

# LONDA

DIGITAL RIGHTS AND INCLUSION IN AFRICA REPORT

GHANA



2022

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**Digital Rights and Inclusion in Africa Report 2022**

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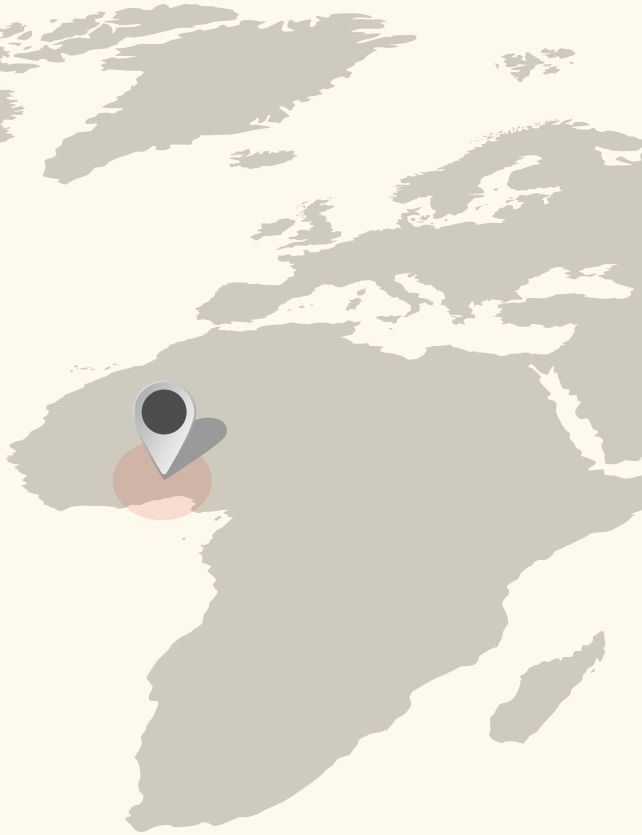
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# Ghana



## ► Executive Summary

Ghana's digital space continues to grow significantly. Steady infrastructure improvements have resulted in improved internet access and quality. More than half of the population has access to the internet. However, there's growing concern that press freedom in the country is deteriorating and the gender gap still prevails. Despite the Ghanaian government's efforts to demonstrate its commitment to working in the telecom sector and attaining the goal of digital transformation, some of its activities have led to more issues and unease among the populace. Several issues have been identified with the existing data governance framework. There have been privacy concerns surrounding the Ghana Card, which is now the primary method of identification for all citizens. Some citizens are anxious that the government will be tracking their activities. In addition, the enactment of the e-levy bill caused panicked withdrawals of cash by mobile money account holders. Users adjusted their money transfer practices as a result of the reform, returning more frequently to conventional, pre-Digital Financial Service methods like cash. Rising criminality and aggressive behaviour, especially in the informal economy, have become a great concern following the move to cash.

More focused approaches should be adopted to guarantee gender parity in digital rights. To ease the tension among the populace who fear their activities online are being tracked, more digital security awareness and education need to be provided. The existing data governance regulations need to be thoroughly reviewed, and any identified challenges addressed, to ensure the effectiveness of the data governance regulations. The legal framework should be aligned with international human rights standards and implementing institutions, including the Judiciary, should be allowed to operate independently. Also, more critical analyses of digital ID's impacts in the global south, as well as the actors involved in designing and implementing them, should be conducted.



## Introduction

Formerly known as the Gold Coast, Ghana was the first sub-Saharan nation to gain independence from colonial rule in 1957. As the second-most populous and second-largest economy in West Africa, the country has a significant influence in the socio-political and economic affairs of the region. Since 1992, there have been no coups, making it one of the most stable democracies in Africa. The country has successfully held eight general elections.<sup>1</sup> Formerly ranked among the top three in Africa when it comes to freedom of speech and press freedom, it is of concern how press freedom in the country is deteriorating.

The Covid-19 pandemic, the subsequent March 2020 shutdown, and a dramatic decrease in commodity exports negatively impacted Ghana's strong development (7 per cent per year in 2017–19). Growth recovered to 5.4 per cent in 2021 after dropping to 0.5 per cent in 2020. Ghana's economy grew by 3.3 per cent, year-on-year (y-o-y), in the first quarter of 2022, down from 3.6 per cent over the same period in 2021. Non-oil growth slowed down significantly (from 5.3 to 3.7 per cent). The authorities began discussions with the IMF on a possible program in July 2022. Ghana's inflation rate rose to 31.7 per cent y-o-y (an 18-year high) in July 2022. The impact of soaring global commodity prices (Ghana imports 40 per cent of its fertilisers from Russia) has been compounded by the depreciation of the cedi.<sup>2</sup> In its fight to regain economic stability, the government of Ghana has rolled out a debt restructuring programme.<sup>3</sup>

The Government and civil society organisations continue to work to advance digital rights and inclusion in Ghana, ensuring best practices are adopted into policy and legislation. This report analyses the state of digital rights and inclusion in Ghana by investigating the country's internet freedom status, data governance policies and legislation, Universal Service Fund usage, and developments in ICT and emerging technologies.

