

Freedom on the Net 2023



header1 Overview

Internet users in Ghana enjoy an information space that is largely free from technical censorship. However, the government is poised to vote on draft legislation which would criminalize online and offline activities that portray LGBT+ relationships in a positive way. If enacted, internet service providers (ISPs) and website owners may proactively remove content to avoid being held liable for posts which support LGBT+ activities. Individuals increasingly risk arrest for posts related to the president or the police, and online journalists face an increasing risk of harassment and assault for their critical reporting.

Since 1992, Ghana has held competitive multiparty elections and undergone peaceful transfers of power between the two main political parties. Although the country has a relatively strong record of upholding civil liberties, discrimination against women persists, and harassment of LGBT+ people has increased since the 2021 introduction of draft legislation that further criminalizes same-sex relations. There are some weaknesses in judicial independence and the rule of law, corruption presents challenges to government performance, and political violence is a growing concern.

header2 Key Developments, June 1, 2022 - May 31, 2023

- Users continued to mobilize online campaigns to protest fuel prices and economic hardships during the coverage period (see B8).
- In January 2023, an Accra court ruled that the rights of Emmanuel Ajarfor Abugri, editor of an online news portal, had been violated when he was abducted and reportedly tortured by security forces in 2019 (see C1). The court ordered three high level officials to issue an apology to Abugri, who was targeted for publishing articles about the national security minister, and to financially compensate him for devices seized by the authorities when he was abducted.
- A government-mandated reregistration of SIM cards, which requires subscribers to link their SIM cards to their biometric identification card, continued through the coverage period until May 2023 (see C4).

A Obstacles to Access

A1 1.00-6.00 pts0-6 pts

Do infrastructural limitations restrict access to the internet or the speed and quality of internet connections?	4.004 6.006
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Score Change: The score improved from 3 to 4 because internet penetration increased, according to some measurement sources.

Steady improvement in internet infrastructure has produced gains in internet access and quality in Ghana. As of January 2023, the National Communications Authority (NCA) puts mobile data registration at 22,756,215, representing 71.51 percent mobile internet penetration, while fixed-line internet penetration was 0.33 percent.¹ DataReportal's *Digital 2023* report indicated that the country's internet penetration rate had reached 68.2 percent in January 2023.² According to the International Telecommunication Union (ITU), internet penetration stood at 68 percent in 2021, the most recent available data.³

Internet users in Ghana accessed average mobile download and upload speeds of 11.09 megabits per second (Mbps) and 11.17 Mbps, respectively, in April 2023. During the same period, broadband download and upload speeds were 32.76 Mbps and 21.95 Mbps, respectively.⁴ High-speed mobile internet is generally only accessible in cities.⁵

The ICT Policy for Accelerated Development (ICT4AD), the blueprint for digital transformation adopted in 2004, greatly improved internet access in the country. Through Google's CSquared project, more than 2000 kilometers of fiber-optic cable have been laid in five cities: Accra, Tema, Kumasi, Kasoa, and Takoradi.⁶

Infrastructure-related internet disruptions are uncommon in Ghana. However, loadshedding—planned blackouts—has interrupted internet access for some residents.⁷

A2 1.00-3.00 pts0-3 pts

Is access to the internet prohibitively expensive or beyond the reach of certain segments of the population for geographical, social, or other reasons?	1.001 3.003
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High prices for internet services and excessive taxes impede access to the internet for large segments of the population. Data prices also determine what platforms people can access, as some telecommunications companies offer social media bundles that are cheaper than other internet packages. According to the 2022 edition of the Economist Intelligence Unit's Inclusive Internet Index, the cost of 1 gigabyte (GB) of mobile data stood at 0.68 percent of monthly gross national income (GNI) per capita in Ghana.⁸

In May 2022, the government introduced the Electronic Transfer Levy, popularly known as the “e-levy,” which imposed a 1.5 percent tax on mobile money transactions. The tax was reduced in January 2023 to 1 percent. However, it was announced in the budget that the daily tax-free threshold of 100 Ghanaian cedi (\$9.79), intended to ensure that vulnerable groups could still access mobile money services, would be removed.⁹ Research from the Global System for Mobile Communications Association (GSMA) found that the e-levy significantly reduced the demand for mobile money as Ghanaians returned to cash-based transactions, reversing some of the country's previous digital inclusion gains.¹⁰

In September 2020, the government lowered the Communications Service Tax, a consumer tax on telecommunications services from 9 percent to 5 percent to mitigate the economic effects of COVID-19. The tax had previously been criticized for creating an additional barrier to internet access.¹¹ Officials have also indicated that the government may consider a tax of over-the-top (OTT) digital services, as revenue from traditional voice calls has declined.¹²

Rural areas in Ghana tend to lack internet infrastructure. The Ghana Investment Fund for Electronic Communications (GIFEC), which is funded by licensed service providers, seeks to address the urban-rural digital divide in internet access.¹³

Ghanaian women are 5.8 percent less likely than men to have access to the internet, according to an October 2020 report by the World Wide Web Foundation. Gender gaps are particularly pronounced for fast, stable, and regularly accessible services and in rural areas.¹⁴ According to the ITU in 2021, 65 percent of women had access to the internet, compared to 72 percent of men.¹⁵

A3 1.00-6.00 pts0-6 pts

Does the government exercise technical or legal control over internet infrastructure for the purposes of restricting connectivity?	5.005
	6.006

There are no recorded restrictions on connectivity in Ghana, though the state's partial control of internet infrastructure may facilitate such restrictions.

