



Freedom on the Net 2021 Ghana

PARTLY FREE

64
/100

A. <u>Obstacles to Access</u>	14 /25
B. <u>Limits on Content</u>	27 /35
C. <u>Violations of User Rights</u>	23 /40

Scores are based on a scale of 0 (least free) to 100 (most free)



Overview

Internet users in Ghana enjoy an information space that is largely free from technical censorship. However, the country's political parties have

employed commentators to shape opinions on social media, particularly during the December 2020 elections in which President Nana Akufo-Addo defeated his predecessor, John Mahama, for a second term in office. Online journalists and bloggers increasingly risk arrest and online harassment for their critical reporting. A new law passed in December 2020 expands the government's legal authority for surveillance, despite existing data protection policies.

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 and LGBT+ people persists. 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.

Key Developments, June 1, 2020 – May 31, 2021

- In April 2021, the government acquired full ownership of telecommunications company AirtelTigo, which serves 5.1 million subscribers, after its parent companies exited the market (see A4).
- Political parties mobilized commentators to advance their causes online in preparation for the December 2020 elections. Parties also sought to influence opinions through misleading content, including politicized fact-checking portals that impersonated trusted news sites and fact-checkers (see B5 and B8).
- Ghanaians initiated the #FixTheCountry campaign online to protest increased fuel prices and taxes in May 2021, spurring a protest movement that held protracted mass demonstrations (see B8).
- The government passed the Cybersecurity Act in December 2020, greatly expanding the government's legal authority to conduct surveillance, compel service providers to hand over data, and control encryption service providers, alongside positive changes to cybersecurity coordination (see C4, C5, C6, and C8).

- A July 2020 report confirmed that Ghanaian security forces have access to tools from Cellebrite, which sells technology that can access information on encrypted devices, through a gift from the US government, UK government, and Interpol (see C5).

A. Obstacles to Access

A1 0-6 pts

Do infrastructural limitations restrict access to the internet or the speed and quality of internet connections?

3 / 6

Steady improvement in internet infrastructure has produced gains in internet access and quality in Ghana. The country's internet penetration rate reached 50 percent as of January 2021, according to Datareportal's *Digital in 2021* report. ¹ According to the International Telecommunication Union (ITU), internet penetration stood at 37.9 percent in 2017, the most recent available data. ²

Internet users in Ghana accessed average download and upload speeds of 12.46 megabits per second (Mbps) and 9.13 Mbps respectively, according to data from Broadband Checker. ³ High-speed mobile internet is generally only accessible in cities. ⁴

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, Ghana has seen more than 840 kilometers of fiber-optic cable laid in Accra, Tema, and Kumasi, three cities that account for half of the country's population. ⁵

Infrastructure-related internet disruptions are uncommon in Ghana. In the first half of 2021, scheduled electricity rationing in Accra interrupted internet access for some residents as the government installed upgrades to the power grid. ⁶ Some internet users who were working from home because of the COVID-19 pandemic reported interruptions to their work.

⁷ In January 2020, during the previous coverage period, the WACS cable outage affected a significant number of people as a major

telecommunications service provider, MTN, was impacted. As MTN possesses a significant market share, many users lost internet access for several days. ⁸

A2 0-3 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 / 3
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High prices for internet services and excessive taxes impede access to the internet for large segments of the population. According to the 2021 edition of the Economist Intelligence Unit's Inclusive Internet Index, the cost of 1 GB of mobile data stood between 1 and 3 percent of monthly gross national income (GNI) per capita in Ghana, equivalent to a range of about \$2 to \$6. ¹

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. During the previous coverage period, effective October 2019, the tax was increased from 6 percent to 9 percent. The increased tax was criticized for creating an additional barrier to internet access. ² Officials have also indicated that the government may consider a tax of over-the-top (OTT) digital services. ³

Rural areas in Ghana tend to lack internet infrastructure. The Ghana Investment Fund for Electronic Communications, which is funded by licensed service providers, seeks to address the urban-rural digital divide in internet access. ⁴

Ghanian 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 faster, stable, and regularly accessible services and in rural areas. ⁵

A3 0-6 pts

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

5 / 6

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). ¹ Major ISPs also maintain their own fiber-optic and satellite networks. ² Though the Ghanaian government historically operated an internet exchange point (IXP), Ghana's primary IXP is now operated by a nonprofit association of ISPs. ³

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. ⁴

A4 0-6 pts

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

4 / 6

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 partial stake in Vodafone and acquired a full stake in AirtelTigo during the coverage period.

