



COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE

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annual report



ANNUAL REPORT
2002

COMMISSION ON HUMAN RIGHTS
AND
ADMINISTRATIVE JUSTICE



Commission On Human Rights
And Administrative Justice
Old Parliament House
Accra

The Speaker Of Parliament
Parliament House
Accra

Mr. Speaker,

In accordance with the provisions of Article 218 (g) of the 1992 Constitution, and Section 7 (1) (h) of the Commission on Human Rights and Administrative Justice Act 1993 (Act 456), I have the honor to present the Seventh Annual Report of the Commission for the period January 1, 2002 to December 31, 2002.

Yours sincerely,

Emile Francis Short
Commissioner



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MISSION STATEMENT

The Commission On Human Rights And Administrative Justice exists to enhance the scale of good governance, democracy, integrity, peace and social development by promoting, protecting and enforcing fundamental human rights and freedoms and administrative justice for all persons in Ghana.

These objectives will be achieved by:

- Ensuring a culture of respect for the rights and obligations of all people in Ghana
- Dispensing and promoting justice in a free, informal and relatively expeditious manner
- Ensuring fairness, efficiency, transparency and application of best practices
- Using a well-trained and motivated workforce and the most modern technology.

In carrying out all these activities, the Commission will maintain its impartiality, independence and the plurality of its workforce, and collaborate with other governance institutions and civil society.



The Commission continues to face a number of challenges. The most pressing and disturbing is the mass resignations that have hit the Commission and which I have had cause to lament about every year in my report. The problem of the rather uncompetitive salaries and service conditions of staff of the Commission remain unresolved and has led to a high turn over of personnel, particularly lawyers. This depressing situation constitutes a great threat to the Commissioner's capacity to discharge its functions effectively, given the very heavy workload the ever-dwindling staff are compelled to cope with. This has created an unacceptable backlog of cases.

During the year His Excellency the President, in consultation with the Council of State, appointed Miss Anna Bossman as a Deputy Commissioner to replace Mrs. Angelina Domakyaareh who was recalled to her former employers, the Volta River Authority.

On November 27, 2002, President Kufour administered at the Castle, Osu. the oaths of office and secrecy to Miss Anna Bossman, a lawyer, who was appointed Deputy Commissioner of the Commission. He advised the newly appointed Deputy Commissioner to bring her wide experience and sense of fairness to bear on the office. On her part Miss Bossman thanked the government for the opportunity to serve the nation and pledged to discharge her duties at the Commission without fear or favor.

I take this opportunity to repeat my earlier calls for the membership of the Commission to be increased from three to seven. For an institution that combines the function of a human rights commission, an ombudsman office and an anti corruption agency, the present three member Commission is woefully inadequate to enable the Commission deal with the volume of work and the challenges posed by this multiple mandate. The expansion of the membership of the Commission would also make it possible for the appointing authority to appoint persons from disciplines other than law.

I would appeal to Parliament to consider a review of the enabling legislation of the Commission, the Commission on Human Rights and Administrative Justice Act, 1993 (Act 456) to clarify the mandate of the Commission as well as its enforcement powers. The decisions of the courts on these issues have not resolved all the ambiguities in the enabling legislation.

The year under review also saw an increase in the number of complaints received by the Commission. A total of 12,380 cases were received nationwide in contrast with the figure of 10,523 cases for the previous year. The Commission is undertaking a study to determine whether the annual increase is due to greater public awareness of the Commission's functions as well as a measure of growing public confidence in the Commission or whether it demonstrates a need for the Commission to intensify its education programmes relating to the duties and responsibilities of the main respondent institutions.

In light of the growing number of complaints lodged with the Commission against health professionals, and the desire of the Medical and Dental Council to enhance the professionalism of its members, the Commission, in collaboration with the Council, organized and conducted a series of seminars throughout the country for health workers on the theme "Human Rights Ethics And Legal Responsibilities In The Medical And Dental Professions." The participants included doctors, nurses, pharmacists, record keepers, anaesthetists etc.

These seminars have succeeded in creating greater awareness among health professionals about the myriad of ways in which they violate the human rights of patients and contributed to the new Code of Conduct promulgated by the Council.



The Commission continues to enhance the capacity of its new Anti-Corruption Unit. Through this Unit the Commission intends to vigorously intensify its anti-corruption mandate by undertaking more investigation of allegations of corruption and embezzlement of public funds and to hold public officials to the highest standards of probity and accountability. We completed investigations into a number of allegations of corruption leveled against some highly placed public officials especially with respect to cases of conflict of interest. In one of such cases, the Commission laid down guidelines for determining whether a payment of money to a public official constituted a gift or a bribe.

The Commission continues to extend its public education into new areas. Our regional and district offices have undertaken extensive educational and awareness programs in hundreds of communities.

Inculcating in every Ghanaian the values of human rights and administrative justice has been one of the objectives of the Commission. During the year, therefore, the number of public speaking engagements, radio and television programs, and community-based educational activities actively initiated or supported by the Commission increased significantly. Throughout the country the youth in all levels of educational institutions were targeted and many human rights clubs were formed in schools.