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1 Ghana Investment Promotion Centre 'Ghana's ICT and Fintech Sector Report. GIPC' (2022) <https://gipc.gov.gh/wp-content/uploads/2022/12/Ghanas-ICT-and-Fintech-Sector-Report.pdf> (accessed on 17 December 2022).

2 World Bank 'Ghana Overview: Development news, research, data' (2022) <https://www.worldbank.org/en/country/ghana/overview> (accessed on 17 December 2022).

3 Bloomberg 'Ghana to Swap Local Debt for New Bonds in Restructuring Deal' (2022) <https://www.bloomberg.com/news/articles/2022-12-04/ghana-to-exchange-local-debt-for-new-bonds-in-restructuring-deal?leadSource=verify%20wall> (accessed on 17 December 2022)

# Country Analysis

## INTERNET FREEDOM

### INTERNET ACCESS AND DISRUPTIONS

The World Bank approved US\$200 million in 2022 to contribute to the Ghanaian government's drive toward digitisation and to expand internet availability throughout the nation. This initiative will encourage digital inclusion and close the digital divide in the country.<sup>4</sup>

The 2004 adoption of the ICT Policy for Accelerated Development (ICT4AD)<sup>5</sup> was a major step forward in Ghana's internet access.<sup>6</sup> More than 840 kilometres of fiber-optic cable have been laid in Accra, Tema, and Kumasi — three cities that together house more than half of Ghana's population — as part of Google's CSquared project.<sup>7</sup> As a result of steady infrastructure improvements, internet access and quality in Ghana have improved. According to DataReportal's "*Digital in 2022*" report, the country's internet penetration rate has increased from 50 per cent to 53 per cent as of January 2022.<sup>8</sup> This indicates a 3 per cent increase in the space of one year. Internet users

in Ghana have access to speeds of 22.23 Mbps for downloads and 12.66 Mbps for uploads on average, as indicated by data from Broadband Checker.<sup>9</sup> Recent data indicates that Ghana has made significant progress towards closing the gender gap in internet access, with a 5.8 per cent gender gap in internet access.<sup>10</sup> However, several factors still hinder women from using and/or staying connected. Some of the significant challenges making it difficult for many women to access and use the internet include unreliable internet service, an increase in the cost of data due to inflation and increase in taxes,<sup>11</sup> lack of digital skills, and online safety and security challenges.<sup>12</sup> Internet disruptions are rare in Ghana. However, some locals' access to the internet has been hampered by load-shedding – planned outages.<sup>13</sup>

In rural areas, internet infrastructure is typically lacking. The Ghana Investment Fund for Electronic Communications, which receives funding from authorised service providers, aims to close the internet connectivity gap

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- 4 Ghana Investment Promotion Centre 'Ghana's ICT and Fintech Sector Report. GIPC' (2022) <https://gipc.gov.gh/wp-content/uploads/2022/12/Ghanas-ICT-and-Fintech-Sector-Report.pdf> (accessed on 17 December 2022).
- 5 NITA 'xxxX' (2003) <https://nita.gov.gh/theevooc/2017/12/Ghana-ICT4AD-Policy.pdf> (accessed on 17 December 2022).
- 6 DW 'Despite Ghana's commitment to Internet expansion, problems persist' (2018) <https://akademie.dw.com/en/despite-ghanas-commitment-to-internet-expansion-problems-persist/a-46508524> (accessed on 17 December 2022).
- 7 Freedom House 'Ghana: Freedom on the Net 2021 Country Report' (n.d.) <https://freedomhouse.org/country/ghana/freedom-net/2021> (accessed on 9 December 2022).
- 8 DataReportal 'Digital 2022: Ghana' (2022) <https://datareportal.com/reports/digital-2022-ghana> (accessed on 14 December 2022).
- 9 Broadband Speed Checker 'ISPs in Ghana' (2022) <https://www.broadbandspeedchecker.co.uk/isp-directory/Ghana.html> (accessed on 14 December 2022).
- 10 World Wide Web Foundation 'Women's Rights Online' (2020) <http://webfoundation.org/docs/2020/10/Womens-Rights-Online-Report-1.pdf> (accessed 19 December 2022).
- 11 Yen.com 'MTN Ghana Announces Plans To Increase Internet Data Costs From Monday, November 14' (2022) <https://yen.com.gh/business-economy/economy/221838-mtn-announces-increase-internet-data-prices-monday-november-14/> (accessed 14 December 2022).
- 12 Media Foundation For West Africa 'Advocacy paper - women's rights online in Ghana' (2021) <https://www.mfwa.org/publication/advocacy-paper-womens-rights-online-in-ghana/> (accessed on 19 December 2022).
- 13 Graphic Online 'ECG releases 8-day 'dumsor' timetable for Accra' (2021) <https://www.graphic.com.gh/news/general-news/ecg-releases-dumsor-timetable-for-may-2021.html> (accessed 14 December 2022).

