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The Media and the Offence of Criminal Libel in Ghana: Sankofa

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Abstract
This article critically examines the repealed criminal libel law in the light of the 1992 Constitutional provisions of Ghana as well as judicial precedents. It seeks to evaluate the constitutionality of criminal libel laws and their implications for freedom of the media. This article brings to fore the implications of re-introducing such laws into the Ghanaian legal system. It argues that the re-introduction of criminal libel laws would contravene the letter and spirit of the 1992 Constitution of Ghana, thus unconstitutional. It contends that the nature of criminal libel laws is such that it impedes the development of media freedom and practice. Finally, it suggests that both the media and individuals should be empowered to express their opinions within a free and fair political and economic environment.
Keywords: Media, Press Freedom, Freedom of Speech, Criminal Libel, Seditious Libel

1. Introduction

In the recent past there were invocations of the criminal libel law against most media practitioners and this course was upheld by the Courts in Ghana stating that any person, not only public officers, can lodge a complaint of criminal libel under section 112 of the Criminal Code of Ghana, 1960 (Act 29). This provision in the Criminal Code was subsequently repealed by Parliament after a public uproar and national debate.

Some media practitioners have since taken advantage of the repeal of the criminal libel provisions in the Criminal Code and are circulating various malicious publications about their victims in the media, with some even imputing the commission of criminal offences such as murder, rape and possession of illicit drugs. As a result of the above, appeals are being made by some media practitioners and the public including some members of Parliament for the re-instatement of the criminal libel law. In their view criminal libel laws would restrain mischievous persons from making malicious and false publications.

Having regard to the above and the Ghanaian Constitutional provisions, it is important that the following issue be critically examined to determine whether criminal libel laws is crucial and can be supported in modern times:

> Whether criminal libel law as provided for under the repealed[1] sections 112 and 117(h) of the Criminal Code, 1960 (Act 29), are consistent with or in contravention of the spirit and letter of the 1992 Constitution of Ghana, particularly Articles 21(1) (a) and 162(1) and (4).

This paper argues that the then sections 112 and 117(h) of the Criminal Code, 1960 (Act 29) are inconsistent with, and in contravention of, the spirit and letter of the 1992 Constitution, particularly Articles 21(1) (a) and 162(1) & (4), thus any appeal for their re-instatement should not be considered.

2.0 The Media and Criminal Libel Law in Ghana

Section 112 of the Criminal Code created the offence of negligent and intentional libel. Under Act 29 the maximum penalty for negligent libel was a fine not exceeding forty Ghanaian Cedis (¢40.00), while that for intentional libel, defined as a misdemeanor, was a term of imprisonment not exceeding three years. Whilst section 117(1) sets out instances where a defamatory publication is absolutely privileged, subsection (1) (h) prescribed that a publication is absolutely privileged "if the matter is true and if it is found that it was for the public benefit that the matter be

[1] The Criminal Code (Repeal of Criminal Libel and Seditious Laws) (Amendment) Act, 2001 (Act 602).

published".

Central to this article is the contention that free and independent media are a fundamental premise of a democratic society. This proposition is wholly endorsed by the Committee of Experts on the Proposals for a Draft Constitution for Ghana, whose proposals formed the basis of the 1992 Constitution.[2] It is worth noting that the framers of our Constitution regarded the freedom and independence of the media as an important part of the Ghanaian constitutional framework and thus devoted a whole chapter, Chapter Twelve of the 1992 Constitution, to the "Freedom and Independence of the Media".

A close reading of Chapter Twelve (12) of the 1992 Constitution , as a whole, brings out some salient points such as the guarantee of the freedom and independence of the media as a fundamental principle of the Constitution (Art. 167 (a). To that end, Article162 (2) proscribes censorship and, in particular Article 162 (4) unambiguously prescribes that editors and publishers of newspapers and other institutions of mass media shall not be "penalized or harassed for their editorial opinion and views, or the content of their publications". The Constitution under Articles 166 and 167 established a National Media Commission to ensure the freedom and independence of the mass media and also serve as a check on any attempt by the Executive to control, direct or manipulate the mass media.