The Commission in collaboration with the Ghana Journalists Association organized a consultative meeting with senior journalists and owners of medias houses in Accra to improve reportage of human rights issues in the Ghanaian media.

The upsurge of abuses against children such as child trafficking, child labor and defilement is regrettable. Although a number of laws have been enacted to protect children's rights, effective implementation has been weak. There is the need for greater collaboration between implementing agencies such as the Ghana Police Service, the Department of Social Welfare and all other organizations concerned with the welfare of children in the country, including the CHRAJ, to address effectively the abuse of child rights.

Closely allied to our public education effort is our promotion of networking among and with human rights NGO's. The Commission continued to work with the NGO Forum to facilitate effective networking with the NGOs in the human rights field. The established bi-monthly meetings for members of the Human Rights NGO Forum continued throughout the year under review

The Commission remains concerned that despite repeatedly drawing attention of government over the years to the deplorable conditions in our police cells and prison, not much has been done to improve the situation. This is resulting in suspects and convicted persons becoming hostile to society and returning to crime on their release.

I wish to take the opportunity to thank bilateral donors such as the Royal Danish Embassy, the British High Commission and the US Embassy for their support which has enabled the Commission strengthen its capacity to discharge its constitutional mandate. Special mention goes to the Royal Danish Embassy, which has been the Commission's largest benefactor to date. I also commend our local and international friends for their support and encouragement during the year.

Finally, I wish to acknowledge and thank my Deputy Commissioners for their exemplary dedication and commitment to the Commission. I would also like to commend all the Departmental, Regional and District Directors and the entire staff of the Commission for their commitment and loyalty.



The Commission comprises a Commissioner and two Deputy Commissioners.

The Commission has been restructured this year by making the Chief Administrator responsible directly to the Commissioner, one Deputy Commissioner responsible for the Legal and Investigations Department and the other for the Public Education/Anti-Corruption Unit.

There are three directorates at the Headquarters, each headed by a Director as follows:

- Administration and Finance
- Legal and Investigations
- Public Education / Anti-Corruption

The three-member Commission and the Directors constitute the Management of the Commission

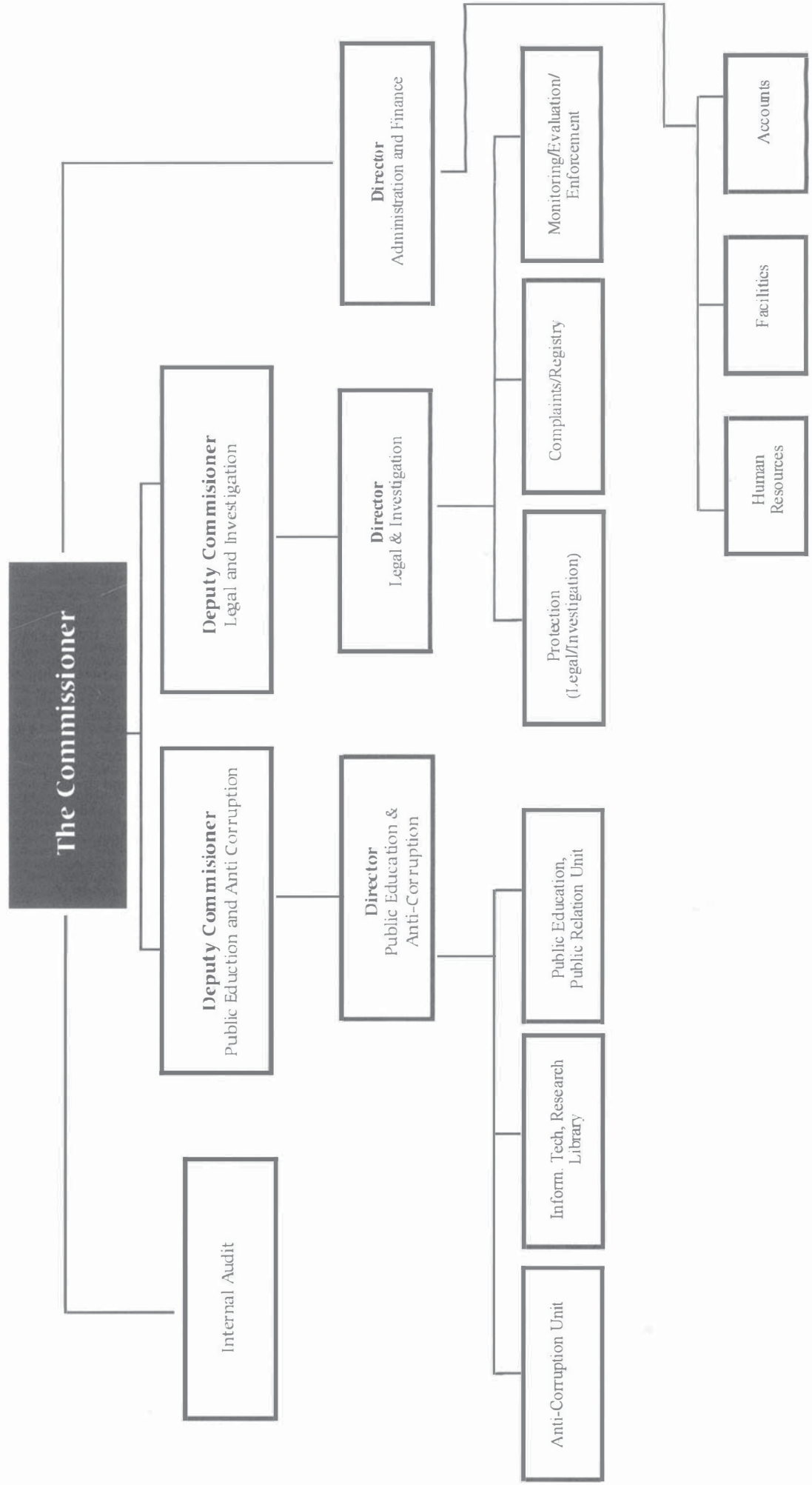
There are ten Regional Directors who perform the functions of the Commission at the regional level, and there are 89 district offices headed by District Directors who report to the Regional Directors.