between urban and rural areas.<sup>14</sup> For people with disabilities, mobile internet can have a life-changing impact by enabling them to meet a range of life needs independently. However,



despite the benefits, persons with disabilities are less likely to own a mobile phone, to know about the internet and to have access to the internet. According to a report by the Global System for Mobile Association (GSMA), only 16 per cent of persons with disabilities use mobile internet compared to 61 per cent of non-disabled users.<sup>15</sup>

In 2020, MTN was designated a Significant Market Player by the National Communications Authority (NCA) because its market share exceeded the legal limit while that of its competitors lagged far behind. This was a

measure put in place to allow rivals to better compete with the operator. In July 2008, Vodafone acquired the majority stake in the state-owned Ghana Telecom while the government maintained a 30 per cent stake. After AirtelTigo's parent businesses left the market in April 2021, the government purchased full ownership of the telco, which had 5.1 million subscribers at the time.<sup>16</sup> In the long run, this acquisition might improve the government's capacity to manage information flow and access.<sup>17</sup>

Parliament approved a new tax on electronic transactions, which took effect on May 1, 2012. The enabling Bill, popularly referred to as "e-levy," introduces a 1.5 per cent tax on electronic money transfers.<sup>18</sup> The objective of the Bill is to improve tax revenues by tapping into fast-growing digital financial services (DFS). However, once the tax came into force, users panicked and began systematically withdrawing cash from their mobile money accounts. Others have adjusted their money-transfer practices as a result of the reform, returning more frequently to conventional, pre-DFS methods like cash. Rising criminality and aggressive behaviour, especially in the informal economy, have become a great concern following the move to cash.

The introduction of the e-levy has also caused a decline in the use of mobile-money services by consumers and sellers alike. Mobile-money agents have significantly suffered from this decline. And it has also raised the overall cost of living, as a significant number of users continue to rely on mobile money for their daily purchases and to pay for essential services such as health and education.<sup>19</sup>

14 Myjoyonline.com 'GIFEC Provides Underserved Communities with Mobile Telephony Network as it Invests \$200m' (2022) <https://www.myjoyonline.com/gifec-provides-underserved-communities-with-mobile-telephony-network-as-it-invests-200m/> (accessed 14 December 2022)

15 GSMA 'Closing the Mobile Disability Gap in Ghana'(2022) <https://www.gsma.com/mobilefordevelopment/wp-content/uploads/2022/04/Closing-the-mobile-disability-gap-in-Ghana.pdf> (accessed 14 December 2022).

16 Graphic Online 'Ghana govt signs agreement with AirtelTigo for transfer of ownership' (2021) <https://www.graphic.com.gh/business/business-news/ghana-govt-signs-agreement-with-airteltigo-for-transfer-of-ownership.html> (accessed on 9 December 2022).

17 Freedom House 'Ghana: Freedom on the Net 2021 Country Report' (n.d.) <https://freedomhouse.org/country/ghana/freedom-net/2021> (accessed on 9 December 2022).

18 BBC 'Ghana's e-levy adds 1.5% tax to electronic payments' (2022) <https://www.bbc.com/news/world-africa-61248366> (accessed on 17 December 2022).

19 International Centre for Tax and Development 'Ghana's new e-levy: the sour, sweet and switches so far – ICTD' (n.d.)

Through its projects and initiatives, the government has made an effort to demonstrate its dedication to working in the telecom industry and achieving the objective of digital transformation. However, some of the government's actions create additional problems and panic among the citizens.

### **FREE SPEECH AND MEDIA FREEDOMS**

It is of great concern that press freedom in Ghana is deteriorating. The Media Foundation for West Africa's (MFWA) regional quarterly *Freedom of Expression* (FOE) report noted that Ghana became the most repressive country in West Africa during the first quarter of 2022 by recording 11 violations.<sup>20</sup> It outpaced Guinea Bissau and Nigeria, where five violations each