All these provisions reveal the manifest intendment of the framers of the Constitution to ensure that citizens enjoy the widest possible expanse of free and independent media, which are consistent with democratic principles and traditions. It is not in dispute that sections 112 and 117(h) of the Criminal Code constitute limitations on the freedom of the media. Thus, to be constitutionally valid these sections must seek protection under the ambit of the restrictions on the freedom and independence of the media sanctioned by the Constitution. The only limitation on the constitutional ambit of media freedom and independence is in Article 164 of the Constitution which subjects the provisions of Articles 162 and 163 to "laws that are reasonably required in the interest of national security, public order, public morality and for the purpose of protecting the reputation, rights and freedom of other persons".

The defining question in this reference is thus as follows: Are the criminal libel provisions in sections 112 and 117(h) of the Criminal Code "reasonably required in the interest of national security, public order, public morality and for the purpose of protecting the reputations, rights and freedoms of others"?

In determining this question, it is necessary to make a fundamental procedural point. To the extent that sections 112 and 117(h) constitute restrictions on the right to freedom of expression on the media as guaranteed in Articles 21(1) (a) and 162(1) & (4) of the Constitution, the responsibility would always lie with the aggrieved person to justify the limitations so imposed on the freedom of the media as reasonably required for any of the purposes set out in Article 164.

In accordance with sections 112, 113 and 114 of the Criminal Code (which respectively define cases in which a person is guilty of libel and what a defamatory matter is), it is self-evident that the offence of criminal libel is aimed at protecting the reputation *of persons,* its object is clearly not to defend national security or protect public order or morality. If sections 112 and 117(h) are to be justified in terms of Article 164 of the Constitution, it must be because of the object of protecting the reputation of persons. The question is thus reduced to, *whether or not sections 112 and 117(h) of the Criminal Code are reasonably required for the protection of the reputation of persons.* To answer this question, it is almost imperative to examine the historical origins of criminal libel legislation, its evolution in time, and its present status in jurisdictions that recognize the enforcement of fundamental human rights as constitutional imperatives.

2.1 Criminal Libel Generally

Criminal libel legislation has its historical origins in the ancient English offence of *scandalum magnatum.* As Robertson and Nicol, (1992:100) put it:
"The arcane offence of scandalum magnatum was created by a statute of 1275 designed to protect 'the great men of

[2] See the whole of Chapter Six of the Report of the Committee of Experts

the realm' against discomfiture from stories that might arouse the people against them. The purpose of criminal libel was to prevent loss of confidence in government. It was, essentially, a public-order offence, and since true stories were more likely to result in breaches of the peace, it spawned the aphorism 'the greater the truth, the greater the libel. 'Overtly political prosecutions were brought in its name, against the likes of John Wilkes, Tom Paine and the Dean of St. Asaph. *Most of its historical anomalies survive in the present offence.*

Truth is not a defence, unless the defendant can convince a jury that publication is for the public benefit. The burden of proof lies on the defendant, who may be convicted even though he or she honestly believed, on reasonable grounds, that what was published was true and a matter of public interest. Breach of the peace is no longer an essential element: all that is required is a defamatory statement of some seriousness, and seriousness' may be inferred from the public position of the person about whom it is made. The victim, of course, is permitted to seek rehabilitation through damages in civil action at the same time as the libeler faces retribution in the criminal courts". [Emphasis added]

Even though at a point in the evolution of the offence, all persons could lodge a complaint under criminal libel legislation under English Law, there were important safeguards, which limited the otherwise wide scope. Robertson and Nicol (1992:100 &101) noted that:

"Leave must be obtained from a High Court judge before any prosecution can be brought in relation to an article in a newspaper or periodical. The judge must be satisfied that there is an exceptional strong prima facie case, that the libel is extremely serious and that the public interest requires the institution of criminal proceedings".

