

FACTSHEET – UPR 2017, GHANA

3rd CYCLE UNIVERSAL PERIODIC REVIEW

FREEDOM OF EXPRESSION



SUMMARY OF KEY ISSUES FROM PREVIOUS UPR CYCLES AND RECOMMENDATIONS MADE

Ghana did not receive any specific recommendation on freedom of expression during the 2nd cycle of the UPR process in 2012. Generally, in Ghana the right to free speech and expression is respected, however, there has been reported cases of assault and harassment of journalists by government authorities and security officials.

NATIONAL FRAMEWORK

The 1992 Constitution of Ghana guarantees freedom of speech and expression, including freedom of the press and other media. Ghana is also a state party to the international Covenant on Civil and Political rights

ISSUES

RECENT REPORT OF VIOLATIONS:

Although Ghana has obligations under the constitution as well as international laws to respect, protect and fulfill the right to freedom of expression, the country continues to register unpunished cases of violations against freedom of expression. Between January to March 2017, five cases of violations were recorded and three out of the five attacks were perpetrated by security officials. According to the Media Foundation for West Africa (MFWA), these violations generally went unpunished. Instances of such violations were recorded both at the national and local levels. For instance, at the local level, there were allegations in the media of police officers in Gomoa Ojobi in the Central Region who assaulted and detained a reporter from a local television and radio station. Another journalist was also arrested for taking photographs of a police soliciting a bribe from a bus driver. Furthermore, in May 2017, it was reported that protesters who were protesting against the Electricity Company of Ghana (ECG) had assaulted a journalist with the 'Rite FM Station' in Somanaya. The Rite FM reporter was allegedly assaulted because the protestors were not happy with him taking pictures and video of their actions. Additionally, in July 2016, the Supreme Court awarded a four month jail sentence and a fine of Ten Thousand Ghana Cedis (about USD2, 270) each to a radio presenter and two on-air panellist for what the court alleged were threats against judges in pending cases. The sentence by the Supreme Court was viewed by many as a threat to free speech.

PREVIOUS VIOLATIONS THAT WERE NOT ADDRESSED:

From January 2015 – December 2016, Ghana recorded a total of Twenty Five (25) violations of the right to free expression/speech. Within that period, the Media Foundation for West Africa reported that Ghana had the highest number of free expression violation in the West African Sub-Region between July – September 2016, recording a total of seven (7) violations, with six (6) of those violations perpetrated by security agents; and second highest number of violations from January – June 2016 with eight (8) violations out of which two (2) were perpetrated by security agents and three (3) by state officials.

These violations are in addition to the cases reported in 2014, where Ghana was also reported to have recorded the highest number of violations in the West African sub-region between January to April 2014. These reported violations were mostly in the form of physical attacks, arrests and detentions, threats, censorship, etc. mostly perpetuated by both state and non-state actors.



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The state actors' perpetrators were security agencies (military and police), state officials like Members of Parliament and Ministers of state while non-state actors included political party affiliates, organized groups and individuals. For example, on 19 August, 2015, Stan Dogbe, a presidential staffer seized and smashed a voice recorder of the journalist who had gone to the 37 Military Hospital to follow up on an accident involving the presidential press corps.

Subsequently, the MFWA released a statement to condemn the action and petitioned the president to sanction the presidential staffer. Although the president formally acknowledged receipt of the petition, he did not communicate any step taken on the case until the administration left power on January 7, 2017.

In addition to State-led violence, the State has also failed to intervene in crimes against freedom of expression perpetrated by non-State actors. In March 2016, for example, there was a report of a reporter with Bohye FM who was beaten by some men at Moshi-Zongo in Manhyia North Constituency, where elections for polling station executives of the New Patriotic Party (NPP) were being re-run.

CHALLENGES

MAJOR CHALLENGE:

The failure by government to punish perpetrators often serves to empower perpetrators to flagrantly abuse journalists and media organisations.

RECOMMENDATIONS

1. Take steps to investigate, prosecute, and sanction all attacks on journalists.
2. Guarantee adequate protection and security for journalists, so they can effectively perform their duties without any fear of victimization.
3. Ensure that security agents stop violating the rights of journalists and others exercising their right to freedom of expression.
4. Train security agents to appreciate the work of the media in a democratic society and to work collaboratively with the media.
5. Provide an effective remedy for the journalists who were attacked by state and non-state actors.

ABOUT THIS FACT SHEET

This fact sheet was Prepared by: Coalition on the Right to Information Ghana/POS Foundation/ Commonwealth Human Rights Initiative/Africa Centre for International Law and Accountability/ Restoration of Hope Foundation/ KASA Initiative Ghana – JOINT UPR SUBMISSION – 2017 under the auspices of the Ghana Human Rights Forum.

REFERENCES:

See Article 162(5) of the 1992 Constitution of Ghana

<http://www.myjoyonline.com/news/2014/august-5th/ghana-leads-in-violation-of-free-expression-in-west-africa-report.php>

<http://www.ghana-news.adomonline.com/politics/2016/march-3rd/journalist-assaulted-by-machomen-at-manhyia-north.php>