The National Information Technology Agency (NITA) operates a fiber-optic network that it leases out to internet service providers (ISPs).¹⁶ Major ISPs also maintain their own fiber-optic and satellite networks.¹⁷ Though the Ghanaian government historically operated an internet exchange point (IXP), Ghana's primary IXP is now operated by a nonprofit association of ISPs.¹⁸

Section 99 of the Electronic Communications Act (ECA), which gives the president broad powers over providers during a state of emergency, may provide the legal authority to restrict the internet.¹⁹

A4 1.00-6.00 pts0-6 pts

Are there legal, regulatory, or economic obstacles that restrict the diversity of service providers?	4.004
	6.006

While Ghana's licensing requirements do not place extensive barriers to entry, MTN's dominance in the mobile services market and Vodafone's dominance over fixed-line services may limit competition. The government owns a 30 percent stake in Vodafone Ghana.²⁰

In April 2021, the government acquired full ownership of AirtelTigo after Airtel and Millcom—AirtelTigo's parent companies—announced an exit from the Ghanaian market. After acquiring full ownership, the government announced it would temporarily operate the assets of the communications company, which served 5.1 million subscribers at the time of the sale.²¹

According to NCA data from January 2023, MTN holds 75.36 percent of the mobile data market, followed by Vodafone Ghana with 13.2 percent and AirtelTigo with 11.45 percent. Of the fixed-line market, Vodafone controls 72.94 percent, MTN controls 26.51 percent, and AirtelTigo holds 0.55 percent.²²

In June 2020, the NCA announced that it had designated MTN's Ghana entity a "significant market power" and would take measures aimed at reducing MTN's share of the mobile market.²³ MTN filed a complaint against the designation, which was rejected by the High Court in Accra. MTN initially appealed to the Supreme Court, but withdrew the case in October 2020, citing progress in discussions with the NCA and the Ministry of Communications and Digitalisation (MoCD).²⁴

In January 2022, MTN announced that the NCA had directed the company to increase its data costs to enhance competition among telecommunications companies. The new plans significantly reduced the number of gigabytes individuals receive when they purchase a data package.²⁵

A5 1.00-4.00 pts0-4 pts

Do national regulatory bodies that oversee service providers and digital technology fail to operate in a free, fair, and independent manner?	1.001 4.004
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The National Communications Authority Act, 1996 established the NCA as the spectrum allocation and communication industry regulatory body.²⁶ The NCA also enforces laws that regulate the internet industry, such as the ECA²⁷ and the Electronic Transactions Act. ²⁸

The president appoints the NCA’s governing board, the director general, deputy directors general, the secretary, and all other authority staff, though the appointment process is generally regarded as transparent. The NCA is required to comply with written directives from the minister of communications and digitalization.²⁹

While appointments to NCA posts are transparent, the NCA is not considered independent in its operation. For instance, the NCA closes radio stations for unauthorized broadcasting activities but appears to target pro-opposition radio stations disproportionately.³⁰

In February 2022, the governing board of the Cyber Security Authority (CSA) was inaugurated to oversee the activities of the CSA.³¹ All members of the governing board of the CSA are appointed by the president. The CSA was established in October 2021 by the Cybersecurity Act, 2020 (Act 1038).³² The CSA is charged with regulating cybersecurity activities in the country, including licensing cybersecurity providers that it deems “of the public interest,” raising concerns that the cybersecurity licensing process will be politicized or subject to favoritism.³³

No obstacles are placed in the way of service providers and other internet-related organizations can establish self-regulatory mechanisms. There is a self-regulatory organization for telecommunications companies, the Ghana Chamber of Telecommunications, which also operates as an advocacy group.³⁴

B Limits on Content

B1 1.00-6.00 pts0-6 pts

Does the state block or filter, or compel service providers to block or filter, internet content, particularly material that is protected by international human rights standards?	6.006 6.006
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The government does not force content providers to block or filter online content that would be considered protected speech under international human rights law. The government also does not block or filter circumvention tools.

B2 1.00-4.00 pts0-4 pts

Do state or nonstate actors employ legal, administrative, or other means to force publishers, content hosts, or digital platforms to delete content, particularly material that is protected by international human rights standards?	3.003 4.004
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Government officials rarely force content hosts or online outlets to delete content. The last known instance of a forced takedown was in June 2019. Content hosts are not liable for their users’ activity under Ghanaian law.

