# Freedom on the Net 2024



## header1 Key Developments, June 1, 2023-May 31, 2024

Internet users in Ghana enjoy an information space that is largely free from technical censorship, though political actors spread false information using automated tools and paid social media commentators ahead of the country's 2024 elections. Individuals risk arrest for posts related to the president or other powerful individuals, and online journalists face an increasing threat of harassment and assault for their critical reporting.

- Damage to undersea cables led to a major disruption in internet service at Ghana's two largest mobile providers for several days in March 2024 (see A1).
- Parliament passed the Human Sexual Rights and Family Values Act, which, if signed by the president, would criminalize online activities that promote LGBT+ rights and incentivize platforms to censor online content that positively portrays LGBT+ relationships (see B2 and C2).
- Fact-checkers from civil society and media groups identified artificial intelligence (AI)—generated deepfakes used in manipulated content to spread false narratives on social media platforms ahead of the December 2024 elections (see B5).
- Social media users organized mass protests against economic mismanagement at the presidential palace with the hashtag #OccupyJulorbiHouse (see B8).

#### header2 Political Overview

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.

#### 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?

3.003 6.006

Score Change: The score declined from 4 to 3 due to breaks to undersea cables that disrupted service for subscribers to Ghana's two largest mobile service providers for several days in March 2024.

Steady improvement in internet infrastructure has produced gains in internet access and quality in Ghana. As of January 2023, the National Communications Authority (NCA) put 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 2024* report indicated that the country's internet penetration rate had reached 69.8 percent in January 2024.2 According to the International Telecommunication Union (ITU), internet penetration stood at 70 percent in 2022, the most recent available data.3

Internet users in Ghana accessed average mobile download speeds of 13.59 megabits per second (Mbps) and average mobile upload speeds of 13.39 Mbps in February 2024. During the same period, fixed-line broadband download and upload speeds were 34.42 Mbps and 26.44 Mbps, respectively.4 High-speed mobile internet is generally only accessible in cities.5

In May 2024, the minister of communication and digitalisation announced plans to roll out 5G services in Ghana by September of that year.6

The ICT [Information and Communications Technology] Policy for Accelerated Development (ICT4AD), a blueprint for digital transformation adopted in 2004, greatly improved internet access in the country. Through Google's CSquared project, more than 2,000 kilometers of fiber-optic cable have been laid in five cities: Accra, Tema, Kumasi, Kasoa, and Takoradi.7

Infrastructure-related internet disruptions are uncommon in Ghana; however, in March 2024, subscribers to the two leading telecommunication networks, MTN and Telecel (formerly Vodafone), faced internet disruptions for several days due to breaks in multiple undersea cables that impacted countries across West Africa.8 Cable operator Seacom announced that due to the outage, it was redirecting traffic through Google's Equiano cable, which was not affected by the outage.9 Repair work on the affected cables was completed in May 2024.10

Loadshedding—planned blackouts—has interrupted internet access for some residents of Ghana in the past.11 After facing criticism in March 2024 for failing to provide a timetable so people could plan around loadshedding, the Electricity Company of Ghana (ECG) and the Ministry of Energy attributed outages that occurred that month to other factors and denied implementing intentional outages.12

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?

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.13

In May 2022, the government introduced the Electronic Transfer Levy, popularly known as the "elevy," which imposed a 1.5 percent tax on mobile money transactions. Following widespread opposition, the government in its presentation of the 2023 budget announced that it would reduce the tax to 1 percent, effective in January of that year. It also said it would eliminate the daily tax-free threshold of 100 Ghanaian cedis (\$9.79), intended to ensure that vulnerable groups could still access mobile money services. 14 Research from the GSM Association (GSMA) found that the elevy significantly reduced the demand for mobile money as Ghanaians returned to cash-based transactions, reversing some of the country's previous digital inclusion gains. 15

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.16 Officials have also indicated that the government may consider a tax of over-the-top (OTT) digital services like WhatsApp and Zoom that allow users to make calls over internet-based platforms, as revenue from traditional voice calls has declined.17

Rural areas in Ghana tend to lack internet infrastructure. The Ghana Investment Fund for Electronic Communications (GIFEC), a government agency funded by licensed telecommunications service providers, seeks to address the urban-rural digital divide in internet access.18