The Commission is yet to open 21 more district offices to meet the constitutional requirement that the Commission should have offices in all the 110 Districts in Ghana.

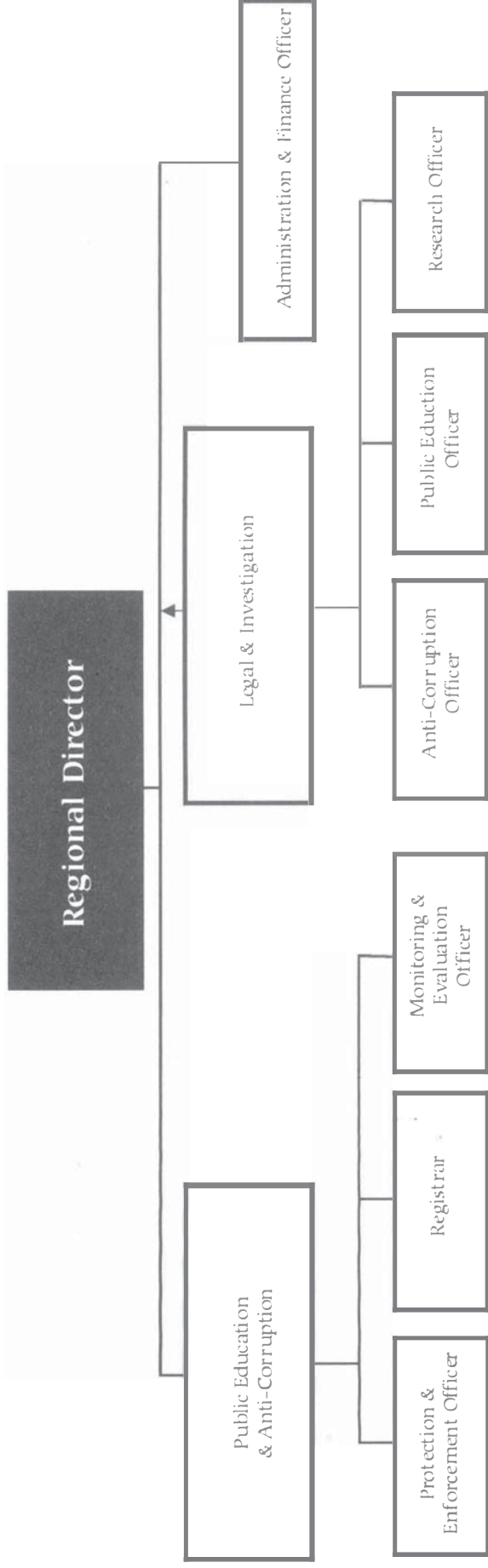
Ten districts will be opened in the year 2003.

