



GHANA

OVERVIEW OF RECENT RESTRICTIONS TO CIVIC FREEDOMS



Citizen Coalition





INTRODUCTION

This country brief covers civic space developments in Ghana between January 2021 and October 2022. While Ghana has been lauded as a regional champion for its respect of fundamental and democratic freedoms for many years, this has recently been seriously undermined. Major civic space concerns in Ghana include the safety of journalists, the arrest of journalists under ‘false news’ regulations, a draconic draft LGBTQI+ law that criminalises LGBTQI+ advocacy and instances of excessive use of force against protesters. These concerns reflect a growing intolerance of criticism and dissenting views on the part of the authorities and politicians.

Civic space in Ghana is currently rated as narrowed by the CIVICUS Monitor. This means that violations of the fundamental freedoms of association, peaceful assembly and expression occasionally take place.

JOURNALISTS AND FREEDOM OF EXPRESSION UNDER ATTACK

Press freedom and journalists are increasingly under attack in Ghana. An increase in press freedom violations indicates an increasing intolerance of dissenting and critical voices on the part of the authorities. This is [reflected](#) in the 2022 World Press Freedom Index, where Ghana’s rating [dropped](#) significantly: from 30th place globally and third place in Africa in 2021 to 60th place in the world and 10th place in the continent in 2022.

The freedom of expression monitor of the Media Foundation for West Africa (MFWA) [documented](#) 11 freedom of expression violations between January and March 2022, the highest number of violations [recorded](#) in Ghana in a single quarter in the past three years, outpacing other West African countries.

The safety of journalists remains a concern as several journalists have been physically attacked. The [failure](#) to secure justice for the assassination of investigative journalist Ahmed Hussain-Suale, who was [killed](#) in January 2019, has sent a further concerning signal. Additionally, there have been recent incidents of attacks against media outlets.

ABOUT THE CIVICUS MONITOR

The [CIVICUS Monitor](#), an online platform that tracks threats to civil society in countries across the globe, rates civic space – the space for civil society – in Ghana “**Narrowed**”.

The data provides the basis for civic space ratings, which are based on up-to-date information and indicators on the state of freedom of association, peaceful assembly and expression. Countries can be rated as:

CLOSED

REPRESSED

OBSTRUCTED

NARROWED

OPEN

ABOUT THE WEST AFRICAN CIVIL SOCIETY INSTITUTE

The West Africa Civil Society Institute (WACSI) was established in 2005 and became operational in 2007. The purpose of WACSI is to build the capacity of civil society in West Africa. Over the years, WACSI has built a track record as a prime capacity enabler, convener, thought leader and influencer within the civil society sector in West Africa. The overall goal of WACSI for the period 2023-2027 is to strengthen the capacity of the civil society sector in West Africa to be responsive, representative, collaborative, resilient and influential, enabling citizens to proactively influence the development and socio-economic transformation agenda of the region.

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JOURNALISTS CONTINUE TO BE ASSAULTED, ATTACKED AND THREATENED

Physical attacks against journalists have become a common occurrence in Ghana, perpetrated by both state and non-state actors. For example, on 11 March 2022, two military officers repeatedly [beat](#) investigative journalist Michael Aidoo, a fellow of the MFWA Next Generation Investigative Journalism Fellowship, at the Afari Military Hospital project site in Ashanti Region, after they noticed he was taking photos of the local offices of the New Patriotic Party (NPP), the ruling party of President Nana Akufo-Addo. A soldier who identified himself as 'Opoku' started beating Aidoo after he refused to hand over his phone and password. Further beatings occurred and Aidoo was forced to do push-ups with a cement brick on his waist, even after he yielded to the soldiers' request and identified himself as a journalist.

On 3 February 2022, Eric Nana Gyetuah, a radio broadcaster for Connect FM, was [assaulted](#) by police officers in Takoradi, Western Region, after they noticed him filming them in a restaurant, where they had reportedly brought arrested people in handcuffs with them. The beating reportedly started after Gyetuah refused to hand over his phone. Gyetuah was handcuffed, brought to a police station and detained for several hours on accusations of unlawfully taking pictures and public order charges before being released on bail four hours later.

Non-state actors such as supporters of political parties have also perpetrated violations against journalists. For example, on 2 May 2022, NPP supporters [accosted](#) and pushed to the ground Prince Acquah, journalist for Ghana News Agency, in Ajumako, Central Region. The attack happened when the perpetrators noticed Acquah filming an altercation between NPP supporters.

