

# WEBINAR BRIEF

ISSUE 2020/002

## THE BALANCE BETWEEN FREEDOM AND REGULATION IN THE VIRTUAL PUBLIC SPACE: WHAT DO WE DO?

# Background

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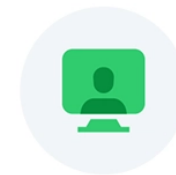
On July 29<sup>th</sup>, IDEG organized a webinar on the “The Balance Between Freedom and Regulation in the Virtual Public Space: What do we do?”.

This was a follow up to an earlier webinar which explored the challenges and opportunities presented by the topic “Using the Virtual Public Space for the 2020 Elections Campaign: Opportunities, Challenges and the Way Forward”.

The earlier Webinar drew attention to deep capacity challenges faced by media regulatory institutions in their efforts at maintaining responsible use of the virtual public space while maintaining a balance between regulation of the media space and protection of the freedom of speech concurrently.

While the apparent non-regulation of the public virtual space fosters irresponsible journalism and commentary in both the traditional and social media, enforcing strict regulations could also hinder free speech.

The roles of three key institutions, the National Communications Authority (NCA), National Media Commission (NMC) and the Commission for Human Rights and Administrative Justice (CHRAJ) were highlighted in the discussion.



# Background

The **NCA** is the body responsible for ensuring fair competition among media and telecommunication companies.

By the **NCA Act 769 (2008)**, the **NCA** has the power to grant radio frequencies and television licenses to media companies. It also has the authority to exercise disciplinary control in the form of monetary fines, suspension or revocation of licenses.

The **NCA** however does not monitor media content

The **NMC** operates under the **National Media Commission Act, 1993**, and Chapter 12 of the 1992 Constitution of Ghana. In pursuance of press freedom and independence of the mass media, the **NMC** addresses media content and acts on complaints.

However, the **NMC** neither has the power to censor nor control editorial content of media houses. Its regulatory framework was also not designed to address digital platform issues.

The role of **CHRAJ** also came into play as the body constitutionally mandated to promote and protect human rights and provide remedy through investigations of human rights violations committed by state actors and private enterprises.

The mandates and challenges of the above institutions of the State have fostered a situation in which regulation of the virtual public space has become practically impossible, particularly within the **COVID-19** context in which electioneering towards the presidential and parliamentary elections on 7th December 2020 is taking place.





## IDEG Webinar



Against the backdrop of the roles and challenges of these key institutions in regulating the media space, the IDEG held a follow-up Webinar to delve deeper into these issues and to explore solutions to the dilemma of protecting freedom of speech while also protecting citizens from irresponsible usage of the virtual public space.

The Webinar was designed as panel discussion and was moderated by a seasoned broadcast journalist with the Ghana Broadcasting Corporation (GBC), **Mr. Abdul Hayi Moomen**. Panelists were **Nana Kwasi Gyan Appenteng**, former Chairman of the National Media Commission; **Mr. Prince Hari Crystal**, Executive Council Member, Ghana Independent Broadcasters Association; and **Dr. Isaac Lartey Annan**, Director, Human Rights Department, Commission on Human Rights and Administrative Justice (CHRAJ). The follow-up Webinar took place on Wednesday, July 29, 2020 from 3:00pm – 4:30pm. It was funded by the **Danish Embassy in Ghana**.

# Key Issues Emerging

- The virtual space is driven by the rights issue; the freedom to seek, receive and impart information of all kinds without restrictions;
- The media is indispensable to democracy and it serves as a watchdog during elections;
- Due to COVID-19, the 2020 elections will witness a completely different way of election campaigning primarily in the virtual space;
- Propaganda, mal-information, misinformation and disinformation, poor reporting and journalism can have impactful effects on the populace. Particularly, in election years, these can influence the way the electorate casts their votes;
- However, the dilemma between regulation and freedom ensues creating a challenge for regulatory institutions in Ghana.



# The Way Forward



- A key recommendation that emerged from the discussions during the Webinar was for media literacy and public education to be intensified to enable citizens to understand and speak out against the violation of their rights and act to remedy abuse of the virtual public space;
- CHRAJ, for example, should consider working together with the NCCE and CSOs, who are interested in the sanitization of the virtual public space, to intensify human, civil and political rights education and strengthen their collective watchdog roles as electioneering and elections in December 2020 takes place in the COVID-19 pandemic context;
- The NMC and NCA, as key media institutions, should also collaborate in issuing and enforcing Guidelines aimed at sanitizing the virtual public space for electioneering and media reportage on the presidential and parliamentary elections on 7th December 2020. Ahead of the 2012 and 2020 elections, the NMC and NCA issued joint guidelines for media reportage;
- However, those elections did not occur in the unique context of the COVID-19 pandemic and the consequential enactment and enforcement of the Imposition of Restrictions Law 2012 which has limited political and civil rights in the country.