The necessity to seek leave of the Court as a condition precedent to criminal prosecution in respect of libelous publications in a newspaper or periodical was prescribed by section 8 of the Law of Libel Amendment Act, 1883, which provided that:

"No criminal prosecution shall be commenced against any proprietor, publisher, editor or any person responsible for the publication of a newspaper for any libel published therein without the order of a judge at Chambers being first had and obtained. Such application shall be made on notice to the person accused, who shall have an opportunity of being heard against such application"

Clearly, this amendment of English Criminal libel law was to give greater protection to the media in their indispensable role in a democratic society to inform the public and to act as watchdog of the public interest. It was aimed at checking the obvious "chilling effect" that the threat of criminal libel prosecutions could have on the media and the wanton harassment and persecution that media practitioners could be subjected to in the absence of such a provision.

As already noted, the requirement of leave of the Court in order to initiate prosecution in respect of libelous publications in newspapers and periodicals is not the only restriction on criminal libel under even English Law. In the most authoritative statement of the English Law on the matter in the House of Lords decision in Gleaves v Deakin [1980] AC 477, both Lord Edmund-Davies and Lord Scarman agreed that the sole task of examining justices in committal proceedings for criminal libel was to determine whether the libel was sufficiently serious as to justify, in the public interest, the initiation of the criminal process. At page 494 thereof, Lord Scarman indicated that:

"To warrant prosecution the libel must be sufficiently serious to require the intervention of the Crown or the public interest".

Further at page 495, the law lord concisely put the matter as;

"The essential feature of a criminal libel remains as in the past the publication of a grave, not trivial, libel"

Even Viscount Dilhorne, who did not seem to fully share this view, nonetheless admits at page 485 that: "When an

application is made for leave to institute the prosecution of a newspaper for criminal libel, a judge has to consider whether the public interest requires a prosecution". He further at page 487 agreed that: "A criminal libel must be serious libel".

Lord Diplock who agreed with the opinions of Lord Scarman and Viscount Dilhorne, proceeded in his judgment to observe that the offence of criminal libel continued to retain anomalies which in his view *"involved serious departments from accepted principles upon which the modern criminal law of English is based"* and which are "*difficult to reconcile with international obligations which this country (England) has undertaken by being a party to the European Convention for the Protection of Human Rights and Fundamental Freedom"!*[3]

In recent times, the United Kingdom has, with effect from January 2010 abolished the criminal offense of defamatory libel, seditious and obscene libel in England, Wales and Northern Ireland (Section 73 of the Coroners and Justice Act, 2009). The abolition of these offenses is significant and serves as a land mark for most common law countries, including Ghana. This is mainly because the common law offense of criminal libel originated in England and was subsequently adopted by other countries in the course of their colonization by the British.

According to the UK's Justice Minister Claire Ward the abolition was necessary as *"Sedition and seditious and defamatory libel are arcane offences – from a bygone era when freedom of expression wasn't seen as the right it is today"*. In her view the right to freedom of speech serves as the "touchstone of democracy" enabling individuals to criticise the state which is crucial to maintaining freedom in any state. She indicated that the existence of the offense of seditious and defamatory libel in the UK had given grounds for other countries to retain similar laws and use them to suppress political dissent and restrict press freedom. Thus the abolishing of these offences will enable the UK to take a lead in challenging similar laws in other countries (Press Gazette 2010).

The need to encourage media freedom and reduce government interference of the media and their right to freedom of expression through non-government regulation, including non-criminalisation of libel, amongst others, was emphasised by the Lord Justice Leveson when he remarked that:

"A free press in a democracy holds power to account. But, with a few honourable exceptions, the UK press has not performed that vital role in the case of its own power. None of this, however, is to conclude that press freedom in Britain, hard won over 300 years ago, should be jeopardised. ……There must be change. But let me say this very clearly. Not a single witness proposed that either Government or politicians all of whom the press hold to account, should be involved in the regulation of the press. Neither would I make any such proposal....The press needs to establish a new regulatory body which is truly independent of industry leaders and of Government and politicians. It must promote high standards of journalism, and protect both the public interest and the rights and liberties of individuals. It should set and enforce standards, hear individual complaints against its members and provide a fair, quick and inexpensive arbitration service to deal with civil law claims…" (The Leveson Enquiry, 2012).

