

MISINFORMATION, DISINFORMATION, HATE SPEECH AND PUBLICATION OF OTHER INFORMATION (MDHI) BILL, 2025

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**MISINFORMATION, DISINFORMATION, HATE SPEECH AND
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An ACT to regulate the publication and spread of false information, hate speech and other information relating to the disclosure of private facts and the publication of confidential matters concerning the Republic, and for related matters.

Overview of the Act

Object of the Act

1. (1) The object of this Act is to protect individuals; groups of persons; private and public institutions; and the Government from harm, threat of harm, violence, fear, disrepute, discredit, embarrassment, harassment, intimidation, ridicule, unrest, panic and disturbance of the public peace caused by misinformation, disinformation, hate speech, the disclosure of private facts and the publication of confidential matters concerning the Republic.

(2) In furtherance of its object in subsection (1), the Act shall be applied to:

- (a) prevent the publication and spread of false information, hate speech and other information, disseminated within or outside the territory of the Republic;
- (b) control the publication and spread of false information, hate speech and other information through internet intermediaries and digital advertising intermediaries;
- (c) suppress the commercialisation and financing of false information publication;
- (d) undertake measures to be taken to detect, control and safeguard against conduct that threaten the free flow and exchange of reliable information; and
- (e) impose sanctions and provide remedies in respect of liability for false and other information.

Scope of the Act

2. (1) The Act covers the following:

- (a) Misinformation;
- (b) Disinformation;

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- (c)* Hate Speech;
- (d)* Public disclosure of private facts; and
- (e)* Publication of confidential information concerning the Republic.

(2) Nothing in this Act shall preclude a person from enforcing existing common law remedies in respect of misinformation and disinformation even where both actions run concurrently.

(3) Notwithstanding subsection (2), the Court, Division or other adjudicatory body shall take into consideration the relief sought, or the extent of a remedy granted or sanction imposed or satisfaction for breach offered to the aggrieved party in respect of the same facts forming the basis of misinformation and disinformation before another adjudicatory body.

Existing legislation

3. (1) The Act shall be read together with the following enactments:

- (a)* Cybersecurity Division Act, 2020 (Act 1038) (Cybersecurity Division Act),
- (b)* Criminal Offences Act, 1960 (Act 29) (Criminal Offences Act),
- (c)* National Media Commission Act, 1993 (Act 449) (National Media Commission Act),
- (d)* Data Protection Act, 2012 (Act 843),
- (e)* the National Communications Authority Act, 2008 (Act 769) (National Communications Division Act),
- (f)* the Electronic Communications Act, 2008 (Act 775) (Electronic Communications) Act),
- (g)* the State Secrets Act, 1962 (Act 101) (State Secrets Act)
- (h)* the Political Parties Act, 2000 (Act 574) (Political Parties Act)
- (i)* the Security and Intelligence Agencies Act, 2020 (Act 1030) (Securities and Intelligence Agencies Act)
- (j)* Presidential Office Act, 1993 (Act 463) (Presidential Office Act)

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(3) Without limiting the effect of subsection (1), the Act shall not be interpreted to usurp or limit the mandate of the National Media Commission.

Principles on the Right to Freedom of Speech and Expression and the Right to Privacy

Enforcement and interpretation of constitutional rights

4. The Act shall be enforced and interpreted in accordance with the right to freedom of speech and expression and the right to privacy under articles 21(1)(a) and 18(2) of the Constitution, respectively and Chapter 12 of the Constitution.

Balancing private benefit against public benefit

5. In the application of the Act, the Court or Division (as the case may be) shall weigh the private benefit of enforcing the right to freedom of speech and expression and/or the right to privacy against the public benefit of protecting an individual, group of persons, private or public institution from the harm caused by the false information, hate speech or publication of other information.

Application and interpretation in favour of constitutional rights

6. (1) The Court or Division shall apply and/or interpret the Act in favour of the right to freedom of speech and expression and right to privacy where the information under consideration achieves a legitimate public benefit.

(2) For the purpose of subsection (1), information is of legitimate public benefit if that information:

- (a) is intended to expose or exposes a person or institution's activities directly or indirectly related to, or connected with the commission, or the reasonable suspicion of commission of a crime under the laws of the Republic;
- (b) is intended to expose or exposes a Government or public-related matter that is nationally dishonourable and inimical to values of probity and accountability;
- (c) is intended to criticise or criticises the Government or public institution in relation to the management of a public office or the performance of official duties of a government official or public officer;
- (d) is intended to expose or exposes civil wrong doing done by or against an individual, group of persons, private and public institutions or the Government;
or
- (e) relates to a controversial public health opinion that is capable of being proven.

Establishment of liability

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7. (1) The Court of the Division shall apply and/or interpret the Act to establish liability against an individual, group of persons, private and public institutions or the Government for misinformation, disinformation or publication of other information only where:

- (a) liability promotes the rights and reputation of an individual, group of persons, private or public institution, and protects national security, public order, public safety, public health or public morals;
- (b) liability was reached upon ascertaining that the public benefit gained from culpability of a person for contravening the Act outweighs a private benefit, and there is no justification under section 7(2); and
- (c) liability was determined by a fair and transparent criterion under the Act in accordance with due process.

(2) In addition to subsection (1), the establishment of liability for hate speech shall be in accordance with Part IV of the Act.

Imposition of sanctions and grant of remedies

8. (1) Where liability is established under this Act, the Court or the Division shall not impose a sanction or grant a remedy for a non-compliance or for breach of conduct under the Act unless the sanction or remedy is that which is necessary and proportionate in a democratic society.

(2) In determining whether a sanction or remedy is necessary and proportionate, regardless of the sanction or remedy stated in the Complaint, the Court or the Division shall:

- (a) justify the sanction or remedy against the evidence of the harm caused to an individual, group of persons or the public;
- (b) determine whether the sanction or remedy is adequate under the circumstances to achieve the object and purpose of this Act; and
- (c) apply the least intrusive means of restriction considering the circumstances, the rights involved and the desired result.

Institutional Framework

Establishment of the Division on Misinformation, Disinformation, Hate Speech and Publication of Other Information.

9. (1) For the purpose of enforcement and implementation of this Act, the Division on Misinformation, Disinformation, Hate Speech and Publication of Other Information is hereby constituted by the authority of the Board of the Authority, pursuant to section 15 of the National Communications Act.

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(2) The Division shall give effect to the directives of the Minister where prescribed by this Act or under any other law.

Powers of the Division

10. (1) The Division shall have power to publish its own internal rules to streamline its functions under this Act.

(2) The Division shall have power to make findings of fact, establish liability and render binding decisions on sanctions and remedies in respect of Complaints or Reports under the Act.

(3) The Division is not a body corporate with perpetual succession or a common seal and shall only act through the Authority for the purpose of suing or being sued.

(4) The Division may not, for the performance of its functions, acquire and hold movable and immovable property and enter into a contract or any other transaction in its own name.

Functions of the Division

11. (1) The Division shall:

- (a) ensure and monitor compliance with this Act;
- (b) promote the right to freedom of speech and expression by ensuring functional transparency, fostering media literacy, providing verified information to the public and undertaking educational programmes and initiatives on false and other information;
- (c) sensitise the public on the object and purpose of the Act, and the rights, sanctions, remedies and defences under the Act;
- (d) receive and investigate Complaints or Reports of non-compliance with this Act, breach of conduct under the Act and make appropriate binding decisions accordance with the Act;
- (e) establish liability and impose sanctions or remedies that are necessary and appropriate in a democratic society;
- (f) implement the requirements for all relevant stakeholders under this Act;
- (b) develop a national plan of action to address, monitor and report on the progress of implementation of this Act and through the Minister to be submitted to Parliament; and
- (i) advise the Minister on policy matters and any other matter relevant to the implementation of this Act.

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- (2) The Division shall submit an annual report on false and other information under the Act to the Minister.

Collaboration

12. (1) The Division shall work closely with the National Media Commission and other public institutions in the execution of its functions.

(2) In the event of parallel roles between the Division and any other public institution, the functions of the Division shall prevail for the purpose of implementing this Act.

Administration of the Divisions

Subdivisions

13. (1) The Division shall comprise of the following operational subdivisions:

- (a) The Complaints and Investigation Subdivision
- (b) The Public Information Desk and Outreach Subdivision

(2) The Complaints and Investigation Subdivision shall be responsible for receiving and investigating Complaints and Reports of non-compliance or breach of conduct under the Act either by the instigation of a third-party or on its own accord, and making appropriate binding decisions.

(4) The Public Information Desk and Outreach Subdivision shall be responsible for sensitising the public on the Act; providing information on request to the public; providing verified information to counter false information; and promoting the right to freedom of speech and expression through educational programmes and initiatives on false and other information.

Director of the Division

14. (1) The Division shall be headed by a Director appointed by the President in accordance with article 195 of the Constitution.

(2) A person shall not be qualified for appointment as a Director of the Division unless that person:

- (a) has not less than 10 years of working experience in (i) telecommunications, (ii) law, (iii) regulatory compliance, (iv) education (v) information studies or (vi) human rights and
- (b) is not directly or indirectly involved in the management of; or
- (c) has no financial or commercial interest in a broadcasting network or media house or internet intermediary operating within the territory of the Republic.

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(3) The Director shall be appointed on the same terms and conditions as directors of the existing Divisions of the Authority.

Appointment of other staff

15. The President shall in accordance with article 195 of the Constitution, appoint for the Division, other officers and staff that are necessary for the proper and effective performance of its functions.

Ministerial Directive

16. The Division shall be subject to the Minister's directives on matters at the level of the Principal Authority, provided that the directive does not vary, amend, detract or add to any right, liability, sanction, remedy or defence under this Act.

Substantive Rules on Information

Information

17. (1) In this section, the rules on information shall unless otherwise stated, apply only to misinformation, disinformation and other information.

(2) Except for hate speech under this Act, a person shall only be liable under this Act for the communication or publication of information relating to or about facts which contravenes the Act.

(3) Under this Act, a fact means a statement or material which can be verified as true or false.

(4) Unless otherwise provided in this Act, the following does not constitute a fact under the Act:

- (a) opinions about facts including personal views, beliefs or value judgments;
- (b) commentary about facts including analysis, criticism or editorial content; and
- (c) an objective interpretation of facts in good faith and supported by evidence.

