



MEDIA LAWS IN GHANA **– OBSTACLES TO** **FIGHTING IMPUNITY**



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Executive Summary

Ghana has made significant strides in ensuring a conducive environment for press freedom and freedom of expression since 1993. The country has subscribed to a number of international human rights instruments including the African Charter on Human and People's Rights (ACHPR), the Universal Declaration on Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR).

In terms of local laws regulating the media sector, Chapter 12 of the 1992 Constitution guarantees the freedom and independence of the media, while outlawing censorship. The legal guarantees are crowned by the passing in 2019 of the Right to Information Act (2019) which gives citizens a legal right to access public-interest information.

Despite these guarantees however, journalists in Ghana, like their counterparts across the world, are sometimes unable to operate freely and effectively as a result of numerous legal challenges that they face. These legal challenges range from arbitrary arrests and detentions to criminal and civil prosecutions, systemic lack of redress for violations perpetrated against journalists.

These obstacles not only threaten the safety and security of journalists, but also undermine press freedom, freedom of expression and the public's right to information. This report summarises the legal framework regulating the media in Ghana and highlights those that are liable to manipulation or have actually been weaponized against journalists. Among these are the nebulous contempt of court law which has been used on several occasions to jail journalists, as well as laws on false publication which is becoming a lethal substitute to the repealed criminal defamation. Section 76(1) of the Electronic Communications Act (Act 775) prescribes prison terms of up to five years for false publication by electronic means which "prejudices the efficiency of life-saving service or to endanger the safety of any person, ship, aircraft, vessel or vehicle." Section 208 (1) of the Criminal and Other Offences Act 1960, Act 29 similarly criminalises publications which are likely to cause fear and alarm to the public or to disturb the public peace.

The Police have used these laws to devastating effect, arbitrarily arresting and detaining journalists in circumstances that often ends without any legal process. Meanwhile, as principal perpetrators of violations against journalists, the police have been reluctant to investigate complaints by journalists. Also, for reasons of professional solidarity, the police fail to investigate violations perpetrated by members other security agencies like soldiers and national security operatives. It has, therefore, been recommended that an independent body should be established to investigate complaints against security agents

who violate the rights of journalists. Regarding the problematic laws, especially those on false publication, it has been recommended that they are amended or repealed. The need for regular training for the media, alongside an effective media legal defense mechanism for vulnerable journalists, has also been underlined.

1.0 Introduction

Ghana's media landscape is diverse and vibrant, reflecting the country's reputation as a bastion of democracy and civic freedoms. This is largely reflected in the relatively free media environment characterised by about [175 licenced](#) TV broadcast stations; [747 licenced](#) FM broadcasting stations; and [70 registered newspapers](#). While the country enjoys a relatively free media environment, political influence and pressure on journalists remain concerns, especially during election periods.

It is not the legacy media landscape alone that has seen expansion, access to the internet keeps rising as well. As at January 2024, the internet penetration rate in the country was 69.8% according to data from [datareportal](#). The steady progression of internet penetration in the country has made it possible for many media organisations to attain media convergence – operating radio, television, social media and online news portals at the same time. This development has truly contributed to expanding the frontiers of expression and participation in governance processes across the country.

The proliferation of media outlets, accessibility to the internet, and the plurality of opinions expressed in legacy and new media have become possible as a result of solid legal guarantees regarding press freedom and freedom of expression. Chapter 12 of Ghana's 1992 Constitution and other legal frameworks guarantee independence of the media and protect it against censorship.

Despite these guarantees, other provisions in the constitution and other legislations are sometimes exploited to restrict media freedom, free expression and justice for violations against the rights and freedoms of the press and expression. This report delves into the media regulatory environment in Ghana, highlighting how certain legal provisions have been exploited against the media, activism and expression in general. It also features how legal processes sometimes foster impunity against crimes against journalists.

