

Investigative Journalism, RTI Law and the Fight Against Corruption in Ghana: Reflections from a Stakeholder Forum in Accra





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Background

In Ghana, Article 21(1) (f) of the 1992 Constitution makes access to information generated by public institutions a matter of fundamental human rights for all citizens. This means people are entitled to information not because a benevolent government, public institution or public agency decides to do them a favour but that they are entitled as a matter of a birth right by reason of being human.

As a further enjoyment of this right, the country in March 2019 finally passed the Right to Information Act (989) after two decades of unrelenting crusade. The RTI Act was assented to by the President on May 21, 2019 to give it legal effect as law.

The RTI Act is considered the mother of all anti-corruption tools in Ghana. It is expected that citizens will utilize the law to access public information thereby engendering transparency and accountability in governance. Again, that active information disclosure by government and public institutions will help in the fight against corruption.

However, since the passage of the law, awareness and uptake of the law by citizens including journalists has been quite low. Thus, as part of efforts to increase the knowledge of the law among journalists and how it can be utilized to help fight corruption in Ghana, the Media Foundation for West Africa (MFWA) with support from the Deutsche Welle Akademie on June 17, 2021 convened a forum of journalists, lawyers, anti-corruption CSOs, journalists' groups/associations and members of the RTI Commission on the theme **Investigative Journalism, the RTI Law and the Fight Against Corruption in Ghana**.

This Publication presents key Reflections and Recommendations from stakeholders at the forum. It is put together by Abigail Larbi and Adiza Moro-Maiga of the Media and Governance Programme of the MFWA.

1.0 Introduction:

Corruption is a major obstacle to development and democratic consolidation, particularly in developing countries. In 2019, [more than half of Ghanaians](#) said the level of corruption in Ghana had increased and that, government was doing a poor job in fighting it (2019 Afrobarometer survey). The survey also showed that most Ghanaians perceived at least “some” corruption in key public institutions, and a majority feared retaliation if they reported graft to the authorities. Even more regrettably, several [researches](#) have also pointed to Ghana losing about three billion dollars annually to public sector corruption.

Despite major governance indicators pointing to Ghana’s significant progress over the years, corruption remains a significant problem in the country. Indeed in the last two decades, Ghana’s ranking on the Corruption Perception Index (CPI) has [significantly fluctuated](#) showing for instance a score of 39 in 2009; 45 in 2012; 47 in 2015 and 41 in 2018. The 2020 CPI, scored Ghana 43 points out of 100 points and ranked 75 out of 180 countries - a two-point increase from its 2019 score of 41 points.

- **Access to information and Corruption**

Underlying transparent and accountable societies is a vibrant access to information regime. As a fundamental human right, access to information engenders public sector accountability and ultimately the fight against corruption. In Ghana, Civil society clamour and advocacy in the lead up to the passage of the [Right to Information \(RTI\) law](#) emphasized its utmost significance in dealing with the country’s corruption menace. As a further enjoyment of citizens’ right to access information, the long-awaited Right to Information Law, Act 989, encourages proactive disclosure of information and empowers citizens to access information.

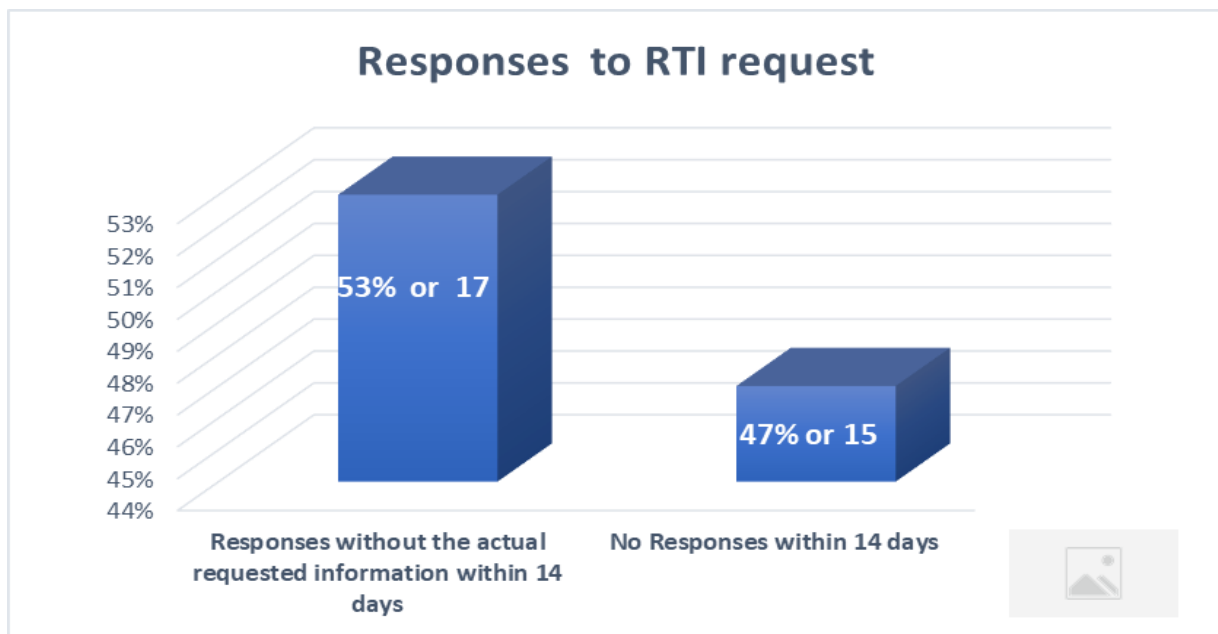
Unfortunately, a year after implementation of the RTI law commenced, the uptake by citizens and particularly journalists in demanding public information has been woefully low. A general monitoring by the Media Foundation for West Africa, showed limited citizens’ knowledge and awareness of the law leading to very low requests; Bureaucracy within the public institutions; Limited awareness of the internal review & appeal mechanisms as well as Uncertainties around fees and charges by some public institutions as in the case of the [MFWA vrs NCA](#) or this action by [Ghana’s Minerals Commission](#) to a request made the by online news portal - The Fourth Estate.