(5) Unless otherwise provided in this Act, the following information shall not impose liability on a person for false information and other information:

- (a) public criticism or scrutiny of a governmental official or public officer, relating to the management of a public office or the official duties of a government official or public officer;
- (b) public criticism or dissatisfaction about the provision of a service to the public;

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- (c) information that is circulated as means of entertainment in a movie, song, parody, skit or as a satire provided it does not amount to hate speech or a public disclosure of a private fact;
- (d) clearly identified partisan news;
- (e) subject to provisions on hate speech, information that considered only insulting or disrespectful; and
- (f) true but imprecise information about a civil wrong or commission of a crime.

(6) For the purposes of this Act, clearly identified partisan news means information which is biased in its framing, leaning towards a political ideology or adopts subjective facts.

(7) For the purposes of this Act, acts are considered only insulting or disrespectful if they are personally rude or unpleasant, but do not offend a group of people and do not incite violence or threaten or expose that person to threat of harm.

Communication of Information

18. (1) In this Act, for the purpose of false information, hate speech and other information, a statement or material relating to or about facts is communicated if it is made available to one or more persons in the Republic by means stated in subsection (2).

(2) A statement or material relating to or about facts or is also communicated if it is made available to one or more end-users in Republic on or through:

- (a) internet; or
- (b) MMS or SMS
- (c) television or radio broadcast

(3) A statement or material relating to or about facts communicated under subsection (1) and (3) shall include written words, sounds, signs, objects, images, videos including Artificial Intelligence generated statements or materials.

(4) Except for the algorithmically generated information, a person does not publish information in the Republic merely by doing any act for the purpose of, or that is incidental to, the provision of:

- (a) an internet intermediary service;
- (b) a communication service;
- (c) a service of giving the public access to the internet; or

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(d) a computing resource service.

False information

19. (1) A statement or material is false if it is wrong, fake, misleading, deceptive, doctored, whether wholly or in part, and whether on its own or in the context in which it appears.

(2) Information is false only if it can be disproven by verified and factual contrary information.

(3) A statement or material is false even if it is a partial disclosure of truth provided that the omission makes entire statement or material more misleading than true.

(4) Unless otherwise provided in this Act, the burden that the information is false lies on the person alleging that the information is false which may include the Division where appropriate.

Control over the information

20. (1) Except for hate speech under this Act, a person shall be made liable for communication of information if that person has control over the information.

(2) A person has control over the information if that person:

- (a) is the original disseminator of the information;
- (b) is not the original disseminator of the information but retains authorship of the original information; or
- (c) used, instructed or guided another person or instrument to make the publication; or
- (d) is able to substantially dictate how that content of that information should be framed, edited or published; or
- (e) is able publish or remove content relating to the information without recourse to the original author; or
- (f) threatens, blackmails or compels another person to release the information.

(3) Nothing in this Act shall prevent an employee from being jointly or severally liable with an employer who retains authorship of the information published in the course of employment.

(4) Except for hate speech under this Act, a person who republishes information that is already within the public domain does not have control over the information.

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(5) Information is within the “public domain” if it is already generally available to the public and is available to every person to publish.

(6) For the avoidance of doubt, internet intermediaries do not have control over the information except where a Direction, Order or Compliance Warning is issued against it.

(7) Despite subsection (6), the Division may submit a request for content restriction on an internet intermediary where the Division decides that it is necessary and proportionate in accordance with section 9 of this Act.

Exclusion of persons

21. (1) Subject to the Juvenile Justice Act, 2003 (Act 653), a person below the age of 12 shall not be liable for non-compliance or breach of conduct under this Act.

(2) A person capable of being made liable under this Act who guides, advises, instructs, commands, requests or blackmails a person below the age of 12 to engage in conduct that is inconsistent with this Act shall be liable as the original disseminator of the information.

(3) Except for conduct criminalised, a parent or guardian of a child of below the age of 12 years or a person responsible for making decisions on behalf of that child shall be made liable for the child’s non-compliance on proof that the parent failed to take reasonable steps to supervise the child’s activities.

(4) Unless otherwise stated, a person who is threatened, blackmailed or compelled to release information that is non-compliant with, or contravenes the Act shall not be made liable under this Act.

Prohibition on publication of false information

Misinformation and Disinformation

22. (1) Misinformation and disinformation is prohibited in Republic.

(2) Misinformation is the publication of false or inaccurate information regardless of the intention to mislead.

(3) Disinformation is the publication of false or inaccurate information intended to mislead, manipulate or guide people in a particular direction.

(4) A person shall be made liable for misinformation or disinformation if:

- (a) the information is a false or inaccurate statement or material relating to or about facts;
- (b) that person is not excused from liability under the Act;
- (c) the information is prejudicial to public interest under section [].

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- (5) A person liable for misinformation or disinformation shall be subject to the imposition sanctions and grant of remedies provided in section [].

Due diligence of the certainty or accuracy of information

23. (1) All persons publishing information that concern statement or material relating to or about facts shall conduct necessary due diligence and verify the certainty or accuracy of the information.

(2) Despite subsection (1), media houses, journalists, politicians, academics, persons with notoriety as influencers, persons known as public and social media commentators, persons of the class as celebrities, popular product brands and multinational companies shall be held to a higher standard of due diligence.

(3) It is a defence under this Act that due diligence could not have revealed that the information was false or inaccurate.

(4) A person shall not be liable under this Act by reason only that they did not conduct necessary due diligence of the certainty or accuracy of the information.

(5) All persons are encouraged to publish reliable information to discredit false or inaccurate information.

Business misinformation or disinformation

24. (1) A person shall not engage in the business of making, arranging, publishing false information gratuitously or for financial reward, whether realised or not, or any other benefit or gain.

(2) A person shall not solicit, receive or agree to receive any financial or other material benefit as an inducement or reward for providing any service, knowing that the service is or will be used in the communication of information that contravenes this Act.

(3) A person who earns a reputation publicly for constantly and incessantly publishing false information which affects the public interest shall be presumed to be engaged in the business or object of misinformation or disinformation.

(4) A person who engages in conduct contrary to subsection (1), (2) and (3) shall be subject to sanctions and/or be required to provide remedies under Part VII of this Act.

Public interest

25. (1) A person shall only be made liable for misinformation or disinformation under this Act where it is in the public interest to do so.

(2) For the purposes of this Act, and without limiting the generality of the expression, it is in the public interest to do anything if the doing of that thing is necessary or expedient:

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- (a) in the interest of the national security of the Republic or any part of the Republic;
- (b) to protect public health, the public trust, or public finances, public welfare, or to secure public safety, public morals or public order;
- (c) in the interest of friendly relations of Republic with other countries;
- (d) to prevent any distorted influence of the outcome of presidential, parliamentary, district assembly elections, unit committee elections, referendum or other elections supervised by the Electoral Commission.
- (e) to prevent incitement of feelings of enmity, hatred or ill-will between different groups of persons; or
- (f) to prevent a diminution of public confidence in the performance of any official duty or function of, or in the exercise of any power by a public institution.

Misinformation or disinformation by or against the Government

26. (1) Subject to constitutional protections, the Government shall have enforceable rights against any person, and shall have rights enforced against it, in respect of misinformation or disinformation under this Act.

(2) The Government shall exercise its enforceable rights under the Act provided that the misinformation or disinformation does not concern the political party of the incumbent Government.

(3) Notwithstanding subsection (3), a political party shall retain enforceable rights in its own respects as an entity under this Act.

(4) The Government shall not exercise any enforceable rights under this Act by reason only that the misinformation or disinformation are merely insulting to the President, Vice-President or the Cabinet, as defined under section 17(7) of this Act.

(5) Subject to protections under the Constitution, an action for misinformation or disinformation at the instance of the Government shall lie against a private individual or private entity.

(6) For the avoidance of doubt, the respective offices of the Government affected by the misinformation or disinformation shall bear the burden of proof in any case as may be.

Misinformation or disinformation against public institutions

27. (1) Subject to constitutional protections, public institutions shall have enforceable rights against any person, and shall have rights enforced against, in respect of misinformation or disinformation under this Act

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(2) Public institutions shall exercise its enforceable rights under this Act provided that the misinformation or disinformation does not concern the political party of the incumbent Government.

Misinformation or disinformation by or against a government official or public officer

28. (1) All governmental officials or public officers shall have enforceable rights against any person, and shall have rights enforced against, in respect of misinformation or disinformation under this Act for conduct against his or her office and in his or her own personal capacity.

(2) A member of the judiciary, as a public officer, shall have enforceable rights against his or her office and in his or her own personal capacity.

(3) A candidate for elections shall have enforceable rights against any person, and shall have rights enforced against, in respect of misinformation or disinformation under this Act.

(4) An individual is a candidate for elections, if:

- (a) he or she has publicly declared their candidature in presidential, parliamentary, district assembly elections, unit committee elections or other elections supervised by the Electoral Commission;
- (b) has been nominated or chosen as a candidate in any of the stated elections; or
- (c) is publicly known to contest in any of the stated elections.

Misinformation or disinformation against by or against a private individual or private entity

29. (1) Private individuals or private entities shall have enforceable rights against any person, and shall have rights enforced against them, in respect of misinformation or disinformation under this Act.

False or inaccurate public health information

30. (1) No person shall publish false or inaccurate information about public health in the Republic, public health crisis occurring in the Republic or a pandemic declared by the World Health Organisation.

(2) A person shall be deemed to have published false or inaccurate health information where that person publishes unverified statements about public health administration in the Republic, unsubstantiated medical statements or advice, unproven accounts about the potency or otherwise of a drug or medicine approved by the relevant authorities.

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(3) Without limiting the effect of section 18(4), misinterpretation of a statement or material relating to or about facts or opinions about public health crisis and pandemics declared by the World Health Organisation constitutes misinformation or disinformation.

(5) Media houses, journalists and persons of the status of celebrities or influencers and content creators who publish public health information shall be required to undertake proper public health fact-checking in accordance with guidelines prescribed by the Division.

(6) For the purposes of public health information, the burden of proof of truth or accuracy of the information lies on the person accused of publishing false or inaccurate information or the offending party.