2.0 Methodology

Data for this report was gathered through desktop research; and monitoring reports and articles published by the Media Foundation for West Africa (MFWA), its partner organisations, the media other media defense organisations. Information for this report was also sourced from journalists and media freedom activists through interviews. The report features both quantitative and qualitative analyses to present a holistic overview of the legal and regulatory landscape in the country.

The report opens with the broad lines of the laws regulating the media in Ghana and zooms in on the particular provisions that are liable to abuse, providing instances of how they have actually been weaponized against the media. The next sections look at some legal obstacles to countering impunity for press freedom and freedom of expression violations. The report ends with a number of recommendations for improving the media freedom and freedom of expression landscape to enable inclusivity and participation in governance processes and activism.

3.0 Legal framework for media freedom and freedom of expression

Ghana has signed unto a number of international human rights instruments including the African Convention on Human and People's Rights (ACHPR), the Universal Declaration on Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR). Article 9 of the ACHPR, [Article 19 of the UDHR](#) and Article 19(2) of the [ICCPR](#), guarantee the right to freedom of expression and of the press.

Ghana ranks among the most progressive in Africa regarding the safeguards for press freedom provided by its domestic laws, particularly Chapter 12 of the 1992 Constitution of Ghana. Article 162 of the Constitution guarantees freedom and independence of the media in the following provisions:

- (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 the Constitution provides for the establishment of the National Media Commission (NMC) by an Act of Parliament. The NMC is expected to be an independent media regulator with clearly defined functions in the Constitution:

(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;

The legal environment witnessed a major boost when on July 27, 2001, the country's parliament unanimously [repealed](#) the criminal libel and sedition laws, including clauses related to sedition and defamation of the President. Also scrapped were laws granting the President discretionary power to ban news outlets. The repeal, thus, expanded the media freedom space after years of repressive application of criminal and seditious libel dating back to colonial times.

The Electronic Communications Act (ECA), 2008, Act 775 also has a significant bearing on press freedom and access to information. The Act operates together with the National Communications Authority Act 769, 2008 to regulate frequency distribution and broadcast licences, as well as internet services. These Acts are, therefore, foundational to access to information and media plurality.

Ghana added another critical piece of legislation to its progressive media legal framework with the adoption in 2019 of the Right to Information ([RTI Law](#)¹) which gives its citizens the legal right to demand information held by public organisations.

However, given that press freedom, like other rights, are not open-ended, the Constitution makes certain general exceptions. For instance, Clause 164 of the Constitution stipulates that

“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.

One such “reasonably required” law is section 76(1) of the Electronic Communications Act (Act 775) which reads:

“(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.

Another of the “reasonably required” laws is Section 208 (1) of the Criminal and Other Offences Act 1960, Act 29 which states that “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 reason to believe that the statement, rumour or report is false commits a misdemeanour.”

These laws are apparently reasonable and necessary to ensure 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. However, their application has often been arbitrary.

The Witness Protection Act (2018) provides for the establishment of 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 the law enforcement agencies with respect to investigation and prosecution.” Section 2, (1).

¹ <https://www.mfwa.org/mfwa-welcomes-ghanas-rti-law-with-caution/>

4.0 Problematic laws, legal processes and how they are weaponised against journalists

Despite the impressive array of enabling laws, other laws and practices have been identified to be repressive. Below are a brief description of such provisions and how they have been used against journalist and expression generally.

4.1 Section 76(1) of the Electronic Communications Act (Act 775)

Section 76(1) of the Electronic Communications Act (Act 775) is one of the provisions that are often abused to harass and intimidate journalists. The section reads:

“(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.

This law appears to aim at dissuading the raising of reckless alarm that could cause widespread panic or disturb public order as well as any unauthorised interference in aviation or navigation systems by electronic means. It would, therefore, appear to be reasonable and necessary. However, recent records of its use have shown a tendency to target journalists for alleged false publication in the media (legacy and online).

In a number of cases, the police fail to establish the harm alleged to have been caused by the publications concerned. Nonetheless, they arrest and detain journalists under this law, sometimes with the courts remanding the suspects, only for the cases to be abandoned in the long run. This law has become a de facto substitute to the repealed criminal libel law, as the publications faulted by the authorities are otherwise amenable to civil defamation proceedings.