Journalists also have been subjected to threats, including by politicians. Member of Parliament Kennedy Agyapong [called](#) for the beating of journalist Asare Donkor of Joy FM during an interview on Net2TV on 9 July 2021. Agyapong, whose family owns the TV channel, accused Donkor of 'falsehoods' in his reporting on the death of community activist Ibrahim 'Kaaka' Muhammed and subsequent lethal protests, in which two people were killed. As a result, the journalist went into hiding out of fear of being attacked. Agyapong [made](#) similar public verbal threats towards investigative journalist Ahmad Hussein-Suale for his participation in a documentary on alleged corruption in the soccer world, just months before his killing by unidentified perpetrators on 16 January 2019.

ATTACKS AGAINST MEDIA OUTLETS: VANDALISATION, CENSORSHIP

Attacks against media outlets, in the form of break-ins, vandalism of equipment and attempts to censor outlets, also occur on a regular basis in Ghana. On 16 May 2022, three people, identified by the victims as NPP supporters, [forced](#) their way into the offices of radio station Benya FM in Elmina, Central Region, and physically attacked two journalists – radio host Eric Blessing Eshun, also known as Osofo Blessing, and producer Emmanuel Egyirfah, also known as Nana Gyefo – during a live talk show. The perpetrators destroyed equipment and kicked and punched Blessing, leading to him becoming unconscious. Egyirfah's arm was twisted when he attempted to lock the door against the perpetrators. The attack forced the radio station off air for four days.

On 13 January 2022, 10 unidentified masked individuals [broke into](#) and vandalised the offices of Radio Ada FM, based in Ada district in the Greater Accra Region. The assailants threatened and attacked staff members of the radio station during the attack: radio host Korle Adjaotor Sorngortse was hit and kicked all over his body for 10 minutes. The receptionist, Ruby Ate, was shoved and producer Gideon Amanor Dzeagu was forced to kneel. [According](#) to Radio Ada FM journalist Julius Odoi, who spoke with MFWA, the men ordered the radio host, who was presenting a music programme at the time, to cease broadcasting. They threatened to return if the radio station did not stop reporting on a salt mining contract recently granted to the Electrochem company. Two computers, a sound-mixer and headphones were destroyed in the attack, forcing the radio station to shut down for several days.



On 26 August 2022, the traditional authority in Ashanti Region – the Kumasi Traditional Council – [ordered](#) radio station Oyerepa FM to suspend its operations. The Council accused the radio station of having served as a platform for politician and former presidential candidate Akwasi Addai Odike to verbally attack the traditional authority. During an interview on Oyerepa FM, Odike had accused the traditional authorities in Ashanti Region of being unconcerned about illegal mining and the destruction of forests, lands and water, and had threatened to organise a massive protest. On 29 August 2022, the Council granted the radio station permission to resume its operations after mediation efforts.

CRIMINALISATION OF SPEECH: PUBLICATION AND DISSEMINATION OF ‘FALSE NEWS’

Ghana [repealed](#) its Criminal Libel and Seditious Laws in 2001, following the passage of the Criminal Code (Repeal of the Criminal and Seditious Laws – Amendment Bill) Act 2001. Prior to its repeal, it was used to arrest journalists. The past few years, however, have seen an increase in the detention and prosecution of journalists and activists through the use of secondary legislation, most notably [‘false news’ regulations](#).

Section 208 of the Criminal Offences Act (Act 29 as amended), criminalises the publication and reproduction of false news with the intent to ‘cause fear and alarm to the public or to disturb the public peace’. False reports, by word of mouth, writing or any other means, ‘which is likely to injure the credit or reputation of Ghana or the Government’ is considered a second-degree felony in Section 185 of the Criminal Offences Act. According to the act, it is not a defence to not know that the reports were false. The above provisions have been [criticised](#) by media law observer Sammy Appiah Darko as being ‘draconian, archaic, nebulous and subject to abuse’. Under Section 76 of the 2008 [Electronic Communications Act](#) (Act 775), it is prohibited to give false information. Sending false or misleading communication through electronic means that is ‘likely to prejudice the efficiency of a life-saving service or to endanger the safety of any person, ship, aircraft, vessel or vehicle’ can be penalised with a maximum fine of 1,000 penalty units (12,000 cedis, approx. US\$840) and a maximum prison sentence of three years.