In February 2021, solicitors for the Judicial Service issued a letter to media houses requesting that certain platforms remove content deemed offensive to Supreme Court judges. The letter noted that the solicitors would “take appropriate action” if the media houses did not comply.³⁵ The directive was resisted by the Media Foundation for West Africa (MFWA) and the Ghana Journalists

Association (GJA).³⁶ In March 2021, Chief Justice Kwasi Anin-Yeboah made conciliatory statements regarding the issue, acknowledging the media's right to criticize the judiciary.³⁷ There are no known cases where outlets removed content in response to the letter.

Google reported receiving two requests for content removal from the Ghanaian government between July and December 2022. One request was due to impersonation, and the other was made on national security grounds. Both requests were for content on YouTube. Google complied with one of the requests for content removal, which came from the Ghanaian police, but not with the second removal request, which came from another, unspecified actor.³⁸

The Electronic Transactions Act (ETA), 2008 safeguards service providers from liability for illegal user content, as long as the service provider does not know that the content is illegal and removes it once notified.³⁹

Under the proposed Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill, 2021 (see C2), website and ISP owners would be held liable for hosting any content related to or promoting LGBT+ rights, which could incentivize them to censor such content. According to the legislation, the owners and senior officers of technological platforms that host content deemed to promote activities prohibited by the bill can be criminally charged unless they can prove that they exercised reasonable diligence to prevent users from uploading such content. If convicted, they can be sentenced to a minimum of 5 years and a maximum of 10 years in prison.⁴⁰

B3 1.00-4.00 pts0-4 pts

Do restrictions on the internet and digital content lack transparency, proportionality to the stated aims, or an independent appeals process?	2.002 4.004
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Online content restrictions are rare in Ghana, though legal processes for blocking and content removal do not establish clear rules for transparency and appeals. The last known case in which online content was removed at the request of a government official was in June 2019.

The ETA requires service providers to remove illegal content once notified. The act does not include provisions on user notice or avenues of appeal. Intermediaries can be held liable for “wrongful” removals of content.⁴¹ The Cybersecurity Act, 2020 provides broad authority for the CSA to block or filter online content on receipt of a court order. The law also places penalties on service providers that fail to comply with a blocking or filtering order, which may include up to five years’ imprisonment.⁴² Section 99 of the ECA, which gives the president broad powers over service providers during a state of emergency, may also provide legal authority for blocking and filtering.⁴³

B4 1.00-4.00 pts0-4 pts

Do online journalists, commentators, and ordinary users practice self-censorship?	3.003 4.004
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Ghanaian internet users generally express themselves freely online, though some people engage in self-censorship when discussing certain sensitive issues. Media professionals report a growing sense of intimidation and a growing culture of intolerance for dissenting views on social media.

Some Ghanaian internet users may avoid expressing opinions online for fear of being attacked by trolls or supporters of powerful political figures.⁴⁴ Users avoid discussion of subjects that are likely to lead to retribution in the form of public outrage, as online harassment is increasingly common, particularly for women (see C7).

Abuses against journalists by security forces, political partisans, and the general public have driven some reporters to be wary of their digital footprints.⁴⁵ Some internet users, particularly journalists and activists, prefer to remain anonymous on social media to prevent offline confrontations. In

some cases, Ghanaian journalists are not able to publicly express themselves because of politicized conditions set by the owners of their media outlet.⁴⁶

B5 1.00-4.00 pts0-4 pts

Are online sources of information controlled or manipulated by the government or other powerful actors to advance a particular political interest?	2.002 4.004
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Online media outlets, and the Ghanaian media industry more generally, are manipulated by political parties and government officials through bribery, informal arrangements, and paid social media commentators.

Journalists are often offered money for “transportation” for attending an event and providing coverage, under a practice known as *solì*. As a practice, *solì* undermines objectivity and influences news coverage; in some cases, the *solì* offered is sufficiently large to influence how a journalist covers a story, even sometimes serving to discourage journalists from publishing certain stories.⁴⁷

A number of online journalists, bloggers, and website owners have indicated that government officials or other actors attempt to bribe them or use close economic ties with service providers to influence the content they produce.⁴⁸ Political parties also seek to shape public perception by recruiting senior journalists to produce favorable coverage through their networks.⁴⁹ Public officials, including the president, are commonly understood to have close relationships with certain journalists who provide favorable coverage.