According to National Communications Authority (NCA) data from March 2021, MTN holds 68.5 percent of the mobile data market, followed by AirtelTigo with 16.7 percent, Vodafone with 13.1 percent, and Glo Mobile with 1.7 percent. Of the fixed-line market, Vodafone controls 73.9 percent, MTN controls 25.3 percent, and AirtelTigo holds 0.8 percent. ¹

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. The government will temporarily operate the assets of the communications company, which served 5.1 million subscribers at the time of the sale. ² This acquisition may ultimately bolster the government's ability to control flow and access of information. The government maintains a 30 percent stake in Vodafone in Ghana, after Vodafone acquired the majority stake in the state-owned Ghana Telecom in July 2008. ³

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. ⁴ 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 ministry of communications and digitalisation. ⁵

A5 0-4 pts

Do national regulatory bodies that oversee service providers and digital technology fail to operate in a free, fair, and independent manner?	1 / 4
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The National Communications Authority Act, 1996 established the NCA as the spectrum allocation and communication industry regulatory body.

¹ The NCA also enforces laws that regulate the internet industry, such as the ECA ² and the Electronic Transactions Act. ³

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. ⁴

While appointments to NCA posts are transparent, the NCA is not considered independent in its operation. For instance, the NCA regularly closes radio stations for unauthorized broadcasting activities but appears to target pro-opposition radio stations disproportionately. ⁵ NCA activities rarely relate to managing the internet in Ghana.

No obstacles are placed in the way of service providers and other internet-related organizations can establish self-regulatory mechanisms. There is indeed a self-regulatory organization for telecommunications companies, the Ghana Chamber of Telecommunications, which also operates as an advocacy group. ⁶

B. Limits on Content

B1 0-6 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 / 6
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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.

In May 2016, police officials suggested that the government may restrict access to social media platforms to “maintain peace” during the December 2016 elections. After public outcry, then-president Mahama announced authorities would not do so. ¹ That same month, the NCA announced that it had received a petition from telecommunications companies to ban OTT services like Skype, WhatsApp, and Viber. ² The government denied that it would block those services after the announcement was heavily criticized. ³

B2 0-4 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 / 4
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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. ¹ The directive was resisted by the Media Foundation for West Africa (MFWA) and the Ghana Journalists Association. ² In March 2021, Chief Justice Kwasi Anin-Yeboah later made conciliatory statements regarding the issue, acknowledging the media’s right to criticize the judiciary. ³ There are no known cases where outlets removed content in response to the letter.

In June 2019, National Security Minister Albert Kan-Dapaah ordered online news outlet Modern Ghana to take down an article it had published that month. The article reportedly criticized Kan-Dapaah and a member of Parliament. Modern Ghana complied with the request. A day later, security forces arrested two Modern Ghana employees and detained them, torturing one (see C3). ⁴

Facebook, Google, and Twitter reported no requests for content removal from the Ghanaian government during the period of June to December 2020. ⁵

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. ⁶

B3 0-4 pts

Do restrictions on the internet and digital content lack transparency, proportionality to the stated aims, or an independent appeals process?	2 / 4
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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, in June 2019, was politicized, lacked transparency, and was disproportionate (see B2).

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. ¹ The Cybersecurity Act, 2020 provides broad authority for the Cybersecurity Authority (CA) 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 one to five years’ imprisonment. ² 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. ³

B4 0-4 pts

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

3 / 4

Ghanian 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 Ghanian internet users may avoid expressing opinions online for fear of being attacked by trolls or supporters of powerful political figures, as has been widely reported. ¹ 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. ² Some journalists 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. ³

B5 0-4 pts

2 / 4

Are online sources of information controlled or manipulated by the government or other powerful actors to advance a particular political interest?	
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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 “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 their story, or in some cases, serves to discourage publishing a story. ¹

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. ² Political parties also seek to shape public perception by recruiting senior journalists to produce favorable coverage through their networks. ³ 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, particularly following the 2016 elections. The ruling New Patriotic Party (NPP) reportedly pays over 700 social media commentators as of 2019.

⁴

Ahead of the December 2020 elections, several websites were created that impersonated trusted news sites and fact-checkers. The mock websites, which included clones of the state-owned newspaper *Daily Graphic* and the MFWA’s fact-checking website, ⁵ reportedly posted

content that exclusively targeted the NPP, raising suspicions about the opposition National Democratic Congress's (NDC) involvement. ⁶

B6 0-3 pts

Are there economic or regulatory constraints that negatively affect users' ability to publish content online?	3 / 3
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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. ¹ Online media outlets tend to rely on monetization of their websites rather than advertising revenue.