Ghanaian women are 26 percent less likely than men to use mobile internet services, according to a 2023 GSMA report.19 Gender gaps are particularly pronounced in access to fast, stable, and regularly accessible services, and in rural areas.20 According to the ITU, in 2021, 65 percent of women had access to the internet, compared to 72 percent of men.21 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).22 Major ISPs also maintain their own fiber-optic and satellite networks.23 Though the Ghanaian government historically operated an internet exchange point (IXP), Ghana's primary IXP is now operated by a nonprofit association of ISPs.24

Section 99 of the Electronic Communications Act (ECA), 2008 (Act 775), which gives the president broad powers over providers during a state of emergency, may provide the legal authority to restrict the internet.25 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 Telecel's dominance over fixed-line services may limit competition.

According to NCA data from January 2023, MTN holds 75.36 percent of the mobile data market, followed by Vodafone—which would rebrand as Telecel in February 2024— with 13.2 percent and AT (formerly AirtelTigo) with 11.45 percent. Of the fixed-line market, 2023 NCA data showed Vodafone controlling 72.94 percent, MTN controlling 26.51 percent, and AT holding 0.55 percent.26

The government owns a 30 percent stake in Telecel Ghana.27 In April 2021, the government acquired full ownership of AT after Airtel and Millicom—its parent companies—announced an exit from the Ghanaian market.28 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.29

The Ministry of Communications and Digitalisation signed a joint venture with Hannam Investments in November 2023 to invest in 4G network infrastructure upgrades, though as of February 2024, the deal was still pending parliamentary approval.30

In April 2024, the NCA approved SpaceX's application for a license to provide Starlink satellite internet in Ghana. The approval followed the Ministry of Communication and Digitalisation's approval of a framework for satellite licensing.31

After the government's announcement that it would roll out a 5G network by September 2024 through a contract with NextGen Infrastructure Company, a consortium of telecommunications companies in which the government retained a 10 percent ownership stake,32 investigations from journalists revealed that the contract had been awarded through sole sourcing.33 The details of the contract led some members of Parliament (MPs) to criticize the agreement as a missed opportunity to raise more funds through a competitive bidding process.34

In June 2020, the NCA announced that it had designated MTN Ghana as a "significant market power" and would take measures aimed at reducing MTN's share of the mobile market.35 In July 2023, the NCA introduced an initiative mandating technology neutrality for companies that were not significant market power operators to incentivize investment in 4G infrastructure among smaller players and level the playing field for 4G services.36

In January 2022, MTN announced that the NCA had directed the company to increase its data prices to enhance competition among telecommunications companies. The new plans significantly reduced the number of gigabytes individuals receive when they purchase a data package.37 In December 2023, MTN again increased its data prices to comply with regulatory requirements.38 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

The National Communications Authority Act, 2008 (Act 769) established the NCA as the spectrum allocation and communication industry regulatory body.39 The NCA also enforces laws that regulate the internet industry, such as the ECA40 and the Electronic Transactions Act (ETA), 2008 (Act 772).41

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 digitalisation.42

While appointments to NCA posts are transparent, the NCA is not considered independent in its operation. For instance, in 2019, the NCA appeared to disproportionately target pro-opposition radio stations when closing stations for unauthorized broadcasting activities.43

In February 2022, the governing board of the Cyber Security Authority (CSA) was inaugurated to oversee the activities of the CSA.44 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).45 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.46

No obstacles are placed in the way of service providers and other internet-related organizations establishing self-regulatory mechanisms. There is a self-regulatory organization for telecommunications companies, the Ghana Chamber of Telecommunications, which also operates as an advocacy group.47

### **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

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

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.