were recorded. In a recent speech by Virginia E. Palmer at the 2022 West Africa Media Excellence Awards hosted in October 2022, she said, "In 2022, Ghana dropped 30 places in the World Press Freedom Index to number 60. That's a large drop and a concerning one for a country that is considered a beacon of hope in the region."<sup>21</sup> It has been widely reported that some Ghanaian internet users refrain from expressing their ideas online for fear of being assaulted by trolls or followers of influential political leaders.<sup>22</sup> Some reporters are apprehensive of their digital footprints as a result of abuses perpetrated against them by security personnel, political opponents, and members of the public. Many prefer to maintain anonymity on the internet to avoid physical confrontations offline or online.<sup>23</sup> Also, there is a lack of trust in the judicial system. Several attacks on journalists have gone uninvestigated or unpunished, including attacks on traditional media platforms, online journalists, bloggers, and other digital content providers who do not identify as journalists or bloggers.<sup>24</sup> Twelve High Court judges and 22 judges from lesser courts were involved in a bribery scandal in October 2015, which led to a general decline in public confidence in the Judiciary.<sup>25</sup> Furthermore, some proposed legislation could lead to an infringement on the freedom of expression of citizens online. For example, according to a proposed Bill, Promotion of Proper Human Sexual Rights and Ghanaian Family Values, introduced in 2021, website and ISP owners would be held accountable for hosting any content relating to or promoting LGBT+ rights unless they could demonstrate that they took reasonable precautions to stop users from uploading this

<https://www.ictd.ac/blog/ghana-e-levy-sour-sweet-switches/> (accessed on 17 December 2022).

20 MFWA 'West Africa Freedom of Expression Monitor' (2022) [https://www.mfwa.org/wp-content/uploads/2022/06/FoE-Monitor-Jan-March-2022-final\\_Updated-1.pdf](https://www.mfwa.org/wp-content/uploads/2022/06/FoE-Monitor-Jan-March-2022-final_Updated-1.pdf) (accessed on 17 December 2022).

21 U.S. Embassy in Ghana '2022 West Africa Media Excellence Awards - Remarks by Ambassador Virginia Palmer' (2022). <https://gh.usembassy.gov/2022-west-africa-media-excellence-awards-remarks-by-ambassador-virginia-palmer/> (accessed on 14 December 2022).

22 Pulse Ghana 'Angry Kumericans attack and curse Twene Jonas for 'insulting' Asantehene (VIDEO)' (2021) <https://www.pulse.com.gh/entertainment/celebrities/angry-kumericans-attack-and-curse-twene-jonas-for-allegedly-insulting-asantehene/4fyvw5c> (accessed on 10 December 2022).

23 Freedom House 'Ghana: Freedom on the Net 2021 Country Report' (2021) <https://freedomhouse.org/country/ghana/freedom-net/2021> (accessed on 9 December 2022).

24 MyJoyOnline.com 'Ahmed Suale murder: We're not happy with ongoing investigations - Family' (2021) <https://www.myjoyonline.com/ahmed-suale-murder-were-not-happy-with-ongoing-investigations-family/> (accessed 14 December 2022).

25 BBC 'Ghana suspends High Court judges after Anas Aremeyaw Anas' film' (2015) <https://www.bbc.com/news/world-africa-34452768> (accessed on 10 December 2022).

content.<sup>26</sup> This law makes it possible to restrict content online that promotes or is connected to the rights of the LGBT community.

In addition, there are regulations that give the government power to filter and restrict content. Section 94 of the Electronic Transactions Act states that service providers are required to remove illegal content once notified. There are no provisions in the Act for user notice or channels for appeal. It is, however, possible to hold intermediaries accountable for “wrongful” material removals under section 94. Also, blocking and filtering may potentially be legally permissible under Section 99 of the Electronic Transactions Act, which grants the president broad control over service providers during a state of emergency.<sup>27</sup> The CyberSecurity Act 2020 also gives the CyberSecurity Authority broad authority to block or filter online content on receipt of a court order.<sup>28</sup> In 2021, there was an incident in which the Judiciary requested some online content to be removed.<sup>29</sup> This case was politicised, lacked transparency, and was disproportionate.<sup>30</sup> Lawyers for the Judicial Service wrote to media outlets in February 2021 to ask them to take down content that the Supreme Court judges found insulting. In the letter, it was said that if the media outlets didn’t cooperate, the lawyers would “take necessary action.”<sup>31</sup> The Ghana Journalists Association (GJA) and the Media Foundation for West Africa (MFWA) opposed the order.<sup>32</sup> Chief Justice Kwasi Anin-Yeboah made amicable remarks on the situation in March 2021, admitting the

press’s right to criticise the Judiciary.<sup>33</sup>

### PRIVACY AND SURVEILLANCE

In 2008, the Electronic Transactions Act (Act 772) (ECA) was passed to regulate electronic communications and associated transactions and serve related purposes.<sup>34</sup> Section 100 of the Act allows the president to request telecommunications service providers to intercept communications or provide user information in aid of law enforcement or



national security. According to the African Freedom of Expression Exchange, “This is

26 Human Rights Watch ‘Ghana: Submission to the Universal Periodic Review’ (2022) <https://www.hrw.org/news/2022/07/14/ghana-submission-universal-periodic-review> (accessed 14 December 2022).

