GUIDELINES ON FAIR AND EQUITABLE COVERAGE OF POLITICAL PARTIES BY THE STATE-OWNED MEDIA

FOREWORD
When as a people we promulgated for ourselves the 1992 Republican Constitution, it was out of a genuine desire to create for ourselves a democracy in which the rights of citizens and the interest of different groups shall be respected. The legitimate expectation was that the state-owned media would offer opportunities for all shades of opinion to be expressed in the bigger national debate about the choices that needed to be made in the nation’s quest for progress. So when the Supreme Court sat on the case of NPP v GBC, the court knew, as usual, it had been called upon to guide national reflection on a matter that was important for peace, progress and nation building. What the Court had been invited to examine were the seminal provisions contained in Articles 55 and 163.

The thoughtful opinions expressed by the noble Court underlie the principles contained in these Guidelines. The hope of the Commission is that they would set the framework for the state-owned media to honour their constitutional obligations and to be fair to all opinions. This would require a philosophical understanding obviates the error of confusing national interest with regime interest. It would require an honest appreciation of the perspectives of those who argue about the dangers of abuse of incumbency in media coverage and insist that coverage of government activity must be separated from political activity.

One of the cardinal elements of these Guidelines is the clear procedures for settling disputes arising from complaints of unfairness. The guidelines on covering opinion polls also offer practical help to the state-owned media on the rather technical question of covering opinion polls.

Attention need to be drawn, quite quickly to one point. As the Supreme Court explained, the principles on fair and equitable coverage derive mainly from Articles 55 and 163. While Article 55 deals with fair and equitable coverage of political parties and candidates, Article 163 deals with “divergent views and dissenting opinions” generally. Thus, the ambit of Article 163 goes beyond politics. The provisions in these Guidelines, to the extent that they deal mainly with coverage of political parties and candidates by the state-owned media,
relate more to Article 55. The Commission hopes that the application of these Guidelines will lead to reflections about the broader questions of fairness anticipated by Article 163.

I wish to end by thanking the Executive Secretary, George Sarpong, for conceptualising this project and leading its implementation. The Public Affairs Section of the Embassy of the United States of America deserves immense commendation for supporting it. I am also very thankful to the team of media and legal experts as well as the politicians and political thinkers whose contributions made the development of the Guidelines possible.

Paul Adu-Gyamfi
Chairman
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BACKGROUND
Free, responsible and pluralistic media are critical for the sustenance of democracy. Noting the important role the media play in promoting good governance generally and elections in particular, the 1992 Constitution made elaborate provisions to secure a free and independent media. Additional safeguards were also introduced to insulate the state-owned media from governmental control and to ensure that they provide fair and adequate coverage to all divergent views and dissenting opinions. Articles 55(11) and (12) read:

“(11) The state shall provide fair opportunity to all political parties to present their programmes to the public by ensuring equal access to the state-owned media.

(12) All presidential candidates shall be given the same amount of time and space on the state-owned media to present their programmes to the people.”

Article 163 also provides as follows:

“163 All state-owned media shall afford fair opportunities and facilities for the presentation of divergent views and dissenting opinions.”

The Supreme Court undertook a close examination of the above provisions in New Patriotic Party v. Ghana Broadcasting Corporation [1993-94] 2GLR 354 where the Court said:

Article 55(11) of the Constitution, 1992 defined with regard to political parties, both the object of state policy and the means to achieve it. The object was the provision of fair opportunity to all political parties to present their programmes to the public, and the means of achieving that was ensuring that each party had equal access to the state-owned media. “Equal access meant the same or identical terms and conditions for gaining entry into the state-owned media for the purpose of presenting their political, economic and social programmes to the electorate and persuading them to vote for them at elections. That meant that the same time or space had to be given to each political party, large or small, on the same terms and the offices of the state-owned media had no discretion in the matter. But in a democracy, the right of the individual to form or join a political party and of the parties to participate in shaping the political will of the people and disseminate political, economic and social ideas and programmes were not rights which were enjoyed by the people only when elections were to take place. Article 163 of the Constitution, 1992 also sets out the duties of the state-owned media in promoting free expression of view by obliging the state-owned media to grant fair opportunities and facilities for the presentation of divergent views and dissenting opinions. The word “fair” meant “free from bias” or “equal.” Accordingly, the combined effect of articles 55(11) and 163 of the Constitution, 1992 obliged the management and editors of the state-owned media to be impartial, showing neither affection for, nor ill-will towards any particular group in the community, be it political, economic or social; their facilities being national assets, should be available to all. The state-owned
media has no discretion in the matter since that would constitute the exercise of censorship which could block avenues of thought and foreclose the citizen’s right of choice contrary to article 162(2) of the Constitution, 1992.