On 24 May 2022, police briefly [detained](#) Noah Narh Dameh, a radio journalist and deputy station coordinator of Radio Ada, following a petition by the company Elektrochem. He was later charged with publishing false news. The charges relate to a Facebook post in which Dameh claimed that Indigenous salt miners are being sidelined by some traditional chiefs in Ada, along with Daniel McKorley, executive director of Elektrochem, the company that was granted a controversial concession to mine salt on an industrial scale in Ada. Dameh was detained for nearly six hours before being released.

On 10 February 2022, Accra FM radio host Kwabena Bobbie Ansah was [arrested](#) and charged with publishing false news and offensive conduct in relation to a video he posted on social media where he alleges that the First and Second Ladies of Ghana fraudulently appropriated state land for the Rebecca Foundation, a non-profit organisation. Ansah was later released on bail of 50,000 cedis (approx. US\$5,600).

A day earlier, on 9 February 2022, Mensah Thompson, executive director of the Alliance of Social Equity and Public Accountability, an anti-corruption civil society organisation (CSO), was [arrested](#) and charged with publication of false news. The detention follows a complaint from the armed forces over a Facebook post in which Thompson alleged that President Akufo-Addo and his family had used the presidential jet for a shopping trip to the UK. Thompson was also released on bail of 50,000 cedis (approx. US\$5,600).

Journalist and host for Connect FM, Nhyiraba Paa Kwesi Simpson, was [detained](#) on 1 November 2021 and charged with publication of false news with the intent to cause fear and alarm to the public under the Criminal Offences Act and false publication of news through an electronic device under the Electronic Communication Act. The charges relate to a call by radio listener Stephen Kumi, who claimed live on a radio show Simpson was hosting that his girlfriend had been kidnapped. Both Kumi and Simpson were detained after police said that their investigations showed that the kidnap claim was a hoax. The Takoradi Circuit Court remanded both in police custody before Simpson was finally granted bail on 8 November 2021.



OTHER INSTANCES OF ARBITRARY DETENTION OF JOURNALISTS

Arbitrary detentions of journalists have also occurred on the basis of other reasons, such as ‘illegally filming’. Freelance journalist Sacut Amenga-Etego was [arrested](#) on 25 February 2022 by national security operatives on accusations of illegally filming them and suspects they had arrested on High Court premises. The court ordered that Amenga-Etego be detained for two weeks as the judge deemed the journalist a threat to ‘the court complex or the whole nation’. Amenga-Etego was discharged and released on 1 March 2022 but was immediately re-arrested on bribery allegations.

CitiFM journalist Caleb Kudah was [arrested](#) by national security operatives for reportedly filming government vehicles at the premises of the Ministry of National Security, which is considered a restricted security zone. Kudah was taken to a local police office, where he was reportedly [beaten](#) and kicked by police officers while photos were deleted from his phone. Armed officers then proceeded to the CitiFM offices, where journalist Zoe Abu-Baidoo Addo was arrested at gunpoint, as she had reportedly received images from Kudah. Both journalists were released without charge.

On 14 January 2021, Serlorm Gborbidzi, a journalist for The Finder newspaper, was [arrested](#) by a police officer who noticed that Gborbidzi had filmed a scuffle between the police and a commercial vehicle driver. Gborbidzi was released after four hours, but charged with obstruction of justice, illegally filming a police officer on duty and insulting a police officer.

PROTEST BANS, THE USE OF EXCESSIVE FORCE AND DETENTION OF PROTESTERS

In the past two years, Ghana has experienced some mass protests, particularly to demand better socio-economic and living conditions and against the high cost of living. #FixTheCountry started as a social media campaign, morphed into a movement and organised a [mass protest](#), gathering thousands, on 4 August 2021. People also gathered on 28 and 29 June 2022 in [#AriseGhana protests](#) to denounce the high cost of living, spiralling food and fuel prices, high inflation and a new levy on electronic money transfers amid an economic downturn. On the first day of the protest, clashes between police and protesters occurred, while the protests on 29 June 2022 were peaceful without any incidents.

Although freedom of peaceful assembly is guaranteed in article 21(1)(d) of Ghana’s 1992 Constitution, as amended in 1996, in practice there have been instances of violations including denial of permits to gather peacefully, excessive use of force against protesters and the detention of protesters.