Government officials, political parties, and other actors surreptitiously employ individuals or automated systems to artificially amplify political narratives or smear campaigns on social media. Political parties regularly recruit social media commentators to drive conversations online around elections. As of 2019, the ruling New Patriotic Party (NPP) was reportedly paying over 700 social media commentators.⁵⁰

Several websites that impersonated trusted news sites and fact-checkers were created ahead of the December 2020 elections. The mock websites, which included clones of the state-owned newspaper *Daily Graphic* and the MFWA’s fact-checking website,⁵¹ reportedly posted content that exclusively targeted the NPP, raising suspicions about the potential involvement of the opposition National Democratic Congress (NDC).⁵²

B6 1.00-3.00 pts0-3 pts

Are there economic or regulatory constraints that negatively affect users’ ability to publish content online?	3.003 3.003
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There are no formal constraints that limit the viability of online media outlets or service providers. The media landscape generally favors print and television media, including state media, which collect the bulk of advertising revenues in Ghana.⁵³ Online media outlets tend to rely on monetization of their websites rather than advertising revenue.

B7 1.00-4.00 pts0-4 pts

Does the online information landscape lack diversity and reliability?	3.003 4.004
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Generally, people are able to access a range of local, regional, and international news sources that convey independent and balanced views in many languages. While Akan- and English-language media tend to dominate in print and online, regional and community radios offer expansive linguistic diversity.⁵⁴

Ghanaians using social media platforms are faced with misinformation on a daily basis. Political-party affiliates and troll armies sometimes fabricate stories to dilute topical discussions (see B5);

according to AfroBarometer, 78 percent of Ghanaians identified politicians as a source of misinformation in 2020.⁵⁵ Only 37.5 percent of Ghanaians trust social media as a source of information, compared to the 47.9 percent who trust private media outlets and 44.5 who trust public media outlets.⁵⁶ This mistrust has driven support for social media regulation in the country.⁵⁷

Civil society organizations, such as Penplusbytes and the MFWA, work to counter misinformation. Both organizations were active in fighting misinformation during the December 2020 elections, engaging in fact-checking efforts and forging partnerships with media outlets and government agencies.⁵⁸ The MFWA's Fact-Check Ghana and other organizations such as Dubawa and Ghana Fact also engage in fact-checking on regular basis.⁵⁹ Many media outlets are gradually undertaking fact-checking activities aimed at countering mis- or disinformation.

B8 1.00-6.00 pts0-6 pts

Do conditions impede users' ability to mobilize, form communities, and campaign, particularly on political and social issues?	5.005
	6.006

Conditions in Ghana are suitable for people to mobilize and campaign on political and social issues. People are generally able to mobilize without any state interference.

In May 2021, Ghanaians started using the Twitter hashtags #FixTheCountry and #FixTheCountryNow to protest an increase in fuel prices and taxes, as well as the poor healthcare system, bad road networks, and high rental rates.⁶⁰ Government officials and social media accounts linked to the government responded by circulating hashtags like #FixYourself, #NanaIsFixingIt, and #NanaIsWorking to compete with #FixTheCountry.

Later that month, the National Petroleum Authority and the Ministry of Energy adjusted a planned fuel-price increase downward, to take effect the following day.⁶¹ Following this, Ghanaians protested in person and online after a court issued an injunction blocking a planned #FixTheCountry demonstration, citing COVID-19 restrictions.⁶² Ghanaians have since continued to mobilize both online and offline under the #FixTheCountry banner, including through a large protest held in August 2021.⁶³

Similarly, in June 2022, the hashtag #AriseGhanaDemo was highly promoted on social media to mobilize participants for a two-day demonstration protesting high fuel prices and economic hardship.⁶⁴

Political parties adjusted their campaigning methods ahead of the December 2020 elections due to COVID-19-related restrictions. The two main political parties, the NPP and the NDC, mobilized supporters over social media.⁶⁵ Both political parties also employ social media communication officers who mostly engaged in propaganda (see B5).

C Violations of User Rights

C1 1.00-6.00 pts0-6 pts

Do the constitution or other laws fail to protect rights such as freedom of expression, access to information, and press freedom, including on the internet, and are they enforced by a judiciary that lacks independence?	4.004
	6.006

The constitution guarantees freedom of expression, access to information, a free and independent media, and an unrestrained media environment.⁶⁶

In March 2019, Parliament passed the Right to Information (RTI) Bill after two decades of consistent and persistent advocacy by RTI campaigners, anticorruption advocates, the media, and

other key stakeholders.⁶⁷ Though the legislation took effect in 2020, the RTI coalition reported that few government agencies were compliant with the law.⁶⁸ In May 2023, the Minister of Information announced that fourteen public institutions had been fined a total of 1.3 million Ghanaian cedi (approximately \$109,800) for noncompliance with the RTI law.⁶⁹