B7 0-4 pts

Does the online information landscape lack diversity and reliability?	3 / 4
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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. ¹

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. ²

Only 39 percent of Ghanaians trust social media as a source of information, compared to the 55 percent who trust public and private media outlets. This mistrust has driven support for social media regulation in the country. ³

Civil society organizations, such as Penplusbytes and the MFWA, work to counter misinformation. Since the outbreak of the COVID-19 pandemic,

the MFWA has worked to counter COVID-19 misinformation, recruiting fact-checkers and updating COVID-19 data on Ghana and Africa. ⁴ 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. ⁵

B8 0-6 pts

Do conditions impede users' ability to mobilize, form communities, and campaign, particularly on political and social issues?	5 / 6
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Conditions in Ghana are suitable for people to mobilize and campaign on political and social issues in Ghana. People are generally able to mobilize without any state interference.

On May 2, 2021, Ghanaians started 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. ¹ Government officials and social media accounts linked to the government responded by circulating hashtags like #FixYourself, #NanalsFixingIt, and #NanalsWorking to compete with #FixTheCountry.

On May 4, the National Petroleum Authority and Ministry of Energy adjusted a planned fuel-price increase downward, to take effect the following day. ² On May 9, Ghanaians protested in person and online after a court issued an injunction blocking a planned #FixTheCountry demonstration, citing COVID-19 restrictions. ³ Ghanaians have since continued to mobilize online and offline under the #FixTheCountry banner, including through a large protest held in August 2021, after the coverage period. ⁴

In November 2018, a group of civil society organizations, including the MFWA and the Media Coalition on Right to Information (RTI), launched the #RTIRedFriday campaign to pressure the government into passing the RTI Bill. ⁵ This campaign represented a significant contribution to the advocacy campaign that ended with the RTI Bill's March 2019 passage (see C1).

Also in late 2018, residents of Madina, in the Greater Accra Region, launched the #FixOurFootbridgesNOW social media campaign after drivers killed more than 24 pedestrians crossing major roads. Youth leaders used Facebook and other social media platforms to mobilize demonstrations calling for the completion of footbridges in the locality. As of June 2019, during the previous coverage period, the government completed the footbridges. ⁶

Political parties had to adjust their campaigning methods ahead of the December 2020 elections due to COVID-19-related restrictions. Both the NPP and the NDC mobilized supporters over social media. ⁷ Both political parties also employed social media communication officers who mostly engaged in propaganda (see B5).

C. Violations of User Rights

C1 0-6 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 / 6
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The constitution guarantees freedom expression, access to information, a free and independent media, and an unrestrained media environment. ¹

In March 2019, Parliament passed the RTI Bill, after two decades of consistent and persistent advocacy by RTI campaigners, anticorruption advocates, the media, and other key stakeholders. ² The RTI coalition reported that as of September 2020, few government agencies were compliant with the law, which took effect earlier that year. ³

The judiciary is considered generally independent and impartial. The courts have issued some excessive fines against media companies for defamation, ⁴ but such rulings are not perceived to be a common practice or indicative of bias against the press. In October 2015, 12 High

Court judges and 22 lower-court judges were implicated in a bribery scandal, ⁵ causing a widespread loss of trust in the judiciary.

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. ⁶

C2 0-4 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 / 4

Internet users in Ghana can face criminal penalties for online content that is deemed to be false, with an overbroad definition of that term 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 communicate such content to the NCA can receive a fine of up to 12,000 cedi (\$2,000) and up to three years’ imprisonment, while those whose content is deemed a false distress signal or is likely to endanger the safety of a person or vehicle face a fine of 36,000 cedi (\$6,100) and up to five years’ imprisonment. ¹ 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 the person who publishes it is “knowing or having reason to believe that the statement, rumour or report is false.” ²

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. ³

C3 0-6 pts

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

3 / 6

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

On May 11, 2021, national security officials arrested and assaulted journalist Caleb Kudah, who reports for Citi FM and its related news site, for “unauthorised” filming on the premises of the Ministry of National Security. The officers also confiscated Kudah’s phone, deleting photos he had taken of abandoned vehicles on the premises. Armed officers also arrested Kudah’s colleague, Zoe Abu-Baidoo, who had received photographs taken by Kudah. Both journalists were released after several hours of interrogation. ¹

