



Report:
**STATE OF MEDIA
FREEDOM IN
GHANA**
2022



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Introduction

Ghana boasts of a vibrant, pluralistic media landscape driven by a widely admired democratic culture. The media boom has also been boosted by a surge in electronic media outlets over the past decade. As of fourth quarter of 2022, a total of 513 radio stations are currently operational out of 707 authorised FM broadcasting stations in Ghana.¹ There are also 117 operational television stations out of the 156 authorised.² Most of these stations were set up in the last decade.

The plethora of media platforms including a proliferation of news websites has created a diverse media environment in Ghana. Most of them privately-owned, the sprawling media platforms have radically changed the face and content of the media in Ghana. While the State-owned newspapers, *Daily Graphic* and *Ghanaian Times* continue to dominate the print media sector, a resurgent number of politically-affiliated newspapers are making significant inroads. In the broadcasting sector, for instance, private radio and television stations lead the pack in terms of audience share. According to a [report](#)³ jointly produced by the Media Foundation for West Africa (MFWA) and Reporters Without Borders (RSF) in 2017, four privately-owned media groups own the leading free-to-air television stations in Ghana in terms of audience share. These are the Multimedia Group, operators of Adom TV (18.42%), Joy Prime (10.63%), Joy News (7.67%) = 36.72%; U2 Company/ Despite Group of Companies, operators of UTV (16.42%); Media General Ghana Limited, TV3 (15.28%); Ghana Broadcasting Corporation: GTV (8.97%), GBC24, GBC Govern, GBC Life, GTV Sports, Obonu TV. In the radio sector, four private companies including two of the above, command an audience of 44.72%.

In terms of content, the private media have broken new grounds by introducing a more daring, sometimes dissenting, tone to public discourse. By their outspoken demand for transparent and accountable governance, the private media have underlined the complacency and conservative posture of the state-owned media which are often silent on issues of abuse of power and corruption. The flourishing audio-visual media has over

¹ Authorised Radio Stations, National Communications Authority, <https://nca.org.gh/authorised-radio/#:~:text=Authorised%20VHF%2DFM%20Radio%20Stations,as%20at%20Fourth%20Quarter%2C%2022>.

² List of Authorised TV Broadcasting Stations in Ghana, National Communications Authority, <https://nca.org.gh/wp-content/uploads/2023/04/TV-DATA-2022.pdf>,

³ <http://ghana.mom-gmr.org/en/findings/findings/#!9fed61067e34232006ff7dcd0ed479d0>

the past few years been complemented by an array of news websites together with a buzzing social media blitz.

This vibrant media landscape underpins Ghana's much-vaunted democracy. This reputation as a bastion of democracy in West Africa has often gone hand in hand with a global admiration for the country's culture of upholding press freedom and freedom of expression.

Indeed, the country is admired for the democratic progress it has made over the past three decades against the background of endemic autocracy in the sub-region. From 1992 to 2020, Ghana held eight successful elections resulting in a change of regime after every two 4-year terms. Alongside Ghana, Benin and Senegal also showed a lot of promise by holding successful elections leading to regular changes in governments. While the three countries shone by their own democratic virtues, their light may have been intensified by the dark environment around them. The sub-region has over the years been dominated by self-perpetuating civilian regimes and ex-military strongmen. The autocratic regimes of Yahya Jammeh of Gambia and Blaise Compaore of Burkina Faso underlined the political gloom in West Africa.

Ghana's good standing was further underlined when UNESCO decided to organise the global event marking World Press Freedom Day 2018 in Accra. That honour capped an extraordinary year for Ghana's media, with the West African nation topping the list of African nations on the RSF World Press Freedom [Index 2018](#).

In recent times, however, the narrative has begun to assume a less cheerful tone. The country has since fallen from the top to third place in Africa in subsequent editions of the RSF ranking. The falling press freedom situation reached its nadir when Ghana fell ten places to 13th in Africa in the 2022 RSF ranking. The country also fell 30 places in the global ranking.

Legal framework

In terms of the laws regulating the media sector, Ghana ranks among the most progressive. The freedom and independence of the media are guaranteed under Article 162 Chapter 12 of the 1992 Constitution of the Republic of Ghana as follows:

- (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 licence 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.
- (5) 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 the Government to the people of Ghana.