In spite of the constitutional injunctions and the Supreme Court’s explanation, there are repeated allegations that the state-owned media tend to favour incumbent governments. A major part of the problem is because there are no clear benchmarks against which one can measure the fairness and equitability of state-owned media coverage of political parties and dissenting opinions.

Meanwhile, even though the private media are growing very fast in Ghana, the state-owned media still occupy a dominant place in the provision of information on national affairs.

Section 2(1)(c) of the National Media Commission Act, 1993 (Act 449) mandates the Commission to “take measures to ensure that persons responsible for state-owned media afford fair opportunity and facilities for the presentation of divergent views and dissenting opinions.” This initiative by the National Media Commission responds to this statutory imperative.

GUIDING PRINCIPLES

The key principles underlining these Guidelines are fairness and equity as articulated in the Supreme Court decision cited above. The guidelines therefore provide minimalist standards. State media operators are enjoined to interpret the provisions with good conscience in order to balance the interests of all parties with the overall aim of fulfilling the rights of Ghanaians to truthful and unbiased information and the national process of deepening democratic governance and human rights.

Being alert to conflict of interest can steer state-owned media operators in the fair and equitable application of these Guidelines. Conflict of interest occurs when a public official attempts to promote or promotes private or personal interest for himself/herself or for some other person, and the promotion of the private interest then results or is intended to result, or appear to be or has the potential to result in the following:

i. an interference with the objective exercise of the person’s duties,
ii. an improper benefit or an advantage by virtue of his/her position, and
iii. a denial of the constitutional rights of others to access national resources.

Definition of Conflict of Interest

The Commission on Human Rights and Administrative Justice (CHRAJ) defines conflict of interest as a “situation where a public official’s personal interest conflicts with or is likely to conflict with the performance of the functions of his/her office.”

CHRAJ includes the following in its definition:

- Any interest or benefit, financial or otherwise, direct or indirect;
- Participation in any business transaction, or professional activity;
- An incurring of any obligation of any nature; or
- An act or omission which is or appears or has the potential to be in conflict with the proper discharge of a public official’s duties in the public interest.

A  **General Provisions**

1. **Content:**
   i. Coverage of political activities by the state-owned media should be honest, accurate and factual.
   ii. Opinions should not be confused with news.
   iii. Editors should be held responsible for lapses to encourage non-biased reporting.
   iv. Different points of view should get roughly equal weighting.

2. **Language:**
   i. The language used to present news content shall not suggest preference for certain political parties and presidential candidates.
   ii. Opinionated language and adjectives should not be used to favourably and/or unfavourably describe political parties and presidential candidates.
   iii. Political parties and presidential candidates have the freedom to use any local language(s) of their choice for broadcasts.

3. **Incumbency:**
   The state-owned media should endeavour to distinguish between official government business and party political activities.

4. **Spokespersons:**
   Political parties and presidential candidates will be requested to provide the names of their officially-designated spokespersons including public relations representatives, campaign staff and party functionaries to the state-owned media institutions.

5. **Endorsements:**
   State-owned media institutions and journalists should not endorse political parties and presidential candidates.

6. **Political Advertisements:**
   i. To ensure neutrality, advertising space/slots should be made available to all without favour.
   ii. Advertising rates should be the same for all.
   iii. Each media institution should constitute an in-house committee to meet periodically to vet all advertisements emanating from political parties, presidential candidates and other stakeholders.