It is important to underline the fact that besides silencing journalists, this law has a chilling effect on freedom of expression generally. For example, the police arrested and prosecuted Mensah Thompson, Executive Director of civil society organisation ASEPA in February 2022 over a false social media post. Despite withdrawing his claim that the first family had flown on a Ghana Armed Forces aircraft to London, he was still charged with publishing false news.

Indeed, the civic space in Ghana has been restricted over the past seven years. A 2023 report by [Civicus Monitor](#)², a global freedoms research collaboration, downgraded Ghana’s civic space from “narrowed” to “obstructed”. The report “several journalists and activists have been subjected to arrests, with an increasing use of ‘false news’ regulations under the Criminal Offences Act (Act 29 as amended) and the 2008 Electronic Communications Act (Act 775).

4.2 Section 208 (1) of the Criminal Offences Act 1960, Act 29

Section 208 (1) of the Criminal Offences Act 1960, Act 29 has also been used a number of times to arrest and detain journalists. The section 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 reason to believe that the statement, rumour or report is false commits a misdemeanour.”

This law, criminalises false publication, prescribing a jail term of up to three years for offenders. Over the years, the police have weaponised these two laws against journalists, arresting and detaining several of them. This false publication law is easily manipulated to initiate criminal proceedings against journalists over alleged false or defamatory publications.

On November 1, 2021, the police [arrested and detained](#)³ for one-week Nhyiraba Paa Kwesi Simpson, a radio presenter with Connect FM based in Takoradi, capital of the Western Region of Ghana. The journalist was arrested together with a listener who had called into his programme to make a kidnap claim which the police said was false. He was arraigned before a High Court and remanded after being charged with publishing false news with the intent of causing fear and alarm to the public under the Public Order Act, and Electronic Communications Act, 775 of 2008.

In another incident, the police on February 10, 2022, [detained](#)⁴ Kwabena Bobbie Ansah, a presenter at Accra FM, bases in the Greater Accra Region of Ghana, on charges of “publication of false news and offensive conduct.” The charges related to a video the

² <https://wacsi.org/shrinking-civic-space-ghana-downgraded-from-narrowed-to-obstructed/>

³ <https://www.mfwa.org/country-highlights/mfwa-disappointed-b-detention-of-journalist-paa-kwesi-simpson-over-false-publication-charges/>

⁴ <https://theindependentghana.com/2022/02/bobie-ansah-refused-to-honour-several-invitations-police-clarifies-after-arrest>

journalist posted on social media claiming that President Nana Akufo-Addo's wife had illegally obtained a parcel of state land.

On March 30, 2023, the Magistrate Court in Tema (a city located 25 kilometres East of the capital city, Accra) [remanded](#)⁵ for two weeks the Deputy Station Coordinator of *Radio Ada*, Noah Dameh. He was charged with false publication under section 208 of the Criminal Offences Act, 1960 (Act 29). Dameh had made a Facebook post accusing the police of violating the rights of citizens who are protesting a salt mining monopoly accorded to a politically-aligned businessman. Dameh died in the course of prosecution.

In a classic case of abuse of power and censorship, the police arrested and charged the editor of a newspaper with false publication over a story that was yet to be published. David Tamakloe, the Editor of the Accra-based online newspaper, WhatsUp News, was arrested on April 1, 2021 for alleged extortion and publication of false news, according to a police [statement](#)⁶ issued a day later.

“Suspect was arrested on alleged offences of an attempt to commit a crime to wit: extortion contrary to section 18(1) and 151(1) and the publication of false news contrary to section 208 of the Criminal Offences Act 1960 (Act 29),” read the statement signed by DSP Juliana Obeng, the Head of Public Affairs of the police Criminal Investigative Department (CID).