ORGANISATIONAL FRAMEWORK

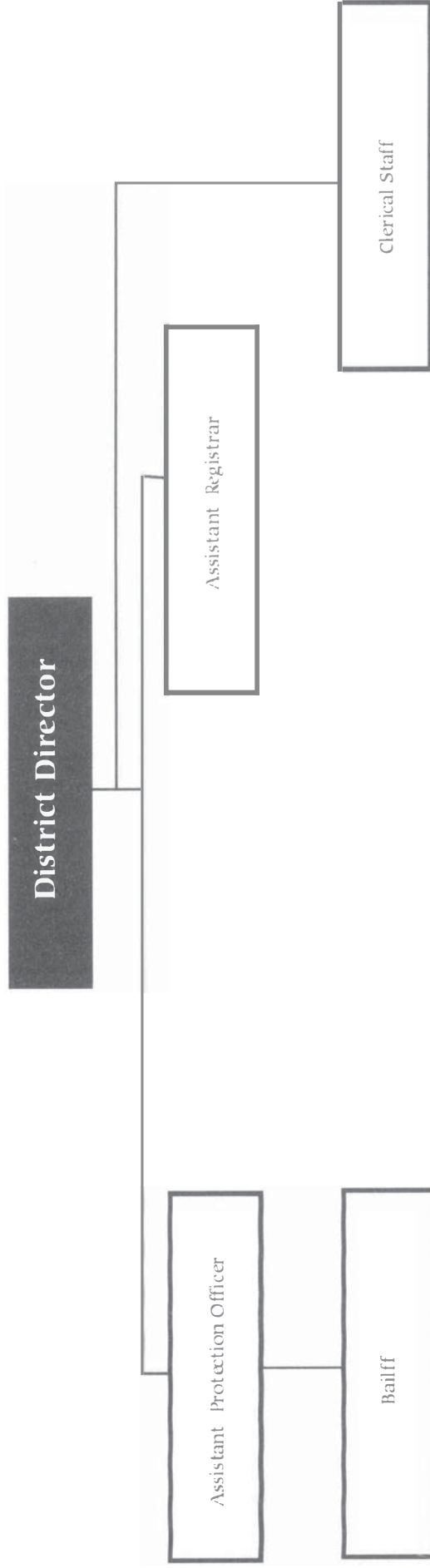
HEADQUARTERS



ORGANISATION FRAMEWORK
REGIONAL



DISTRICT



PUBLIC RELATIONS

During the period under review the Commission successfully continued to reach out to a large and growing number of people through human rights education, training and awareness creation, which received extensive media coverage.

The Public Relations Unit, which is responsible for promoting a positive corporate image of the Commission, responded to several enquiries from the public and the media. Members of the various publics, both domestic and international, contacted the unit for information about the Commission and its operations or for copies of reports and decisions rendered by the Commission.

Capacity Building

During the reporting year the Commission continued its capacity building program for its staff, thanks to the sponsorship provided principally by DANIDA and UNDP. As much as possible the Commission provided opportunity to all staff to benefit from some training programmes that were either organized internally or by other institutions locally and abroad.

Press Releases

The Commission issued a number of press releases indicating its position on topical human rights issues. They included the following:

1. Police / Military, Civilian Relations

Taifa Killings: Four persons, said to be members of a Neighborhood Watch-Dog Committee, were mistaken for armed robbers and killed on June 13, 2002 by a joint police/military team.

In its press statement on the incident, the Commission emphasised that notwithstanding the difficulty and risk involved in the task of fighting crime, those who wield deadly force in society, shoulder a great responsibility and bear the burden to exercise great restraint in the use of force when combating suspected criminals. Unfortunate incidents such as the Taifa killing destroy the much - needed cooperation between the police, military and civilian population to combat crime.

The Commission called upon all Ghanaians to continue performing their civic duties in assisting the police to combat crime and help build a peaceful society.

The Commission expressed its condolences to all the members of the Taifa Community and the family of the slain men in particular. It further expressed the hope that the unfortunate deaths of the four members of the Taifa Neighbourhood Watch - Dog Committee would not dampen the spirit of other members in the fight against crime. The Commission urged that an investigation be conducted with dispatch into the "Taifa Killings" with a view to preventing such an unfortunate incident from occurring again.

2. The Preparation of Women Candidates for District Level Elections.

The Commission commended the effort of some NGOs in preparing women candidates for district level elections and urged the electorate to support such suitably qualified women. The Commission noted with satisfaction efforts by several women' groups, human rights activists and the Ministry for Women's Affairs to encourage suitably qualified women to contest for elected office during the District Level Elections which took place on August 6, 2002.



The Commission noted that it was significant that now, more than ever before, more and more women were speaking out about their challenges, and demonstrating their competence and capabilities in the search for solutions to the problems confronting our society; and making sacrifices to entrench democracy in the country.

The active involvement of women in the decision-making process, the Commission stressed, would change the pattern of stereotypic conduct attributed to women and also help to eliminate cultural practices negatively affecting women and children. It would also release locked-up potential human resources for development of the nation and thereby accelerate socio-economic and political growth.

The Commission pledged its total support for the special measures, which government was pursuing in order to correct all forms of institutional discrimination and other disadvantages women suffer as a group.

The Commissioner at Elmina for First District Health Week

The Commissioner, Mr. Emile F. Short appealed to parents and teachers to resort to more humane ways of punishing children rather than using the cane. He made this appeal at a day's seminar organized by the Komenda-Edina-Egufor-Abrem (KEEA) District Health Administration as part of activities of its "First District Health Week" celebration at Elmina in the Central Region.

The institution of the week is to help the district select a key health-related issue and mount an annual educational campaign on it. It further seeks to promote multi-sectional collaboration and private participation in health care delivery

The Seminar was on the theme "Protecting Tomorrow's Leaders Today". Speaking on the topic, "Rights of the Child", Mr. Short said that caning has in some instances caused serious injuries to children and also have long-lasting psychological effects on them, which in turn affects adversely their development.

He deplored the tendency of some parents to deny their children health care on religious grounds, while others forced their religious beliefs on their children and described this conduct as constituting a serious violation of children's rights.