False or inaccurate election information

31. (1) No person shall publish false or inaccurate information about the Electoral Commission, pre-election processes, voting day, collation of election results and election results which is likely to influence or influences the outcome of a general election to the office of President, a general election of Members of Parliament, a by-election of a Member of Parliament, or a referendum.

(2) A person shall not connive, collaborate partner directly or indirectly with a country or foreign organisation to publish false or inaccurate election information about the Republic's Electoral Commission, pre-election processes, voting day, collation of election results and election results.

(3) The Division shall through the Ministry of Foreign Affairs and Regional Integration swiftly engage diplomatic channels of the foreign country in question over the allegations of false information.

(4) Subject to subsection (5), no person shall publish false information whether financial, political or sexual scandal about a candidate for elections, or a false allegation relating to a statement made or a stance taken by a candidate, which is likely to influence or influences the outcome of presidential, parliamentary, district assembly elections, unit committee elections, referendum or other elections supervised by the Electoral Commission.

(5) Information on a financial, political or sexual scandal about a candidate for elections or allegations relating to a statement made or a stance taken by that same candidate is not false by reason only that the information was largely true but part of the information was imprecise, and provided that the imprecision does not make entire information substantially untrue.

(6) Without limiting the effect of section 18(4), misinterpretation of a statement relating to or about facts concerning the Electoral Commission, pre-election processes, voting day, collation of election results election results which is likely to influence or influences the outcome of a general election to the office of President, a general election of Members of

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Parliament, a by-election of a Member of Parliament, or a referendum, constitutes misinformation or disinformation.

(7) Media houses, journalists and persons of the status of media influencers and content creators who publish election information shall be required to undertake proper election information fact-checking in accordance with guidelines prescribed by the Division.

(8) For the purposes of election information, the burden of proof of truth or accuracy of the information lies on the person accused of publishing false or inaccurate information or the offending party.

Sensationalism which leads to inaccuracy

32. (1) The publication of otherwise accurate information by a media house with substantial embellishments to a high degree that it causes the information that is not fiction or satire to become inaccurate is prohibited.

(2) The test of what is sensational is whether the information is overly exaggerated and evokes strong emotion and sentiment where the actual statement or material do not reasonably evoke such emotions.

(3) For the avoidance of doubt, sensationalism is not prohibited, and this provision shall not be interpreted to stifle creative expression.

Evidence of Misinformation and Disinformation

33. (1) An aggrieved person or issuing party may submit the following as evidence of misinformation or disinformation:

- (a) evidence of the false or inaccurate information itself
- (b) medical records
- (c) financial records
- (d) court records
- (e) electronic records
- (f) electronic records showing negative media coverage
- (g) witness statements
- (h) documented evidence of correspondence
- (i) video evidence

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- (j) expert evidence
- (k) surveys, polls, analytics
- (l) metrics
- (m) reports from regulatory bodies or fact-checking organisations
- (n) scientific studies
- (o) government data
- (p) any other relevant evidence⁵

Communication made outside the territory

34. (1) Pursuant to subsection (3), the Court or Division shall jurisdiction over communication made outside the Republic which contravenes this Act.

(2) A communication is made outside the Republic if it is made by a person who is not physically present in the territory of Ghana, notwithstanding the communication was made on an online location.

(3) With the exception of hate speech under subsection (6), the Act shall have extra-territorial effect only to the extent that the offending party or respondent is Ghanaian or has been a resident in the Republic for a cumulative period of 2 years immediately preceding the date of publication of the false information, hate speech or other information.

(4) Communication or publication outside the Republic over which the Court or Division has jurisdiction under subsection (3) shall be deemed to be communication or publication of a statement or material in the Republic.

(5) Where the offending party or respondent lives outside the Republic, the Division shall engage mutual legal assistance for the enforcement of a sanction or remedy in that country.

(6) For hate speech communicated outside the Republic against a citizen of Ghana, the Act shall have extraterritorial effect regardless of the nationality or residence of the offending part or respondent.

Defences for Misinformation and Disinformation

35. (1) In addition to other protections provided for in this Act, a person shall not be made liable for misinformation and disinformation where:

- (a) that person corrected or retracted that statement timeously and apologised;

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- (b) the false information was an inadvertent error and the offending party assumed responsibility;
- (c) the information is not likely to influence or did not influence the outcome of a presidential, parliamentary, district assembly or unit committee election or referendum, or other elections supervised by the Electoral Commission.
- (d) under the circumstances, the statement of fact or material was not relied on or it was not likely that people will take it seriously

(2) It shall not be a defence that the information was only inaccurate; however, it shall apply for the purposes of a reduced sanction or remedy or diminution of a sanction.

(3) What is timeous under subsection 1(a) depends on the facts of each case.

Hate Speech and other forms of Indecent Expressions

Prohibition of Hate Speech

36. The communication or dissemination of hate speech in the Republic is prohibited.

Definition of Hate Speech

37. (1) Hate speech means any communication in speech, writing, behaviour or expression that uses pejorative or discriminatory language which:

- (a) vilifies, threatens, harasses, degrades, stigmatises, humiliates, discriminates or
- (b) promotes negative feelings, hostility, attitudes or perceptions or
- (c) incites hatred or violence

towards a group or class of people based on their race, ethnicity, colour, descent, religion, sex, background, other identity factor.

(2) Hate speech may be based on facts, prejudice, bias, generalisations or stereotypes.

(3) A factual statement which incites threats, hatred, violence towards a group or class of people based on their way of life constitutes hate speech.

(4) Provided the hate speech affects an individual or group's dignity, security, wellbeing, reputation and status in society, it is immaterial that the offending party did not intend the consequences of his or her actions.

(5) Communication circulated as means of entertainment in a movie, song, parody, skit or as a satire that meets the threshold of hate speech in subsection (1) or (3) constitutes hate speech under this Act.

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(6) A person shall not lose his or her rights under this part by reason only that the hate speech targets that person in particular and not an entire group or class of people.

(7) A Complaint in respect of hate speech may be brought by one or more persons.

Communication of Hate Speech

38. The requirements of communication of information under section 18 shall apply to hate speech.

Control over the communication of Hate Speech

39. (1) A person shall be made liable for communication of hate speech if that person had control over the communication.

(2) A person has control over communication of hate speech if that person:

- (a) is the original disseminator of the communication;
- (b) disseminates, republishes or reproduces the communication;
- (c) is not the original disseminator of the communication but retains authorship of the original communication; or
- (d) used, instructed or guided another person or instrument to make the communication; or
- (e) is able to substantially dictate how that content of that communication should be framed, edited or published; or
- (f) is able communicate or remove content relating to the communication without recourse to the original author; or
- (g) threatens, blackmails or compels another person to release the communication.

Hate Speech that incites genocide or aggravated violence

40. (1) In accordance with section 49A of the Criminal Offences Act, hate speech that incites genocide is a criminal offence punishable under the Criminal Offences Act.

(2) Hate speech that that is likely to incite aggravated violence or incites aggravated violence is a criminal offence under this Act and which sanction shall be imposed in accordance with section [] of this Act.

(3) For the purpose of this section, violence is aggravated if it is violence that is heightened in a way that leads to or is capable of leading to serious harm motivated by

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hatred or resentment that targets a group or class of people based on their race, ethnicity, colour, descent, religion, sex, background, other identity factor.

Evaluation of hate speech

41. (1) Only the Courts or the Division have the mandate to substantively evaluate a communication alleged to be hate speech.

(2) In evaluating whether a communication amounts to hate speech to establish liability and the applicable sanctions or remedies for it, the Division or the Court shall determine whether the communication incites hatred or violence by looking at:

- (a) the entire content of the communication;
- (b) the tone and context of the communication;
- (c) the potential impact of the speech in terms of reach;
- (d) the purpose of the communication;
- (e) the people who are targeted; and
- (f) nature and gravity of the communication.

Other forms of indecent expressions

42. (1) The following indecent expressions which do not incite hatred but target a group of people are prohibited:

- (a) ethnic slurs and derogative commentary of a group of people; and
- (b) inflammatory statements may reasonably provoke violence of a group of people.

(2) The communication and control over the communication for hate speech under sections 39 and 40 respectively shall apply to indecent expression under this section.

(3) In evaluating whether a communication is an indecent expression, except for determining that the communication incites hatred or violence, the criteria in section 42(2) shall apply.

(4) Unless otherwise stated, and except for provisions under sections 37 to 42, reference to hate speech shall include other forms of indecent expression.

Liability and enforceability for hate speech and other forms of indecent expressions

43. (1) All persons including a private individual or private institution, a public institution or a Government or public official may be liable for hate speech.

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(2) Subject to actions in representative capacity, only individuals or groups of individuals affected by hate speech have enforceable rights under hate speech.

Guidelines and code of ethics on hate speech and other forms of indecent expressions

44. (1) The Guidelines on Hate Speech and other forms of Indecent Expressions issued by the National Peace Council shall be instructive in assessing hate speech and other forms of indecent expressions.

(2) The following Guidelines and Code of Ethics shall be given due consideration in assessing hate speech and other forms of indecent expressions:

- (a) National Media Commission Guidelines for Political Journalism;
- (b) National Media Commission Guidelines for Local Language Broadcasting;
- (c) The Ghana Journalists Association Code of Ethics;
- (d) The Ghana Independent Broadcasters Association Code of Conduct;
- (e) Private and Newspaper Publishing Independent Association Code of Ethics;
and
- (f) Commission on Human Rights & Administrative Justice Code of Conduct for Public Office Holder.

Other Information

Disclosure of private facts

45. (1) No person shall disclose a private fact about a person's life that is not generally known to the public or publicly available.

(2) A public disclosure is any direct or indirect publication of information relating to or about facts in respect of a person, including commentary about private facts, opinions about private facts, innuendos and insinuations.

(3) A person shall be liable where the information and circumstances of its disclosure clearly identifies a person with or without a publication of name or pseudonyms or photo or description of a person to whom the information reasonably relates.

(4) No person shall be made liable under this section unless the disclosure of the private fact is deemed offensive, repulsive, embarrassing or shameful to a reasonable person.

(5) In making a determination in subsection (3), the Division or the Court shall weigh the legitimate public concern or newsworthiness of the information.