Tamakloe was released on police enquiry bail later the same day. The editor, however, denied the allegations made against him. He told the MFWA in a telephone conversation that his arrest is an act of intimidation aimed at dissuading him from investigating a scandal involving a businesswoman whose husband is a senior police officer.

The rampant use of these laws on false publication to harass journalists caused widespread alarm and uproar. The media, civil society organisations and the public began to caution that Ghana was returning to the criminal libel era of repression. In February 2022, for instance, four organisations, Ghana Centre for Democratic Development (CDD-Ghana), IMANI Africa, STAR-Ghana and the Africa Center for International Law & Accountability (ACILA), [jointly condemned](#)⁷ the series of arrests and prosecution of journalists using these laws.

⁵ <https://www.mfwa.org/ghana-mfwa-calls-on-authorities-to-end-prosecution-of-journalist-noah-dameh/>

⁶ https://www.facebook.com/citi973/posts/the-police-administration-claims-that-the-editor-in-chief-of-whatsup-news-david-/10158546693456107/?locale=ms_MY

⁷ https://cddgh.org/wp-content/uploads/2022/02/CSO-Statement_Stop-Re-Introducing-Abolished-Criminal-Libel-Regime-fn2.pdf

“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.

The Media Foundation for West Africa and its partners in Ghana, including the Ghana Journalists’ Association and the Ghana Independent Broadcasters’ Association (GIBA), also organized a press conference on April 20, 2022 to [demand the repeal](#)⁸ of the two laws.

4.3 National Communications Authority (NCA) Act 2008, (769) and the Electronic Communications (ECA), Act 2008 (775)

Under the National Communications Authority (NCA) Act 2008, (769) and the Electronic Communications (ECA), Act 2008 (775), are some provisions that are also liable to abuse. Section 9 of the ECA Act (775) states that: (1) A person shall not use a spectrum for designated services without a frequency authorization granted by the Authority [NCA]. (2) A person who wishes to use a spectrum shall apply to the Authority in the manner specified in Regulation. This law clothes the National Communications Authority (NCA) with the power to issue spectrums for broadcasting and revoke the same for failure to pay the statutory license fees.

Meanwhile 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). Thus appointed, the regulatory body does not have the necessary independence and political neutrality to exercise the power to issue broadcast licenses fairly and transparently. Indeed, there is evidence to suggest that broadcast licences are issued with partisan considerations. A [Media Ownership Monitor](#)⁹ report jointly published by the MFWA and RSF in 2017 affirmed that “Out of all monitored media outlets, a third have owners that have political links or are directly state-owned.” Political links or affiliations referred to a party, a partisan group, a party leader or a clearly partisan person.

Another concern is that stations set up by such persons tend to pursue political and not journalistic or public interest objectives. Consequently, they propagate propaganda with very little consideration for journalistic ethics. Indeed, the MFWA’s Media Ethics

⁸ <https://mfwa.org/repeal-false-publication-laws-media-coalition-urges-ghana-govt/>

⁹ <https://ghana.mom-gmr.org/en/findings/political-affiliations/>

Monitoring report (June 2020) shows that over 77% of ethical violations recorded on radio were perpetrated by partisan radio stations. Also, during the 2020 election campaign, [the MFWA monitored](#) and documented a total of 582 incidents of abusive or indecent expressions on 60 radio stations across Ghana the country. “Once again, the leading perpetrators of abusive content were the same partisan radio stations. In fact, just five out of the 60 radio stations monitored—namely Oman FM, Wontumi Radio, Ash FM, Power FM and Accra FM—accounted for 432 (74%) of the 582 of the incidents of violations,” Sulemana Braimah, Executive Director of the MFWA, underlined in a recent [article](#)¹⁰.

