



THE STATE OF JOURNALISTS' SAFETY IN GHANA

By: Sulemana Braimah, Executive Director,

Media Foundation for West Africa

November, 2014

THE STATE OF JOURNALISTS' SAFETY IN GHANA

A Paper Presented at a Forum by UNESCO to mark the UN Day on Safety of Journalists and the Issue of Impunity in Ghana, November 2014.

By Sulemana Braimah, Executive Director, Media Foundation for West Africa

I. Introduction

On December 18, 2013, the United Nations General Assembly (UNGA) took a bold and significant decision for the progress of all societies when it adopted a Resolution on Safety of Journalists and the Issue of Impunity. This Resolution, happens to be the first of its kind by UNGA focusing on addressing a major and fundamental pre-requisite for global development – the safety of journalists and dealing with impunity over crimes committed against journalists.

In line with the realities of prescriptions by UNESCO and other bodies, the definition of a journalist in this paper is broader than how it has been traditionally conceived and understood. Journalists in this context include media workers such as reporters and photojournalists, camera men, support staff and fixers, bloggers and citizen journalists who produce, curate, or distribute public interest content.

One year after the adoption of the Resolution, which contains recommendations on what states, UN agencies, civil society and other stakeholders should do to promote the safety of journalists and address the issue of impunity, it is important to assess how countries are faring. It is important to also mention that Ghana was among the co-sponsors of the Resolution and thus should or ought to be seen to be playing a leading role in promoting the principles espoused by the Resolution. It is within this context that this paper examines the state of journalists' safety in Ghana.

The paper examines and highlights incidence of press freedom violations in Ghana over a decade (2005 – 2014). An assessment of incidence of media rights violations over a considerable period is crucial because it perhaps, gives the closest reflection of the state of journalists' safety in a country. The paper

also assesses, in brief, the role of stakeholders in contributing to the promotion of safety of journalists at the national level, as prescribed in UNESCO's *Safety of Journalists Indicators* document.

Brief interviews were also conducted with a group of 19 journalists from various media organisations across the country to have their views (as practitioners) on the role of stakeholders in promoting the safety of journalists in Ghana. The paper concludes with recommendations to various stakeholders on what should be done to help enhance the safety of journalists in Ghana.

II. Why Does Journalists' Safety Matter?

Citizens' participation in governance and in decision making processes remain arguably the most fundamental elements of good governance, and a basic requirement for the fulfilment of the development aspirations of individuals and communities. However, the populace can fully participate in governance and development processes, only when the socio-political environment allows for and promotes the exercise of their freedom of expression right. In other words, participatory governance is bolstered when citizens have the freedom and are enabled to express themselves on all matters of concern, without fear of harassment, intimidation, attacks or repression by state or non-state actors.

It is within the context of the fundamental nature of the right to freedom of expression that press freedom and the safety of journalists has exceptional importance. The media (including new media) serve as major channels for citizens to send and receive information and for expressing their views on issues affecting them. The media, thus, constitute major facilitators and enablers of freedom of expression.

It should, however, be pointed out that press freedom is not simply about the number of and mere existence of radio stations, newspapers, blogs and television stations. It is about how free the media are. It is about how protected journalists and media workers are against real or possible attacks, censorship, harassment, threats, arrest and detentions, or even murder, while in their line of duty.

Crimes against journalists, such as torture, extrajudicial killings, assault, enforced disappearances and arbitrary detention; and other restrictions such as censorship, threats, crippling court damages, intimidation and harassment have a toll, not just on affected journalists, but on the wellbeing of societies. When such crimes go unpunished, perpetrators and potential ones get emboldened to commit further violations; journalists are cowed and a culture of silence may ensue.

As rightly captured in the strategy for the implementation of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity for 2013-2014, when journalists are threatened, attacked or killed, it limits information flow and intimidates entire communities. The consequence is that citizens are deprived of the requisite relevant and necessary information that will enable them to meaningfully participate in governance and public discourse. This is why journalists' safety is so crucial.

III. How Ghana is Faring on Journalists' Safety

Ghana has witnessed several years of media repression, particularly under the various military regimes in the country's post-independence political history. Even under civilian governments, there have been many acts of violations and repression against the media including through the application of various restrictive media laws such as the very famous criminal libel law, which was repealed in 2001. During the past few years, however, Ghana has always been named among countries with good press freedom records in the world.