3.0 The Ghanaian Situation

In Ghana, however, there were no safeguards available to an accused person in the event of a prosecution for criminal libel. The scope of criminal libel under our criminal law is accordingly very wide. Once a person publishes a libelous matter of, and concerning another, the person is potentially liable to criminal prosecution. This straightaway raises questions about how reasonable or proportional the law is to the offence and how justifiable it is, if at all.

In determining the constitutional status of sections 112 and 117(h) of the Criminal Code, reference will be made to decisions of the European Court of Human Rights (ECHR), the United States of America Supreme Court and the situation in England and other common law jurisdictions. Their persuasive effect is particularly germane, as there is

[3] See also the earlier decision of Wien J in Goldsmith v. Pressdrawn Limited [1976] 3ELT 191.

considerable convergence in human rights conventions or bill of rights legislation worldwide and they are all animated by the UN Declaration on Human Rights. For instance, the Supreme Court of Mauritius in the case of DPP v Mootoocarpen [1989] LRC (Const.) 786 at page 771 noted that the chapter of the Constitution of Mauritius concerning fundamental human rights and freedoms is modeled on the European Convention (as well as the Universal Declaration of Human Rights) and asserted that the European Convention on Human Rights and the decisions of the European Court were relevant in construing Mauritius law.
An examination of the approach of the European Court in handling restrictions on the right to freedom of expression indicates some similarities between the European and Ghanaian provisions. It is thus necessary to reproduce the relevant provisions in the European Convention on freedom of expression to demonstrate the similarity in the formulation of the European and Ghanaian provisions. These can substantially be found in Article 10 of the Convention.

Article 10(1) reads as follows:

"Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers".
The restriction clause under Article 10(2) also states that:

"The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interest of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence or for maintaining the authority and impartiality of the judiciary". [Emphasis added]

It can therefore be seen that the wording of Article 10 of the European Convention on Human Rights is similar to the wording of Articles 21(1)(a) & (f) ,162 and 164 of the Ghanaian Constitution.

3.1 Effect of Article 10 of the European Convention on Human Rights

In giving life and meaning to these human rights provisions, the European Commission and European Court have developed an extensive and commendable body of jurisprudence elaborating a consistent approach in their interpretation of the key phrases "prescribed by law" and "necessary in a democratic society" and of the relationship between Article 10(1) and its permissible restriction in Article 10(2). The European Court, in the celebrated case of Sunday Times v United Kingdom [1979], at paragraph 65, stressed that in determining the constitutionality of a restrictive clause in relation to the substantive clause guaranteeing freedom of expression;

"The Court is faced not with a choice between two conflicting principles but with a principle of freedom of expression that is subject to a number of exceptions which must be narrowly interpreted".

The European Court is not unique in this approach. The Supreme Court of India, in the seminal case of *Rangarajan v. Jagjiva Ram* [1991] LRC (Const.) 412 at 427, affirmed the validity of the approach of the European Court in the handling of the relationship between the freedom of expression and the constitutionally permissible restriction on that freedom in the following eloquent words:

"The problem of defining the area of freedom of expression when it appears to conflict with the various social interests enumerated under Article 19(2) (the restrictive clause) may briefly be touched upon here. There does indeed have to be a compromise between the interest of freedom of expression and social interest. But one cannot simply balance the two interests as if they were of equal weight. Our commitment to freedom of expression demands that it cannot be suppressed unless the restrictions created by allowing the freedom are pressing and the community interest is in danger".