Google reported receiving two requests for content removal from the Ghanaian government between January and June 2023. Both requests, for content on Google Search and Google Images, were due to claims of defamation. Google did not take action in response to either of the removal requests, which stemmed from court orders directed at a third party.48 From July to December 2023, the company reported receiving three requests from the communications authority to remove a total of 15 content items from the Google Play store for privacy and security reasons. Google did not remove any of the 15 content items, citing insufficient information provided in all three of the requests.49 Facebook did not restrict access to any content in 2023; X (formerly Twitter) has not released such data since 2021.50

The ETA 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.51

Under the Human Sexual Rights and Family Values Act, 2021 (formerly the Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill) (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 five years and a maximum of ten years in prison.52

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

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.53 The Cybersecurity Act 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.54 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.55

In December 2023, the Ministry of Information convened a meeting with political parties, media organizations, and civil society to develop a national action plan to tackle mis- and disinformation.56 The draft plan included two commitments: first, to implement structures to combat mis- and disinformation on digital platforms; second, to strengthen provisions in the ECA and the Criminal Offences Act, 1960 (Act 29) to deter mis- and disinformation on digital platforms. 57 The introduction of the plan raised concerns that state action could result in excess content removal ahead of the 2024 elections. In January 2024, the Ministry of Information shared the draft with selected stakeholders for their input; the draft was before the Cabinet for approval in August 2024, after the end of this report's coverage period.58 B4 1.00-4.00 pts0-4 pts

Do online journalists, commentators, and ordinary users practice self-censorship? 3.003 4.004

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. 59 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. 60 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.61 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

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. Manipulated or misleading information remains a concern as Ghana prepares to head to the polls in December 2024.

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.62

Fact-Check Ghana, a project of the Media Foundation for West Africa (MFWA), identified several the mis- and disinformation trends in Ghana heading into the 2024 elections, including the use of generative AI to create deepfake audio and video content, false claims by politicians about their achievements, false quotations attributed to politicians or other influential people, and fake or parody websites and social media accounts. Fact-Check Ghana also identified the coordinated use of bots and social media influencers to peddle falsehoods and perpetuate coordinated disinformation campaigns.63

Some of these campaigns spread videos that have been doctored to spread falsehoods, sometimes with generative AI. For example, in March 2024, a video circulated on TikTok and X with altered audio that seemed to show a member of the opposition National Democratic Congress (NDC) party talking about the health of the party's presidential candidate, John Mahama. Fact-checkers found that the original video dates back to 2016, and refers to current president Nana Akufo-Addo of the NPP, who was the opposition leader at the time.64 Before the NPP's primary elections in January 2024, a viral video alleged that a candidate for a parliamentary seat in the Ablekuma North constituency was involved in embezzlement and visa fraud in her capacity as deputy ambassador to China.65 Fact-Check Ghana determined that the supposed newscast in the video presenting the allegation was an AI-generated deepfake created on the freelance content creation platform Fiverr.66

In December 2023, another viral video documentary on social media that purported to be from Al Jazeera alleged that the current vice president of Ghana and the NPP's presidential candidate for 2024, Mahamudu Bawumia, was fueling a violent conflict over the chieftaincy in Bawku, in the Upper East Region of Ghana, and that it could escalate into a genocide if he were elected president. Al Jazeera said it had nothing to do with the video, and fact checkers determined that the voiceover used in the documentary was AI-generated.67

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 Fact-Check Ghana website,68 reportedly posted content that exclusively targeted the NPP, raising suspicions about the potential involvement of the opposition NDC.69 In February 2024, some individuals began using the format of Fact-Check Ghana's flyers to post false or misleading "checks" of news stories.70

A number of online journalists, bloggers, and website owners have indicated that government officials or other actors have attempted to bribe them or to use close economic ties to influence the content they produce. 71 Political parties also seek to shape public perception by recruiting senior journalists to produce favorable coverage through their networks. 72 Public officials, including the president, are commonly understood to have close relationships with certain journalists who provide favorable coverage. While there have not been any formal directives issued to media outlets on what to focus on when covering political activities in the lead-up to the 2024 elections, there are concerns among stakeholders that the government may use verbal directives or other subtle methods to direct reporting at specific media outlets.

Journalists are often offered money for "transportation" for attending an event and providing coverage, under a practice known as *soli*. As a practice, *soli* undermines objectivity and influences news coverage; in some cases, the *soli* offered is sufficiently large to influence how a journalist covers a story, or even serving to discourage journalists from publishing certain stories.73 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

There are no formal constraints that limit the viability of online media outlets or service providers. The media landscape generally favors broadcast media.74 Online media outlets tend to rely more on monetization of their websites rather than government advertising revenue.