The Commissioner condemned the upsurge of abuses against children such as child trafficking, child labor and defilement, regretting that although a lot of laws and measures have been put in place to protect children's rights, not much has been done to ensure their effective implementation.

Referring particularly to the UN special forum on children, where the participants called for concrete actions towards ensuring adherence to children's rights, Mr. Short stressed the need for implementing agencies such as the Police Service and the Department of Social Welfare and all organizations concerned with the welfare of children in the country to be given the requisite support in their work.

54th Annual New Year School

Speaking at the 54th Annual New Year School on the topic, "Building A Culture Of Discipline In The Ghanaian Body Politic", the Commissioner called on the government and members of the security agencies to play a leading role in respecting the laws of Ghana.

Mr. Short noted that lawfulness and rule of law also demanded "an efficient, transparent and corrupt-free criminal Justice System". He condemned mob justice, emphasizing that there was no justification for it. He urged those in authority to have the moral courage to speak out against such blatant violation of the rule of law, even if doing so might offend populist sentiments.

The Commission stated that research studies had established a strong link between driver and alcohol abuse and indiscipline. Drug use and alcohol abuse are grave social problems confronting many young persons in the Ghanaian Society. According to Mr. Short this had resulted in the upsurge of vandalism among students in various secondary schools in the country.

Interview by the Ghanaian Times newspaper

In an interview granted to the Ghanaian Times newspaper on June 21, 2002 the Commissioner highlighted the need for a national consultative meeting involving the Prison Service, Judiciary, the Police Service and the Legal Aid Board to find ways of decongesting the country's prisons, addressing problems of long remand prisoners, sentencing policy of the courts etc. and other problems in the criminal justice system. Mr. Short pointed out that the congestion in the prisons had been compounded by the long periods of remand of accused persons by the courts and the inability sometimes of prison and police officers to convey prisoners to court.

He pointed out that the Commission's inspections have revealed that several minor offenders had been sentenced to custodial terms. He reiterated the call made earlier for the enactment of a law that would permit the courts to impose sentences of community service, probation and other non-custodial sentences for minor and certain types of offences.

Freedom of the Press in Africa

Speaking at an international meeting on 'The Media and Human Rights Situation in Liberia' organized by the Media Foundation for West Africa in Accra on July, 22, 2002, the Commissioner acknowledged that press freedom was a necessary condition for the success of the democratic process on the continent. Mr. Short charged African journalists to continue their struggle for greater freedom because a censored press is inimical to democracy, and expressed the view that African governments that were bent on gagging the press and denying their people fundamental human right and freedoms were fighting a losing battle.

Commenting on the media landscape in Liberia, Mr. Short stated that it was a matter of grave concern to hear that media practitioners who had a crucial role to play in advancing a culture of respect for human rights and social integration and development were being harassed for merely expressing their views on matters of public interest. He suggested the establishment of a Trust Fund to provide legal assistance for human rights defenders who are arrested and prosecuted without just cause.

Evaluation of the Commission

The Commission was the subject of discussion and evaluation at a review workshop on CHRAJ held at Akosombo in July. The Ghana Center for Democratic Development (CDD-Ghana) and the Committee on Constitutional, Legal and Parliamentary Affairs organized it. It was sponsored by USAID.

Talking about the challenges faced by the Commission, the Commissioner explained that



the problem of the uncompetitive salaries and service conditions of staff of the Commission remained unresolved and has led to a high turnover of personnel, particularly lawyers.

According to Mr. Short this depressing situation constitutes a great threat to the Commissioner's capacity to discharge its functions effectively, given the very heavy workload with which the ever-dwindling staff are compelled to cope. It has also created a backlog of cases.

In further comments, Mr. Short noted that Article 223 of the 1992 Constitution, stipulates that the qualification and emoluments of the Commissioner and Deputy Commissioners should be the same as for a justice of the Court of Appeal and the High Court respectively. He added that apart from precluding promotion of the Commissioner and the Deputy Commissioners, the pegging of the Commissioners' salaries with those of the Judges also creates a glass ceiling preventing other staff from being promoted to the level of High Court Judges or beyond. This limitation, Mr. Short stressed, is a big disincentive to other staff. They feel, quite justifiably, that their future in the CHRAJ is bleak.

The Commissioner pointed out that some legal officers of the Commission are qualified in their own right to be High Court or Appeal Court Judges. Many members of the senior staff, especially the lawyers, therefore, have no incentive to make a career in CHRAJ. He contended that the salaries of lawyers in the Legal Sector in the civil and public should be uniform.

Mr. Short also called for the expansion of the Commission's membership to seven to enable it to handle its multiple mandate. He noted that the Commission combines the functions of a human rights Commission, an ombudsman office and anti-corruption agency. He recommended that the composition of the Commission should also include persons from disciplines other than law.

Conjugal Right Visitation Programs in the Prisons

The Commissioner made a statement concerning the conjugal rights of married prison inmates during a roundtable discussion on Liberty And Security organized by the Center for Democratic Development (CDD). This attracted unfavorable commentaries in the media. In reaction, the Commissioner explained that the objective of conjugal right visitation programs in the prisons was to promote the human right to family life.