It is important, however, to emphasise that freedom of the press may not be synonymous with safety of journalists. This fact further underlies the relevance of the adoption of a Resolution specifically focusing on safety of journalists and the issue of impunity. So while Ghana is recognised as having a press freedom environment, it doesn't necessarily mean journalists are safe in Ghana, especially if the country is assessed based on UNESCO's safety of journalists indicators.

As shown in in Table 1 below, the fact that Ghana is among countries with good press freedom environments, does not mean there haven't been violations against the media in the 10 year period that this paper focuses on. In the last 10 years, the Media Foundation for West Africa (MFWA) has recorded a total of 138 incidents of violations against journalists and media workers, representing an average of nearly 14 violations a year. It must be emphasised that some violations may not have been captured by the MFWA and thus, the number of violations could possibly be more than the 138 recorded by the MFWA.

The numbers in Table 1 below, also reveal that physical attacks on journalists has been the most prevalent form of violation in Ghana during the last 10 years. Over 67% of all violations recorded by the MFWA (93 out of 138) in the last 10 years, has been physical attacks on journalists. The next prevalent form of violation is detention of journalists with 16 incidents.

Year-on-year, the worst year during the decade was 2008 with 24 violations. Even though 2008 was an election year, the 2012 figure of nine violations (also in an election year), compared with figures for other non-election years, does not suggest any relationship between elections and incidents of press freedom violations. Other bad years for journalists during the decade were 2009 (21 violations); 2006 (20 violations); 2010 (16 violations) and 2014 (14 violations so far).

In terms of the perpetrators of violations, security agencies (police and military) have been the worse culprits accounting for over 38% of all violations against journalists (53 out of 138). Next to the security agencies are political party supporters (30 violations); followed by individuals (22 violations). Other abusers of press freedom as captured in Table 2 below, have been organised/pressure groups, state officials and the Courts that impose crippling damages or fines against the media.

Unfortunately, perpetrators of violations often go unpunished or at best, they simply render apology to their victims. The lack of conscious and determined effort on the part of the state to punish crimes committed against journalists has the potential of fostering impunity and emboldening perpetrators and potential ones to commit further violations.

On whether or not there has been an improvement in the state of journalists' safety in Ghana since the adoption of the UN Resolution, the evidence suggests no improvement, at least, as far as violations of media rights are concerned. Ten months into the first year of implementation of the Resolution, more violations have been recorded than each of the preceding three years. Last year, only five violations were recorded while in 2012 and 2011, nine and 10 incidents of violations were recorded respectively compared with 14 recorded so far in 2014.

Table 1: Incidence of Violations against journalists: 2002 - 2014

Year	Killed	Physical Attacks	Threatened	Arrest	Detained	Censored	Sentenced	Fined	Court Action	Total
2005		4		1	1		1	2		9
2006		13	1	1					4	19
2007	1	8	1					1		11
2008		20	3		1					24
2009		15			3	2			1	21
2010		6	2	1	6				1	16
2011		5	1		3			1		10
2012		9								9
2013		4						1		5
2014		9		1	2			2		14
Total	1	93	8	4	16	2	1	7	6	138

Table 2: Perpetrators of violations against Journalists

Perpetrator	Killed	Physical Attack	Threat	Arrest	Detained	Censored	Sentence	Fined	Court Action	Total
Security Agencies		32	1	4	14				2	53
Political Party Affiliates		27	1		2					30
State Officials		5	1			1			3	10
Individuals	1	16	4						1	22
Media						1				1
Organised Groups		13	1							14
Courts							1	7		8
Total	1	93	8	4	16	2	1	7	6	138

IV. Actions and Contributions by Stakeholders towards Promoting Safety of Journalists in Ghana

The multifaceted nature of the mechanisms that need to be in place to ensure the promotion and protection of journalists' safety require the commitment and contributions of all major stakeholders in a country. As clearly articulated in UNESCO's safety of journalists' indicators, UN and other international organisations, state institutions and political parties, civil society and academic institutions, as well as media actors including journalists themselves, have a role to play in ensuring a safe environment for the practice of journalism. In the next sections, there is a brief look at the roles of some of the key stakeholders.

a. UN and other international organisations:

Available data and information suggest that the UN system at the national level is yet to adequately incorporate safety of journalists and the issue of impunity over crimes committed against journalists in the implementation of programmes. For example, there isn't much information to indicate mainstreaming of safety of journalists and the issue of impunity in UN programmes around rule of law, democratic governance, among others. In addition, there appear to be limited public awareness on efforts by the UN system in Ghana to deal with the issue of journalists' safety.