27 Research ICT Africa ‘Act 772 Electronic Transactions Act, 2008’ (2008) [https://www.researchictafrica.net/countries/ghana/Electronic\\_Transactions\\_Act\\_no\\_772:2008.pdf](https://www.researchictafrica.net/countries/ghana/Electronic_Transactions_Act_no_772:2008.pdf) (accessed on 10 December 2022).

28 CSDS Africa ‘Cybersecurity Act, 2020 1 Act 1038’ (2020) <https://csdsafrica.org/wp-content/uploads/2021/08/Cybersecurity-Act-2020-Act-1038.pdf> (accessed on 10 December 2022).

29 Modernghana.com ‘Election Petition: Judicial Service order Media Houses to delete “vengeful, incendiary, hateful and spiteful” comments against Justice’ (2021) <https://www.modernghana.com/news/1064447/election-petition-judicial-service-order-media.html> (accessed 17 January 2023).

30 Freedom House ‘Ghana: Freedom on the Net 2022 Country Report’ (2022) [https://freedomhouse.org/country/ghana/freedom-net/2022#footnote6\\_ftzq3f7](https://freedomhouse.org/country/ghana/freedom-net/2022#footnote6_ftzq3f7) (accessed on 14 December 2022).

31 Modernghana.com ‘Election Petition: Judicial Service order Media Houses to delete “vengeful, incendiary, hateful and spiteful” comments against Justice’ (2021) <https://www.modernghana.com/news/1064447/election-petition-judicial-service-order-media.html> (accessed 17 January 2023).

32 Myjoyonline.com ‘Judicial Service threats are assault on media freedom – GJA’ (2021) <https://www.myjoyonline.com/judicial-service-threats-are-assault-on-media-freedom-gja/> (accessed 17 January 2023)

33 Myjoyonline.com ‘Criticise us as violently as you can but don’t insult us – Chief Justice to media’ (2021) <https://www.myjoyonline.com/criticise-us-as-violently-as-you-can-but-dont-insult-us-chief-justice-to-media/> (accessed 17 January 2023).

34 Research ICT Africa ‘Act 772 Electronic Transactions Act, 2008’ (2008) [https://www.researchictafrica.net/countries/ghana/Electronic\\_Transactions\\_Act\\_no\\_772:2008.pdf](https://www.researchictafrica.net/countries/ghana/Electronic_Transactions_Act_no_772:2008.pdf) (accessed on 10 December 2022).



problematic as it could be abused to target the activities of dissidents. To fully protect individual liberties, every act of interference in private communications and disclosure of personal data must be authorized by the court.<sup>35</sup> Section 99 of the ECA gives the president broad powers over Internet Service Providers during a state of emergency, thereby providing the legal authority to the state to restrict internet connectivity and may also provide legal authority for blocking and filtering content.<sup>36</sup> The African Commission on Human and Peoples' Rights Declaration notes that, "States shall ensure that any law authorising targeted communication surveillance provides adequate safeguards for the right to privacy, including: the prior authorisation of an independent and impartial judicial authority; due process safeguards; specific limitation on the time, manner, place and scope of the surveillance; notification of the decision authorising surveillance within a reasonable time of the conclusion of such surveillance; proactive transparency on the nature and scope of its use; and effective monitoring and regular review by an independent oversight mechanism."<sup>37</sup> So, Section 100 of the Electronic Transactions Act needs to be amended to provide for adequate safeguards for the right to privacy.

## DATA GOVERNANCE

### EXISTING REGULATIONS

In Ghana, the law that regulates the processing of personal data including its collection and protection is the Ghana's Data Protection Act, 2012. To fully understand how data is collected, stored, shared, and processed, the data protection law must be read in conjunction with the regulations that govern

communication and the infrastructure that houses the data, which include the Electronic Transactions Act, 2008 and the Cybercrime Act, 2020. The Data Protection Act is the primary legislation governing privacy and data protection in Ghana.<sup>38</sup> It uses a risk-based approach to data protection, which seems ineffective for Ghana due to several issues. The risk-based approach to data protection has also been put into practice internationally, most notably and visibly in the European 2018 General Data Protection Regulation (GDPR).



The 2020 study conducted by Caleb Tetteh Meyer at Tilburg University identified legal and socio-political problematic issues of Ghana's Data Protection Act.<sup>39</sup> Some of the issues identified by the study include how the risk-based approach is incompatible with data protection in Ghana; how it favours the dominant party (data controllers, government)

35 ITWeb Africa 'Ghana's mixed track record with social media regulation' (2021) <https://itweb.africa/content/lwrKx73Kao87mg1o> (accessed on 8 December 2022).

36 Vodafone 'Vodafone Law Enforcement Disclosure Report - Updated' (2015) [https://www.vodafone.com/content/dam/vodcom/sustainability/pdfs/law\\_enforcement\\_disclosure\\_report\\_2015\\_update.pdf](https://www.vodafone.com/content/dam/vodcom/sustainability/pdfs/law_enforcement_disclosure_report_2015_update.pdf) (accessed on 9 December 2022).