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(6) Information is of legitimate public concern or is newsworthy if it:

- (a) reveals the commission of a civil wrong under the laws of the Republic;
- (b) relates to a private fact about a government official or public officer which is likely to adversely affect national security, public interest, public trust, public safety, public order or public security;
- (c) it reveals a public health risk to other persons in respect of an infectious disease spread by contact or touch, disclosed by persons with the Division to disclose under the Public Health Act, 2012 (Act 851); or
- (d) concerns the welfare of a child.

(7) Where the information is of legitimate public concern or is newsworthy, a person who discloses the information shall only disclose what is necessary in the public interest, and such person may be liable for disclosing partly private facts which were not necessary in the public interest.

Definition of private facts

46. (1) A private fact is an intimate detail of a person's life that is not generally known and is expected to be kept private and shall include facts about:

- (a) family life;
- (b) physical or mental health;
- (c) health choices or decisions;
- (d) personal finances unless there is a duty to declare or there is suspicion of illegitimacy or illegality;
- (e) relationships unless abusive or exploitative; and
- (f) personal choices that do not personally affect any other person.

(2) The following information shall not be considered private facts under this part:

- (a) information held in public or official records;
- (b) information about the commission of a crime except that a person shall not publish obscene material that relates to the commission of a crime pursuant to sections 66, 67 and 68 of the Cybersecurity Act;
- (c) information about the birth or death of a person;
- (d) information about the celebration or dissolution of a marriage;

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- (e) information about one's educational background, education or professional and academic achievements;
- (f) information about a person's admission as a member to a recognised society in the Republic; and
- (g) information about the employment, profession, work or vocation of individual unless it concerns a matter of national security under the Securities and Intelligence Act, 2020 (Act 1030) (Securities and Intelligence Act).

Publication of facts

47. (1) A disclosure is public if it published by whatever means of communication adopted under section 18 and that information becomes known by one or more persons.

(2) Information is under the control of a person in the manner stated in section 20 of this Act.

(3) It shall be immaterial that as a result of conduct of the aggrieved person in the society, or because the information was known by another person or group of persons, the publication could not have been a public disclosure of private facts.

(4) The person to whom the private fact relates should not have consented to the disclosure of the information.

(5) "Consented to information" under this part means freely disclosed the information or agreed to the disclosure of specific information for a specific purpose or duration.

(6) Nothing shall preclude a person from revoking consent at any time.

Entertainment

48. A person shall not disclose a private fact in the name of entertainment in mass media whether as a parody, skit or satire.

Private facts of private individuals, government officials, public officers, politician and celebrities

49. (1) A person may be liable for the publication of private facts about an individual or group of individuals where that information is deeply personal and does not or is not likely to adversely affect national security, public interest, public trust, public safety or public order or public security.

(2) A person may be liable for the publication of private facts about a government official or public officer or politician where that information is deeply personal and does not or is not likely to adversely affect national security, public interest, public trust, public safety or public order or public security.

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(3) A person may be liable for the publication of private facts about a person of the status of a celebrity or influencer or a content creator in the Republic where that information is deeply personal and does not or is not likely to adversely affect the public trust, or does not or is not likely to expose public exploitation by the celebrity, influencer or content creator.

Persons who can claim

50. (1) Subject to the Division's power to submit Complaints on behalf of aggrieved persons or issuing parties and actions in representative capacity, only individuals affected by the publication may make a claim for disclosure of private facts.

(2) An estate of a deceased may hold a person liable for publication of private facts about a deceased person.

Data privacy breaches

51. Nothing shall bar a person from pursuing a remedy for breach of protection of personal or special personal data protection under the Data Protection Act.

Publication of confidential information concerning the Republic

52. (1) A person shall not publish confidential information concerning the Republic.

(2) Information is confidential to the Republic under this section if that information:

- (a) belongs to the State or is in the custody of the State; and
- (b) is not publicly available as to the precise content; and
- (c) is not meant to be shared with the public at a specific time or indefinitely; and
- (d) contains sensitive material that affect or concern public security or public welfare or diplomatic interests.

Categories of protected confidential information

53. (1) Information that is confidential to the State is protected and includes the following:

- (a) information about public proceedings held in camera;
- (b) information relating to criminal investigations which would prejudice the outcome of the case;
- (c) information relating to Cabinet communications;
- (d) information about sensitive economic Government data and plans;

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(e) information about emergency response plans;

(2) Information that is meant to be eventually released is protected information where its premature release affects public security, public welfare or diplomatic interests.

(3) Information is not protected if it intended to expose the commission of a crime under the laws of the Republic.

(4) Information that is subject to the Right to Information Act is not protected.

Publication of protected information

54. (1) A disclosure is public if it published by whatever means of communication adopted under section 18 and that information becomes known by one or more persons.

(2) Information is under the control of a person in the manner stated in section 20 of this Act.

Operational Framework

Complaint to the Division

55. (1) Any person who has enforceable rights under this Act may file a Complaint to the Division in the manner specified by the Division in respect of rights that have been or, is likely to be contravened in relation to him or her.

(2) A Complaint may be filed on behalf of an aggrieved person by the issuing party provided that:

(a) aggrieved person is identified in the complaint; and

(b) the issuing party has a relational connection with the aggrieved person.

(3) A Complaint may be filed by a person as a claim in respect of public rights.

(4) A child shall not be competent to file a Complaint by him or herself and shall act by his or her next friend;

(5) A child shall not be competent to respond to a Complaint by him or herself and shall act by his guardian *ad litem*.

(6) Upon receipt of a Complaint, the Division shall within 2 working days make a preliminary inquiry into whether it has jurisdiction into the Complaint and shall determine whether a complaint has any merit.

(7) A Complaint has merit where it contains an allegation of fact in respect of non-compliance and breach of conduct under the Act.

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(8) Upon establishing jurisdiction and merit, the Division shall make findings of fact and liability or otherwise and render its decisions on the basis of the complaint.

(9) Every Complaint shall indicate the following:

- (a) the basis for the assertion that the information or communication is unlawful;
- (b) the description of the allegedly unlawful information or communication; and
- (c) the remedy or sanction sought.

(10) Despite subsection (1), a person may file an anonymous or person identifiable Report to the Division setting out an account of non-compliance or breach of conduct under the Act only for the information of the Division, and the Division shall exercise its discretion depending on facts and evidence in the Report.

(11) All persons present in the Republic may file a Complaint or Report.

Response

56. (1) Where the Division has determined that it has jurisdiction and the Complaint has any merit, the Division shall immediately forward the Complaint and a statement of its jurisdiction and merit to the offending party and the offending shall be given the opportunity to respond to a Complaint in writing or by oral presentation, whichever they choose.

(2) The offending party shall respond to the Complaint within 2 working days of receipt of the Complaint.

(3) Where the offending party does not respond within the timeframe, the Division shall proceed with the Complaint and determine the matter based on case of the aggrieved person or issuing party.

(4) Where the offending party responds to a Complaint or Report, the Response shall indicate any of the following:

- (a) whether the respondent accepts and concedes to the Complaint; or
- (b) whether the respondent accepts the complaint but has an explanation; or
- (c) whether the respondent refutes and defends the information or communication.

(5) Where a Response intends to provide a defence it shall indicate the following:

- (a) the basis for the assertion that the information or communication lawful; and
- (b) the description of the allegedly unlawful information or communication.

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Jurisdiction of the Division

57. (1) Subject to subsection (2), the Division shall have jurisdiction over all matters of non-compliance or breach of conduct under this Act.

(2) The Division shall not have quasi-adjudicatory jurisdiction over:

- (a) hate speech that incites aggravated violence;
- (b) allegation of non-compliance or breach of conduct against the Government;
- (c) allegation of non-compliance or breach of conduct filed by the Government against a person;
- (d) monetary damages; and
- (e) misinformation or disinformation which attracts criminal sanction.

(3) Despite subsection (2), the Division shall have referral jurisdiction in the absence of its adjudicatory jurisdiction and may submit a Complaint on behalf of a person who has enforceable rights under this Act directly before the Court, where the Division is of the opinion that the matter is relevant to the public interest.

(4) “A matter is relevant to the public interest” if, provided the Government is not the aggrieved person:

- (a) the allegation attracts a criminal penalty under this Act; or
- (b) the allegation concerns a matter that has obtained significant public traction.

(5) In all cases falling under subsection (3) and (4), the Division must be satisfied that the Complaint has merit.

(6) No person shall submit a case under this Act directly to the Court unless the Division does not have jurisdiction.

Findings and Decisions of the Division

58. (1) The Division shall fairly and independently assess the merits of each Complaint submitted to it.

(2) The Division shall establish liability where it is just and right to do so and shall impose sanctions and remedies that are necessary and proportionate to the non-compliance or breach of conduct.

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(3) Except for exceptional cases, the Division may make its findings of fact and liability in respect of a Complaint and shall render its decision on the applicable sanctions or remedies or otherwise no later than 10 working days of receipt of the Complaint.

(4) In exceptional cases, the Division shall, depending on the severity of the Complaint and the extent of harm or threat of harm caused by the information or communication, expedite its processes for making its findings and rendering its decision.

(5) Pursuant to subsection (4), the Division shall aim to submit its findings and decisions within 5 working days of receipt of the Complaint.

Enforcement of decisions of the Division

59. (1) The decisions of the Division shall be binding on all parties to the complaint.

(2) The decisions of the Division shall be complied by the parties to it failing which the sanctions under administrative and criminal penalties may apply.

(3) For the purpose of enforcing and giving effect to its decisions, the Division shall make such orders and directions as may be necessary in respect of the parties or other persons.

Appeal against the Division

60. (1) A person who is aggrieved by finding of fact, liability or decision of the Division may appeal to the High Court against the finding of fact, liability or the decision of the Division in the person of the Authority.

(2) A further right of appeal shall lie at the Court of Appeal only.

(3) An appeal may only be made to High Court within 30 days of the decision on the complaint or such period as may be prescribed by Rules of Court, whichever is earlier.

(4) The High Court must hear and determine any such appeal and may either confirm, vary or set it aside a finding of fact or liability or a decision of the Division.

(5) The High Court may only set aside a finding of fact or liability or a decision of the Division on any of the following grounds on an appeal:

- (a) the respondent was not responsible for the communication or information; or
- (b) the evidence does not support the finding of fact; or
- (c) the communication or information was permissible under the Act; or
- (d) it is not technically possible to comply with the decision of the Division.