DENIAL OF PROTEST PERMITS

Freedom of peaceful assembly is regulated by the 1994 Public Order Act (Act 491), under which public assemblies require organisers to notify the police at least five days before the planned event (section 1(1)). The police can, under section 1(2), propose that the organiser postpone the event to another date or relocate the proposed assembly if there are ‘reasonable grounds to believe that the special event if held may lead to violence or endanger public defence, public order, public health or the running of essential services or violate the rights and freedoms of other persons’ and under sections 1(5) and 1(6) can appeal to a judge or a chair of a tribunal to issue an order to prohibit a public assembly when the organisers do not respond or comply with the police’s request. Failure to notify the police or participation in a public assembly while knowing there has been no notification for the assembly is punishable under section 9(a) and 9(c) with a fine of 250 penalty units (3,000 cedis, approx. US\$296), a prison sentence of up to one year, or both. In practice, the notification requirement is at times turned into an authorisation requirement and time and place restrictions are imposed on protest organisers.



For example, the #FixTheCountry protests, planned for 9 May 2021, were [not authorised](#) by the Greater Accra Regional Police Command, which stated that banning the protest on grounds of limiting the spread of COVID-19 was allowed under the Public Order Act. On 6 May 2021 the High Court of Accra [issued](#) a court injunction prohibiting the #FixTheCountry protests on 9 May 'or any other date until the restriction on public gathering is lifted by the appropriate authority'. The ban forced the protests to take place [online](#), while armed police officers and anti-riot vehicles were [deployed](#) to Independence Square in Accra to prevent any protests taking place. On 8 June 2021, the Supreme Court [nullified](#) the injunction issued by the High Court, ruling that the court had exceeded its jurisdiction by making the injunction indefinite. After another – failed – attempt by the police to prohibit the protest, the protest finally took place on 4 August 2021.

USE OF EXCESSIVE FORCE

There have been a few occasions since January 2021 in which security forces have used excessive force against protesters. In some cases, there have been efforts on the part of the authorities to hold law enforcement officials to account and provide remedy to victims.

On 13 June 2022, police reportedly [used](#) teargas to disperse a protest by students from the Islamic Senior High School in Kumasi, Ashanti Region, leading to dozens of students being injured and requiring hospital treatment. The students blocked the road in front of their school in protest over frequent road accidents involving pedestrians. [According](#) to news reports, police also fired warning shots into the air. Police [claim](#) that the students pelted the police with stones and police officers used pepper spray and warning shots to disperse them. In a [statement](#) after the incident, police [said](#) that 'the Police handling of the incident was poor and fell short of our standard operating procedure on crowd control'. As a result, the Deputy Regional Police Commander was removed from his post, two other senior police officers were indicted and the Police Professional Standards Bureau was tasked with a full-scale investigation.

Following the killing of outspoken community activist Ibrahim 'Kaaka' Muhammed in Ejura, Ashanti Region, spontaneous protests [erupted](#) on 29 June 2021. A joint police and military unit was deployed to the protest site, where clashes were reported. Two people were killed and four people injured, reportedly after security officers used live ammunition to disperse the advancing crowd. A three-member Ministerial Committee was [set up](#) following a directive by President Akufo-Addo, tasked with investigating the incident. It held public hearings on the events that led to the two deaths. Recommendations from the Ministerial Committee [include](#) the payment of adequate compensation for the families of the two deceased and four injured people, a Military Establishment review of the 'inappropriate use of force' and application of sanctions, the removal of the District Police commander for his 'incompetence in handling the situation', and annual training for security officers.

DETENTION OF PROTESTERS

Occasionally, protesters in Ghana are arrested. For example, on 25 June 2021, police [arrested](#) at least 11 members of the #FixTheCountry campaign, who were protesting in front of the Accra High Court where a new application for an injunction against the protests by police was being heard. They were reportedly later released on bail.

CRACKDOWN ON LGBTQI+ RIGHTS AND ACTIVISM

A DRACONIAN ANTI-LGBTQI+ DRAFT LAW INTENSIFIES A HOSTILE ENVIRONMENT FOR LGBTQI+ RIGHTS

In June 2021, eight members of Ghana's National Assembly [introduced](#) a draconian [anti-LGBTQI+ draft law](#), the Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill, 2021. The Bill [prescribes](#) fines, prison sentences and so-called 'conversion practices' for gender and sexual minorities, and will have far-reach-



ing consequences if adopted. It [places](#) a duty on every citizen to promote and protect the provisions of the Bill, including by reporting 'offences' as determined by the Bill to the police and assisting in the investigation and prosecution of offenders. Additionally, 'advocacy, support and other promotional activities' are criminalised, with heavy prison sentences ranging from five to 10 years.