In August 2023, Meta began charging an additional 21 percent in taxes on all personal and business advertisements placed on its platforms, which the company said followed an order from the government to begin collecting value added taxes (VAT).75 Higher costs for online advertising could harm the financial viability of online media outlets. B7 1.00-4.00 pts0-4 pts

Does the online information landscape lack diversity and reliability? 3.003 4.004

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 English-language media tend to dominate in print and online, radio stations offer expansive linguistic diversity.76

Ghanaians using social media platforms are faced with mis- and disinformation on a daily basis. Political-party affiliates and troll armies sometimes fabricate stories to manipulate online discussions (see B5); according to AfroBarometer, 78 percent of Ghanaians identified politicians as a source of misinformation in 2020.77 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 percent who trust public media outlets. 78 This mistrust has driven support for social media regulation in the country.79

Civil society organizations, such as Penplusbytes, Dubawa, and Fact-Check Ghana, work to counter mis- and disinformation in both English and local languages. Organizations engage in fact-checking efforts, train journalists on countering mis- and disinformation, 80 promote media literacy, 81 and forge partnerships with media outlets and government agencies to protect the information space as the December 2024 elections draw near.82 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?

Score Change: The score improved from 5 to 6 as Ghanaians freely used social media to mobilize protests during the coverage period.

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 September 2023, Ghanaians mobilized on social media using the hashtag #OccupyJulorbiHouse to post about issues related to healthcare, corruption, poor infrastructure, and other issues, as well as to organize a demonstration outside the presidential palace.83

Other hashtags have been used in the past to protest various issues. For example, in May 2021, Ghanaians used the Twitter hashtags #FixTheCountry and #FixTheCountryNow to protest an increase in fuel prices and taxes, as well as the poor health-care system, bad road networks, and high rents.84 Government officials and social media accounts linked to the government responded by circulating hashtags like #FixYourself, #NanaIsFixingIt, and #NanaIsWorking to compete with #FixTheCountry.

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. 85

The two main political parties, the NPP and the NDC, mobilize supporters over social media, 86 and are known to employ social media commentators and cyber troopers who engage in online 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.87

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.88 Though the legislation took effect in 2020, the RTI coalition reported that few government agencies complied with the law.89 In May 2023, the minister of information announced that fourteen public institutions had been fined a total of 1.3 million Ghanaian cedis (\$95,920) for noncompliance with the RTI law.90

The judiciary is considered generally independent and impartial. The courts have issued some excessive fines against media companies for defamation in the past,91 but such rulings are not perceived to be a common practice or indicative of bias against the press. In March 2023, a High Court judge dismissed a defamation suit filed by investigative journalist Anas Aremeyaw Anas against an MP, Kennedy Agyapong, after Agyapong called Anas a murderer, thief, and blackmailer on national radio.92 The judgment, which found that Anas was blackmailing Agyapong and required Anas to pay 50,000 cedis (\$3,690) in court costs, was widely considered controversial by journalists, civil society organizations, and human rights defenders, and undermined public confidence regarding the impartiality of the judiciary.93

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 Modern Ghana, when he was abducted and tortured by national security forces in 2019 for articles he had published about the national security minister.94 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 provide 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 online journalists, bloggers, and other digital content providers who may not classify themselves as journalists.95 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

Internet users in Ghana can face criminal penalties for online content that is deemed to be false, which is broadly defined under existing law.

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 cedis (\$885) and up to three 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 cedis (\$5,100) and up to five years' imprisonment.96

Internet users have also been prosecuted for their online activities under Section 208 of the Criminal Offences Act, 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."97

The Cybersecurity Act also criminalizes the use of electronic platforms for the nonconsensual sharing of intimate images and for sexual extortion, with penalties of one to three years' imprisonment for the former charge and 10 to 25 years for the latter.98

In February 2024, Parliament passed the Human Sexual Rights and Family Values Act, which introduces criminal penalties and five- to ten-year prison terms for promoting LGBT+ rights online.99 If signed into law, individuals who use internet services to produce or share materials advocating for or supporting LGBT+ rights could face prosecution.100 In March 2024, a private legal practitioner and broadcaster, Richard Sky, filed an application with the Supreme Court challenging the bill's constitutionality on the grounds that it violates rights protected by the constitution and that Parliament lacked the necessary quorum to pass the bill.101 President Akufo-Addo subsequently stated that he would not sign the bill until the Supreme Court had ruled on its constitutionality.102

After the Supreme Court scheduled a date to hear a suit challenging the constitutionality of the approval of ministers by Parliament, the opposition NDC accused the Supreme Court of delaying the hearing of Sky's case to prevent President Akufo-Addo from signing the bill into law.103 The law had not been signed as of the end of this report's coverage period.