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(6) A Complaint or Report that is the subject of an appeal under subsection (1) remains in effect despite the appeal, and only ceases to have effect if it is set aside by High Court or the appellate court on appeal from the High Court.

(7) Despite subsection (6), if the appellant establishes a *prima facie* case that it is technically impossible to comply with the decision of the Division, the High Court may direct that the decision be stayed pending determination of the appeal.

Jurisdiction of the High Court

61. (1) The High Court shall have appellate jurisdiction in respect of findings of fact, liability and decisions of the Division.

(2) The High Court shall have original jurisdiction in all respect of matters of non-compliance or breach of conduct under the law where the Division does not have jurisdiction.

(3) Appeals from the High Court's exercise of original jurisdiction under this Act shall lie at the Court of Appeal and a further appeal shall lie at the Supreme Court.

Sanctions and Remedies

Sanctions and Remedies

62. (1) Where the Court or Division makes a finding of fact and establishes liability against a person for non-compliance or breach of conduct under the Act, it may issue any of the following decisions as sanctions and/or remedies where appropriate:

- (a) a Correction Direction
- (b) a Stop Communication Direction
- (c) a Removal of Communication Direction
- (d) a Removal of Account Request
- (e) an Access Blocking Order
- (f) monetary damages
- (g) Cease and Desist Order
- (h) suspension or revocation of licence
- (i) an administrative penalty
- (j) a criminal penalty

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(2) The Minister shall have no power to instruct the Court or the Division to issue a decision under this Act.

(3) The Court or Division may impose more than one sanction or grant more than one remedy if it is necessary and proportionate.

(4) Despite subsection (3), the Division may recommend the imposition of additional sanctions or grant of remedies to aggrieved party to the Government or public institution in respect of non-compliance or breach of conduct by a government official or public officer.

(5) Where the information or communication has been removed, deleted or retracted, nothing shall prevent the Court or Division from granting an appropriate remedy or imposing a sanction in respect of the wrong done.

(6) Nothing shall prevent the Division from publishing verified and true information to counter false information, and the requirement of verifiable information under section 40 shall apply to the Division.

Correction Direction

63. (1) The Court or Division may issue a Correction Direction against a person to correct misinformation, disinformation or hate speech.

(2) A Correction Direction is one issued to a person who is liable for misinformation disinformation or hate speech, requiring the person to communicate in the Republic in the specified form and manner, to a specified person or description of persons (if any), and by the specified time, a notice (called a correction notice) that contains one or both of the following:

- (a) a statement, in such terms as may be specified, that the information is false, or that the specified material contains a false statement of fact;
- (b) a statement in such terms as may be specified, that the information is injurious to public interest or public security;
- (c) a specified statement of fact, or a reference to a specified location where the specified information or communication may be found, or both.

(2) A Correction Direction may require the person to whom it is issued to communicate in the Republic a correction notice in a specified location.

(3) Where the consequences of the misinformation, disinformation or hate speech are extreme, a Correction Direction may also require the person to whom it is issued to do one or both of the following:

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- (a) to communicate in the Republic the correction notice by placing it in the specified proximity to every copy of information or communication that is communicated by the person;
- (b) to publish the correction notice in the specified manner in a specified newspaper or other printed publication of the Republic.

(4) Provided there is evidence, a person who is liable under this Act may be issued a Correction Direction even if the person does not know or has no reason to believe that the information is false or the communication amounts to hate speech.

(5) A person who is issued a Correction Direction is responsible for the costs of complying with the Direction.

(6) Nothing shall prevent a person from seeking monetary damages in addition to a Correction Direction.

Stop Communication Direction

64. (1) The Court or Division may issue a Stop Communication Direction against a person to correct misinformation, disinformation or hate speech.

(2) A Stop Communication Direction is one issued to a person who is liable under the Act, requiring the person to stop communicating in the Republic, the subject information or communication by a specified time.

(3) A Stop Communication Direction may also require the person to whom it is issued to stop communicating any statement or material that is substantially similar to the subject of the information or communication.

(4) Stop communicating, in relation information or communication, means taking the necessary steps to ensure that the statement is no longer available through verbal communication or a physical medium or the internet to end-users in the Republic.

(5) A Stop Communication Direction may also require the person to whom it is issued to do one or both of the following:

- (a) to communicate in Republic, a correction notice in the specified form and manner, to a specified person or description of persons (if any), and by the specified time;
- (b) to publish a correction notice in the specified manner in a specified newspaper or other printed publication of the Republic.

(6) Provided there is evidence, a person who is liable under this Act may be issued a Stop Communication even if the person does not know or has no reason to believe that the information is false or the communication amounts to hate speech.

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(7) A person who is issued a Correction Direction is responsible for the costs of complying with the Direction.

(8) Nothing shall prevent a person from seeking monetary damages in addition to a Stop Communication Direction.

Removal of Communication Direction

65. (1) The Court or Division may issue a Stop Communication Direction against a person to correct misinformation, disinformation or hate speech where necessary, in addition to other Directions under this part.

(2) A Removal of Communication Direction is one issued to a person who is liable under the Act, requiring that person remove or take down the information or communication in the Republic by a specified time from an online location.

(3) A Removal of Communication Direction may also require the person to whom it is issued to remove any statement or material that is substantially similar to the subject of the information or communication.

(4) Removal of communication, in relation information or communication, means taking the necessary steps to ensure that the statement or material is no longer available on or through the internet to end-users in the Republic.

(5) A Removal of Communication Direction may also require the person to whom it is issued to do one or both of the following:

- (a) to communicate in Republic, a correction notice in the specified form and manner, to a specified person or description of persons (if any), and by the specified time;
- (b) to publish a correction notice in the specified manner in a specified newspaper or other printed publication of the Republic.

(6) A third-party intermediary shall not be compelled to remove content of a person; however, the Court or Division may request a restriction of content in accordance with an intermediary's content restriction policy.

(7) Provided there is evidence, a person who is liable under this Act may be issued a Removal of Communication even if the person does not know or has no reason to believe that the information is false or the communication amounts to hate speech.

(8) A person who is issued a Removal of Communication Direction is responsible for the costs of complying with the Direction.

(9) Nothing shall prevent a person from seeking monetary damages in addition to a Removal of Communication Direction.

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Service of Directions or Order

67. (1) A Direction or Order shall be served in on outside the Republic by such means as may be prescribed:

- (a) on the person to whom it is issued; or
- (b) on a person in the Republic that the person to whom it is issued has appointed to accept service on the person's behalf.

Non-compliance with a Direction

68. (1) Unless otherwise provided in this Act, a person to whom a Direction or Order is issued and served and who, without reasonable excuse, fails to comply with the Direction or Order whether in or outside the Republic, the Division shall issue a Compliance Warning.

(2) Where a person other than a person licensed by the Authority fails to comply with a direction after three Compliance Warnings, the Division may:

- (a) issue a request a Removal of Account Request in accordance with section 69 of this Act; or
- (b) issue an Access Blocking Order in accordance with section 70 of this Act; or
- (c) impose an administrative penalty in accordance with section [] of this Act.

(3) It is not a defence to under this section that:

- (a) the person is subject to a duty under any written law, any rule of law, any contract or any rule of professional conduct, that prevents the person from complying with any part of a Direction or restricts the person in such compliance; or
- (b) the person has appealed against the Direction.

(4) A person licensed by the Authority who fails to comply with a Direction after three Compliance Warnings, is liable to pay to the Division, an administrative penalty of one thousand penalty units and a further one hundred penalty units for each day the default continues.

(5) A person licensed by the Authority that fails to comply with subsection (4) risks suspension or revocation of its licence.

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(6) No civil or criminal liability is incurred by the person or an officer, employee or agent of the person, for doing or omitting to do any act, if the act is done or omitted to be done with reasonable care and in good faith and for the purpose of complying with or giving effect to the Direction.

Removal of Account Request

69. (1) Only internet intermediaries shall ultimately decide whether to remove an online account in accordance with their content moderation policies.

(2) The Court or Division shall refrain from imposing duties on internet intermediaries to proactively monitor online content or intermediary liability regimes that incentivise overbroad censorship.

(3) Despite subsection (2) and (3), the Division or Court may issue a Removal of Account Request of an online account on a foreign or Ghanaian regulated internet intermediary on an online location where the Division or Court has jurisdiction, and that person has deliberately failed to comply with a Direction or Order under this Act after receiving three Compliance Warnings.

(4) Without limiting the effect of subsection (3), the Division or Court shall not request for the removal of an account of a politician or known public or social commentator.

Access Blocking Order

70. (1) An Access Blocking Order shall be issued where:

- (a) a person fails to comply with a Direction or Order; and
- (b) the subject statement or material is being communicated in the Republic by the person on an online location except an internet intermediary; and
- (c) the misinformation or disinformation or hate speech is prejudicial to the friendly relations between the Republic and other countries; or
- (d) the misinformation or disinformation unjustifiably projects the Republic as a defaulter of international law; and
- (e) the Court or Division is satisfied that one or more end-users in the Republic have used or are using the services of an internet service provider licensed by the Authority to access that online location.

(2) The Court or Division may direct the Authority to order the internet service provider to take reasonable steps to disable access to the online location (called in this section an Access Blocking order).

(3) An internet service provider that does not comply with any Access Blocking Order after three Compliance Warnings, is liable to pay to the Division, an administrative penalty

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of five hundred thousand penalty units and a further one fifty penalty units for each day the default continues.

(4) An internet service provider that fails to comply with subsection (4) risks suspension or revocation of its licence.

(5) No civil or criminal liability is incurred by an internet access service provider or an officer, employee or agent of such provider, for anything done or omitted to be done with reasonable care and in good faith in complying with any access blocking order.

Monetary damages

71. (1) An aggrieved person or issuing party may seek monetary damages either alone or in addition to other remedies or sanctions under the Act.

(2) The Court shall grant monetary damages where the extent of the damage caused by the information or communication cannot be effectively remedied only by the other remedies or sanctions under the Act.

(3) Despite subsection (2), monetary damages may be awarded in respect of the following:

- (a) false or inaccurate election information
- (b) public disclosure of private facts
- (c) publication of confidential information concerning the Republic

(4) Monetary damages awarded under this section may be:

- (a) general
- (b) special
- (c) punitive

(5) The Minister may prescribe the scope, extent and range of monetary damages for non-compliance or breach of conduct under the Act.