Also in May 2021, Frederick Kwaku Dzemeki, a police officer, was briefly detained and charged with misconduct after he posted a comment on a Facebook video criticizing the president and vice president. ²

On April 1, 2021, David Tamakloe, editor in chief of news site Whatsup News, was arrested for alleged extortion and publication of false news under the Criminal Offences Act, 1960. Tamakloe was released on bail on April 2 and reported again to the police on April 6, for a meeting in which police asked for access to his electronic devices. ³ According to Tamakloe, the arrest was intended to intimidate him from investigating a scandal involving a businesswoman whose husband is a senior police officer. ⁴ The status of his case is not known as of August 2021.

Tamakloe had previously been arrested in October 2020, when police officers forcibly entered the offices of Whatsup News. The arrest was reportedly requested by police from New Edubiase, a town in the Ashanti Region, after the outlet reported that members of Ewe settler communities who supported the NDC were being intimidated by Ashanti supporters of

the ruling NPP in July 2020. Tamakloe was detained for a day, then charged with the publication of false news and on granted a bail of 10,000 cedi (\$1,700) with two sureties by a court in New Edubiase. ⁵ The status of this case is not known as of August 2021.

In December 2020, Ghanaian authorities arrested Oheneba Boamah Bennie, a journalist with broadcaster Power FM, over a Facebook post criticizing President Akufo-Addo. Bennie was detained for two days, then released on bail. ⁶ Officials charged Bennie with gross disrespect of the judiciary, a constitutional violation, purportedly for criticizing the Supreme Court and calling for a coup d'état in the post. ⁷ The status of his case is not known as of August 2021.

On June 3, 2020, the Criminal Investigations Department (CID) of the Ghana Police Service summoned and interrogated Kofi Adomah of Angel FM over a YouTube video in which he predicted that COVID-19 restrictions would be eased. Police called his predictions of what President Akufo-Addo announced in a late May 2020 speech too accurate to be coincidence, and pressured Adomah to reveal his sources. ⁸

In May 2020, during the previous coverage period, social media user Bless Amedegbe was arrested over a video he published on YouTube and WhatsApp in April 2020. In the video, Amedegbe reportedly urged people to defy a COVID-19 lockdown order, destroy Akufo-Addo's residence, and attack police officers enforcing the lockdown. He was charged with false communication under the ECA, as well as assault on a public officer. In August 2020, he received a bail of 100,000 cedi (\$17,200), with two sureties. ⁹ The last time the case was called was in September 2020, and the status of his case remains unknown as of August 2021.

In June 2019, during the previous coverage period, national security operatives arrested Emmanuel Ajafor Abugri, deputy editor of Modern Ghana, and Emmanuel Yeboah Britwum, a reporter with the outlet, during a raid on its office. ¹⁰ The journalists were kept at an unknown location for several days and Abugri was reportedly tortured (see C7). ¹¹ The previous day, the Ministry of National Security requested that Modern

Ghana take down a critical article about National Security Minister Albert Kan-Dapaah and Alexander Kwamena Afenyo-Markin, an NPP parliamentarian; the outlet complied with the request (see B2). In the following days, the journalists were summoned several times to provide statements to law enforcement, during which Britwum disclosed that he obtained the information about Kan-Dapaah from a source using an email account belonging to Peace FM. In early July, prosecutors filed cybercrime charges against Abugri, Britwum, and a Peace FM editor, alleging that they had unlawfully accessed the email account. The charges were dropped later that day. ¹² Abugri subsequently filed a case in the Human Rights Court in Accra against Kan-Dapaah and several other officials. ¹³ The case is still active as of August 2021.

C4 0-4 pts

Does the government place restrictions on anonymous communication or encryption?

2 / 4

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.

Under the SIM Registration Regulations, Ghanaians must register SIM cards with their name, address, and proof of identity in order to use the card in a mobile phone, computer, or other device. ¹ The ECA mandates all telecommunications operators keep the data of their subscribers for disclosure to the NCA. ²

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 is scheduled to run between June and December 2021. ³ Previously, officials conducted a reregistration process between January

1 and June 30, 2020. Communications Minister Ursula Owusu-Ekuful attributed that process to “the lack of an acceptable, fake proof, Identification card and nonexistence of verification by a national database to ensure the traceability of the individual who registered the SIM card.”