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 defamation for their online expression during the coverage period.

In September 2023, after Oliver Barker-Vormawor, a #FixtheCountry protest organizer, made a post on Facebook alleging that the minister of national security had offered him and other leaders of the #FixtheCountry movement cabinet appointments and \$1 million bribes to stop their activism, the minister filed a defamation case.104 The court ordered Barker-Vormawor to pay 3,000 cedis (\$225) for failing to file his defense in the case, which remained ongoing as of July 2024, after the end of the coverage period.105, 106

Barker-Vormawor had previously been charged with treason under the Criminal Offences Act based on a Facebook post he made in 2022, in which he threatened to conduct a coup if a tax on electronic payments was passed.107 He was released on bail of 2 million cedis (\$262,600) in March 2022.108, 109 In June 2023, Barker-Vormawor appeared in court and declined to plead to the charges, citing Section 238 of the Criminal Offences Act. 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.110 He later challenged the constitutionality of the charges against him and applied for his case to be heard in the Supreme Court, but the High Court denied his application. His trial was set to begin in June 2024, after the end of the coverage period.111

In October 2023, after six soldiers physically assaulted Nicholas Morkah, a journalist for the radio station Akyemansa FM that also broadcasts online, Morkah was brought to a police station for interrogation. He was later granted a bail of 5,000 cedis (\$376).112

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.113 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 at the end of the month, when the court ordered that he undergo a mental health examination and remanded him again until February 14.114 The current status of his case is unknown.

In December 2022, Seth Asante Asiedu, an Accra resident also known as Kwaku Rafik on social media, was arrested after posting critical comments about President Akufo-Addo's government on Twitter. He was detained for several hours for his posts, which security officials reportedly considered "offensive to the state," until he was released on bail later the same day.115

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.116

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 salt mining company of perpetuating human rights abuses against local residents.117 Dameh was released four hours after his arrest.118 However, he was later charged with publishing false news contrary to Section 76 (1) of the ECA.119 The case was dismissed by the Tema Magistrate Court in December 2022, but Dameh was immediately rearrested for allegedly publishing false news under Section 208 of the Criminal Offences Act. 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. 120 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. 121 In a July 2023 hearing, the judge accused him of impersonating himself after failing to recognize him in the courtroom and threatened to put out a warrant for his arrest. 122 By the end of July 2023, the court referred the case for alternative dispute resolution, citing the inability of the police to provide the charge sheet and statement of caution in the case docket. 123 Dameh was set to appear in court again on September 25, after the alternative dispute resolution was unsuccessful; however, on September 17, 2023, Dameh, who had been battling ill-health since his arrests and detention, passed away. 124

In February 2022, Oheneba Boamah Bennie, a journalist with broadcaster Power FM, was sentenced to 14 days in prison and fined 3,000 cedis (\$400) after he was found guilty of contempt of court, over a December 2020 Facebook post in which he accused President Akufo-Addo of meeting with Supreme Court judges before they ruled on a petition challenging the results of the 2020 election.125 Ghana's attorney general argued that if Bennie's allegations were allowed to go unpunished, they would amount to gross disrespect of the judiciary, a constitutional violation.126 C4 1.00-4.00 pts0-4 pts

	2 002
Does the government place restrictions on anonymous communication or	2.002
encryption?	4.004

Anonymous and encrypted communications in Ghana are hampered by legal requirements that require subscribers to link SIM cards with national identity documents and service providers to decrypt information when ordered by investigators. The government expanded such mandates 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.127 The director-general of the CSA stated that the registration would address national security concerns and ensure that cybersecurity providers adhere to international standards.128