B  **News Coverage**

1. **Press Conference**
   i. The state-owned media shall endeavour to attend and report on press conferences organised by political parties.
   ii. Coverage of press conferences shall be given equal space/air time and prominence.
iii. Where for any reason a state-owned media is unable to attend a press conference organised by a political party, the media concerned shall use the statement at the press conference as if same has been presented as a press release.

2. Press Release
   i. Press releases from political parties shall be given the same degree of attention and prominence.
   ii. Press releases from political parties shall contain the name and contact details of people from whom further information could be sought about the release.

C Interviews
   i. Where a state-owned media grants an interview opportunity to a presidential candidate or a political party, the same opportunity shall be extended to other presidential candidates or parties when requested.
   ii. General opportunities for interviewing political parties and presidential candidates should also be equal.

D Confidentiality
   Officials of the state-owned media should not pass on information obtained in their official capacity to any political party or presidential candidate to the detriment of another political party or presidential candidate.

E Covering Opinion Polls
   To avoid wilful bias or unwitting manipulation, the state-owned media shall cover opinion polls only when they include the following:
   i. The name of the person or organisation which conducted the poll.
   ii. The name of the person or organisation which commissioned or sponsored the poll.
   iii. The exact questions which were put to respondents and any explanation or information given to respondents which could affect their understanding of the question.
   iv. A description of the population under study, and a description of the sampling procedures and sample size.
   v. The period or time covered by the poll.
   vi. Place or location where the poll was conducted

F Coverage of Election Day Activities
   The Guidelines of the Ghana Journalists Association (GJA), the Private Newspaper Publishers Association of Ghana (PRINPAG) and the Electoral Commission (EC) will be adopted.

G Protection of Journalists
   1. Political parties and presidential candidates shall take steps to ensure the safety of journalists and other officials of the state-owned media when organising events.
   2. They shall also protect the equipment of journalists covering their activities.
H  **Broadcast (Radio and Television)**

1. **Content:**
   i. Since live broadcasts, especially do not lend themselves to editing, presenters of state broadcast media should constantly check their professional attitudes to become alert of their biases and prejudices towards the positions of political parties and presidential candidates. Such biases can be seen through off-the-cuff comments as well as in the line of questioning.
   ii. Different points of view should get roughly equal time on air.

2. **Debates and Discussion Programmes:**
   i. For political debates and other political discussion programmes, state-owned broadcasts should, in consultation with the political parties or presidential candidates, select a panel of moderators in consultation with the political parties.
   ii. Disputes relating to the choice of moderators shall be resolved by the NMC.
   iii. Broadcast stations should develop the details of the format, in consultation with the NMC, the GJA and the representatives of the political parties and presidential candidates.
   iv. Where a live studio audience is desired, the audience should be selected by invitation. Each party represented should have the same number of invitees.
   v. If a live broadcast of a speech is scheduled and a presidential candidate or representative is unable to attend, the broadcast station should be notified at least forty eight (48) hours in advance. The presidential candidate or his representative may then record the broadcast for the station to play at the scheduled time on condition that the tape/CD is submitted to the station for preview at least forty eight (48) hours before the play-back time. The speech may either be recorded as a free service by the station or privately, at the presidential candidate’s own expense.

3. **Free Airtime:**
   i. Periodically, each presidential candidate should be given five (5) minutes to state his/her own or party’s opinion on topical issues. To facilitate this, the state-owned media will make available to each presidential candidate, a presentation studio for one hour for the free recording of the statements made by the presidential candidate. If the presidential candidate chooses to produce the material privately, the full cost will be borne by the presidential candidate and not the state-owned media.
   ii. Broadcasts and debates by presidential candidates should be broadcast live on both radio and TV. The political parties and presidential candidates should inform the media at least twenty four (24) hours before the scheduled event.
   iii. During morning shows, regional FM stations shall offer political parties and local parliamentary candidates free time slots of five (5) minutes on a rotational basis.
   iv. Political parties and local parliamentary candidates will be given a free slot each on a mid-day interview programme on rotational basis. The decision on the day and time will be decided by ballot by the political parties and local parliamentary candidates.
v. Daily free airtime for political broadcasts will be made available in any one of the local language programmes in the mornings of Mondays through Saturdays.
vi. Additionally, political parties shall be granted appearances on adult education programmes in the local languages on both radio and TV.

