



SUMMARY OF KEY ISSUES FROM PREVIOUS UPR CYCLES AND RECOMMENDATIONS MADE

Ghana has accepted recommendations 146.91, 146.45 and 146.47 in 2017 during the 3rd UPR cycle review to pass the long-standing Right to Information (RTI) Act in 2019 which took full effect in January 2020. Media Freedom and freedom of expression recommendations were also accepted.

NATIONAL FRAMEWORK

1. The 1992 Constitution of Ghana, Article 21 (1)(f)
2. Right to Information Act 2019 (Act 989)
3. Article 162(1) guarantees the protection of the freedom and independence of the Media.
4. The constitutional provision in Article 162(2) emphasises the principle of no censorship.
5. Article 162(3) emphatically states that there shall be no impediments to the creation of private press 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”.
6. Article 162(4) provides 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 penalised or harassed for their editorial opinions and views, or the content of their publications.
7. Article 162(5) states that 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.

CURRENT ISSUES, CHALLENGES / IMPACT

RIGHT TO INFORMATION

1. Having recorded over 100 freedom of expression violations, Ghana's freedom of expression record over the past five years has been rather dismal. While passing the RTI law in 2019 and the establishment of the RTI Commission to oversee the implementation of the law is a major step forward, some major impediments to effective implementation remain. The Commission is severely under resourced (financial, logistical and human).
2. There is low usage of the RTI Act 989 due to lack of public awareness and understanding. This is largely due to reduced CSO engagement and campaigns after passage of Act 989. The government has also not shown any commitment to covering the gap in community education and awareness.
3. Public institutions are not fully complying with the provision to publish annual manuals in accordance with the RTI Act 989 under Section 77.
4. Public institutions are to submit a report every year on the RTI activities of that institution during the preceding year. For the first year of implementation, only 80 institutions, representing 15% of all public institutions, complied. In 2021, a total of 189 institutions submitted their annual report to the RTI Commission.

FREEDOM OF EXPRESSION

1. Article 12 of the UN Declaration on Human Rights Defenders mandates States to take the necessary measures to ensure the protection of HRDs. The ICCPR further guarantees the freedoms of association, peaceful assembly and expression.
2. In spite of these protections, journalists are frequently subject to physical attacks and are frequently assaulted, by state and non-state actors.

MEDIA FREEDOM

In July 2020, the official [framework](#) on Police-Media Relations and Safety of Journalists in Ghana was launched. The framework consists of guidelines to ensure the protection and safety of journalists in Ghana.

- **Physical Attacks**

1. On March 27 2018, some police officers brutally assaulted Latif Iddris, a reporter from Joy News, one of the platforms of the Multimedia Group based in Accra. Latif Iddris had gone to cover protests at the Criminal Investigations Department of the Ghana Police Service, where a leading member of Ghana's main opposition party was being held on treason charges.

2. On May 6 2018, an activist of the ruling New Patriotic Party, Hajia Fati, attacked journalist Ohemaa Sakyiwaa, at the party's headquarters in Accra. The incident followed a trend of attacks on journalists at the ruling party headquarters.

● **Arrests/Detentions**

1. On February 9 2022, the Executive Director of an anti-corruption organisation, Alliance of Social Equity and Public Accountability (ASEPA) was arrested by the police. He had published and later retracted allegations that members of the President's family travelled by the Presidential jet to the UK for shopping.

● **Killing**

1. Investigative reporter Ahmed Hussain-Suale Divela, who worked for Tiger Eye P I, was shot dead on January 16 2019, while returning home in Accra, in a violent attack.

2. Prior to his murder, Hussain-Suale Divela was involved in the documentary "Number 12" on alleged football corruption which ultimately led to the dissolution of the Ghana Football Association (GFA) and a lifetime FIFA ban on GFA's former president, Kwesi Nyantakyi.

● **Attacks on media houses**

1. A group of thugs numbering about 12 on January 13, 2022, stormed the premises of the community radio station, assaulted two of its journalists and vandalised equipment.

2. On June 27, 2021, National security operatives [stormed](#) the offices of the online news outlet ModernGhana.com, arrested the editor and a reporter and seized their phones and computers. The two journalists were held in an undisclosed location for three days, with one of them reporting that he was tortured. The action was linked to a critical article the news website published about the National Security Minister, Albert Kan Dapaah.

3. On May 16, 2022, three burly men on motor bicycles burst into the premises of Radio Benya in the Central region. They stormed the studio and assaulted the host and the producer of a live programme. The rampaging thugs also destroyed equipment in the studio

● **Arrests/detention/Physical Attacks**

1. Ghana's 2020 general election was marred by a number of [threats](#) and [attacks](#) against journalists during and after the polls, including a crippling gunshot attack on a reporter at a collation centre. The safety of journalists' environment continued to deteriorate in 2021 and 2022, characterised by a wave of arrests/detentions or physical assault of journalists and activists, mostly over false publication charges.

● **Sentencing/Jailing**

1. There have been several incidents of arbitrary arrests and prosecution of journalists in Ghana, using legislation such as the Public Order Act, the 2008 Electronic Communication Act and the 1960 Criminal Offences Act (Act 29).

2. 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.

RECOMMENDATION



The State party should:

1. Communicate their action plan on the nationwide education of RTI and the specific programmes in place to cater for the disadvantaged and minority in the society.
2. Strengthen and resource the RTI Commission by June 2023 to enable it sanction any public institution that does not submit an annual report in compliance with Section 77 of the RTI Act 989.
3. The RTI Commission must engage with and educate the public to boost public awareness and confidence in its work.
4. Promote the safety and protection of journalists and media organisations by establishing a National Mechanism on Safety of Journalists in line with UNESCO's Action Plan on the Safety of Journalists by December 2023.
5. Amend relevant laws that criminalise speech so that the protection of privacy and reputation does not involve the use of

Criminal sanctions, but rather civil remedies.

6. Ensure state security agents and officials put a stop to attacks, arrests and intimidation of people, including critical journalists, civil society actors, human rights defenders, activists, political opponents for the exercise of their freedom of expression rights both offline and online by establishing independent body/mechanism to investigate and proffer sanctions for State institutions/bodies that are found culpable.
7. Continuous training and capacity building of security officers (police/military) for dealing with media rights and respect for human rights.
8. Develop an action plan by January 2024 to ensure that internet laws comply with the government's commitment to guarantee the freedom of expression, media freedom and access to information, including by ensuring free access to electronic media, ceasing censorship and surveillance, liberalising electronic media ownership rules, and enabling journalists, bloggers, and other internet users to play a full and active role in promoting and protecting human rights.

ABOUT THIS FACTSHEET	REFERENCE
<p><i>This factsheet was compiled by POS Foundation, Reformation of Hope Foundation, Centre for Democratic Development (CDD-Ghana), Human Rights Advocacy Centre, Media Foundation for West Africa, Amnesty International, Ghana, Ghana Anti-Corruption Coalition, Ghana Integrity Initiative.</i></p>	<p>https://posfoundation.org https://cddgh.org/ http://www.hracghana.org/ https://www.mfwa.org/about-us/about-us-mission-and-vision/ https://amnestyghana.org/#work https://www.mfwa.org/ghana-police-must-apprehend-and-prosecute-attackers-of-benya-fm/ https://www.mfwa.org/ghana-police-must-apprehend-and-prosecute-attackers-of-benya-fm/</p>