⁴ It is unclear whether reregistration activities were conducted at scale, though telecommunications companies may have requested that subscribers confirm their SIM registration status voluntarily. ⁵ In 2012, the NCA announced that over 5.5 million national identity cards used to register SIM cards were not valid. ⁶

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 CA 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 tools and equipment necessary to decrypt information of a subscriber who is being investigated, at its own expense. ⁷

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 telecommunication provider has the capacity to decrypt the data. ⁸

C5 0-6 pts

Does state surveillance of internet activities infringe on users’ right to privacy?

3 / 6

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. ¹

In July 2019, Ghana Business News reported that the government purchased the Pegasus spyware suite, developed by the Israeli company NSO Group, in 2016. The NCA purchased access at the request of security officials, but only acquired the specialized equipment on which to run Pegasus—according to court documents, the NSO Group refused to deliver the software due to payment issues. ² Several officials, including the former NCA director general, the NCA board chair, and a former national security coordinator, received corruption-related prison sentences over the payment issue. ³

In July 2020, the Committee to Protect Journalists (CPJ) reported that then-CID director 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. ⁴

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. ⁵ 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). ⁶

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. ⁷

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. ⁸

C6 0-6 pts

Does monitoring and collection of user data by service providers and other technology companies infringe on users' right to privacy?	3 / 6
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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, after the coverage period, 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. ¹

The Data Protection Act, 2012 protects data privacy in Ghana. It 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. ²

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. ³

The Cybersecurity Act, 2020 greatly expands government access to data collected by telecommunications service providers. Section 76 empowers the CA 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. ⁴

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. ⁵

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 commission of an offense under the legislation. ⁶

During the December 2020 elections, many people received text messages or phone calls from the leading political parties. These messages were so widespread that it raised concerns of government and other individuals having access to user data from telecommunication companies. The telecommunication companies denied responsibilities for those messages. ⁷

C7 0-5 pts

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

3 / 5

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+ men targeted in discriminatory attacks.

In December 2020, two reporters with online outlet GhanaWeb were attacked at an NDC campaign event, likely by party supporters who were motivated by the outlet's reporting. ¹ Throughout the 2020 election period, many journalists from the Multimedia Group were threatened over social media. ²

In recent years, Ghanaian journalists have faced online harassment for their work, particularly after reporting on government officials or other powerful people. For instance, journalist Edward Adeti received threats in February 2020 potentially related to an investigation into a prosecutor accepting bribes that he released on YouTube. ³ The threats became so severe that Adeti had to relocate from his home in Northern Region to the Greater Accra Region, after it became apparent that he and other members of his family were being followed. ⁴ Following the January 2019 murder of Ahmed Hussein-Suale, a member of the Tiger Eye PI investigative journalism organization, many Ghanaian journalists saw firsthand how online threats could precede offline harms. ⁵

Many women report experiencing sexual harassment, stalking, and the nonconsensual sharing of their intimate images online, according to a 2018 MFWA study. ⁶ Female journalists report frequent sexual harassment and abuse, often from trolls and political party supporters. ⁷

LGBT+ people in Ghana experience harassment and intimidation both online and offline, and are also targeted with physical violence on the basis of their identity. ⁸ 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. ⁹

C8 0-3 pts

Are websites, governmental and private entities, service providers, or individual users subject to widespread hacking and other forms of cyberattack?	3 / 3
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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 July 2020, Universal Bank was hacked, with the perpetrators succeeding in transferring about 46 million cedi (\$7.9 million). ¹ In June 2019, US government officials disclosed that hackers had breached 18 Ghanaian institutions, including public-sector actors, financial institutions, and telecommunications providers, and exfiltrated sensitive information including passwords. ²

The Cybersecurity Act, 2020 designated the National Cyber Security Center as the Cybersecurity Authority (CA), which is empowered to prevent and protect against cyberattacks. The CA's responsibilities include increasing the government's cybersecurity capacity, threat monitoring, and technical support for law enforcement activities. The CA is also charged with the accreditation of cybersecurity providers, including the licensing of providers that it deems "of the public interest," raising concerns that the licensing process will be politicized or subject to

favoritism. ³ In 2019, the National Cyber Security Center launched a system for citizens to report suspected and identified cybercrime and cybersecurity incidents. ⁴



On Ghana

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Country Facts

Global Freedom Score

82/100 Free

Internet Freedom Score

64/100 Partly Free

Freedom in the World Status

Free

Networks Restricted

No

Social Media Blocked

No

Websites Blocked

No

Pro-government Commentators

Yes

Users Arrested

Yes

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