4. Order of Appearance:
i. The order in which political parties and presidential candidates will appear in each debate and any other discussion programme will be decided through a ballot.
ii. The details of the ballot will be developed by the broadcast company. However, the NMC will be responsible for organizing the ballot in the full view of the political parties.

I Print
1. State-owned newspapers should not reject opinion pieces originating from a political party and/or presidential candidate after it has published a similar article by other opposition parties/candidates. Such an article could either be in the form of a rejoinder or an original piece to present a position.
2. The placement of a story communicates its importance or otherwise. Newspapers should seek to strike a balance in the selection of pages and sections of the papers instead of giving certain parties/candidates prominent pages and relegate their opponents to less noticeable pages.
3. All political parties and presidential candidates should benefit from comparable rates of frequency of publication of news stories and opinion pieces.
4. Type, size and language of headlines should not favour certain political parties and presidential candidates over others.

J Wire Service
1. State-owned media institutions put their trust in a wire service when they select for usage, newsworthy issues or events put out by the wire service.
2. The media should be careful the extent to which they re-write wire service material in order not to change the meaning, intent and context of stories.

K Conflict of interest
1. Officials of the state-owned media should not engage in any activity that may appear to be or has the potential to give preferential treatment to any political party or candidate.
2. Media institutions should endeavour to make adequate arrangements to facilitate the work of journalists.
3. Political parties and presidential candidates should not induce journalists and officials of state-owned media with favours.
4. Journalists and other officials of the state-owned media should not:
i. Accept gifts and favours from political parties and presidential candidates.
ii. Solicit gifts, tangible or intangible, directly or indirectly from a political party or presidential candidates.
iii. All issues relating to conflict of interest shall be resolved in accordance with the Guidelines on Conflict of Interest of the Commission on Human Rights and Administrative Justice (CHRAJ) with the necessary modifications as the situation may warrant.

L **Enforcement**

The National Media Commission (NMC) shall be responsible for the monitoring and enforcement of these guidelines in accordance with section 2(1)(c) of the National Media Commission Act, 1993 (Act 449).

M **Procedures for Complaints and Settlement**

1. A complaint alleging that any provision of these Guidelines has been breached shall first be directed to the entity against whom the complaint is made.
2. A copy of the complaint shall be submitted to the National Media Commission.
3. The complaint shall provide the following information:
   i. The specific breach being complained about,
   ii. Where applicable, the date and time of the breach, and
   iii. The remedial action proposed.
4. The entity against whom the complaint is made shall endeavour to address the grievance within ten (10) days upon receipt of the complaint and inform the complainant in writing of the action taken. A copy shall be submitted to the National Media Commission.
5. If upon receipt of the response, the complainant is satisfied of the remedial action taken, he/she shall communicate that in writing to the entity complained against and a copy shall be submitted to the National Media Commission.
6. Where a complainant is not satisfied with the response, he/she shall complain to the National Media Commission for redress.
7. The National Media Commission shall resolve a complaint referred to it within ten (10) days.

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**THE NATIONAL MEDIA COMMISSION ACT, 1993**

An act to establish a National Media Commission to promote and ensure the freedom and independence of the media for mass communication and information in accordance with Chapter Twelve of the Constitution and to provide for related matters.

**Part 1 Establishment and Functions of Commission**

1. (1) There is established by this Act a body to be known as the National Media Commission referred to in this Act as “the Commission”.

   (2) The Commission shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.
(3) The Commission may for and in connection with the discharge of its functions purchase, hold, manage or dispose of any movable or immovable property and may enter into such contracts and transactions as may be reasonably related to its functions.