A similar position is adopted by the US Supreme Court which has consistently insisted that statutory provisions restricting guaranteed rights must be narrowly construed (Barrett v. Rosenthal, 2006); Hustler Magazine, Inc. v. Falwell, 1988; Zeran v. America Online, Inc., 1997; Gertz v. Robert Welch, Inc., 1974; New York Times Co. v. Sullivan,1964).

Further, as recent as 2011, The United Nations Human Rights Committee (UNHRC) ruled against the criminalization of libel in the Philippines. According to the Committee, the criminalization of libel violates the Freedom of expression and is inconsistent with Article 19 of the International Covenant on Civil and Political Rights. Accordingly, the Committee sought to encourage state parties to decriminalize defamation and indicated that imprisonment in such instances is never an appropriate remedy (Pinlac 2012). This right to freedom of expression is such that it is fundamental to the existence of human rights.

It has thus been given prominence in most human rights declarations. For instance, it has been recognized as a right under Article 19 of the Universal Declaration of Human Rights as well as in the International Covenant on Civil and Political Rights (ICCPR). In accordance with Article 19 (e) of the ICCPR "everyone shall have the right to hold opinions without interference" and "everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice".

These rights may, however, be subject to certain restrictions, especially where the rights or reputation of others may be adversely affected or where it is necessary to protect national security, public order, public health or morals. It thus contradicts the spirit of Article 19 for any party state to suppress these freedoms or criminalize them without a clear indication as to whether the enjoyment of such rights endangers national security or any public or community interest or infringes on the rights of others.

3.1.1 Moving Forward.

It is argued that a similar approach should be taken in determining the relationship between Article 162 as well as Article 163 of the Ghanaian Constitution, and the restrictive Article 164. Article 164 is clearly, in its own words, an exception limiting the freedoms guaranteed in Articles 162 and 163 and must accordingly be construed narrowly to give full effect to the media. This approach is in conformity with the pre-eminent status that the Committee of Experts envisaged for freedom of expression, including the freedom and independence of the media. The Committee stressed in paragraph 180 of its proposals that:

"The experience of modern states has demonstrated convincingly that in the absence of freedom of press and thought, and an enlightened and vigilant public opinion, a safe future for democracy and its success cannot be ensured anywhere. So vital is the role of the media that freedom of expression along with that of the press has been called "the first freedom". Indeed, any successful attack on human rights governments often starts with a suppression of the freedom of the press. Once this freedom is denied, governments are free to abuse basic human rights without any publicity and frequently with impunity".
Article 164 must accordingly be narrowly construed to give effect to the intention of the framers of the Constitution in guaranteeing the freedom and independence of the media.

4.0 "Prescribed By Law" And "Necessary In A Democratic Society"

In the celebrated cases of Handyside v United Kingdom, [1976] EHRR 737 at paragraph 48-50 and The Sunday Times v United Kingdom [1979] at paragraphs 49, 59 to 62, the European Court concluded on the meaning of the key phrases: "prescribed by law" and "necessary in a democratic society". The Court held that the phrase "prescribed by law" means the law: (i) must be "adequately accessible" and unambiguous, and (ii) must be formulated "narrowly and with sufficient precision to enable the citizen to regulate his conduct".

The same Court has interpreted the phrase "necessary in a democratic society" to cover a number of requirements. These are:

i. that the restrictive legislation must "correspond to a pressing social need" to justify interference with the right to freedom of expression;

ii. even where the interference complained of corresponds to a pressing social need, there is the further requirement that it be proportionate to the legitimate aim pursed; and finally

iii. reasons given by the national authorities must be relevant and sufficient.

It is thus suggested that the phrase "prescribed by law" in the European Convention on Human Rights is analogous to the provision in Article 19(11) of the Ghanaian Constitution, which forbids the conviction of a person of a criminal offense "unless the offense is defined and the penalty for it is prescribed in a written law". Indeed, our constitutional provision even goes beyond the test required by the principles developed by the European Court, in so far as our Constitution specifically requires the law to be in writing.