There have been limited interventions by the UN system in Ghana by way of response and redress mechanisms or reacting to reported incidence of violations against journalists. There is no known national-level UN rapid response mechanism to assist journalists under severe threats. Also, the current UN Development Assistance Framework (UNDAF) does not clearly reflect safety of journalist issues. Although the UNDAF for 2006 –2010 included the Ghana Journalists Association (GJA) as a partner, the GJA it is not mentioned in the UNDAF for 2012–2016. Similarly, there is limited presence of the UN system in terms of supporting capacity development of various sectors in relation to safety of journalists and the issue of impunity in Ghana.

Other international organisations, particularly the development agencies of Western countries such as USAID, DANIDA, EU and DFID, have been contributing to the promotion of media development through aid programmes which ultimately contribute to expanding the frontiers of press freedom in Ghana. Of significant concern is the fact that despite growing internet penetration and use of the internet by mainstream and citizen journalists, there still hasn't been much support by international actors to help take maximum advantage of the opportunities offered by the internet to bolster freedom of expression.

b. State institutions and political parties

The 1992 Constitution of Ghana enshrines and guarantees media freedom and independence in Chapter 12, headed: “Freedom and Independence of the Media.” While the legal guarantees to freedom of expression are generally respected by the government, there are no indications of strong commitments on the part of the state to ensure that violations against journalists are punished.

Also, as highlighted in Table 2 above, the leading perpetrators of media violations have been state actors mainly state security agencies – the police and the military. State officials and political party activists are also among the frequent perpetrators of media violations. In almost all cases, perpetrators have committed their acts of violations with impunity.

Notwithstanding the state's failure to punish crimes against journalists, there is no evidence or indication to the effect that the state endorses, promotes, or incites violence against journalists. The authorities have also often made public statements recognising the importance of journalists in the democratic space.

In terms of legislation, while Ghana's criminal and seditious libel laws were repealed in 2001, Section 208 of the 1960 Criminal Code, titled: "*Publication of False news with Intent to Cause fear and Alarm to Public*" imposes some restriction on press freedom and freedom of expression. The section under reference states:

(1) Any person who publishes or reproduces any statement, rumour 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, rumour or report is false is guilty of a misdemeanour.

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

This broad criminal law has been used against journalists occasionally and its continued existence remains a major scar in Ghana's free expression regulatory environment. In addition, there have been instances when the Courts have imposed very crippling damages against media organisations. The amounts awarded by the Courts as damages against the media have sometimes been prohibitive rather than punitive. Such actions by the Courts have the potential of cowing the media into self-censorship or at least, prevent them from doing critical reporting.

c. Civil Society Organisations and Academia

Ghana has a vibrant civil society scene. While many of the Civil Society Organisations (CSO) recognise the important role of the media in development, not many of them directly work on promoting press freedom and safety of journalists. Over the last 17 years, the MFWA has arguably been the only CSO in Ghana that has consistently and dedicatedly monitored, reported on and protested against press freedom violations in the country. Other groups also occasionally condemn such violations and usually based on reports by the MFWA.

Various CSO groups occasionally organise training programmes for journalists. But most of such programmes are often focused on empowering journalists to report effectively on

particular issues or sectors rather than on safety issues. Till date, the MFWA is about the only CSO that has a legal defence programme that offers legal support to embattled journalists and media organisations. Journalism training schools do not as yet have specific courses on safety practices and principles in journalism.

Generally, local CSO involvement in international processes and mechanisms related to journalists' safety in Ghana has been minimal. For example, local CSOs made four submissions to Ghana's 2012 Universal Periodic Review assessment but none of those local group submissions explored or touched on issues related to press freedom and journalists' safety.

d. Media Actors

In Ghana today, the biggest threat to press freedom, media sustainability and safety of journalists is perhaps the fast dwindling professional standards, extreme partisanship, and the alarming rate of commercialisation that is driving many media outlets to prioritise advertising revenues over professionalism. In the last five months, the MFWA has recorded nearly 600 ethical violations in its monitoring of ethics on 40 media outlets. It is significant to emphasise that the monitoring covers just 40 out of the more than 1000 media outlets – radio, TV, newspapers, magazines, and news websites – in the country.

The overall consequence has been shrinking public support for the protection of journalists and increasing mistrust for journalists and the media as allies for the pursuit of social justice and inclusive development. Sadly, these days when a journalist is attacked, many people will cite unprofessional conduct of journalists to justify why the journalist may have been attacked or harassed, rather than openly condemning such attacks. In almost all recent cases of attacks on journalists, over 60% of persons who commented on such attacks online, made reference to unprofessional conduct by the media without condemning the perpetrators. This is indeed a dangerous trend for press freedom in Ghana.