Apart from being opaque and biased in issuing spectrum for broadcasting, the NCA has also been discriminatory in revoking broadcast licences and shutting down media houses. There are concerns about possible targeting of media organisations believed to be anti-government. For example, the NCA [shut down](#) a number of radio stations in 2019, among them two prominent pro-opposition radio stations, Montie FM and Radio Gold, in an exercise that the MFWA described as arbitrary and capricious. The MFWA insisted that the NCA’s own database indicated that a large number of radio stations had not renewed their licenses since their acquisition, some of which were not affected by the exercise. “This then leaves one with the question: if stations that had not renewed their licenses were to be shut down, why penalise some stations and leave others?”, the MFWA asked.

The NCA also [closed down](#)¹¹ Salt FM, based in Konongo in the Asante Akyem North Constituency, ostensibly for owing license fees. The action came just days after the station’s owner, Ohene Kwame Frimpong, announced his intention to stand as an independent Parliamentary candidate in the Constituency. Two days before the incident, the police had stopped Mr. Frimpong and his supporters from organising a walk which was planned to be climaxed with the official announcement of the businessman’s candidature for Ghana’s December 7, 2024 elections. Many believe Ohene Frimpong’s presence on the ballot could undermine the chances of the incumbent and

¹⁰ 2022/02/sulemana-braimah-writes-ghanas-journalism-and-media-freedom-crisis-part-1/

¹¹ <https://mfwa.org/ghana-jailing-of-broadcast-journalist-oheneba-boamah-bennie-unfortunate/>

ruling party candidate, Andy Appiah-Kubi, who [narrowly survived](#)¹² the party primaries.

To ensure transparency, the NCA has been called upon on many occasions to proactively publish the licensing status, including renewals and the dates of last renewal of all broadcast stations.

In what is clearly a conflict of roles, the NCA sometimes shut down media organisations for their content, although content regulation is the preserve of the National Media Commission (NMC). In what is clearly an encroachment on the functions of the National Media Commission (NMC). On February 5, 2020, the NCA [shut down](#)¹³ Radio Tongu, a private radio station in the Volta Region of Ghana. According to the regulator, it had received petitions from citizens expressing concern about the manner the station's manager, Bestway Zottor, was running the radio station and accusing him of promoting the agenda of a secessionist group. Clearly, given that the accusations related to content, it was not in the domain of the NCA but rather the NMC to issue sanctions, if necessary.

4.4 Contempt of Court

Another legal albatross hanging around the necks of journalists is Contempt of Court. Article 19 (11) of Ghana's 1992 Constitution states that: No person shall be convicted of a criminal offence unless the offence is defined and the penalty for it is prescribed in a written law. However, Article 19(12) stipulates that the preceding Article 19(11) shall not prevent a Superior Court from punishing a person for contempt of itself notwithstanding that the act or omission constituting the contempt is not defined in a written law and the penalty is not so prescribed.

One of the hazards of this law is that it is usually left to the discretion of the judges of the superior courts to decide which act in their view constitutes contempt. Among its many victims are journalists.

¹² <https://www.asaasradio.com/npp-primaries-dr-s-k-frimpong-surprises-asante-akyem-north-with-impressive-votes/>

¹³ <https://mfwa.org/issues-in-focus/shutdown-of-radio-station-regulatory-bodys-action-raises-concerns-about-media-regulation-in-ghana/>

In a similar case, Ken Kuranchie, editor-in-chief of the *Daily Searchlight*, newspaper, was [convicted](#)¹⁴ of criminal contempt by the Supreme Court and handed 10 days' jail term on July 2, 2013. The journalist had published critical editorials on June 27, 2013, about the court's handling of a petition by the opposition New Patriotic Party following Ghana's December 2012 presidential elections.

On March 21, 2017, a journalist with the state-owned *Daily Graphic*, Ghana's leading newspaper, was sentenced to a fine of Ghc5,000 (about US\$1,200) for publishing an interview judged to be [contemptuous of a High Court in Accra](#)¹⁵. The court also convicted the former Chairman of the Narcotics Control Board (NACOB), Akraasi Sarpong, to two months' suspended sentence for criticizing its decision to grant bail to drug suspects, in the said interview.