Consequently, it is suggested that the phrase "necessary in a democratic society" is analogous to the phrase "reasonably required in the interests of national security, public order, public morality and for the purpose of protecting the reputation, rights and freedom of other" as found in Article 164 of the Ghanaian Constitution. The first question is then reduced to: whether the repealed criminal libel law, particularly sections 112 and 117(h) of the Criminal Code was adequately accessible, unambiguous and formulated narrowly and with sufficient precision to enable the citizen to regulate his conduct?

It is opined that this cannot be said of our repealed criminal libel law as a critical examination of the repealed sections 112 and 117(h) of the Criminal Code seemed ambiguous and confused in its formulation and accordingly did not make for certainty in the law and thus impeded reasonable accessibility to the ordinary man.
Further, he most cursory reading of the whole chapter on the then criminal libel in the Criminal Code leads to the conclusion that it was crafted in such form as to defy easy accessibility and precision and no wonder Archer J. A., as he then was, arrived at a similar conclusion when he noted, in his critical comment on the law of criminal libel in Mensah Gyimah v. The Republic [1971] 2 GLR 147 at 163] that:

"Since the learned trial judge himself declared that the offenses were too technical for comprehension of a jury and therefore refused to try the case with a jury, I venture to suggest that the time is now ripe for the whole law of criminal libel, that is intentional libel, negligent libel and seditious libel to be thoroughly reviewed and reformed for the benefit of both lawyer and layman, for what is the use of the law if its language cannot be understood".

The above statement of Archer J. A., as he then was, made some 41 years ago, is even more valid in the current constitutional dispensation where a very high premium is placed on freedom of expression, particularly of the media, as an indispensable prerequisite for our democracy. It could further be said that the problem with our criminal libel law, is, however, not only a formal one of inaccessible and imprecise language, but more importantly a substantive one of its content and scope.

In determining the issues raised in this paper it is crucial that the following questions be examined.

i. Whether the repealed sections 112 and 117(h) of the Criminal Code correspond to a pressing social need?

ii. Are the sections proportionate to a legitimate aim sought to be attained? and

iii. Are the reasons given by the authorities to justify the restriction relevant and sufficient?

In answering these questions, it should be noted that the object of criminal libel law is not the protection of national security, public order or morality. It is simply aimed at the protection of the reputation of other persons. It would appear that the remedy of civil defamation is readily available to any person who feels aggrieved by a particular publication. It is also important to examine whether, besides a civil remedy, there is a pressing social need for the criminal sanction of any defamatory publication (in writing or other permanent form), particularly the threat of imprisonment?

It is suggested, however, that there seems to be no pressing social need to criminalize defamatory publications in writing. but that was precisely what sections 112 and 117(h) sought to do. Lord Edmund Davies described an analogous situation under English law as a "startling state of affairs" the 1992 Constitution (*Gleaves v Deakin* [1980] AC 477 at 488). The civil action of defamation is clearly available to redress the grievance or injury suffered by the person defamed. Thus, it would appear then that something more than just nay defamatory libel ought to be required to invoke the process of criminal prosecution.

The impugned sections and the whole criminal libel law are wholly disproportionate in their reach and accordingly involve an unconstitutional invasion of the right to freedom of expression and the freedom of the media.

It is worth noting that the legislation impugned was not directed at preventing speech or expression that was likely to cause a breach of the peace or incite violence or hate propaganda. Further, neither did the criminal libel law, unlike the English criminal libel law, required leave to be obtained from a High Court judge before any prosecution could be brought in respect of any publication in a newspaper or periodical, nor was there any requirement that the libel be so serious that public interest required the institution of criminal prosecution. None of these restrictions, available under even English law, were required under our municipal law, notwithstanding the constitutional guarantees of freedom of expression and of the media.

On the contrary, the very fact of defamatory publication was sufficient reason for the invocation of the criminal process against the author, with the potential risk of imprisonment for a term of 3 years, if the libel was intentional. Thus, every defamatory publication (in written or other permanent form) fell under the ambit of the repealed criminal libel law sanction! This exposed journalists and other media practitioners to enormous risks of harassment and persecution with a potential chilling effect on the practice of journalism and freedom of speech generally.