The judiciary is considered generally independent and impartial. The courts have issued some excessive fines against media companies for defamation in the past,⁷⁰ but such rulings are not perceived to be a common practice or indicative of bias against the press. In 2015, 12 High Court judges and 22 lower court judges were implicated in a bribery scandal,⁷¹ causing a widespread loss of trust in the judiciary. In March 2023, a high court judge dismissed a defamation suit filed by investigative journalist Anas Aremeyaw Anas against a member of Parliament, Kennedy Agyapong, after Agyapong called Anas a murderer, thief, and blackmailer on national radio.⁷² The judgment, which claimed Anas was blackmailing Agyapong and required Anas to pay 50,000 cedi (approximately \$4,000) in court costs, was widely considered controversial by journalists, civil society, and human rights defenders, and undermined public confidence regarding the impartiality of the judiciary.⁷³

In January 2023, the human rights division of the High Court in Accra ruled that the national security coordinator, attorney general, and inspector general of the police had abused the rights of Emmanuel Ajarfor Abugri, editor of the online news portal *modernghanaonline.com*, when he was abducted and tortured by national security forces in 2019 for articles he had published about the national security minister.⁷⁴ The court ordered the officials to issue an apology to Abugri and to financially compensate him for the devices that were seized by national security agents when he was abducted. The MFWA hailed the decision as a promising sign that courts can reach justice in cases where press freedom has been violated.

Impunity for crimes against journalists in Ghana is common. Many attacks against journalists (see C7) have not been investigated or go unpunished, including attacks against those who work in traditional media platforms, online journalists, bloggers, and other digital content providers who may not classify themselves as journalists or bloggers.⁷⁵

C2 1.00-4.00 pts0-4 pts

Are there laws that assign criminal penalties or civil liability for online activities, particularly those that are protected under international human rights standards?	2.002 4.004
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Internet users in Ghana can face criminal penalties for online content that is deemed to be false, which is broadly defined under existing law.

In July 2023, after the coverage period, Parliament unanimously passed the Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill, 2021.⁷⁶ If the President signs this legislation into law, individuals who use internet services to produce or share materials advocating for or supporting LGBT+ activities would face criminal penalties, including prison sentences of up to 10 years.⁷⁷ In a radio interview on May 11, 2023, Attorney General Godfred Yeboah Dame called attention to the financial implications for the government stemming from several provisions in the bill, particularly regarding the costs of imprisonment for those convicted under the law and of payments for medical treatments or “corrective” therapy for LGBT+ individuals. Dame said he will advise the president to return the bill to Parliament, as per Section 108 of the constitution, any law that would have financial implications for the state must come from the president or from a person on behalf of the president.⁷⁸

Under Sections 74, 75, and 76 of the ECA, an individual can be jailed for “false and misleading” content online. The law defines “false or misleading” content as that which is sent by a person who “did not take reasonable steps to find out whether the communication was false, misleading, reckless or fraudulent.” Internet users who share such content can receive a fine of up to 12,000 cedi (about \$1,700) and up to 3 years’ imprisonment, while those whose content is deemed a false distress signal or likely to endanger the safety of a person or vehicle face a fine of 36,000 cedi

(\$5,100) and up to 5 years' imprisonment.⁷⁹ Internet users have also been prosecuted for their online activities under Section 208 of the Criminal Offences Act, 1960, which criminalizes the publication of statements "likely to cause fear and alarm to the public or to disturb the public peace" when published by a person "knowing or having reason to believe that the statement, rumour or report is false."⁸⁰

The Cybersecurity Act, 2020 also criminalizes the use of electronic platforms for the nonconsensual sharing of intimate images and sexual extortion, with penalties of 1 to 3 years' imprisonment for the former charge and 10 to 25 years for the latter.⁸¹

C3 1.00-6.00 pts0-6 pts

Are individuals penalized for online activities, particularly those that are protected under international human rights standards?	3.003
	6.006

Though cases are generally rare, some individuals were charged with false publication during the coverage period, primarily online journalists.

In January 2023, Uber driver Patrick Asiedu was arrested after an audio tape he posted online went viral; in the recording, Asiedu said he was a doctor and claimed that police had planted narcotics in his car to extort him.⁸² The police stated that the events in the audio tape were fabricated, but Asiedu alleged that he had witnessed a similar incident happen to one of his passengers. He remained in police custody until his court date on January 31st, when a court ordered that he undergo a mental health examination and remanded him again until February 14th.⁸³ The current status of his case is unknown.

In December 2022, Seth Asante Asiedu, also known as Kwaku Rafik, was arrested after posting critical comments about President Nana Akufo-Addo's government on Twitter. He was detained for several hours for his posts, which security officials reportedly considered "offensive to the state," and was released on bail later the same day.⁸⁴

In November 2022, a woman was arrested for a viral video in which she asks witches to kill the president while criticizing the country's economic situation.⁸⁵ She was released on bail without being charged, but the police stated that they would continue to investigate the matter.