An already [hostile](#) anti-LGBTQI+ climate intensified further with the introduction of the draft law, assisted by [hostile media coverage](#) of LGBTQI+ people. Since the Bill's introduction, OutRight Action International and other LGBTQI+ organisations in Ghana have [documented](#) human rights violations against LGBTQI+ people, including mob attacks, physical violence, arbitrary arrests, blackmail, online harassment, verbal harassment, gang rape and other acts of sexual violence, 'conversion practices', forced evictions and homelessness, employment discrimination and robbery.

Section 104 (1)(b) of Ghana's 1960 [Criminal Offences Act](#) (Act 29) already [criminalises](#) 'unnatural carnal knowledge', interpreted as consensual same-sex conduct, but has [rarely been enforced](#).

LGBTQI+ COMMUNITY CENTRE FORCED TO SHUT DOWN AFTER POLICE RAID

On 24 February 2021, Ghana's first LGBTQI+ community centre, set up by civil society group LGBTI+ Rights Ghana to [provide](#) health, psychosocial support and legal support to LGBTQI+ people, was [forced](#) to close its doors for security reasons after the centre was raided by police, who were accompanied by journalists and traditional leaders. The public opening of the centre on 31 January 2021 [sparked](#) a backlash from church leaders, political figures and anti-LGBTQI+ organisations such as the National Coalition for Proper Human Sexual Rights and Family Values, which called upon the authorities to close the centre.

THE HO 21: LGBTQI+ ACTIVISTS ARRESTED, PROSECUTED

On 20 May 2021, police [arrested](#) 21 people at a hotel in Ho, Volta Region, while they were attending paralegal training organised by the CSO Rightify Ghana on how to document violations against LGBTQI+ people. They were charged with 'unlawful assembly' under Section 201 of the Criminal Code, [defined](#) as a gathering of at least three people with the intention to commit an offence, and detained for 22 days before their release on bail. The case against the Ho 21 was [dismissed](#) on 5 August 2021 due to insufficient evidence. [According](#) to human rights groups, the Ho 21 suffered abuse while in detention, including torture, humiliation and unsanitary cells.

In June 2022, a coalition of LGBTQI+ organisations in Ghana [filed](#) two lawsuits at the High Court against the Inspector General of the Police and the Attorney General of Ghana over violations of the rights of the Ho 21.

CIVIL SOCIETY FIGHTS BACK

In July 2022, citizens and dozens of CSOs, including West Africa Civil Society Institute and Ghana Center for Democratic Development, [formed](#) the Coalition for Democratic Accountability and Inclusive Governance, also known as the Citizens' Coalition, in response to 'grave concerns about the prevailing socio-economic and governance challenges facing the country'. These challenges include abuse of power, impunity, political party patronage and corruption, which ultimately threaten democracy in Ghana. The [Citizen Coalition](#) aims to 'harness democratic processes of mass education and mobilization to stem the dangerous trend and assure democratic renewal, economic and social justice'.



RECOMMENDATIONS

To the Government of Ghana

- Withdraw the Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill, 2021.
- Amend Section 208 of the Criminal Offences Act (Act 29) and Section 76 of the 2008 Electronic Communications Act (Act 775).
- Guarantee adequate protection and security for journalists, so they can effectively perform their duties without any fear of victimisation.
- Ensure that civil society members, human rights defenders and journalists are able to carry out their legitimate activities without fear or undue hindrance, obstruction, or legal and administrative harassment.
- Strengthen the capacity of security officials to uphold freedom of expression, media rights and freedom of peaceful assembly.
- Provide recourse to judicial review and effective remedy, including compensation, in cases of unlawful denial of the right to freedom of peaceful assembly by state authorities.

To Ghanaian civil society

- Engage with key stakeholders within the government on fundamental rights, including civic rights, in Ghana.
- Continue the collective effort to pressure the government to champion initiatives to promote civic space.
- Continue to raise awareness about civic space and civic freedoms among the public.
- Engage with law enforcement agencies and provide them with capacity-development sessions aimed at equipping them to better understand and play their role in protecting civic freedoms in Ghana.