2. (1) The functions of the Commission are:-

   a. To promote and ensure the freedom and independence of the media for mass communication or information;

   b. To take all appropriate measures to ensure the establishment and maintenance of the highest journalistic standards in the mass media, including the investigation, mediation and settlement of complaints made against or by the press or other mass media;

   c. To insulate the state-owned media from governmental control;

   d. To take measures to ensure that persons responsible for state-owned media afford fair opportunities and facilities for the presentation of divergent views and dissenting opinions;

   e. To appoint in consultation with the President, the chairmen and other members of the governing bodies of public corporations managing the state-owned media;

   f. To make regulations by constitutional instrument for the registration of newspapers and other publications, except that the regulations shall not provide for the exercise of any direction or control over the professional functions of a person engaged in the production of newspapers or other means of mass communication; and

   g. To perform such other functions as may be prescribed by law not inconsistent with the Constitution.

(2) In carrying out its functions the Commission shall not by regulations or any other act, require any person to obtain or maintain a licence as a condition for the establishment of a newspaper, journal or any other written publication.

3. Except as otherwise provided in the Constitution or by any other law not inconsistent with the Constitution, the Commission shall not be subject to the direction or control of any person or authority in the performance of its functions.

4. Subject to its functions as provided in this Act, the Commission shall not exercise any control or direction over the professional functions of a person engaged in the production or newspapers or other means of communication.
Part II – Composition of the Commission

5. (1) The Commission shall consist of the following members:-

a. one representative each nominated by: -

   i) the Ghana Bar Association;
   ii) the Publishers and Owners of the Private Press;
   iii) the Ghana Association of Writers and the Ghana Library Association;
   iv) the Christian Group (the National Catholic Secretariat, the Christian Council, and the Ghana Pentecostal Council);
   v) the Federation of Muslim Councils and Ahmadiyya Missions;
   vi) the training institutions of journalists and communicators;
   vii) the Ghana Advertising Association and the Institute of Public Relations of Ghana; and
   viii) the Ghana National Association of Teachers;

b. two representatives nominated by the Ghana Journalists Association;

c. two persons appointed by the President; and

d. three persons nominated by Parliament.

(2) The Commission shall elect one of its members as Chairman.

(3) A person shall not hold office as Chairman of the Commission for more than two terms in succession.

6. (1) No person is qualified to be a member of the Commission who:-

a. is not a citizen of Ghana.

b. has been adjudged or otherwise declared:-

   i) bankrupt under any law in force in Ghana and has not been discharged; or
   ii) to be of unsound mind or is detained as a criminal lunatic under any law in force in Ghana; or

   c. has been convicted:-

      i) for high crime under the Constitution or high treason or treason or for an offence involving the security of the State, fraud dishonesty or moral turpitude; or
      ii) for any other offence punishable by death or by a sentence of not less than ten years; or

   d. has been found by the report of a commission or a committee of inquiry to be incompetent to hold public office or is a person in respect of whom a commission or committee of inquiry has found that while being a public officer he acquired assets unlawfully or defrauded the
State or misused or abused his office, or willfully acted in a manner prejudicial to the interest of the State, and the findings have not been set aside on appeal or judicial review; or

e. is under sentence of death or other sentence of imprisonment imposed on him by any court; or

f. is otherwise disqualified by a law for the time being in force.

(2) Without prejudice to subsection (1) of this section a member of the Commission shall cease to be a member if, in the case of person possessed of professional qualification, he is disqualified from practicing his profession in Ghana by an order of any competent authority made in respect of him personally or he ceases to be a member otherwise than at his own request.

7. (1) The members of the Commission shall hold office for a term of three years and shall be eligible for re-appointment or renomination.

(2) A person shall not be a member of the Commission for more than two terms in succession.

(3) A member of the Commission may at any time resign his office by giving one month’s notice in writing addressed to the Chairman and in the case of the Chairman, the letter of resignation shall be addressed to the Executive Secretary.

(4) A person shall cease to be a Chairman of the Commission when he ceases to be a member of the Commission or when he is removed from the chairmanship by the Commission.

(5) For the avoidance of doubt, the Chairman and other members of the Commission shall not be considered as holding full-time office on the Commission.