37 African Commission on Human and Peoples' Rights 'Declaration of Principles on Freedom of Expression and Access to Information in Africa' (2019) [https://www.achpr.org/public/Document/file/English/Declaration%20of%20Principles%20on%20Freedom%20of%20Expression\\_ENG\\_2019.pdf](https://www.achpr.org/public/Document/file/English/Declaration%20of%20Principles%20on%20Freedom%20of%20Expression_ENG_2019.pdf) (accessed 1 February 2023).

38 Data Protection Commission 'The Data Protection Act 2012' (2012) <https://www.dataprotection.org.gh/data-protection/data-protection-acts-2012> (accessed on 10 December 2022).

39 Tilburg University 'A Socio-Legal Analysis of Ghana's Data Protection Act [Master Thesis Law and Technology LLM Tilburg Law School]' (2020) <http://arno.uvt.nl/show.cgi?fid=152387> (accessed on 10 December 2022).

and entrenches a capitalist mode of political economy; and the lack of specification of the nationality of data controllers in the Act which makes it difficult to know what rights and obligations Ghanaian citizens have when their personal data is processed outside Ghana. Considering the identified issues, the study concluded that the risk-based approach is an ill-suited approach to data protection legislation in Ghana. Section 60 of the Act allows the government to access the personal data of individuals even without a warrant or judicial approval in the interest of protecting national security. A report published by the African Freedom of Expression Exchange mentioned that this provision can be abused by the government, which alone determines what constitutes a threat to national security.<sup>40</sup>

In 2020, the Cybersecurity Act was passed. It establishes the Cyber Security Authority, which regulates cybersecurity activities, promotes the development of cybersecurity, and provides for related matters.<sup>41</sup> This regulation broadens the government's legal authority to conduct surveillance, compel service providers to provide data, and control encryption service providers, alongside positive changes to cybersecurity coordination for surveillance. Section 36 mandates the Cyber Security Authority to register critical information infrastructure. The Cyber Security Authority's Directive for the Protection of Critical Information Infrastructure (CII) came into effect on October 1, 2021.<sup>42</sup> Under this directive, owners of critical information infrastructure are subject to 15 minimum technical and organisational requirements. These requirements include the need to implement

appropriate physical security measures for the physical protection of CII systems and their associated dependent assets and systems, establish and maintain a risk register that lists and profiles the various information and cyber risks affecting the designated CII, and ensure that the source codes of critical systems are kept in escrow.

Most of the issues identified under the data protection framework relate to the legal powers granted by the law to the government and data controllers. Some of the legal powers could be abused or used to violate the rights of data subjects or citizens.

### **SAFETY AND PRIVACY CONCERNS RELATED TO DIGITAL IDS**

The Ghana Card, which includes biometric information, is the primary method of identification for all citizens. More than 15 million Ghanaians had signed up for the Ghana Card as of October 2021, according to the National Identification Authority (NIA), accounting for 84.3 per cent of the country's population of people aged 15 and above.<sup>43</sup> The card will also be linked to SIM cards, bank accounts, passports, birth registry, death registry, and the Driver and Vehicle Licensing Authority. As of October 2022, 28,959,006 SIM cards have been linked to the Ghana cards, representing 62 per cent of sim cards issued nationally between October 1, 2021, and October 4, 2022.<sup>44</sup> According to the NIA website as stated in the Africa Report.com, every citizen's inability to establish their identity in the future could make life difficult for them in Ghana since the government's policy seeks to formalise the economy.<sup>45</sup>

40 ITWeb Africa 'Ghana's mixed track record with social media regulation' (2021) <https://itweb.africa/content/lwrKx73Kao87mg1o> (accessed on 8 December 2022)

41 CSDS Africa 'Cybersecurity Act, 2020 1 Act 1038' (2020) <https://csdsafrica.org/wp-content/uploads/2021/08/Cybersecurity-Act-2020-Act-1038.pdf> (accessed on 10 December 2022).

42 CSA.gov.gh 'Minister for Communications launches a Directive for the protection of Critical Information Infrastructure' (n.d) <https://www.csa.gov.gh/directive.php> (accessed on 9 December 2022).

43 The Africa Report.com 'Ghana: Card registration problems persist as citizens fear lack of access to services' (2022) <https://www.theafricareport.com/173142/ghana-card-registration-problems-persist-as-citizens-fear-lack-of-access-to-services/> (accessed on 10 December 2022).

44 Africanews 'Ghana to block all unregistered sim cards after October' (2022) <https://www.africanews.com/2022/10/18/ghana-to-block-all-unregistered-sim-cards-after-october/> (accessed on 10 December 2022).