Suspension or revocation of licence

72. (1) The Division may recommend to the Authority, the suspension or revocation of licence of person licensed by the Authority where:

- (a) that person fails to comply with a Direction or Order of the Court or Division after three Compliance Warnings and has not paid the administrative penalty;

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- (b) that person fails comply with fact-checking requirements under this Act after three Compliance Warnings and has not paid the administrative penalty; or
- (c) has become notorious for publishing false or other information and the Division has issued a compliance warning.

(2) The Authority may suspend or revoke a licence on grounds of non-compliance with the directive of the Authority in accordance with the procedure set out regulations 119 and 120 of the National Communications Regulations, 2003 (LI 1719).

Cease and Desist Order

73. (1) The Court or Division may issue a Cease and Desist order against a person who is engaged or is deemed to be engaged in the business of publication of false or other information.

(2) A person who fails to comply with a Cease and Desist order shall be subject to an administrative penalty without a Compliance Warning.

Compliance Warnings

74. (1) The Division shall issue a Compliance Warning to a person for failure to comply with a Direction or Order within 5 working days of first issuance of the Direction or Order and in exceptional cases, 2 working days.

(2) The Division may issue a Compliance Warning where upon its own investigations or by a Report, it comes to the notice of the Division that a person is contravening the Act.

(3) The Compliance Warning shall direct the person against whom it is issued to comply with the directions stated therein.

(4) A Compliance Warning shall expire:

- (a) upon the compliance by the person against whom it is issued; or
- (b) upon the taking of further action by the Division in respect of the matter; or
- (c) where the Division decides that it is no longer necessary.

(5) A person against whom a Compliance Warning is issued may respond to the Division and justify the basis of their action or omission.

Administrative penalty

75. (1) Except otherwise provided in this Act, a person shall be subject to an administrative penalty for failing to comply with a Compliance Warning or an Order of the Division.

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(2) Unless otherwise specified, an individual who fails to comply with a Direction or Order after a Compliance Warning is issued three times is liable to pay to the Division, an administrative penalty of one hundred penalty units and a further twenty units for each day the default continues.

(3) Unless otherwise specified, in the case of an entity, the head of the management of the entity who fails to comply with a Direction or Order after a Compliance Warning is issued three times is liable to pay to the Division, an administrative penalty of five hundred penalty units and a further one hundred units for each day the default continues.

(4) Subsection (2) and (3) shall apply without prejudice to any other sanction or remedy available to the aggrieved person or issuing party in respect of the matter;

(5) A person liable for the disclosure of public facts and publication of confidential information concerning the Republic shall pay an administrative penalty of five thousand penalty units where that person been given the opportunity to comply with the Direction or Order within 30 days of notice of first issuance.

Criminal penalty

76. (1) A person who communicates or publishes false information with malicious intent, knowing it to be false, or having reasonable belief in the falsity of the statement which causes public harm, violence, fear, unrest or public disturbance shall be liable to a criminal penalty, provided the information concerns or affects the public interest.

(2) A person who is liable under subsection (1) commits a misdemeanour shall be subject to a fine not less than two hundred penalty units and not more than five hundred penalty units, or a term of imprisonment of not more than 1 month, or both.

(3) Information causes public harm if on the evidence, the misinformation or disinformation leads to:

- (a) loss of funding for the Government or public institution;
- (b) loss of human capital including strikes;
- (c) significant reputational damage;
- (d) law suits or sanctions on that public institution; or
- (e) inability for the Government or public institution to perform its function.

(4) Information causes violence if on the evidence, the misinformation or disinformation leads to intentional or unintentional use of physical force or power, threatened or actual, against another person that either results in or has a real likelihood in injury, death or psychological harm.

(5) Information causes fear if on the evidence, the misinformation or disinformation:

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- (a) creates urgency and alarm about health or national security risk, the commission of a crime, natural disaster or economic meltdown occurring in the Republic which is not real or apparent; or
- (b) causes anxiety about the threat to a person's life or their welfare; or
- (c) causes anxiety about the administration and/or management of a public institution or;
- (d) signals danger about a violent or disruptive event which is not real or apparent; or
- (e) creates widespread danger about an unknown or uncertain situation.

(6) Information causes unrest if on the evidence, the misinformation or disinformation when it leads to:

- (a) agitation or panic in the Republic; or
- (b) widescale protests outside or within the Republic related to or connected to the information; or
- (c) riot or unlawful assembly in the Republic; or
- (d) widespread public or private layoffs in the Republic; or
- (e) ethnic and religious division or conflict in the Republic;

(7) Information causes public disturbance if on the evidence, the misinformation or disinformation leads to:

- (a) widespread shock or mental distress in the Republic; or
- (b) widespread public uncertainty or confusion about a health risk or emergency alert in the Republic or that may affect the Republic; or
- (c) widespread anxiety about change in public policy in the Republic.

(8) A person who is liable for hate speech that incites aggravated violence commits a second degree felony offence and is liable on conviction to a fine of not less than five hundred penalty units and not more than one thousand penalty units or to a term of imprisonment of not less than three months and not more than twelve months or to both.

(9) A person commits a criminal offence under the Act where that person is liable for publication of private facts or publication of confidential information concerning the Republic and:

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- (a) fails to comply with a Direction or Order within 30 days of its first issuance; and
- (b) fails to comply with a Compliance Warning within 30 days of its first issuance.

(10) An individual who commits a criminal offence under subsection (9) commits a misdemeanour and is liable on summary conviction to a fine of not less than two hundred penalty units and not more than five hundred penalty units.

Offences by Entities

77. (1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of an entity in relation to a particular conduct, evidence that an officer, employee or agent of the entity engaged in that conduct within the scope of the actual or apparent Division of the officer, employee or agent; and the officer, employee or agent had that state of mind, is evidence that the entity had that state of mind.

(2) Where an entity commits an offence under this Act, a person who is an officer of the entity; or an individual involved in the management of the entity and in a position to influence the conduct of the entity in relation to the commission of the offence; and who:

- (a) consented to effect the commission of the offence; is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the entity; or
- (b) knew or ought reasonably to have known that the offence by the corporation (or an offence of the same type would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence,

commits the same offence as the entity, and shall be liable on conviction to be punished accordingly.

(3) Nothing shall bar the prosecution of an employee or worker who is personally liable for the commission of an offence under this part but is neither an officer of the entity or in charge of the management of the entity or in a position to influence the conduct of the entity in relation to the commission of the offence.

Rules affecting stakeholders

Internet intermediaries

78. (1) Internet intermediaries shall not be liable for third-party content in circumstances where they have not been involved in creating or modifying that content.

(2) Internet intermediaries shall not be made strictly liable for hosting third-party content which contravenes this Act.

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(3) Internet intermediaries shall not be required to evaluate the legality of third-party content or proactively monitor content.

Internet intermediaries regulated in Ghana

79. (1) Notwithstanding that a Removal of Account Request may be issued to all internet intermediaries, only internet intermediaries regulated by the Authority or other relevant authorities are amenable to this Act.

(2) For the purpose of this Act, except as otherwise mentioned, internet intermediaries mean Ghanaian regulated internet intermediaries throughout this Act.

(3) The content moderation policies of an internet intermediary shall not conflict with, or contravene any part of this Act.

Content restriction

80. (1) Internet intermediaries are not required to restrict content unless a Direction, Order or Compliance Warning has been issued by the Court or Division that has determined that the material contravenes this Act.

(2) Except where the internet intermediary modified the content, a Direction, Order or Compliance Warning shall not be issued against an internet intermediary unless:

- (a) the third-party who published the information or communication has failed to comply with a Direction, Order or a Compliance Warning; and
- (b) the information or communication negatively impacts the Republic's diplomatic interests or friendly relations with other countries.

(3) A Direction, Order or Compliance Warning issued against an internet intermediary to restrict its content must:

- (a) describe the content and provide a determination that the content is unlawful;
- (b) provide evidence sufficient to support the order; and
- (c) indicate the time period for which the content should be restricted

(4) Any sanction imposed on an internet intermediary or any remedy required of an internet intermediary must be necessary and proportionate and directly correlated to the intermediary's wrongful behaviour in failing to appropriately comply with a Direction or Order or Compliance Order.

(5) An internet intermediary who fails to comply with a Direction, Order or Compliance Warning to restrict content may be liable to:

- (a) monetary damages or

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(b) administrative penalty

(6) Despite subsection (1), and subject to the content restriction policy of an internet intermediary, a person may flag illegal content or request content restriction on an internet intermediary.

(7) No internet intermediary may be compelled by the Court or Division to remove the account of a third-party.

(8) For the purpose of this section, content restriction means any act that leads to or has the effect of removing, pulling down, amending, limiting, blocking or regulating access to content or communication on mass media.

Algorithm and content moderation

81. (1) Media houses with online locations and internet intermediaries shall be required to carry out an annual human rights due diligence to identify and address human rights impacts related to their operations, including risks and abuses linked to their algorithmic systems and content moderation or arising from their business model as a whole.

(2) The Division shall issue a Compliance Warning for failure to comply with subsection (1) and upon further failure to comply, the internet intermediary shall be liable to pay to the Division, an administrative penalty of five hundred penalty units and a further one hundred penalty units for each day the default continues.

Misinformation and disinformation risk assessment

82. (1) All Ministries, public institutions, media houses and internet intermediaries shall perform an annual misinformation and disinformation risk assessment and take corresponding risk mitigation measures stemming from the design and use of their service.

(2) The Division shall issue a Compliance Warning for failure to comply with subsection (1) and upon further failure to comply, the internet intermediary shall be liable to pay to the Division, an administrative penalty of five hundred penalty units and a further one hundred penalty units for each day the default continues.

Fact-checking

83. (1) Media houses, journalists, internet intermediaries, digital advertising intermediaries, content creators and persons of the status of celebrity or influencer shall be required to fact-check before publishing information.

(2) Media houses and intermediaries shall set up fact-checking desks to counter misinformation and disinformation.

(3) Persons licensed by the Authority shall undertake annual fact-checking compliance with the Division and shall be issued fact-checking certification valid for the calendar year.

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(4) Where fact-checking is required of a person under the Act, the Division shall issue a Compliance Warning for failure to comply with subsection (1) and upon further failure to comply, the internet intermediary shall be liable to pay to the Division, an administrative penalty of five hundred penalty units and a further one hundred penalty units for each day the default continues.