8. (1) Where the Chairman of the Commission dies, resigns, is removed from office or is absent from Ghana for a period exceeding three months or is by reason of illness unable to perform the functions of his office, the members of the Commission shall elect one of their members to act as Chairman until such time as the Chairman is able to perform the functions of his office or until a new Chairman is elected.

(2) Where a member of the Commission dies, resigns or otherwise ceases to hold office, or is by reason of illness or any other sufficient cause unable to perform the functions of his office, another person may be appointed or nominated as the case may be, to act in his place until such time as the
member is able to perform the functions of his office or until a new member is appointed or nominated to fill the vacancy.

(4) Where a person is elected as Chairman or appointed a member to fill a vacancy he shall hold office for the remainder of the term of the previous Chairman or member as the case may be and shall, subject to the provisions of this Act be eligible for re-appointment, re-election or re-nomination.

9. (1) The Commission shall ordinarily meet at such times and at such places as the Chairman may direct but shall meet at least once in every two months.

(2) The Chairman shall upon the request of not less than one third of the membership convene a special meeting of the Commission.

(3) At every meeting of the Commission the Chairman shall preside and in his absence a member elected by the members from among their number shall preside.

(4) The quorum for any meeting of the Commission shall be seven members.

(5) Every question before a meeting of the Commission shall be determined by a simple majority of votes of members present and voting, and where there is equality of votes, the Chairman or person presiding shall have a second or casting vote.

(6) Any member who fails to attend three consecutive ordinary meetings of the Commission without reasonable excuse shall cease to be a member.

(7) A member of the Commission who has any interest in a contract proposed to be made with the Commission or any matter for discussion by the Commission shall disclose the nature of his interest to the Commission and shall, unless the meeting otherwise directs, be disqualified from participating in any deliberations on that contract or matter and shall, in any case be disqualified from voting on any decision on that contract or matter.

(8) A member who fails to disclose his interest under sub-section (7) of this section shall be removed from the Commission.

(9) The validity of any proceedings of the Commission shall not be affected by any vacancy among its members or by any defect in their appointment.

(10) Except as otherwise expressly provided in this Act, the Commission shall determine the procedure for its meetings.

10. The Commission may for the discharge of its functions appoint committees comprising members or non-members or both and may assign to them such functions
as the Commission may determine except that a committee composed entirely of
non-members may only advise the Commission.

11. The allowances, facilities and privileges payable or available to the chairman and the
other members of the Commission shall be determined by the President in
accordance with article 71 of the Constitution.

Part III – Complaints Settlement

13. (1) Without prejudice to section 10 of this Act there is hereby established a
Complaints Settlement Committee of the Commission hereafter referred to as
the “Settlement Committee”.

(2) The Settlement Committee shall consist of the Chairman of the
Commission and six members of the Commission three of whom shall be
persons not ordinarily employed or involved in the media industry.

13. (1) Any person aggrieved by a publication or by the act or omission of any
journalist, newspaper proprietor, a publisher or any person in respect of
any publication in the media may lodge a complaint against the editor,
publisher, proprietor or other person before the Commission.

(2) A person who has lodged a complaint with the Commission shall unless he
withdraws the complaint, exhaust all avenues available for settling the issue
by the Commission before a recourse to the courts.

14. (1) A complaint lodged with the Commission shall be referred to the
Settlement Committee which shall make such further investigation into
the complaint as it considers necessary.

(2) The Settlement Committee may consider both documentary and oral
evidence provided by the parties and shall rule on the issue as it considers
just in all the circumstances of the case.

15. (1) The Settlement Committee in any complaint before it may make any or all
of the following orders:-

   a. Order publication of correction and an apology with equal prominence as the
      original offensive material;
   b. Order publication of a rejoinder;
   c. Direct disciplinary action for breach of code of ethics.

(2) The Settlement Committee may, where it considers it appropriate, publish in
full or in an edited version, its findings in respect of any investigations
carried out by it under subsection (1) of section 14 of this Act with the prior
approval of the Commission.
Where an order is made against any person under subsection (1) of section 15 of this Act, whether or not the findings of the Settlement Committee are published, recommendations shall be made where applicable to the appropriate professional association for disciplinary action.