45 The Africa Report.com 'Ghana: Card registration problems persist as citizens fear lack of access to services' (2022) <https://www.theafricareport.com/173142/ghana-card-registration-problems-persist-as-citizens-fear-lack-of-access-to-services/> (accessed on 10 December 2022).

Although the intention of the card is to enhance Ghana's infrastructure and collect personal data that can be used by the State for security and other purposes, there have been privacy concerns about the security of the data collected surrounding the card, and some citizens are anxious that the government will be tracking their activities.<sup>46</sup> According to the NIA's privacy policy, it is stated that the NIA shares customer information and other personally identifiable information only with government entities authorised by it. And in this policy, the NIA also assures customers that it will maintain security standards and procedures designed to protect Customer Information and other Personally Identifiable Information. It also said it will continue to test and update its technology to improve its ability to protect Customer Information and other Personally Identifiable Information. To ease the growing anxiety and concerns of the citizens, the NIA needs to find ways to educate the citizens on how their information will be secured.

## REVIEW OF THE UNIVERSAL SERVICE FUND

The Universal Service and Access Fund in Ghana is referred to as the Ghana Investment Fund for Electronic Communication (GIFEC). Some of the projects being funded include the Rural Connectivity Programme, Cyberlabs Programme, and the ICT Capacity Building and Skills Development Programme.<sup>47</sup> No financial or project expenditure reports were found on the fund's website. GIFEC has sponsored the Digital for Inclusion program in Ghana, which offers, among other things, mobile financial services through an online payment system.

Women form 60 per cent of the platform's local agents who offer services.<sup>48</sup>

Previously, GIFEC also supported the MS Geek competition under the Ministry of Communication in 2019 and 2020.<sup>49</sup> It was



discontinued after the 2020 edition.<sup>50</sup> It was mainly aimed at encouraging more girls, aged 13 to 21 to venture into the fields of Science, Technology, Engineering, and Mathematics (STEM). Prizes of cash and equipment were awarded for the most innovative technological solutions that sought to address some of Ghana's challenges. Winners also received training and mentorship to further develop their innovations.<sup>51</sup>

A few projects funded by GIFEC target expanding women's access to and use of the

46 The Africa Report.com 'Ghana: Card registration problems persist as citizens fear lack of access to services' (2022) <https://www.theafricareport.com/173142/ghana-card-registration-problems-persist-as-citizens-fear-lack-of-access-to-services/> (accessed on 10 December 2022).

47 Gifec 'Projects – Gifec.'(n.d) <https://gifec.gov.gh/project/> (accessed on 15 December 2022).

48 World Wide Web Foundation 'Universal Service and Access Funds' (2018) <https://webfoundation.org/docs/2018/03/Using-USAFs-to-Close-the-Gender-Digital-Divide-in-Africa.pdf> (accessed 14 December 2022).

49 Business World Ghana 'Communications Ministry launches ICT programme for girls' (2019) <http://www.businessworldghana.com/communications-ministry-launches-ict-programme-for-girls/> (accessed 14 December 2022).

50 Opportunities For Africans 'MS. GEEK Ghana 2020 Competition for young Ghanaians' (2020) <https://www.opportunitiesforafricans.com/ms-geek-ghana-2020-competition/> (accessed 14 December 2022).

51 MyJoyOnline.com 'Ms. Geek Ghana Competition launched in Accra' (2019) <https://www.myjoyonline.com/ms-geek-ghana-competition-launched-in-accra/> (accessed 14 December 2022).

internet but more can be done. Although the internet access gender gap has reduced, there still remains gender gaps in access to ICT education and tools for young girls and access to high-level opportunities and jobs for women in this sector.<sup>52</sup> In the 2021 Global Gender Gap Index, Ghana ranked 117th out of 156 countries and 23rd in sub-Saharan Africa on its progress toward gender equality.<sup>53</sup> Ghana is performing worse than most other nations in this area.<sup>54</sup> About 50 per cent of the GIFEC funds should be invested in projects targeting vulnerable, marginalised groups and women's quality internet access, and use.

## DEVELOPMENTS IN ICT AND EMERGING TECHNOLOGIES

### AI STRATEGIES

Public conversations about the adoption of AI in Ghana are low. However, by partnering with Google to establish the first Google AI lab in Africa, Ghana began legitimising the use of AI in several sectors.<sup>55</sup> To ensure that the country meets the growing needs of technological advancement, AI regulations will be promulgated. In January 2022, during the Data Protection Week celebrations in Accra, the Deputy Minister for Communications and Digitalisation, Ama Pomaah Boateng, indicated that Ghana was soon going to have its own regulation to guide the use of artificial intelligence for stakeholders.<sup>56</sup> The Future Society (TFS) is supporting Ghana and other African countries to develop national AI Strategies. In May 2022, TFS and partners hosted stakeholder consultation workshops in

Tunis and Accra to support the development of Tunisia and Ghana's National AI Strategies.<sup>57</sup>

AI has the potential to aggravate existing societal inequities while also accelerating positive developments in the socio-economic and political sphere. AI is also enhancing the industrial and technological sectors. Therefore, there is a need to establish regulatory frameworks to provide guidance for the use of AI while mitigating risks.