(5) Fact-checking certification shall be a prerequisite for the renewal or continued validity of licence issued by the Authority.

Training

84. (1) All Ministries, and selected public institutions by Ministerial Directive, media houses and internet intermediaries shall be required to provide bi-annual in-house training on publication of false and other information under the Act.

(2) The Division shall issue a Compliance Warning for failure to comply with subsection (1) and upon further failure to comply, the entity shall be liable to pay to the Division, an administrative penalty of two hundred penalty units and a further one hundred penalty units for each day the default continues.

(3) A person who is licensed by the Authority shall not be granted a renewal of licence if that person has failed to provide two years of bi-annual training, whether or not one of the two annual trainings was provided.

Paid content

85. (1) A digital advertising intermediary, persons of the status of celebrity or influencer, content creator must take reasonable steps to ensure that any paid content does not lead to non-compliance or breach of conduct under this Act.

(2) The Division shall issue a Compliance Warning for failure to comply with subsection (1) and upon further failure to comply, the person shall be liable to pay to the Division, an administrative penalty of one hundred penalty units and a further one hundred penalty units for each day the default continues.

National security interventions

86. (1) Subject to the Security and Intelligence Agencies Act, the National Security Council and the National Intelligence Bureau shall not investigate, arrest or detain persons for non-compliance or breach of conduct under this Act.

(2) The Police Service shall only intervene:

(a) in the event of criminal prosecution under this Act and

(b) where their presence necessary for the enforcement of a sanction under this Act.

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(3) Where the alleged misinformation or disinformation concerns a serious crime under the Security and Intelligence Agencies Act, it shall be the prerogative of the National Intelligence Bureau to gather intelligence in relation to that serious crime for the purpose of its work.

Miscellaneous provisions

Regulations

87. The Minister may, by legislative instrument, make Regulations:

- (a) on specific matters relating to internet intermediaries and content restriction;
- (b) on specific measures related to algorithm and content moderation;
- (c) to prescribe the procedure for collaboration with other public institutions;
- (d) to prescribe matters related to administrative decision-making;
- (e) on codes of practice;
- (f) generally, on matters for the effective implementation of the Act.

Repeals, amendments and savings

88. (1) The following provisions are repealed:

- (a) Section 208(1) and (2) of the Criminal Offences Act;
- (b) Section 74 of the Electronic Communications Act;

(2) The Electronic Communication Act is amended in section 76 by the substitution for subsection (1), of:

“[a] person who by means of electronic communications service, knowingly sends a communication which constitutes misinformation or disinformation under the Misinformation, Disinformation, Hate Speech and Publication of Other Information Act which is likely to prejudice the efficiency of life saving service or to endanger the safety of any person, ship, aircraft, vessel or vehicle commits an offence and is liable on summary conviction to a fine of not more than three thousand penalty units.”.

Transitional provisions

89. (1) All criminal prosecutions in respect of section 208 of the Criminal Offences Act and section 74 of the Electronic Communications Act shall cease upon the coming into force of this Act.

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(2) All criminal proceedings in respect of section 76(1) of the Electronic Communications Act shall continue provided that the new penalty shall apply at any stage before sentencing.

90. Interpretation

In this Act, unless the context otherwise requires,

- “aggrieved person” a person whose rights have been infringed under the Act;
- “Artificial Intelligence” is technology that enables computers and machines to simulate human learning, comprehension, problem solving, decision-making, creativity and autonomy, and for the purpose of misinformation or disinformation includes deepfakes, bots and manipulated algorithms;
- “algorithm” means a set of instructions designed to accomplish a task;
- “an academic” means an individual whether or not on sabbatical leave who:
 - (a) was/is employed in a university or research institution and
 - (b) was/is of the status of emeritus professor, professor, lecturer, deputy or assistant lecturer including research fellows;
- “Attorney-General” means Minister responsible for the Ministry of Justice and Attorney-General’s Department;
- “Division” means the Division on Misinformation, Disinformation, Hate Speech and Publication of Other Information established under section 9 of this Act;
- “Board” means a governing board formed under a statute;
- “business” means a professional, informal, commercial or industrial activity with the aim of producing goods or a service whether or not profit is realised;
- “by-election” means an election held in a single constituency to fill a vacate position;
- “celebrity” means an individual who is widely and publicly known by people in the Republic, and is famous for recognition in entertainment, fashion, modelling, arts, sciences, medicine, architecture, invention, engineering, law, sports, reality shows, business, philanthropy or politics, and does not include an individual who is solely recognised as a public or social media commentator, content creator, digital advertising intermediary or influencer;
- “child” means a person under the age of 18 years;
- “civil society organisations” means non-governmental, non-profit entities with humanitarian objectives and includes human rights organisations, professional associations, charitable organisations, faith-based foundations, community groups and non-governmental organisations.
- “civil wrong” means an act or omission which gives to rise to a civil cause of action;
- “Cabinet” means the President, Vice-President and Ministers of State;
- “Code of Ethics” means other instruments for assessing liability of hate speech;
- “common law” means as established by article 11(2) of the Constitution, rules of law generally known as the common law, the rules generally known as the doctrines of equity and the rules of customary law including those determined by the Superior Court of Judicature;
- “communicate” means to publish a statement or a material in the Republic;
- “communication means” means publication of a statement or material in the Republic;

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- “communication service” means a communication service provided by a communication network under the National Communication Division Act;
- “Complaint” means a formal allegation of wrong doing under the Act directly affecting an aggrieved person and seeking a sanction or remedy under the Act;
- “computing resource service” means a service that provides the use of any computer hardware or software to enhance the processing capability or storage capacity of a computer;
- “Constitution” means the 1992 Constitution of the Republic;
- “content creator” means an individual publicly known for professionally (part-time, as a freelancer or full-time) creating, producing and distributing original content on mass media for personal branding, business marketing, entertainment or education whether monetised or not, including a vlogger or blogger or an individual who holds him or herself out as a content creator;
- “content” means visual and verbal information communicated or published on mass media and intended for public consumption, and includes texts, news, reports, documentaries, photos, songs, videos, films, movies, skits, parodies, satires, talk shows, editorials, public announcements;
- “content moderation” means the process of reviewing third-party content generated on online locations to ensure it meets certain internationally accepted standards and guidelines;
- “Court” refers to the High Court or other appellate court with jurisdiction over the matter;
- “covered entity means:
- (a) constitutional bodies;
 - (b) Legislative and Judiciary;
 - (c) Ministries, Departments, Agencies and local authorities;
 - (d) statutory bodies
 - (e) the autonomous agencies; and
 - (f) the public service;
- “crime” means a criminal offence under the laws of the Republic;
- “customary international law” means international obligations arising from consistent conduct of States (State practice) and belief that they are acting in accordance with a legal norm or that it is legally required (*opinion juris*);
- “decision of the Division” means an imposition of a sanction or a grant of a remedy;
- “digital advertising intermediary” means any person who, in the ordinary course of business, facilitates the communication of paid content in any place by acting as the link or part of the link between the owners or operators of online locations, advertisers and service providers by means of internet-based service;
- “diplomatic channels” means other than mutual legal assistance, correspondence with foreign ministries, diplomatic missions or international organisations;
- “diplomatic interests” means economic, cultural and political interests of the Republic in relation to other countries;
- “Direction” means a Correction Direction, a Stop Communication Direction or a Removal of Communication Direction;
- “dissemination” means the act of spreading communication after initial communication;
- “Division” means a division of the Authority under the National Communication Division;

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- “due diligence” means investigating and confirming the veracity of information;
- “Electoral Commission” means the Electoral Commission of Ghana responsible for public elections in Ghana;
- “employee” means, whether or not written contract exists and whether or not regularised, an individual who is appointed or hired permanently or for a specific period to perform a service for another individual or entity for compensation whether on a continuous, part-time, temporary or casual basis, and who is under the control and direction of that individual or entity;
- “employer” means a person who appoints or hires an employee;
- “enforceable rights” means a right or claim or cause of action under this Act that can be enforced against a person or a group of people before the Division or Court;
- “entity” means an organisation, institution, company, establishment, partnership whether incorporated or not and includes the Government;
- “existing law” means written and unwritten laws of the Republic of the Ghana as they existed immediately before the coming into force of this Act;
- “fact” means information that be verified as true or false or inaccurate, and does not include opinions or interpretations;
- “fact-checking” means the process of verifying the truth or factual accuracy of a statement or material with or without the assistance of an instrument;
- “family and friends” mean a group of people who are closely connected to an individual though blood ties or strong personal relationships;
- “freelancer” means a person who is not employed by another person but earns compensation for executing assignments from different persons.
- “friendly relations” means international relations that promote world peace and security;
- “funds” means the Consolidated Fund, the Contingency Fund, funds provided by the Authority and Parliament and any other fund established by or under an Act of Parliament;
- “*Gazette*” means official publication of legal notice by the Ghana Publishing Division;
- “general election” means presidential and parliamentary elections in the Republic held every 4 years since 1992;
- “Ghanaian” means a citizen of Ghana;
- “Governing Board” means the governing board of the Authority established under section 6 of the National Communications Authority Act;
- “government official” means senior members of the executive, including the President, Vice-President, Ministers of State, senior presidential staffers, including members of Boards;
- “Government” means any Division by which the executive Division of the Republic is exercised including the Office of the President and Ministries;
- “group of persons” means a collective number of individuals and/or entities;
- “guardian *ad litem*” means a person who acts the representative of a child who is an offending party;
- “Guidelines” means Guidelines on Hate Speech and other forms of Indecent Expression issued by the National Peace Council;
- “harm” means injury caused by a statement of an intention to inflict pain, injury, damage or other hostile action or to cause fear of harm or caused by violence;

