being implemented under the NCA. This raises concerns as the NCA is seen as a body dependent on the Ministry of Communications.

Out of the 747 radio licenses issued by the NCA, 550 are operational and according to the NCA there were 137 registered community radios and 25 campus radios across the country in the fourth quarter of 2023.

There are 175 television stations in operation. As of the end of 2018, the NMC had registered a total of 3,078 publications, including newspapers, journals, and magazines.

Score

1. Country does not meet indicator						
2. Country meets only a few aspects of indicator						
3. Country meets some aspects of indicator	✓	✓				
4. Country meets most aspects of indicator						
5. Country meets all aspects of the indicator			✓	✓	✓	✓

Average: 4.3

Part 2: Quality of media, working conditions and safety of journalists

2.1. Media cover the full spectrum of economic, cultural, political, social, national, and local perspectives, and conduct investigative stories.

ANALYSIS

Newspapers, radio, television, and online media cover the full spectrum of economic, cultural, political, social, national, local, and international perspectives, as well as investigative stories. Although human interest stories are popular, politics dominates the news content, and features on health, education and social issues receive little space in the media unless a political connection can be made. The publication of investigative news reports has resulted in significant changes and has attracted international attention.

Score						
1. Country does not meet indicator						
2. Country meets only a few aspects of indicator						
3. Country meets some aspects of indicator						
4. Country meets most aspects of indicator						
5. Country meets all aspects of the indicator	✓	✓	✓	✓	✓	✓
Average: 5.0						

2.2. The state guarantees the safety of journalists and other media practitioners and does not arrest and detain them arbitrarily, or engage in attacks, threats or unlawful surveillance.

committed an offense and some spending several days imprisoned and are then released without conviction.

Several acts of violence have been committed against journalists and other media workers and no action has been taken to punish the perpetrators.

ANALYSIS

The safety of journalists is guaranteed by the Bill of Rights (Chapter 5) of the constitution and by the 1993 CHRAJ Act. However, over the past eight years, the state has been unable to guarantee the safety of journalists and other media workers. Journalists have been arbitrarily arrested and detained, assaulted and threatened.

MFWA's monitoring of attacks on journalists and other reports show that state security agencies and politicians are mainly responsible for the attacks.

Courts have ruled in favor of journalists, in some cases ordering the payment of compensation in the form of cash, replacement of laptops and cell phones, and a public apology by the state. However, the awards are usually low amounts.

One panelist stated, that there have been cases of journalists being detained on orders of the court on suspicion of having

A court decision ordering the Inspector General of Police to apologize to journalists who were beaten and brutalized

by the police was not enforced. In another case, the Attorney General and Minister of Justice was ordered to apologize to Emmanuel Ajarfor, a journalist whose rights were violated.

Some court decisions have been favorable to journalists, particularly in civil cases/trials.

Score

1. Country does not meet indicator						
2. Country meets only a few aspects of indicator						
3. Country meets some aspects of indicator			✓	✓	✓	✓
4. Country meets most aspects of indicator	✓	✓				
5. Country meets all aspects of the indicator						

Average: 3.3

2.3. The state takes effective legal and other measures to investigate, prosecute and punish perpetrators of attacks against media practitioners, and ensures that victims have access to effective remedies.

ANALYSIS

A number of attacks on journalists and media houses have gone unpunished. Only civil cases have been won in court, but the compensation awarded to journalists is usually meager. Criminal cases are rarely resolved. The case of the January 16, 2019 murder of investigative reporter Ahmed Hussein-Suale in Accra remains unsolved. Five years later, Suale's killer(s) remain at large. In recent years, there has been an increase in threats, violent attacks and injustices against journalists. Some cases of threats or violence against journalists have been treated with impunity by the authorities.

Some interventions have been initiated to address the plight of journalists without much success. On World Press Freedom Day 2021, Ghana's Ministry of Information announced the opening of an office for the "Coordinated Mechanism on the Safety of Journalists" to be run by the NMC. The office is the official institution for receiving all forms of complaints about attacks on journalists, verifying alleged attacks, following up on investigations and sanctions, and reporting on the safety of journalists, among other things.

On July 1, 2020, the Ghana Police Service and key media stakeholders launched a manual, officially called the "Framework on Police-Media Relations & Safety of Journalists in Ghana". This framework aims to strengthen the relationship between the police and the media to enhance the safety of journalists and ensure that perpetrators of violations against journalists are punished.

Score

1. Country does not meet indicator						
2. Country meets only a few aspects of indicator	✓	✓	✓	✓	✓	✓
3. Country meets some aspects of indicator						
4. Country meets most aspects of indicator						
5. Country meets all aspects of the indicator						

Average: 2.0

2.4. Journalists and other media practitioners are organized in trade unions and/or professional associations which represent their interests effectively.

ANALYSIS

The GJA is the main organization of journalists in Ghana. Other organizations include the Editors' Guild, PRINPAG, and GIBA. However, there is no traditional trade union organizing journalists and other media workers in Ghana. Most of the

journalists in the public service media have joined the public service unions. On the other hand, journalists and other media workers in private media organizations have been trying to organize a union to assert their rights and improve their conditions. In addition, the GJA has initiated a process with the Registrar of Trade Unions to obtain authorization to operate as a trade union to protect the interests of working journalists through the use of Collective Bargaining Agreements.

Score

1. Country does not meet indicator						✓
2. Country meets only a few aspects of indicator		✓				
3. Country meets some aspects of indicator	✓		✓	✓	✓	
4. Country meets most aspects of indicator						
5. Country meets all aspects of the indicator						

Average: 2.5

2.5. Journalists and editors publish freely and do not practice self-censorship.

ANALYSIS

There is no systematic practice of self-censorship in the media. However, with the attacks and threats against some journalists and editors in recent years, there is a certain level of caution and self-censorship in media houses.

Score

1. Country does not meet indicator						
2. Country meets only a few aspects of indicator						
3. Country meets some aspects of indicator			✓	✓	✓	
4. Country meets most aspects of indicator	✓	✓				✓
5. Country meets all aspects of the indicator						

Average: 3.5

Recommendations

I. Improving the Legal Framework

- Passage of the Broadcasting Bill
- Repeal of Section 208 of the Criminal Code (Act 29)
Publication of false news with intent to cause fear and alarm
- Repeal of Section 76 of the Electronic Communications Act (2008): "False Communications"

II. Improving the Safety of Journalists

- Passage of the Broadcasting Bill
- Provision of safety equipment
- First aid training
- Strengthen the implementation of the Labor Act
- Journalists to identify themselves as human rights defenders
- Establish an Independent Professional Standards Bureau for security services
- Strengthening of journalists' unions and associations
- Counselling and psychological support for journalists
- A complaints and legal assistance unit within the GJA for journalists

The list of panelists:

Mr. Ameyaw Debrah

Editor, Ameyawdebrah.com

Mr. Kofi Owusu

General Manager, Ghana News Agency

Mr. Muheeb Saeed

Programme Manager—Freedom of Expression, Media Foundation for West Africa

Mr. Daniel Amateye Anim-Prempeh

Director of Research and Economic Analysis, Business and Financial Times

Ms. Esther Tawiah

Youth and Gender Activist, Gender Centre for Empowering Development

Mr. Samson Lardy Anyenini

Lawyer, A-partners@Law

Moderator

Mr. Dickson KASOTE, Fesmedia Africa Programme Manager

Rapporteur

Mr. Gabriel BAGLO, Senior Journalist and Media Expert

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