### INCLUSION OF ICTS IN GHANA'S NATIONAL ACTION PLANS OR STRATEGIES

The ICT Policy for Accelerated Development (ICT4AD), the blueprint for digital transformation adopted in 2004, greatly improved internet access in Ghana. ICT in education reform has been initiated to improve teacher development and tertiary education through technology-based training, to promote children's desire and competence to use ICTs and to equip pre-tertiary learners with ICT capabilities.<sup>58</sup>

52 MyJoyOnline.com 'Dr Prince Hamid Armah: Bridging the digital divide in Ghana, encouraging girls and women in ICT' (2022) <https://www.myjoyonline.com/dr-prince-hamid-armah-bridging-the-digital-divide-in-ghana-encouraging-girls-and-women-in-ict/> (accessed 19 December 2022).

53 Afrobarometer 'AD573: Amid persistent gender inequalities, Ghanaians call for government action to bridge the gaps' (2022) <https://www.afrobarometer.org/publication/ad573-amid-persistent-gender-inequalities-ghanaians-call-for-government-action-to-bridge-the-gaps/> (accessed 19 December 2022).

54 Afrobarometer 'AD573: Amid persistent gender inequalities, Ghanaians call for government action to bridge the gaps' (2022) <https://www.afrobarometer.org/publication/ad573-amid-persistent-gender-inequalities-ghanaians-call-for-government-action-to-bridge-the-gaps/> (accessed 19 December 2022).

55 Open AIR '7 Ways that African States are Legitimizing Artificial Intelligence' (2020) <https://openair.africa/7-ways-that-african-states-are-legitimizing-artificial-intelligence/> (accessed 15 December 2022)

56 MyJoyOnline.com 'Ghana to develop regulation on artificial intelligence' (2022) <https://www.myjoyonline.com/ghana-to-develop-regulation-on-artificial-intelligence/> (accessed 15 December 2022).

57 The Future Society 'National AI Strategies for Inclusive & Sustainable Development' (2022) <https://thefuturesociety.org/2022/04/30/policies-ai-sustainable-development/> (accessed on 15 December 2022).

58 Ministry of Education Ghana 'ICT In Education Reform' (n.d.) <https://moe.gov.gh/index.php/ict-in-education-reform-2/> (accessed on 17 December 2022).

# Conclusion and Recommendations

Even though Ghana is making significant strides in the digital space by improving internet access and infrastructure, introducing policy interventions that increase digital access for persons with disabilities is key. This is largely due to a number of factors, including unreliable internet service, high cost of data, and challenges with online safety and security.

Also, the government's efforts to demonstrate its commitment in the telecom sector and attain the goal of digital transformation, have, in some instances, created more problems and unease among the populace. These activities include the acquisition of some telecom companies, the enactment of the e-levy, and the implementation of the Ghana Card.

## Recommendations

GOVERNMENT	PRIVATE SECTOR	CIVIL SOCIETY
<p>The government should:</p> <ul style="list-style-type: none"> <li>• conduct a proper analysis of the project's or action's impact, and the necessary basic infrastructure needs to be put in place first, before undertaking any project or action.</li> <li>• ensure the effective implementation of the data protection legislation. It is commendable that the government of Ghana has enacted some data governance regulations.</li> <li>• allow civil remedies or counter speech, instead of employing criminal penalties to regulate what may, in some cases, be unpleasant speech.</li> <li>• refrain from harassing the media in the conduct of their work.</li> <li>• educate the public</li> </ul>	<p>The private sector should:</p> <ul style="list-style-type: none"> <li>• collaborate with the government to increase broadband access.</li> </ul> <p>The media should:</p> <ul style="list-style-type: none"> <li>• fact check information to avoid misinformation and disinformation.</li> <li>• collaborate with the government to educate the public about digital security practices.</li> <li>• collaborate with the National Identification Authority to create educational materials on TV or media outlets or training to educate the citizens on how their Ghana Card data will be secured.</li> </ul>	<p>The civil society should:</p> <ul style="list-style-type: none"> <li>• conduct more critical analyses of digital ID's impacts in the global south, as well as the actors involved in designing and implementing them.</li> </ul>

GOVERNMENT	PRIVATE SECTOR	CIVIL SOCIETY
<p>about digital security practices.</p> <ul style="list-style-type: none"><li>• reduce cost of data and make it affordable for all.</li></ul> <p>Parliament should:</p> <ul style="list-style-type: none"><li>• review the existing laws and amend the identified problems in this report.</li></ul>		



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