He said such programs also aim at lessening the negative impact of incarceration on family relationships, adding that among the family members who are eligible to participate in such programmes are spouses, children, parents, foster parents, grand parents and persons with whom the prisoner had an established familial relationship. He noted that conjugal rights transcended sex. Conjugal visitation programs, he emphasized, encourage offenders to develop and maintain family ties in preparation for their return to the community.

The Commissioner pointed out that conjugal rights, including the opportunity for an inmate to spend private time with a spouse within the walls of the prison, exist in most parts of the both developed and some developing world.

Being mindful of the fact that conjugal visitation programme may not be a top priority for Ghana now, the Commissioner observed that the proper implementation of such a policy would require an expansion of the housing infrastructure in prison and suitably trained prison personnel.



Countries diverse as Australia, Belgium, Brazil, Canada, France, Korea, Spain and Russia and Vietnam grant such rights to inmates. In the United States several states such as California, Connecticut, Mississippi, New Mexico, New York and Washington also have conjugal visitations.

Reportage Of Human Rights Issues In the Media

The Commission in collaboration with the Ghana Journalists Association (GJA) successfully organized an encounter with senior journalists and owners of press houses in Accra on May 20, 2001. It was attended by forty senior media practitioners, and five GJA executive members. The program sought to improve reportage of human rights issues in the Ghanaian media.

In his address to the gathering, the Commissioner saluted the gallant efforts of the media in the development of free speech and social justice. In particular, the Commissioner congratulated the media on the significant role that it plays in entrenching a democratic and human rights culture in the country.

He commended the media for supporting the Commission in fostering a culture of human rights. He implored the media to join the Commission in advancing human rights and administrative justice.

On their part the senior journalists and owners of media houses pledged their support to the Commission in its endeavor to promote and enforce fundamental human rights and freedoms and administrative justice for all persons in Ghana.

Co-Operation And Collaboration With Human Rights NGOs

It is acknowledged worldwide that human rights advancement requires effective cooperation and collaboration between all stakeholders, and Ghana is no exception.

The Commission's efforts in this direction, during the reporting year, were to continue working with the NGO Forum, which exists to invigorate cooperation and collaboration between the Commission and NGOs in the human rights field. The established bi-monthly meetings for members of the Forum continued throughout 2002. At its meetings member NGOs reported on their activities and where necessary, advice and help were offered by the Commission as well as by other members of the Forum

Sample reports of the efforts of some of the member NGOs demonstrate the effectiveness of the Forum as the hub for networking:

- **The Women in The Lord's Vineyard (WITLOV)**, a Christian NGO and member of the forum, successfully negotiated the release of three children from the Yeve Cult Shrine at Aforobapakope. "Save Them Young", another member of the Forum, which is based in Tema, gave them shelter. This ensured the proper rehabilitation of the children, as they were very likely to be lured back into the shrine's activities [a situation that frequently arises] if left in the vicinity of the shrine. Thus this collaboration, facilitated by the NGOs Forum, achieved a lasting solution to the bondage to which the victims had hitherto been subjected and made the efforts of both NGOs worthwhile



- **December 10 is Human Rights Day.** It has special significance for the Commission. On December 10 2002 the Dangbe East District Office of the Commission, in conjunction with the Ghana Committee On Human and Peoples Rights (GCHPR), successfully organized a workshop on the theme "Human Rights: Rights for all Persons" at the District Assembly hall at Ada-Foah.
- The seminar targeted members of the district assembly, opinion leaders, teachers and traditional authorities and police officers in the district. The organization of the seminar was handled by the GCHPR, which is one of the most active and best performing members of the Human Rights NGOs Forum. Other activities were held in various other offices to commemorate the day

Visitors to the Commission

Foreign Visitors

- Mr. Jens Olsen from the office of the Danish Ombudsman paid a working visit to Ghana from 2nd to 7th November 2002. Mr. Olsen's visit was in connection with the preparation of the Human Rights and Administrative Justice sub-component of the Danida Good Governance programme for Ghana. Mr. Olsen met with the Commissioner and some Regional Directors during his working visit.
- Paul and Jeremy Lemer, two students from Cambridge University undertook a one-month internship at the Commission between July and August 2002.
- Also, Yvonne Fiadzoe, a Ghanaian National, from the faculty of Law, University of Barbados undertook one-month internship from 5th to 31st, July 2002 at the Commission.

Local Visitors

A group of 80 students and 3 tutors from Koforidua Secondary School visited the Commission during an excursion to government institutions in Accra on March 22, 2002

Foreign Programs

The Commissioner, Deputy Commissioner and other senior staff attended numerous international conferences and workshops on human rights, administrative justice and integrity outside the country.