In October 2022, two social media content creators, Marcus Dankwah and Pascal Nelson, were arrested after a TikTok video in which Dankwah appeared in a police uniform went viral. After their arrest, the police retrieved the uniform that Dankwah—who is not a police officer—used in the video, and in a statement, cautioned the public against harming the reputation of the police.⁸⁶

In May 2022, Noah Dameh, the deputy station coordinator of Radio Ada, was arrested after uploading a post on Facebook accusing the head of a mining company of perpetuating human rights abuses against local residents.⁸⁷ Dameh was released four hours after his arrest.⁸⁸ Dameh was later charged with publishing false news contrary to section 76 (1) of the Electronic Transactions Act of 2008, and made his first appearance in court in August 2022.⁸⁹ The case was dismissed by the magistrate court in December 2022, but Dameh was immediately rearrested for allegedly publishing false news under section 208 of the Criminal Offences Act, 1960 (Act 29). Though Dameh was initially granted bail in December 2022, he was remanded into custody by the court in March 2023 for failing to appear at previous hearings; he was detained for one week before being released on bail.⁹⁰ In April 2023, the MFWA issued a statement of concern that Dameh's case had escalated from a civil defamation case to a criminal charge of publishing false information.⁹¹ The case was ongoing at the end of the coverage period.

In February 2022, Oheneba Boamah Bennie, a journalist with broadcaster Power FM, was sentenced to 14 days in prison and fined 3,000 cedi (approximately \$400) for a December 2020 Facebook post in which he accused President Akufo-Addo of meeting with Supreme Court judges before they ruled on the 2020 election petition.⁹² Officials charged Bennie with gross disrespect of the judiciary, a constitutional violation.⁹³

Mensah Thompson, executive director of the Alliance of Social Equity and Public Accountability (ASEPA), was also arrested in February 2022, and accused of publishing false news after making a Facebook post in which he alleged that President Akufo-Addo and his family had used the presidential jet to travel to the United Kingdom (UK) to go shopping in December 2021. He was released on bail shortly after his arrest.⁹⁴

The same month, Kwabena Bobbie Ansah, a journalist with Accra FM, was arrested after he uploaded a video on social media in which he allegedly accused both the first lady and the vice president's wife of fraudulently acquiring state land for the first lady's nonprofit organization. He was released on bail shortly after his arrest.⁹⁵

Also in February 2022, Oliver Barker-Vormawor, a #FixTheCountry protest convenor, was arrested upon his return to Ghana; he was charged with treason under the Criminal Offences Act based on a Facebook post in which he threatened to conduct a coup if a tax on electronic payments was passed.⁹⁶ He was released on bail of 2 million cedi (\$262,600) in March 2022.^{97 98} In June 2023, after the end of the coverage period, Barker-Vormawor appeared in court and declined to plead to the charges of treason felony, citing Section 238 of the Criminal and Other Offences Act, 1960. In Ghanaian law, when an individual facing trial decides to exercise their right under that section, they are deemed to have entered a not guilty plea.⁹⁹

C4 1.00-4.00 pts0-4 pts

Does the government place restrictions on anonymous communication or encryption?

2.002

4.004

Anonymous and encrypted communications in Ghana are hampered by legal requirements that mandate subscribers to link SIM cards with national identity documents and service providers to decrypt information when ordered by investigators. The government expanded such authorities during the coverage period, and a provision of the Cybersecurity Act may require providers of encryption technology to register with the government.

In March 2023, the CSA announced that it had begun the registration of cybersecurity service providers (CSPs) and the accreditation of cybersecurity establishments and cybersecurity professionals.¹⁰⁰ The director-general of the CSA stated that the registration would address national security concerns and ensure that cybersecurity providers adhere to international standards.¹⁰¹

Under the SIM Registration Regulations, Ghanaians must register SIM cards with their name, address, and proof of identity to use the card in a mobile phone, computer, or other device.¹⁰² The ECA mandates all telecommunications operators keep the data of their subscribers for disclosure to the NCA.¹⁰³

In May 2021, the government announced plans for the mandatory reregistration of SIM cards, requiring subscribers to link their SIM cards to the Ghana Card, the country's biometric identity card. The reregistration commenced in October 2021, and was originally set to end in March 2022, but was repeatedly extended until May 31st, 2023 for the remaining 11 million unregistered SIM cards.¹⁰⁴ In November 2021, a lawyer filed an application at the High Court challenging the mandatory reregistration, citing data privacy concerns.¹⁰⁵ He later withdrew the lawsuit after the court said it could not stop the reregistration campaign while his lawsuit was pending.¹⁰⁶

The Cybersecurity Act, 2020, passed in December 2020, expands the government's legal authority to control the provision of encryption technology. Section 49 requires a license issued by the CSA to provide cybersecurity services, as well as a fee to be determined by the authority. This section likely covers the provision of encryption technology. Under Section 76, a high court may compel a network operator to acquire the tools and equipment necessary to decrypt the information of a subscriber who is being investigated, at its own expense.¹⁰⁷

Under Section 99(3) of the Electronic Transactions Act, 2008, security forces with a court warrant may require a telecommunications operator to provide necessary information and access to facilitate the decryption of customer data in connection with the investigation of an offense. Such a court order may apply when a third party has applied encryption and the telecommunications provider has the capacity to decrypt the data. [108](#)

C5 1.00-6.00 pts0-6 pts

Does state surveillance of internet activities infringe on users' right to privacy?	3.003 6.006
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While the constitution protects privacy, several laws permit the president and law enforcement officers to order communications interception and monitoring, sometimes without a court order (see C6). Security forces have reportedly purchased commercial surveillance technology. Though no cases of security forces monitoring private communications have been publicly reported, civil society organizations and journalists generally suspect the government has the capacity to do so.