Besides these guarantees, 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 representative of relevant stakeholders like media professional bodies, Parliament, the Executive, the bar and civil society. It is independent and its functions include;

- (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 governmental control;

Another important piece of impressive legal instrument regulating Ghana's media is the Repeal of the Criminal and Seditious Laws – Amendment Bill, Act 2001). [Passed⁴](https://ifex.org/criminal-libel-law-repealed/) in 2001, the law annulled criminal sanctions for defamation, thus expanding

⁴ <https://ifex.org/criminal-libel-law-repealed/>

the press freedom space after years of repressive application of Criminal and Seditious libel dating back to colonial times.

Ghana completed its impressive media legal architecture with the adoption in 2019 of the Right to Information ([RTI Law](#))⁵ which gives its citizens the legal right to demand information held by public organisations.

These freedoms are, however, restricted by other provisions. For instance, Clause 164 of Chapter 12 of the Constitution which stipulates:

“The provisions of articles 162 and 163 of this Constitution are subject to laws that are reasonably required in the interest of national security, public order, public morality and for the purpose of protecting the reputations, rights and freedoms of other persons.

This provision simply seeks to impose useful limits on the exercise of the rights to press freedom as guaranteed under the preceding clauses. It seeks to establish a balance between press freedom and the public’s right to information on one hand and the preservation of public safety and individual reputation on the other hand. These limits are generally accepted as reasonable and necessary.

A similar restriction is imposed under section 76(1) of the Electronic Communications Act (Act 775):

“(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.

Given the precise public safety objective of this provision, the restriction is judged legitimate and proportionate.

Section 208 (1) of the Criminal Code 1960, (Act 29) however stirs a real hornet’s nest. It reads:

“A person who publishes or reproduces a statement, rumour or report which is likely to cause fear and alarm to the public or to disturb the public peace knowing or having

⁵ <https://www.mfwa.org/mfwa-welcomes-ghanas-rti-law-with-caution/>

reason to believe that the statement, rumour or report is false commits a misdemeanour.”

This law, simply criminalises false publication, prescribing a jail term of up to three years for offenders. The central element of defamation being the falsity of the published material, this false publication law introduces criminal prosecution for libel and defamation which are otherwise amenable to only civil proceedings.

Similarly problematic is the power vested in the National Communications Authority (NCA) to issue spectrums for broadcasting and revoke the same for failure to pay the statutory license fees. The President of Ghana appoints the governing Board, the Director General and the Deputy Directors-General of the NCA in line with sections 6, 16 and 17 of the NCA Act, 2008, (769). Under such an arrangement, the regulatory body does not have the necessary independence and political neutrality to exercise the power to issue broadcast licenses fairly and transparently.

Indeed, the Media Foundation for West Africa (MFWA) in 2020 [took on](#) the NCA after the regulator arbitrarily shut down dozens of broadcast organisations in what appeared to be a discriminatory and politically-motivated enforcement of the broadcast licensing regime. When the MFWA requested further information on the shutdowns from the NCA using Ghana’s Right to Information Law, the latter demanded of GHC2000 (then equivalent to \$345). Averring that the fee was prohibitive and liable to set a bad precedent that could inhibit access to information, the MFWA decided to [file a suit](#)⁶ to demand a review of the fee.

On February 5, 2020, Ghana’s National Communications Authority (NCA) suspended Radio Tongu, a privately-owned station based in the Volta region of Ghana. In a letter which was signed by its Director General, the NCA cited national security and public interest as the grounds for the suspension in accordance with Section 13 (1) of Ghana’s Electronic Communications Act, 2008 (Act 775). The regulator also said it had received “various petitions” from the public about poor management of the station as well as its sympathy for secessionist agitations in the region.