5.0 Legal Obstacles to Fighting Impunity

Impunity for violations against journalists remains a major concern worldwide, and Ghana is no exception. While attacks on journalists occur frequently, very few redress actions are initiated, much less successfully concluded. One of the major factors perpetuating this culture of impunity is the deep involvement of the police in abusing journalists. A recent [report](#)¹⁶ by the MFWA showed that security agents perpetrated 20 out of 30 press freedom violations recorded in Ghana from January 2021 to September 2022. Another [study](#)¹⁷ in 2016 quoting MFWA data from 2004 to 2014, observed that “The security agencies have committed over 38% of all the violations against journalists [53 out of 138].”

Being themselves culpable, the security agents cannot be expected to provide the protection journalists need to carry out their work freely and effectively. The fact of their being complicit has prevented the police in particular from carrying out their role of receiving and investigating complaints about press freedom violations. They are always conflicted when the alleged perpetrators are fellow police, military or other security officers. The persistent police inaction regarding attacks on journalists has discouraged many journalists from reporting violations they suffer to the police (who are the first point of call in any prosecution/a lot of legal processes).

¹⁴ <https://www.myjoyonline.com/criminal-contempt-ken-kuranchie-jailed-10-days-atubiga-gets-3/>

¹⁵ <https://mfwa.org/ghana-journalist-fined-us1200-for-contempt/>

¹⁶ <https://www.mfwa.org/wp-content/uploads/2023/02/Press-Freedom-in-Ghana-Online-Version.pdf>

¹⁷ Africanus L. Diedong, “Donkor: A Case Study of the Safety of Journalists in Ghana” 2016

Security agents also invoke national security reasons to restrict media freedom, detain or physically assault journalists. In one case, National Security operatives detained and assaulted Caleb Kudah, a reporter with Citi FM/TV after they apprehended him while filming at their premises. A truck load of heavily-armed security personnel later stormed the offices of the journalist's media house in order to arrest his colleague, Zoe Abu-Baidoo, suspected to have received some sensitive data from Kudah. Unfortunately, when national security is invoked, everybody stands impotent, given the sensitivity of security matters and this often dissuades any journalist from pursuing any legal process to seek redress or justice.

Concerns about protecting the sanctity of traditional authorities sometimes lead to press freedom violations against which the media has no appeal. For instance, under section 63(c) of the Chieftaincy Act 2008, it is an offense if a person “knowingly uses disrespectful or insulting language or insults a chief by word or conduct.”

This is a restraint on critical reporting on chiefs and an obstacle to fighting impunity as chiefs appear to have unfettered powers over their subjects and traditional areas. They are so powerful and respected in the Ghanaian socio-cultural system that the police, judges and other public officers hardly have the courage to oppose them, arrest them or arraign them before a court for civil or criminal prosecution.

In 2011, the Supreme Court took steps to prevent possible abuse of traditional authority by ruling in the case of Ampofo vrs. Attorney General,¹⁸ that traditional authorities cannot enforce section 63 (d) of the Chieftaincy Act regarding summons. That section states that it is an offense to refuse a summon by a chief. Despite this ruling, the traditional chiefs in Kumasi, Ghana's second biggest city, banished a businessman and politician, Akwasi Addai, in 2022 after the latter refused to honour their summons. Addai, a candidate in Ghana's 2012 presidential elections, had accused the chiefs of abetting illegal mining and its attendant environmental destruction during a media interview on the privately-owned Oyerepa FM and TV. The media outlet was also ordered to stop broadcasting until further notice. Despite the backing of the media regulator, the NMC, and massive moral support for the media house, its owners succumbed to pressure and stopped broadcasting. They returned to air only after appearing before the traditional chiefs to apologise for an offense that, in private, they deny having committed.