Article 18 of the constitution safeguards Ghanaians from interference with privacy, including of correspondence and communication. This protection is excepted when the interference is in accordance with law and is necessary for public safety, economic well-being, protection of health or morals, prevention of crime, and protection of other people's rights and freedoms.[109](#)

In April 2023, both Citizen Lab and Microsoft reported that the Israeli spyware company QuaDream had sold its Reign spyware to the Ghanaian government.[110](#) Citizen Lab identified the presence of QuaDream servers in Ghana that may receive data exfiltrated from QuaDream victims or be used for the spyware's one-click browser exploits.[111](#)

In July 2020, the Committee to Protect Journalists (CPJ) reported that then director of the Criminal Investigations Department (CID) Maame Yaa Tiwaa Addo-Danquah disclosed that Ghanaian security forces have access to Cellebrite, a tool used to decrypt encrypted devices. The US and UK governments, along with Interpol, had provided the necessary equipment as well as training support.[112](#)

In 2018, it was made known that the government was pursuing a contract with KelniGVG to establish a platform that would facilitate real-time physical access to the network nodes of providers MTN, Vodafone, and AirtelTigo, potentially breaching the privacy guarantees of Article 12 of the constitution. The common platform may also violate Section 73 of the ECA and Section 7 of the Communications Service Tax (Amendment) Act, 2013.[113](#) The KelniGVG platform was used to facilitate the collection of subscriber information from telecommunications providers under Executive Instrument 63; in August 2021, a court ruled that the data collection violated subscribers' right to privacy and required KelniGVG to pay damages to the plaintiff in the lawsuit (see C6).[114](#)

In 2015, the NCA contracted Afriwave Telecom Ghana to provide a clearinghouse for inbound and outbound communications. The MFWA raised concerns that the centralized communications infrastructure might facilitate communications surveillance or mass censorship.[115](#)

The Cybersecurity Act, 2020, passed in December 2020, expands the government's legal authority to conduct surveillance. Section 71 authorizes security officers to collect and record communications metadata, either stored or in real time, on receipt of a warrant; Section 73 provides similar authority for the content of communications. Though the law outlines oversight and data minimization provisions, there is no requirement to inform the person being surveilled. Section 69 permits law enforcement agents to collect subscriber data from a telecommunications provider with a court order (see C6). Data collected and intercepted under these authorities are subject to oversight by inspectors appointed by the president, raising concerns about independence.[116](#)

C6 1.00-6.00 pts0-6 pts

Does monitoring and collection of user data by service providers and other	3.003
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Ghanaians' personal data are protected under a comprehensive data protection framework, but security forces enjoy broad legal authority to obtain user data from telecommunications companies, including through communications interception.

In July 2021, the Accra High Court ruled that an executive instrument compelling telecommunications providers to give authorities subscriber data violated Ghanaians' right to privacy. Executive Instrument 63, which the president signed in March 2020 under the authority of Section 100 of the ECA, tasked the NCA with collecting the information, including unique mobile identifiers, to aid contact-tracing efforts during the COVID-19 pandemic. The collection was facilitated by an intermediary platform created by KelniGVG (see C5). The court directed the government to stop collecting the data and delete any information collected under the executive instrument. The NCA, Vodafone, and KelniGVG were also directed to pay damages to Francis Kwarteng Arthur, the lawyer who filed the lawsuit.¹¹⁷

The Data Protection Act, 2012 protects data privacy in Ghana. The legislation establishes data rights for Ghanaians, including requirements regarding consent, and applies data minimization and retention limitations to entities that process data. The law also applies special safeguards to "special personal data," defined as data that relates to race, ethnicity, tribal origin, political opinions, religious beliefs, health information, DNA, sexual orientation, and criminal history. The law's requirements extend to entities that collect or process data in Ghana, and to those collecting or processing data that originates from Ghana.¹¹⁸

The Data Protection Act also established the Data Protection Commission (DPC), which regulates the processing of personal information. All companies and organizations that process data are required to register with the DPC, which maintains a register of entities that are qualified as data processors under the law.¹¹⁹