[Reacting](#)⁷ to the suspension, the MFWA cited the NCA’s exposure to political influence and argued that “where complaints about how a station is managed relates

⁶ <https://www.mfwa.org/mfwa-sues-media-regulator-over-right-to-information-request-on-shutdown-of-radio-stations/>

⁷ <https://www.mfwa.org/issues-in-focus/shutdown-of-radio-station-regulatory-bodys-action-raises-concerns-about-media-regulation-in-ghana/>

to the contents of the station, the NCA will still not be the body to deal with such complaints.” The MFWA noted that the NCA action was a clear usurpation of the functions of the National Media Commission which is independent and constitutionally mandated to regulate media content.

Press Freedom Violations

Despite the many remarkable safeguards for press freedom as elaborated above, the safety of journalists’ situation on the ground has been depressing in recent times. The country recorded a number of [threats](#)⁸ and [attacks](#)⁹ against journalists during and after the 2020 elections, including a crippling gunshot attack on a reporter at a collations centre.

The press freedom violations continued into 2021 and 2022. Below is a snapshot of recent incidents recorded in Ghana.

On November 1, 2021, the police [arrested and detained](#) Nhyiraba Paa Kwesi Simpson, a radio presenter with *Connect FM* based in Takoradi for a week on false publication and public order charges. Simpson was arrested to help investigate a hoax kidnap claim made by one Stephen Kumi, who called into Simpson’s programme to say that his girlfriend had been kidnapped. Kumi was also arrested.

On December 14, 2021, the Criminal Investigation Department (CID) of the Ghana Police Service [arrested](#) Oheneba Boamah Bennie, radio presenter with Power FM, in Accra. According to the CID, Oheneba was being investigated for allegedly insulting and issuing threats against President Akufo-Addo in a Facebook video. Boamah was detained for two days before being released on bail.

On January 13, 2022, a group of thugs numbering about 12 [stormed the premises](#) of Radio Ada, a community radio station and assaulted two of its journalists after vandalising the studio.

⁸ <https://www.mfwa.org/issues-in-focus/police-in-ghana-must-investigate-and-deal-with-threats-against-multimedia-group-journalists/>

⁹ <https://www.mfwa.org/press-freedom-violations-during-2020-elections-must-be-redressed-mfwa/>

On February 3, 2022, a group of police officers [brutally assaulted](#) Eric Nana Gyetuah, a radio presenter with Connect FM based in Takoradi, leaving him with a damaged eardrum. The police accused the journalist of illegally filming them and some suspects they were handling.

On February 8, 2022, a High Court in Accra sentenced a broadcast journalist with Accra-based Power FM, Oheneba Boamah Bennie, to 14 days in prison after he was found guilty of contempt of court. The journalist was dragged to the High Court by Ghana's Attorney General after he posted a video on Facebook in which he alleged that President Nana Akufo-Addo was influencing judges sitting on the electoral petition. Adjudicating

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 Akufo Addo's wife had illegally obtained a parcel of state land.

On February 25, 2022, operatives of National Security [arrested](#) Sacut Amenga-Etego, a freelance journalist on the premises of the High Court. The security agents accused the journalist of illegally filming them together with a group of suspects in their custody. Amenga-Etego's phone was seized and he was detained for two weeks on the orders of the High Court (Criminal Court 5 Division).

On March 30, 2022, two soldiers of the Afari Military Hospital [assaulted](#) and tortured Michael Aidoo, an investigative journalist who had gone to the Atwima-Nwabiagya District of the Ashanti Region to conduct an investigation.

On May 2, 2022, supporters of the leading New Patriotic Party (NPP) [physically assaulted](#) journalist Prince Acquah of the *Ghana News Agency (GNA)* in Ajumako for filming an altercation between some NPP members.

On May 16, 2022, three activists of the ruling NPP [attacked](#) Benya FM, a radio station based in Elmina in the Central Region. The rampaging thugs kicked, slapped and pummelled journalist Osofo Blessing, and a producer Nana Gyefo. The thugs also destroyed the radio station's equipment.

On May 17, 2022, the Ghana Police Service [arrested](#) journalist Derrick Adotey of Metro TV and his cameraman in Accra. The journalists had filmed the charge sheet in a case brought against Oliver Mawusi Barker-Vormawo, an activist. The two journalists were held at East Legon police station before being released later the same day.