Conferences And Workshops Attended By The Commissioner

1. MEETING OF AFRICAN GROUP OF NATIONAL INSTITUTIONS OF HUMAN RIGHTS, held in RABAT, MOROCCO, on 8TH APRIL 2002
2. 6TH INTERNATIONAL CONFERENCE FOR NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS, held in COPENHAGEN and LUND from 10 to 15 APRIL 2002
3. 58TH SESSION OF THE UN HIGH COMMISSION ON HUMAN RIGHTS held in GENEVA FROM 14 to 18 APRIL 2002
4. MUTUAL LEGAL ASSISTANCE SEMINAR, held in the UNITED KINGDOM from 1 to 2 MAY 2002



5. THE 2002 OXFORD CONFERENCE ON "THE CHANGING FACE OF THE INTERNATIONAL CO-OPERATION IN CRIMINAL MATTERS IN THE 21ST CENTURY", held from 27 to 30 AUGUST 2002
6. ORIENTATION WORKSHOP OF THE COMMISSIONERS OF THE MALAWI HUMAN RIGHTS COMMISSION held from 21 to 29 OCTOBER 2002
7. The Deputy Commissioner attended the: COMMONWEALTH HUMAN RIGHTS COMMISSIONS WORKSHOP held in Johannesburg, South Africa from 12-14 March 2002.

Seminars On Human Rights Ethics And Legal Responsibilities In The Medical And Dental Professions

The Commission on Human Rights and Administrative Justice, [CHRAJ] in conjunction with the Medical and Dental Council (MDC) organized a series of one-day seminars on "Human Rights, Ethics and Legal Responsibilities" for health workers drawn from nine out of the country's ten regions. The last seminar in the series, which was planned for health workers in the Eastern Region, was slated for February 2003.

Over eight hundred health workers drawn from various health facilities throughout the nine regions attended the seminars. They afforded the health workers, the opportunity to share their knowledge and experience of human rights and ethical issues affecting the profession. The seminars were addressed by personalities such as; Mr. Emile Francis Short, Commissioner of the CHRAJ, Prof. P.K. Nyame, Dr. Atikpui, Registrar of the MDC, Asokorehene, Nana Dr. S.K.B. Asante, an International Legal Consultant and also members of the MDC

Participants were informed that an increasing number of complaints were being made by members of the public against health professionals. Participants discussed ways of addressing the problem



REGIONAL REPORTS

ASHANTI REGION

Our program to sensitize the public on fundamental human rights and administrative justice was given a boost with the injection of funds for the program. This had a positive impact on our efficiency, effectiveness, and area of coverage. Consequently, we were able to organize 156 educational programs for many organizations and communities. We cite below some of the beneficiary groups and communities:

The regional office organized two successful training of trainer workshops for representatives of formal and informal groups drawn from the Kumasi Metropolis on 8th and 29th August 2002 respectively. The formal women's groups numbering 70 participants included Electricity Ladies Club, Female Police and Prison Officers Club, Fire Officers' and Judicial Service Clubs

The representatives from the informal sector, 80 in number, included Tailors' Association, Muslim Women's Association, Federation of Business and Professional Women's Association, Market Women's Association and representatives of church groups.

The topics treated were:

- Women and Children's Rights
- Intestate Succession Laws
- Fundamental Human Rights
- You and the Police
- The functions of the Commission

Similar programs were organised by the District Directors for the benefit of various schools, churches, women's groups, extension officers, prisoners and prison officers, communities, police, local NGO's, queen mothers and other community leaders..

Topics treated included:

- The Functions and Powers of the Commission,
- Women and Children's Rights
- Intestate Succession Law
- You and the Police
- Violence Against Women
- Indiscipline in Schools

This program needs to be pursued with vigor but its sustainability will depend on regular infusion of financial resources.

Invitations

Some NGOs and other organizations invited us to educate their members on human rights issues.

The Regional Director gave a talk to the Young People's Guild of the Presbyterian Church on the topic "Your Rights as a Citizen in this Democratic Dispensation."

He also spoke during a Ministerial Annual Seminar on, 'Fundamental Human Rights in the



Constitution and Pastors' Infringement on People's Rights" He served as a resource person during a two-day training of trainers' workshop organized by WAJU for selected police officers and presented a paper on, "Human Rights, Handling of Victims And Perpetrators."

Other officers also represented the Regional Office and spoke at various forums on:

- "The rôle of the Church in Development"
- "Women and nation building".
- "The Rights of women and Children" on the 10/7/02.

The District Director for Effiduase presented a paper to a cross section of workers at Effiduase on, "You and the Police" during the celebration of the Constitutional Week organized by the NCCE.

Radio Educational Program

The Regional office utilized radio stations such as OTEC and FOX to educate the public on air on a number of occasions, during the 3rd quarter on a number of human rights issues. Topics included;

- 'Intestate Succession Law',
- 'You and the Police'; 'Administrative Justice';
- 'Fundamental Human Rights', and
- 'Rights of Women and Children'.

These were followed by phone-in sessions during which officers clarified a lot of issues agitating the minds of listeners.