- **The Media and the fight against Corruption**

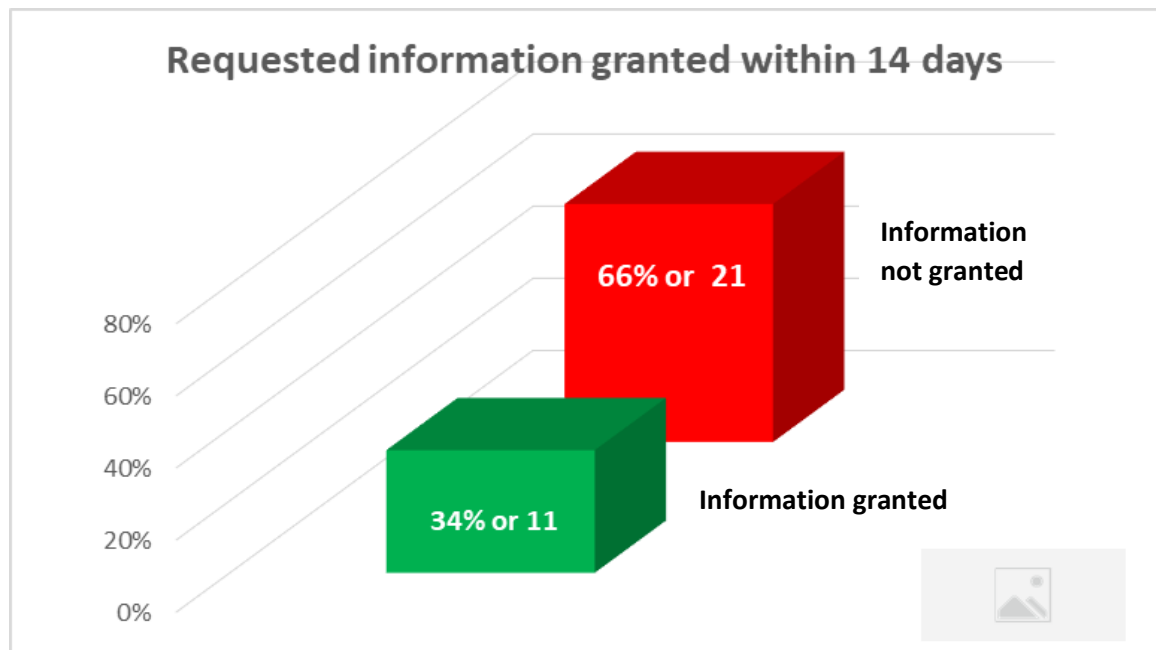
The media, and in particular investigative journalism, plays a crucial role in exposing corruption to public scrutiny and fighting against impunity. As enablers of democratic, participatory and accountable governance, a strong, free, independent and vibrant media can demand accountability and transparency from the public and private sectors and provide information on public sector corruption. They can investigate and expose political corruption also pressurize relevant authorities to address the problem. This makes a strong case for why the media must be equipped and supported to support the fight against corruption.

2.0 MFWA’s Experience with information requests under Ghana’s RTI law

Between **September 2020 and June 2021**, the MFWA made **32** information requests from **30** national-level public institutions. As shown in the figure below, **53%** of the requests made were determined (responded to) within the stipulated 14 days while **47%** of the requests were not responded to at all.



Again, of the **32** information requests submitted, only **11** (34%) were actually granted within the 14-day stipulated window, while a whopping **21** (66%) were not granted as shown in the figure below:



Levels of Responses Received

Varied responses received included “we *acknowledge receipt of request letter*”; “*we are working on your request*”; “*applicant should come over & fill information request form*” and “*We are hereby referring applicant to other institutions that may have the information*”. For some of the requests also there were “*No responses or acknowledgement at all*”, from some of the public institutions.