On May 24, 2022, the police [detained](#) Noah Dameh, the Deputy Station Co-ordinator of the community radio station, Radio Ada located in the Greater Accra Region, over false publication charges. This followed a Facebook [post](#) Dameh made containing the picture of a citizen of Ada, Benjamin Anim, who was allegedly being abused by the police.

Concerns over State Complicity

Under the UN Plan of Action on the safety of Journalists and the issue of Impunity, governments are encouraged to take measures to prevent and protect journalists as well as ensure the prosecution of crimes against journalists. Unfortunately, all the violations mentioned above were perpetrated with total impunity. Sadder still, the police, who are supposed to play a lead role in protecting journalists against attacks and ensuring prosecution of such crimes, are themselves among the leading perpetrators.

Again, a number of the violations were perpetrated at the instance of the government. In three of the cases, the contested publication was about the President or his family. In the face of these violations which bore the fingerprints of the state, the media, civil society organisations and the public began to caution against a trend that appeared to negate the repeal of criminal libel.

In February 2022, three organisations, Ghana Centre for Democratic Development (CDD-Ghana), IMANI Africa and the Africa Center for International Law & Accountability (ACILA), jointly [condemned](#)¹⁰ the series of arrests and prosecution of journalists and activists whose statements in the media were said to be false and liable to pose a 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.

They, therefore, asked for the authorities to use the various legal channels rather than the wanton abuse of power against the rights of the ordinary Ghanaian.

¹⁰ <https://citinewsroom.com/wp-content/uploads/2022/02/CSO-Statement-Stop-Re-Introducing-Abolished-Criminal-Libel-Regime2original-1.pdf>

Around the same time, former President John Dramani Mahama also [published](#)¹¹ an open letter decrying the attack on freedom of expression.

“It is unconscionable to be suppressing the rights and criminalising the speech of citizens and journalists. It is even more worrying when the power of the state is used as a pliant tool in this intimidating endeavour,” the former President lamented.

Contributing to the public discourse about the increasing use of the coercive powers of the state to control freedom of expression in Ghana, Sulemana Braimah, Executive Director of the MFWA, [wrote](#)¹²:

“The apparent crisis at hand represents a toxic mix that has the potential to undermine media freedom and freedom of expression in Ghana. It also has the potential to reverse Ghana’s modest gains towards democratic consolidation, peace and security. This is because, while reckless speech can undermine the peace of the country, attempts at dealing with such acts through the powers of the state, when not well managed, can result in undue tension and rancour that could equally undermine the peace of the country.”

A media expert and academic, Professor Kwame Karikari, also [expressed](#)¹³ concerns about the use of the police to regulate the media space.

“When the Police is policing speeches, the tendency is for them to be arbitrary because in the cases we are talking about, you will notice that these expressions, based on which the people had been arrested, are all targeted at the Executive or government. But is the Police telling us that those media that belong to politicians favouring the government don’t make any reckless statements against people in opposition and so on? In other words, in using such a law, the Police is not the right instrument to define what is false news.”

¹¹<https://citinewsroom.com/2022/02/mahama-writes-open-letter-to-akufo-addo-on-criminalisation-of-speech-in-ghana/>

¹²<https://www.mfwa.org/publication/ghanas-journalism-and-media-freedom-crisis-part-1/>

¹³<https://www.a1radioonline.com/50135/ghana-is-not-returning-to-dark-days-of-culture-of-silence-despite-arrests-of-journos-karikari/index.html>

Falling professional standards

As universally acknowledged, the rights to press freedom and freedom of expression are not absolute. They are exercised within the context of a set of universal legal frameworks and national laws with some limits imposed. The serial arrests and attacks on journalists, therefore, led to a call for introspection, despite the widespread solidarity for the victims and the outrage against the violations.

A 2018 [Afrobarometer Report](#)¹⁴ said public confidence in the Ghanaian media is waning. “Among 21 African countries surveyed in 2016/2018, Ghana ranks well below average (47%) in its support for media freedom,” the report said.