The Settlement Committee shall in all its deliberations be guided by the rules of natural justice.

Without prejudice to the provisions of the Part, any medium for the dissemination of information to the public which publishes a statement about or against any person shall be obliged to publish a rejoinder, if any, from the person in respect of whom the publication was then made.

Where a person fails to publish a rejoinder in accordance with subsection (1) of this section, the person aggrieved may apply to the Commission or the High Court for an order to enforce the provision of subsection (1) of this section.

Part IV - Management and Staff of the Commission

The Commission shall in consultation with the Public Services Commission appoint a full time officer to be designated the Executive Secretary to the Commission.

The Executive Secretary shall be the administrative head of the Commission and shall, under the general supervision and direction of the Commission be responsible for the day-to-day management and administration of the affairs of the Commission.

The Executive Secretary shall, subject to the directions of the Chairman of the Commission, be responsible for the discipline of the staff of the Commission.

The Executive Secretary shall:-

a. be the Secretary to the Commission and shall, as far as practicable attend all meetings of the Commission; and
b. in consultation with the Chairman arrange the business and cause to be recorded and kept minutes of all meetings of the Commission

The Commission shall appoint such other officers and other employees as may be reasonably necessary for the effective discharge of its functions.

The officers and other employees of the Commission shall be appointed by the Commission in consultation with the Public Services Commission.

The staff shall hold office upon such terms and conditions as the Public Services Commission shall approve.

Public officers may be transferred or seconded to the Commission or may
otherwise give assistance to it.

**Part V - Miscellaneous and General Provisions**

19. The President shall at all times have access to sound or television broadcasting, the Press and other media of mass communications or information which are financed from public funds for the purpose of broadcast, announcement or publication of any matter which appears to the President to be in the public interest.

20. The administrative and operational expenses of the Commission including salaries and allowances payable to or in respect of persons serving with the Commission are charged on the Consolidated Fund.

21. The Commission shall keep proper books of accounts and proper records in relation to the accounts and shall prepare at the end of each financial year within a period of six months after the end of the financial year a statement of its accounts in such form as the Auditor-General may direct.

22. The financial year of the Commission shall be the same as the financial year of the Government.

23. (1) The Commission shall in each year, submit to Parliament an annual report indicating the activities and operations of the Commission, in respect of the preceding year.

   (2) The annual report shall include a copy of the audited accounts together with the Auditor-General’s report.

24. (1) The commission may, subject to the provisions of this Act, by legislative instrument, prescribe -

   a. procedure to be followed by the Complaint Settlement Committee, and,
   b. any other matter that may be necessary for the efficient discharge of its functions under this Act.

   (2) The exercise of the power to make regulation may be signified under the hand of the Chairman.


   (2) Notwithstanding the repeal specified in subsection (1), any appointment made under the Law shall be valid unless revoked by the Commission.
(3) The first meeting of the Commission at which the Chairman of the Commission shall be elected shall be convened by the Executive Secretary.
The Legal Framework

Freedom and Independence of the Media

Article 162: Freedom and Responsibility of Media

1. Freedom and independence of the media are hereby guaranteed.
2. Subject to this Constitution any other law not inconsistent with this Constitution, there shall be no censorship in Ghana.
3. There shall be no impediment to the establishment of private press or media; and in particular, there shall be no law requiring any person to obtain a licence as a prerequisite to the establishment or operation of a newspaper, journal or other media for mass communication or information.
4. Editors and publishers of newspapers and other institutions of the mass media shall not be subject to control or interference by government, nor shall they be penalized or harassed for their editorial opinions and views, or the content of their publications.
5. All agencies of the mass media shall, at all times, be free to uphold the principles, provisions and objectives of this Constitution, and shall uphold the responsibility and accountability of the Government to the people of Ghana.
6. Any medium for the dissemination of information to the public which publishes a statement about or against any person shall be obliged to publish a rejoinder, if any, from the person in respect of whom the publication was made.