The situation, therefore, requires efforts on the part of media actors such as the National Media Commission (NMC), National Communications Authority (NCA), Ghana Journalists Association (GJA), Ghana Independent Broadcasters Association (GIBA), Private Newspaper Publishers Association of Ghana (PRINPAG), media organisations and journalists themselves, to improve professional standards in order to win back the confidence and trust of the public.

Unfortunately, there have been fewer interventions on the part of the media actors to improve professional standards.

Enhancing professional standards will require several capacity development programmes. It will also require in-house professional development and adherence to professional standards being made a major requirement for the issuance and renewal of radio and television licenses. It will further require reduced commercialisation and increased development-oriented programming and reporting by the media.

To correct the situation, the NMC has to be empowered legally and giving more resources. At the moment, the NMC is operating like a referee of a football match without a red or yellow card. It can only keep blowing the whistle but the players (in this context the media) will be at liberty to remain lawless on the field.

On the specific issue of safety training and the role of the media actors, findings from a limited survey of 19 journalists from different regions in Ghana suggest that not much is being done by media actors to support journalists' safety. This survey was conducted for the purpose of having the views of practitioners reflected in this paper.

As contained in Table 3 below, all 19 journalists indicated that their organisations have not received any training on safety of journalists from the NMC. Only two of the 19 journalists indicated that journalists associations such as the GJA and GIBA have ever provided safety training for their organisations.

The finding relating to the role of media organisations themselves was however positive as 10 out of the 19 journalists indicated they receive safety training from their organisations. However, all 19 participants in the survey indicated non-existence of safety policies and practices to address challenges specific to female journalists in their organisations. Also, only two of the 19 journalists said their organisations had safety policies and practices to train journalists about online security and dangers.

Table 3: Journalists' responses to safety training by media actors

	Yes	No
Does the National Media Commission provide safety training for journalists at your organisation?		19
Do journalist associations provide safety training for journalists at your organisation?	2	17
Does your organisation provide safety training for journalists?	10	9
Does your organisation have a written safety policy? Is it publicly available?	1	16
Does your organisation have safety policies and practices in place to address challenges specific to women journalists?		19
Does your organisation have safety policies and practices to train journalists about online security and digital dangers?	2	17

** Two journalists said they did not know if their organisation had a written safety policy.*

V. Conclusion and Recommendations

The emphasis on the need for press freedom and journalists' safety is not because journalists are the wisest in our societies; it is not an attempt to protect any business interest, and not an effort to preserve a special status for media proprietors, editors or journalists. It is just because the media serve as the eyes and ears of the general public and the enablers of the most essential requirements for society's development – information exchange among citizens, between government and the governed; and serving as the watchdog of society by holding duty bearers accountable.

However, the media can be effective in playing their role only when they are free from real or possible harassment, attacks, intimidation and censorship; and of course, when they are professional. This calls for a multi-stakeholder support and contribution towards press freedom and guaranteeing the safety of journalists while punishing crimes against journalists. To enhance journalists' safety in Ghana, the following recommendations are proposed:

To UN Agencies in Ghana

- Build capacity of CSOs on the importance of journalists' safety and related issues

- Increase collaboration with media actors and CSOs to implement programmes to promote journalists' safety
- Mainstream issues related to journalists' safety and impunity into broad programmatic areas
- Develop and disseminate best practices on journalists' safety
- Set up emergency response mechanisms for embattled journalists
- Follow up on media violation reports

To Government of Ghana

- Create mechanisms to monitor and report on journalists' safety
- Create mechanisms for specifically addressing violence against journalists
- Conduct immediate and effective investigations into incidents of violence against journalists
- Develop and implement frameworks to protect journalists' sources
- Security agencies should be trained on press freedom and safety of journalists
- A broadcasting law should be passed

To Civil Society Organisations and Academia

- Increase programmes to build capacity of journalists on safety precautions and practices
- Incorporate journalists' safety training into academic and journalism training programmes
- Mainstream gender and the specific types of violence faced by female journalists into broader programming
- Build capacity of journalists in online safety

To Media Actors

- Provide general safety training for journalists including safety for women journalists and online safety
- Develop and implement guidelines on safety of journalists
- Support media houses in developing and implementing safety policies

- Media owners, managers and editors should prioritise professional standards over commercialisation and partisanship
- There should be increased monitoring and reporting of violations against journalists