The Cybersecurity Act, 2020 greatly expands government access to data collected by telecommunications service providers. Section 76 empowers the CSA to compel a service provider to install interception technology, in order to facilitate the government's surveillance powers under the law (see C4 and C5). Section 77 mandates that service providers retain subscriber information for at least six years, and metadata and the content of communications for one year. Law enforcement officials can seek a court order to extend either period.¹²⁰

Under Section 100 of the ECA, the president may, by executive instrument, require operators or providers of electronic communications networks or services to intercept communications to aid law enforcement or national security. The law also mandates all telecommunications operators to keep the data of their subscribers for disclosure to the NCA.¹²¹

According to the Anti-Terrorism Act, 2008, security forces may apply for a court order to require a communications service provider to intercept customer communications for the purpose of obtaining evidence of the commission of an offense under the legislation.¹²²

During the December 2020 elections, many people received text messages or phone calls from the leading political parties, raising concerns about the government or other individuals having access to user data from telecommunications companies. Telecommunications companies denied responsibility for the messages.¹²³

C7 1.00-5.00 pts0-5 pts

Are individuals subject to extralegal intimidation or physical violence by state authorities or any other actor in relation to their online activities?

3.003

5.005

Online harassment is common in Ghana, particularly for women, journalists, and LGBT+ people. In some cases, internet users experience offline intimidation or physical violence, as do journalists

reporting on government officials or LGBT+ individuals targeted in discriminatory attacks. In recent years, Ghanaian journalists have faced online harassment for their work, particularly after reporting on government officials or other powerful people.

In May 2023, two men, one of whom was a former regional deputy communication officer for the NDC, were recorded assaulting and threatening to kill journalist Abubakari Sadiq Gariba while Gariba was broadcasting live on his weekly talk show. The assault followed an episode of the show that aired on Facebook on April 24th, in which Gariba criticized the NDC communication officer's campaign broadcasts.¹²⁴ The two assailants were later arrested and convicted.¹²⁵

In August 2022, a university student was assaulted by two men after she posted a comment criticizing another comment on Facebook from another user, Sayiby Afa Yaba, that made fun of how Northern Regional Minister Shani Alhassan Shaibu was dressed in a meeting with the president.¹²⁶ Her life was reportedly threatened and she was warned not to comment on other posts made by Afa Yaba again. Afa Yaba was later detained by police in connection with the assault.¹²⁷

In April 2022, Oliver Barker-Vormawor, an activist and #FixTheCountry protest convenor, accused the police of torturing him while he was detained on charges of treason for allegedly threatening to conduct a coup in Facebook posts (see C3). The deputy attorney general dismissed Barker-Vormawor's allegations as baseless.¹²⁸

In February 2022, Eric Nana Gyetuah, a producer for Connect FM's morning program, which airs on Facebook, was assaulted by five police officers after he refused to stop taking photographs of an arrest and declined to hand his phone over to the police. After the assault, the police charged Gyetuah with taking their pictures without consent.¹²⁹

In June 2021, Ibrahim Mohammed, an activist involved with the #FixTheCountry movement, died after he was attacked by a mob outside his house. He had been sharing videos on social media about various issues, including the poor healthcare system in his community.¹³⁰ Though three people face charges related to his murder, the case has been postponed multiple times, and remained stalled as of October 2022.¹³¹

Many women report experiencing sexual harassment, stalking, and the nonconsensual sharing of their intimate images online, according to a 2018 MFWA study.¹³² Female journalists report experiencing frequent sexual harassment and abuse online, often from trolls and political party supporters.¹³³

LGBT+ people in Ghana experience harassment and intimidation both online and offline and are targeted with physical violence on the basis of their identity.¹³⁴ A January 2018 Human Rights Watch (HRW) report documented several cases in which men were severely beaten after being solicited into meeting other men over social media or dating apps.¹³⁵ Online harassment and threats received by LGBT+ activists increased after the introduction of the 2021 Promotion of Proper Human Sexual Rights and Ghanaian Family Values bill.¹³⁶

C8 1.00-3.00 pts0-3 pts

Are websites, governmental and private entities, service providers, or individual users subject to widespread hacking and other forms of cyberattack?

3.003

3.003

Government and major financial entities experience cyberattacks, motivating the passage of a cybersecurity law in December 2020. No attacks on media organizations, civil society organizations, or government critics were reported during the coverage period.

In February 2022, the Ghana Education Service's website for school selection placements was reportedly hacked. The hackers allegedly gained access to parent phone numbers and student birthdays.¹³⁷

In July 2020, Universal Bank in Accra was hacked, with the perpetrators succeeding in transferring about 46 million cedi (\$7.9 million).¹³⁸

The Cybersecurity Act, 2020 designated the National Cyber Security Center as the CSA, which is empowered to prevent and protect against cyberattacks. The CSA's responsibilities include increasing the government's cybersecurity capacity, threat monitoring, and technical support for law enforcement activities. In 2019, the National Cyber Security Center launched a system for citizens to report suspected and identified cybercrime and cybersecurity incidents.¹³⁹

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