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- “inaccurate information” means information that is incorrect or incomplete by reason of an omission or misstatement, and unless otherwise provided includes false information, misinformation and disinformation;
- “individual” means a single human being distinct from a group;
- “infectious disease” means diseases are caused by pathogenic microorganisms, such as bacteria, viruses, parasites or fungi; the diseases can be spread, directly or indirectly, from one person to another.
- “influencer” means an individual with mass media presence who has the ability to engage their audience and affect marketing power, behaviours or purchasing decisions through regular posts, comments, endorsements or collaborations because of their knowledge, Division, position or relationship with their audience;
- “information” means communication of a statement or material, regardless of the form or medium which informs or suggests anything or scenario to a person;
- “international human rights standards” means internationally recognised legal rights and restrictions outlined in treaties ratified by the Republic, declarations, interpretations and guidelines, and customary international law;
- “international organisation” means an entity established under treaty or international law and possessing legal personality under international law;
- “internet access service provider” means an internet service provider licensed by the Authority;
- “internet intermediary service” means:
- (a) a service of transmitting such materials to end-users on or through the internet; or
 - (b) a service that allows end-users to access materials originating from third parties on or through the internet;
 - (c) a service of displaying, to an end-user who uses the service to make an online search, an index of search results, each of which links that end-user to content hosted or stored at a location which is separate from the location of the index of search results, but excludes any act done for the purpose of, or that is incidental to, the provision of:
 - (d) a service of giving the public access to the internet;
 - (e) a computing resource service;
- Examples of internet intermediary services are; social networking services; search engine services; content aggregation services; internet-based messaging services; and video-sharing services;
- “issuing party” means a person making a Complainant on behalf of an aggrieved party;
- “institution” means an establishment, organisation, agency, department or body;
- “instrument” means anything adapted to perform a function and includes computer programmes generally and computer programmes altered to perform automated functions;
- “journalist” means a person, whether appointed as an employee or worker, whose work is to collect, prepare and or distribute real news through mass media or a person who is recognised as a journalist in the Republic;
- “Judiciary” means the judicial service of Republic;
- “law suit” means any legal action against a person whether before a court of law or quasi-judicial body;

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- “mass media” means channels of public communication, storage and sharing of information and includes newsletters, newspapers, pamphlets, magazines, radio, movies, television, books, blogs, webcast, email and social media;
- “material” means anything that consists of or contains a statement;
- “media house” means an entity whether licensed or not, engaged in the business of gathering, creating, producing, distributing and managing news, entertainment and content and communicating to the public through mass media;
- “Member of Parliament” means an individual elected in a general or by-election to represent a constituency in the Republic whether or not that seat is contested in a court of law;
- “Minister” means the Minister responsible for Communications;
- “Minister of State” means a person appointed to a high-office of the executive by the President for the administration of the Republic including a Deputy Minister;
- “Ministry” means a principal decision-making body of the executive branch that exercises executive Division and implements policies on behalf of the Government and is headed by a Minister of State;
- “Ministerial Directive” means a directive or instruction of the Minister under this Act;
- “MMS” means a system that enables the transmission, through a mobile network, of multimedia messages;
- “multinational companies” means a company that operates in more than one country or State;
- “mutual legal assistance” means a process by which countries seek and provide assistance to other countries in the servicing of official documents and gathering evidence for investigating and prosecuting criminal cases;
- “National Intelligence Bureau” means the internal intelligence agency of the Republic under sections 12 and 14 of the Security and Intelligence Agencies Act;
- “national security” means anything relating to sovereignty, territorial integrity, constitutional order, terrorism, organised crime, espionage and cyber threat;
- “National Security Council” means National Security Council established under article 83 of the Constitution and section 1 of the Securities and Intelligence Agencies Act;
- “news agency” an entity whether licensed or not, engaged in the business of gathering, creating, producing, distributing and managing news and communicating it to the public through mass media;
- “next friend” means a person who acts as the representative of a child who is an aggrieved person;
- “Office of the President” means the seat of the executive, including Office of the Vice-President and presidential staff appointed under the Presidential Office Act
- “Office of the Vice-President” means the seat of the executive responsible for carrying out the functions of the Vice-President;
- “office” means specific job or position held by a public officer or governmental official
- “officer” means person of Division in entity or a person who holds an executive position;
- “officers”
- “official duty” means responsibility imposed on governmental official or public officer in accordance with the law;
- “online account” means an account created with an internet intermediary for the use of an internet intermediary service;

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- “online location” means any website, webpage, chatroom or forum, or any other thing that is hosted on a computer and can be seen, heard or otherwise perceived by means of the internet;
- “opinion” means a judgement, viewpoint, feeling or belief about someone or something;
- “Order means” Access Blocking Order or Cease and Desist Order;
- “other information” means the unjustified public disclosure of private facts or the publication of confidential matters concerning the Republic;
- “paid content” means any statement that is communicated for consideration;
- “Parliament” means the Parliament of the Republic, and also referred to as Legislature in this Act;
- “people” means more than one individual or entity;
- “person” means an individual or entity;
- “Police Service” means the Police Service of Ghana established under article 200 of the Constitution;
- “political party” means a free association or organisation of persons, one of whose objects may be to bring about the election of its candidates to public office or to strive for power by the electoral process and by this means to control or influence the actions of government, registered under the Political Parties Act;
- “politician” means:
- (a) an individual who is a high-ranking member of a political party that is not in Government;
 - (b) an individual who is seeking political office an elected government official; and
 - (c) a Member of Parliament;
- “pre-election processes” means procedures involved in organisation including voter registration, nomination of candidates and campaigning;
- “President” means President of the Republic;
- “presidential staff” means individuals appointed by the President to work within the Office of the President and Vice-President to carry out executive functions
- “Authority” means the National Communications Division;
- “print media” includes newspapers, magazines, catalogues, calendars, reports, books, brochures and any print publication;
- “private individual” means an individual that is a not government official or public office or closely associated with the Government;
- “private institution” means an entity that operates independently of government control, whether or not a public institution has a share interest in the institution, and regardless of whether it provides public services;
- “private person” means an individual or entity;
- “public benefit” means any positive impact on a large number of people in the Republic;
- “public corporation” means a body corporate established under an Act of Parliament in accordance with article 192 of the Constitution;
- “public finances” means money, expenditure, capital, debt relating to the Republic;
- “public health crisis” means a health emergency that affects the public, including natural disasters, outbreaks, epidemics, environmental hazards, bioterrorism, chemical exposure, zoonotic disease transmission and mental health emergencies.
- “public health” means anything relating to the protection and improvement of the health of people in the Republic through prevention, research, education, detection, policy development, cure and promotion of healthy living styles;

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- “public institution” means a covered entity, a state-owned enterprise, a public corporation or a public service entity and excludes the Government, Office of the President and Ministries;
- “public morals” means anything relating to shared social and ethical standards in the Republic for the time being;
- “public office” includes an office whose emoluments are paid directly from the Consolidated Fund or directly out of moneys provided by Parliament and an office in a public corporation established entirely out of public funds or moneys provided by Parliament;
- “public officer” includes the holder of a public office and a person appointed to act in that office;
- “public or social media commentator” means an individual who for whatever intended purposes, is known by a group of people for regularly sharing opinions, analysis or reactions, commentary on mass media trends, events and issues, articles, news, politics, sociology, law, business, economics, public health, medicine or any specialised field of study;
- “public order” means anything relating to public peace, public safety and the functioning of a place in the Republic conducive for living and for the enjoyment of rights under the Constitution;
- “public rights” means rights or claims under the Act that benefits the common interest of the public even it personally affects the aggrieved person or issuing party and is which right or claim is also determined by the type of sanction or remedy that is sought.
- “public safety” means the anything relating to the protection of people in the Republic from events that cause violence, threat of harm, harm or injury or damage to property;
- “public service entity” means an entity funded by tax revenue of the Republic which provides public services;
- “public services” means a community-based service that is typically provided by the Government but which may be provided by private persons and includes services such as education, medical, healthcare, public health, sanitation, research, public safety, transportation, social services, housing and urban development, utilities and environmental protection;
- “public trust” means confidence that the people in the Republic have in a person to act honestly, fairly and transparently;
- “public welfare” means the general well-being of the people in the Republic, including social, economic and psychological wellbeing.
- “publication” means distributing a statement, material or content to the public;
- “referendum” means referendum under the Constitution;
- “Regulations” means legislative instrument in respect of the Act;
- “relevant authorities” means authorities in charge of regulating that industry of sector;
- “remedy” means a decision that that is intended to cure, correct or prevent unlawful conduct;
- “Report” means an informal allegation of wrong doing under the Act intended to draw the Division’s attention to the act or mission;
- “Republic” means the sovereign State of Ghana including its territories;

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“republish” means to publish again, reprint, reissue, reposting, co-publish, or repeat and for the avoidance of doubt includes “retweeting” on X;

“resident” means a person issued a resident permit by the Ghana Immigration Service or:

- (a) that person has been present in this country for an aggregate period of not less than 183 days in any 12-month period, regardless of temporary absences; and
- (b) has adopted living in the country for settled purposes as part of regular activities.

“respondent” means an offending party person representing the offending party who responds to a Complaint.

“sanction” means a decision that is intended to discourage unlawful behaviour and includes civil and criminal penalties;

“SMS” means a system that enables the transmission, through a mobile network, of text messages;

“social media networking service” means service related to social media;

“social media” means communication platforms through the internet that allow people to create and share information through text, video, photos and other content and includes dating sites and platforms such as Facebook, X, WhatsApp, Snapchat, Tiktok, Instagram and other similar platforms;

“state-owned enterprise” means an entity whether incorporated or not under the Companies Act, 2019 (Act 992) whose shares are wholly or substantially held or controlled by the Government;

“State” means the Republic;

“State Party” means any country that has ratified, accepted or acceded to a treaty;

“statement” means any word (including abbreviation and initial), number, image (moving or otherwise), sound, symbol or other representation, Artificial Intelligence generated information, or a combination of any of these;

“statutory board” a Board established under statute;

“statutory law” means an Act of Parliament or any other subsidiary legislation;

“Superior Court of Judicature” means the High Court of the Republic, the Court of Appeal of the Republic and the Supreme Court of the Republic;

“territory” means area, including land, air space or water under the control or jurisdiction of a State;

“threat of harm” means a statement of an intention to inflict pain, injury, damage or other hostile action or to cause fear of harm;

“Unit” means a sub-division of the Division for administrative and enforcement purposes;

“Vice-President” means Vice-President of the Republic;

“violence” means an intentional or unintentional use of physical force or power, threatened or actual, against another person that either results in or has a real likelihood in injury, death or psychological harm; and

“worker” means a person who is engaged as an independent contract or provides services to a person who is not his or her employer and includes a freelancer.