5. Conclusion

Following from the above, it is concluded that the repealed sections 112 and 117 of the Criminal Code of Ghana constituted a disproportionate restriction on freedom of expression generally and particularly of the media and was not justifiable under Article 164 of the Ghanaian Constitution. They were further inconsistent with and contravened the spirit and letter of the 1992 Constitution, particularly Articles 21(1) (a) and 162(1) & (4), thus any appeal for their re-instatement should not be considered.

That notwithstanding, it appears the repeal of the above criminal libel laws in Ghana might not be sufficient to protect the media from unwarranted criminal prosecution. This is because, there are still some laws standing in the Ghanaian statute books which may threaten the freedom of the media. Some of these laws may include sections 207 and 208 of the Criminal Code of Ghana, which provides for the offence of offensive conduct conducive to breaches of the peace as well as the offence of publishing false news likely to cause fear and alarm to the public.

It is thus suggested that, as a party state of the ICCPR, Ghana should take positive steps to operate within the confines of Article 19 thereof and must therefore empower individuals to express their opinions within a free and fair political and economic environment.

References

Barrett v. Rosenthal, 146 P.3d 510 (Cal. 2006)
DPP v Mootoocarpen [1989] LRC (Const.) 786 at page 771

European Convention on Human Rights, 1950, Rome, Available online on 31/12/2012 at http://www.hrcr.org/docs/Eur_Convention/euroconv.html
Geoffrey Robertson and Andrew Nicol, Media Law (Penguin Books 3rd Edition 1992)
Gertz v. Robert Welch, Inc., 418 U.S. 323 (1974)
Gleaves v Deakin [1980] AC 477
Goldsmith v Pressdrawn Limited [1976] 3ELT 191
Handyside v United Kingdom, [1976] EHRR 737
Hustler Magazine, Inc. v. Falwell, 485 U.S. 46 (1988)
International Covenant on Civil and Political Rights (ICCPR), 1966, Available online on 31/12/2012 at http://www2.ohchr.org/english/law/ccpr.htm
Mensah Gyimah v The Republic [1971] 2 GLR 147
New York Times Co. v. Sullivan, 376 U.S. 254 (1964)L
Pinlac Melanie Y., 2012, Decriminalizing libel: UN declares PH libel law "excessive", CMFR, Available online on 30/12/2012 at http://www.cmfr-phil.org/2012/02/17/decriminalizing-libel-un-declares-ph-libel-law-excessive/
Press Gazette, 2010, Journalism Today, Criminal Libel and Sedition Offences Abolished, Available online on 31/12/2012 at http://www.pressgazette.co.uk/node/44884
Rangarajan v. Jagjiva Ram [1991] LRC (Const.) 412 at 427
Report of the Committee of Experts (Constitution) on Proposals for a Draft Constitution of Ghana (Republic of Ghana; Ghana Publishing Corporation, Tema; 1991)
Robertson, G. and Nicol A. (1992) Media Law. 3rd edition. Penguin Books: London.
The Leveson Enquiry, 2012, A Report into the Culture, Practices and Ethics of the Press, Remarks by Lord Justice Leveson: Thursday 29 November 2012.
The Sunday Times v United Kingdom [1979] 2 EHRR 245; (Judgment of 26 April 1979)
UN Declaration on Human Rights, 1948, Available online on 31/12/2012 at http://www.un.org/en/documents/udhr/
Zeran v. America Online, Inc., 129 F.3d 327 (4th Cir. 1997)
Laws of England
Coroners and Justice Act 2009
Laws of Ghana
The 1992 Constitution of the Republic of Ghana
The Criminal Code (Repeal of Criminal Libel and Seditious Laws) (Amendment) Act, 2001 (Act 602), Ghana.
The Criminal Code of Ghana, 1960 (Act 29).

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