Falling ethical standards have become a critical issue that has engaged the attention of stakeholders in the media sector for some time. In 2020, the MFWA flagged what we considered to be [serious ethical breaches](#) by some journalists and a number of radio stations. As part of efforts to promote decent campaign language on radio, the MFWA engaged the Management of the stations which had recorded infractions in the course of its Elections Campaign Language Monitoring exercise to urge them to ensure improvement in ethical standards.

[A study](#)¹⁵ by the MFWA which covered the period from June 2020 to May 2021 recorded a total of 2,710 ethical violations on 10 radio stations, 10 newspapers and six news websites. The study established that 1,469 violations, representing 54% occurred on media platforms that are pro-partisan or known to be affiliated with political parties. Apart from providing evidence of falling ethical standards, the figures also underlined the fact that partisanship plays a major role in the decline.

The findings indicate that Decency was the ethical principle that was most violated with 1,292 cases, representing 47.7%. This is followed by Accuracy which was violated 574 times (21.2%). The principle of Good Taste and Public sensibilities came next with 478 counts (17.6%), followed by Prejudice and Stereotyping 142 (5.2%). The other Principles violated included Separation of Facts from Opinion 103 (3.8%), Fairness 45 (1.7%), Balance 20 (0.7%) Photography, Images and Pictures 18 (0.7%), Headline 12 (0.4%),

¹⁴ https://www.afrobarometer.org/wp-content/uploads/migrated/files/publications/Dispatches/ab_r7_dispatch250_news_and_media_in_ghana.pdf

¹⁵ <https://www.mfwa.org/publication/monitoring-of-media-ethics-in-ghana-findings-from-june-2020-may-2021/>

Protection of Minors 10 (0.4%), Respect of Privacy 7 (0.3%), Sensitivity to persons with Grief 5 (0.2%) Public Interest Value 2 (0.1%), Impartiality 2 (0.1%).

In a typical case of reckless journalism, a popular television journalist, Blessed Godsbrain Smart, called for military intervention in the country's political affairs. Following this call, the police [detained](#) the journalist on December 2, 2021. The Nima Police station in Accra issued a statement confirming that it had cautioned and granted bail to the journalist over "offensive conduct conducive to breaches of the peace as provided under Section 207 of the Criminal Act, 1960 (Act 29)". In a [statement](#) welcoming the journalist's release, the MFWA acknowledged that Godsbrain Smart's conduct was "unprofessional and in bad taste." It, therefore, called on the journalist to "tone down on the populist rhetoric and showmanship in favour of dispassionate presentation of issues."

"Yes, we call for restraint on the part of the police but we also expect adherence to the tenets of the profession. Abusive, unprofessional journalism is a potent threat to press freedom. Journalists can be fearless, independent, critical and impactful without being abusive. The competition for audience and quest for popularity should not push us to do just anything in the name of journalism," the Executive Director of MFWA, Sulemana Braimah, said in the statement.

Conclusion/Recommendations

Ghana has one of the most progressive sets of legislation on press freedom. The country's 1992 constitution has an entire chapter dedicated to freedom of the press. On March 26, 2019, the country passed its Right to Information (RTI) bill into law. The RTI law provides citizens with the legal basis to demand access to information held by public institutions and private organisations receiving public funds.

However, there is a long way to go to fully exploit these laws to ensure true press freedom and the safety of journalists. As recounted above, journalists face arrest, detention and physical attacks from state agencies like the police, military, National Security operatives and political party militants. The attacks have been regular, and in nearly all cases, the perpetrators act with impunity.

Given the crucial role of the media in anchoring democracy and promoting accountability in the management of public resources, attacks on journalists and media houses are disturbing. There is a need for immediate measures to be taken to protect the

media from wanton attacks and deliberate efforts to weaken an important anti-corruption institution. In view of this, the following recommendations are put forward:

To the Government of Ghana

- Ensure that both state and non-state actors respect and protect press freedom.
- Promote the safety and protection of journalists and media organisations.
- Train security agents to appreciate the work of the media in democratic societies and to collaborate with them.
- Publicly condemn violations against the media, and affirm commitment to press freedom while ensuring that perpetrators of violations are prosecuted.

To Media Organisations and Journalists

- Exhibit professional and ethical standards at all times.
- Media managers should report press freedom violations and follow up to ensure justice for the victims.



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