¹⁸ [Ampofo Vrs Attorney-general \[2011\] GHASC 54 \(20 July, 2021\).](#)

An emerging trend in the legal prosecution of journalists and media houses, which also serves as a barrier to seeking justice is the use of strategic suits by powerful individuals and groups to intimidate journalists and news media organisations. Even when a critical report has clearly established wrongdoing against powerful politicians or business entities (individuals or corporations), such entities fight back by resorting to Strategic Lawsuits against Popular Participation SLAPP. As the name suggests, these suits do not have merits but are intended to put financial and psychological pressure on the defendants. And they often last long enough to achieve this aim of distracting the victims and burdening them with legal expenses. In most cases, because journalists and news media organisations do not have the financial means to fight back or even appeal such suits, they do not get justice.

Besides these structural impediments to fighting impunity, there are other limiting factors emanating from the journalists and media organisations themselves. For example, the majority of media houses do not have safety policy that provide for periodic training of their journalists to navigate around problematic laws such as those on false publication, defamation and contempt of court.

Financial difficulties also serve as a major impediment to countering impunity. Litigation is expensive and emotionally draining. With many news media organisations facing sustainability challenges, many journalists silently suffer violations because neither they themselves nor their employers can afford litigation to seek justice. In certain instances, abused journalists and media houses agree to amicable settlement, with the apology offered by the perpetrators or the reimbursement of medical bills or the replacement of damaged equipment as the sole consolation. This culture hardly helps fight impunity, as wealthy individuals will always feel that they can get away with violations against the media. The poor journalists and news media organisations, thus, find themselves between the twin evils of expensive litigation and compromising settlement.

Also, as a result of the financial constraints many news media organisations face, they are unable to hire lawyers or contract legal retainer services. Thus, they are unable to get legal guidance for their publications and programmes, and available support for legal suits against journalists and/or media outlets.

Finally, unprofessional conduct and mundane media output undermine public confidence in the media and robs journalists of public sympathy and solidarity when they are attacked. Amidst the declining public trust and appreciation of the media's relevance, unlawful attacks on journalists, attract little outrage. However, even in instances of professional misconduct, due process must be followed to seek redress

instead of the arbitrary attacks meted out against journalists and media houses. In any case, when members of other professions err or make mistakes, they are not beaten or physically assaulted. Journalists should not be an exception..

6.0 Conclusion & Recommendations

The fight against impunity for crimes against journalists is daunting, given complex and multifaceted obstacles confronting it. These obstacles – legal, political, financial and institutional – contribute to make justice elusive to the media and media practitioners whose rights are abused. The legal provisions and processes are particularly concerning. Given that they are the existing frameworks and mechanisms for justice, journalists and the media will continue to face the brunt of their misapplication and redress will be elusive.

Addressing these challenges is crucial to ensuring the safety of journalists and the protection of a free and independent media as a major pillar of democracy. The growing attacks on journalists and the media in Ghana and the seeming impotence on the part of the victims is a threat to democracy and accountability.

Improving legal frameworks, ensuring independent and thorough investigations, and fostering a culture of accountability are crucial steps toward breaking the cycle of impunity. Ultimately, the safety of journalists and the preservation of media freedom depend on the willingness of all stakeholders to confront these obstacles in a robust manner. To achieve this;

- The government, in collaboration with all stakeholders, should take steps to ensure that laws that criminalise journalism and restrict media operations are repealed or amended. This includes the heavily-weaponised false publication laws
- The National Media Commission should be be resourced to work effectively and proactively as the first point of call for all media offences before they are escalated to the courts. The NMC must also be strengthened to carry out effective monitoring in order to sanction unprofessional content-related issues, to prevent arbitrary reprisal from other actors.
- An independent board should be established or a special desk set up within the Commission for Human Rights and Administrative Justice (CHRAJ) to receive and deal with violation complaints involving security agents.
- National and international media defence bodies should provide journalists and editors with training in media legal issues to enable them avoid needless lawsuits.

They should also provide legal and financial support to journalists to defend themselves or seek redress for violations suffered.

- The judiciary must protect public interest journalism by dealing expeditiously with SLAPP actions against journalists in order to save them cost, time and stress.
- Media development organisations should continue to work with the media to continuously improve professional standards and mount advocacy for improvement in safety of journalists conditions.



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