3.0 Six Key Recommendations from Stakeholders at the Forum

On June 17, 2021, the MFWA facilitated conversations among key stakeholders on the theme: **The RTI law, Investigative Journalism and the Fight Against Corruption in Ghana.** The Forum brought together the Executive Secretary of the RTI Commission, Yaw Sarpong and the Chairman of the RTI Commission, Justice K.A Ofori-Atta; anti-graft Civil Society Organisations such as the Ghana Integrity Initiative, the Ghana Anti-Corruption Coalition and the RTI Coalition; as well as media associations such as, the Ghana Independent Broadcasters Association, and mainstream media practitioners.

Reflections and deliberations focused on the current state of Ghana's RTI law; How critical it is for citizens and journalists in particular to use the RTI Law in their work and what hope the RTI law offers in stepping up the fight against corruption in Ghana. After two hours of deliberations, participants made the following six key recommendations:

1) Intensify public education and awareness of the RTI Act

Access to information is a basic human right. It is actually for all citizens to access public information on all sectors of governance as a way of engendering transparency and accountability. When the public are aware of the law and its usefulness to their lives, democracy and governance, they will be better empowered to utilize it. This will also help to clear the misconception that the RTI law is for journalists. The Government and civil society organisations including the media must therefore intensify public education on the merits of the RTI Act among citizens.

2) Journalists must consciously use the RTI to access more factual and reliable information for their reporting and programming

News programming and general news preparation in the Ghanaian media are sometimes done in a rush. Producers and Reporters in efforts to be the first to break a story sometimes intentionally ignore the need to dig the facts that are needed to make their stories credible. While these may be the case because news thrives on currency, the RTI law still provides an opportunity for media practitioners to further dig deep into issues and reliable for discussion in subsequent news programmes or reports. By this time, an RTI request would have helped in securing more credible and factual information from the right sources to further enrich the discussions or reports.

3) Denial of Access to information should not deter citizens from utilizing the law

Some public institutions may go silent or completely refuse to release information even though the information requested may not be exempt. Citizens, particularly, Journalists should not be discouraged by the denial of information but rather go through the appeal mechanisms provided for under the law for a hearing and redress. The perseverance and trust in the processes for seeking information will be rewarded and if not, the RTI Commission can always help in deciding the matter. Applicants should exhaust the appeal process in its entirety from the officers through to the RTI Commission and only proceed to court as a last resort.

4) State institutions must proactively disclose information

State institutions are mandated to disclose information on their work. They are expected to be proactive in sharing information with the public. Unfortunately, this is often not the case leaving majority of them being more reactionary than proactive. When public institutions institute and utilize mechanisms for adequate information disclosure it will help ensure transparency and also disabuse the minds of the public of misappropriation and abuse.

5) There is Need for a Legal Instrument to deal with some grey areas in the RTI Act

The RTI Act (989) makes provision for what information is accessible, what information is exempt, the information request processes and appeal mechanisms among others. While these are clearly stated, there are a few grey areas that require a Legal Instrument to iron out. For instance, the law mandates public institutions to make a determination on an information request within 14-days. Within this period the public institution is supposed to determine and inform the applicant whether the information is available and will be granted or just go ahead and grant it. Unfortunately, the Act does not state any specific timelines within which a public institution is supposed to respond to an information request when the 14 elapses.

The passage of a legal instrument in addressing some of the identified grey areas will further strengthen the Act. The general public, CSOs, and other like-minded institutions must therefore send proposals to the RTI Commission to be considered in the drafting of the LI.

6) Parliament must pass Fees and Charges Act

The absence of an agreed charge for processing information requests has warranted ridiculous and outrageous charges from some public institutions in a bid to deny the public access to information. As a matter of urgency, parliament must come up with the appropriate fees and charges as required under section 75 of the Act to curb some of these pre-meditated denials. This will put such state institutions in check and ensure the RTI law is utilized by well-meaning citizens in the quest for transparency and accountability.

Below are photos from the event in Accra



Justice K.A. Ofori-Atta (Chair, RTI Commission) launches RTI Guidebook



Panel Discussion: Abigail Larbi Odei, Programme Manager, MFWA (far left), Manasseh Azure Aɔwuni, an Investigative journalist (2nd from far left), Adizatu Moro Maiga, Programme Officer, MFWA (Middle), Lawyer & journalist, Samson Lardi Ayenini (2nd from right) and Mrs. Linda Ofori-Kwafo, Executive Director Ghana Integrity Initiative (far right)



Dignitaries at the High Table: Left -Susanne Fuchs-Mwakideu (DW Country Programme Director), Middle – Justice K.A. Ofori-Atta (Chair, RTI Commission) and Right- Sulemana Braimah (Executive Director, MFWA)



A cross-section of participants at the RTI Forum and Book launch



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