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 or other device. 129 The ECA mandates all telecommunications operators keep the data of their subscribers for disclosure to the NCA.130

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 period commenced in October 2021, and was originally set to end in March 2022, but was repeatedly extended until May 31, 2023 for the remaining 11 million unregistered SIM cards.131 In November 2021, a lawyer filed an application with the High Court challenging the mandatory reregistration, citing data privacy concerns. 132 He later withdrew the lawsuit after the court said it could not stop the reregistration campaign while his lawsuit was pending. 133 About nine million cards were deactivated after the deadline in June 2023, but users who had not reregistered by the deadline were able to go to their service providers to reactivate their service. 134

The Cybersecurity Act, 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 payment of a fee determined by the authority. This section likely covers the provision of encryption technology. Under Section 76, a 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. 135

Under Section 99 (3) of the ETA, 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.136 C5 1.00-6.00 pts0-6 pts

Does state surveillance of internet activities infringe on users' right to privacy? 3.003 6.006

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 of citizens or opposition candidates 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 their 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 wellbeing, protection of health or morals, prevention of crime, and protection of other people's rights and freedoms. 137

In April 2023, both Citizen Lab and Microsoft reported that the Israeli spyware company QuaDream had sold its Reign spyware to the Ghanaian government. 138 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. 139

In 2020, the Committee to Protect Journalists (CPJ) reported that the then-director of the Ghana Police Service's Criminal Investigations Department (CID), Maame Yaa Tiwaa Addo-Danquah, had 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. 140

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, as well as possibly violating Section 73 of the ECA and Section 7 of the Communications Service Tax (Amendment) Act, 2013 (Act 864).141 After it was put into operation, the KelniGVG platform was used to facilitate the collection of subscriber information from telecommunications providers under the Emergency Communications System Instrument, 2020 (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).142

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.143

The Cybersecurity Act 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. 144 C6 1.00-6.00 pts0-6 pts

Does monitoring and collection of user data by service providers and other technology companies infringe on users' right to privacy?

3.003

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 had 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.145

The Data Protection Act, 2012 (Act 843) 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 additional 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. 146

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.147

The Cybersecurity Act 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.148

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.149

According to the Anti-Terrorism Act, 2008 (Act 762), 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. 150

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. 151
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 October 2023, six soldiers assaulted Nicholas Morkah, a journalist for the radio station Akyemansa FM that also broadcasts online, after he filmed the soldiers attacking another man. The soldiers kicked him, seized his phone, forced him into their van, and hit him several times. They then drove him to their barracks and deleted all the files from his phone. Afterwards, soldiers brought him to the police station for interrogation (see C3).152

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. 153 The two assailants were later arrested and convicted. 154

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.155 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.156

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.157

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 health-care system in his community.158

Many women report experiencing sexual harassment, stalking, and the nonconsensual sharing of their intimate images online, according to a 2018 MFWA study. 159 Female journalists report

experiencing frequent sexual harassment and abuse online, often from trolls and political party supporters.160

LGBT+ people in Ghana experience harassment and intimidation both online and offline and are targeted with physical violence on the basis of their identity.161 In July 2023, a young man was attacked and stabbed six times by an unidentified group after reportedly being lured through a dating app, while bystanders refused to intervene because of claims that the man was gay.162 Online harassment and threats received by LGBT+ activists increased after the 2021 introduction of the Promotion of Proper Human Sexual Rights and Ghanaian Family Values bill in Parliament (see C2).163

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

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

In August 2023, the website of the Ga North Municipal Assembly was hacked and defaced.164 In February 2022, the Ghana Education Service's website for school placements was reportedly hacked. The hackers allegedly gained access to parents' phone numbers and students' birthdays.165

In July 2024, after the end of the coverage period, the MFWA reported that its website, as well as those of its projects such as The Fourth Estate and Fact-Check Ghana, had been targeted by malicious attacks. The attacks reportedly rendered the sites inaccessible for several weeks while the organization worked to restore service. 166

The CSA, which had been known as the National Cyber Security Centre (NCSC) before it was renamed by the Cybersecurity Act, 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 agency had launched a system for citizens to report suspected and identified cybercrime and cybersecurity incidents. 167

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