Article 163: Responsibility of State-owned Media

All state-owned media shall afford fair opportunities and facilities for the presentation of divergent views and dissenting opinions.

Article 164: Limitation on rights and Freedoms

The provisions of Article 162 and 163 of this Constitution are subject to laws that are reasonably required in the interest of national security, public order, public morality and for the purpose of protecting the reputations, rights and freedoms of other persons.

Article 165: Media Rights and Freedoms to the Additional to Fundamental Human Rights

For the avoidance of doubt, the provisions of this Chapter shall not be taken to limit the enjoyment of any of the fundamental human rights and freedoms guaranteed under Chapter 5 of this Constitution.

Article 166: National Media Commission
1. There shall be established by Act of Parliament within six months after Parliament first meets after the coming into force of this constitution, a National Media Commission which shall consist of eighteen members as follows:-

   a. one representative each nominated by: -

      i) the Ghana Bar Association;
      ii) the Publishers and Owners of the Private Press;
      iii) the Ghana Association of Writers and the Ghana Library Association;
      iv) the Christian Group (the National Catholic Secretariat, the Christian Council, and the Ghana Pentecostal Council);
      v) the Federation of Muslim Councils and Ahmadiyya Missions;
      vi) the training institutions of journalists and communicators;
      vii) the Ghana Advertising Association and the Institute of Public Relations of Ghana; and
      viii) the Ghana National Association of Teachers;

   b. two representatives nominated by the Ghana Journalists Association;

   c. two persons appointed by the President; and

   d. three persons nominated by Parliament.

2. The Commission shall elect one of its members as Chairman.

3. A person who is a founding member of a political party, as a leader or a member of its executive or holds any office in a political party shall not be qualified to be a member of the Commission.

**Article 167: Functions of the Commission**

The functions of the National Media Commission are:-

   a. To promote and ensure the freedom and independence of the media for mass communication or information;

   b. To take all appropriate measures to ensure the establishment and maintenance of the highest journalistic standards in the mass media, including the investigation, mediation and settlement of complaints made against or by the press or other mass media;

   c. To insulate the state-owned media from governmental control;

   d. To take measures to ensure that persons responsible for state-owned media afford fair opportunities and facilities for the presentation of divergent views and dissenting opinions;
e. To appoint in consultation with the President, the chairmen and other members of the governing bodies of public corporations managing the state-owned media;

f. To make regulations by constitutional instrument for the registration of newspapers and other publications, except that the regulations shall not provide for the exercise of any direction or control over the professional functions of a person engaged in the production of newspapers or other means of mass communication; and

g. To perform such other functions as may be prescribed by law not inconsistent with the Constitution.

Article 168:-  **Appointment of Board Members of State-Owned Media**

The Commission shall appoint the Chairman and other members of state-owned media in consultation with the President.

Article 169:-  **Appointment of Editors**

Editors of the state-owned media shall be appointed by the governing bodies of the respective corporations in consultation with the Public Services Commission.

Article 170:-  **Staff of the Commission**

The Commission shall appoint the officers and other employees of the Commission in consultation with the Public Services Commission.

Article 171:-  **Expenses of Commission charged on Consolidated Fund**

The Administrative expenses of the National Media commission, including salaries, allowances and pensions payable to or in respect of persons serving with the Commission shall be charged to the Consolidated Fund.

Article 172:-  **Independence of Commission**

Except as otherwise provided by this Constitution or by any other law not inconsistent with this Constitution, the National Media Commission shall not be subject to the direction or control of any person or authority in the performance of its functions.

Article 173:-  **Independence of Journalists**
Subject to Article 167 of this Constitution, the National Media Commission shall not exercise any control or direction over the professional functions of a person engaged in the production of newspapers or other means of communication.

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3. George Sarpong, “Monitoring as a Mechanism for Media Regulation” in Media and National Development, National Media Commission
7. National Media Commission, Print Media Standards
8. National Media Commission, Broadcasting Standards
12. Andrew Marr ‘Balancing the political scales’
13. British Broadcasting Corporation Website

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