Capacity Building Programs:

1. Organized by the Regional Office

- Some newly posted officers, District Directors, Assistant Investigators and one assistant Registrar, undertook induction courses in Accra.
- The Regional and District Directors, and two Investigators also participated in a two-day training program on Public education on the rights of women and children in Sunyani.
- There was another five-day training program for the Regional/District Directors, Legal and Administrative officers in Kumasi on Corporate Planning. This course was ran by Applied Research and Management Consultants
- Two members of the secretarial staff participated in a two-day training on Customer Care in Accra.

These seminars and induction courses have enhanced the skills and competence of the participants and should be extended to cover other categories of staff to upgrade their knowledge and skills.

2. Programs Organized by NGO's;

~~Some~~ members of staff also benefited from educational programs organized by



some NGOs, such as

- A one-day seminar, by the International Program on the Elimination of Child Labor, Illiteracy and Poverty.
- A day's seminar on Pluralism in Family Law in Ghana, Muslim Religion and Practice, Challenges and Strategies organized by the G.T.Z. in collaboration with the Muslim Counseling Services.
- Three officers participated in a stakeholders' meeting organized by the Ghana Center for Democratic Development (C.D.D.) in collaboration with the Judicial Committee of Parliament on "The perception of corruption and other alleged malpractices in the judicial system".
- A one-day seminar organized by the NCCE on, "Women's Rights and Maternal Mobility and Mortality".
- The Regional Director participated in a one-day seminar on the Coverage of the National Reconciliation Forum organized by the Journalist Association.
- He also participated in a day's round table discussion organized by LAWA, Ghana Alumnae Incorporated to build consensus on a law that will ensure the property rights of women at divorce.
- Three officers attended a day's seminar organized by CHRI (Commonwealth Human Rights Initiative) in conjunction with the British Council on "The right to information".
- Another officer represented this office at a trainers' workshop on HIV/AIDS and Cervical Cancer and their prevention.
- The District Director for Mampong attended a seminar organised by the Defence for Children International (DCI), Ghana on "Social services for abused children", and a workshop organised by the Kwabre District Assembly on "HIV/AIDS awareness creation".
- The District Director for New Edubiase attended a two-day sensitization workshop on the Children's Act and its practical application, organized by the Save the Children Fund, an NGO.

These seminars workshops have helped to advance the frontiers of knowledge of the officers of the region on human rights and other topics.

Inspection Of Prisons, Prison Camps And Police Cells

Prisons and police cells were inspected to find out whether certain unsatisfactory conditions we identified in our previous inspections like feeding, health, sanitation and clothing, had improved.

We found that the conditions had deteriorated. The cells were bursting at their seams with prisoners, facilities had broken down and the few functioning ones were inadequate for the



population. No meaningful skills/training program was being pursued.

A list of all remand prisoners was compiled and submitted to the Chief State Attorney who assured the Regional Director that those who had spent long periods on remand would be sent to the Criminal Assizes during the year. The Regional Director followed up and the list compiled for the year's Criminal Assizes was shown to him.

Visits

- A team of officers from the Department of Social Welfare led by the Deputy Director, Mrs. Margaret Kutsoatsi, held a discussion with the Legal Officer on The need to establish a collaborative relationship to assist delinquent juveniles on trial and those whose rights have been abused by adults.
- A team of research staff of the German Development Co-operation (GTZ) administered questionnaire to seek our views on some issues relating to women and Juveniles.

BRONG AHAFO

PUBLIC EDUCATION PROGRAM FOR 2002:

This office, in collaboration with other agencies and departments, undertook several public education programs in some communities and institutions in the region. Among these communities and institutions were; Techiman Secondary School, Techiman, Odumasi/Kwatire Nsoatre, and Sunyani traditional councils, and the Police.

Topics treated included:

- The Rights And Responsibilities Of Students
- Freedom Of Religion And Religious Tolerance
- The Rights Of Women And Children
- Child Maintenance/Custody
- Cultural/Customary Practices And Human Rights
- Unlawful Arrest And Detention

Also, as a result of a clash between the Techiman Traditional Council and Dwanekobea Bible Study and Prayer House Ministry, the Commission went to the Techiman Traditional Council to educate them on Freedom of Religion and Religious Tolerance. As a follow-up, the Commission also had a full discussion of this topic on classic F.M., a local radio station in Techiman. In fact, this helped the Commission to resolve the matter amicably.

Collaboration With NGO's

Networking with the National Council on Women and Development, the Commission addressed a Community Durbar at Nsoatre on child maintenance/custody, issues which were on the increase in this community.

The Commission also organized a day's seminar for all chiefs under the Sunyani Traditional Council to sensitize them on the topic "Cultural/Customary practices and Human Rights" which are dehumanizing and injurious to the physical and mental development of a per-



son. Some of these practices include certain aspects of widowhood rites and Female Genital Mutilation, which are prevalent in some parts of the region.

The Police And Unlawful Detention

Following numerous complaints against the police on unlawful arrest and detention, the Commission organized a day's workshop for a cross-section of the police in the Brong Ahafo Region. This workshop, the first of its kind in the region, brought a large number of officers, men and women of the service from all over the region. The team, led by the Regional Director expressed concern about the way people are arrested and detained unlawfully, especially on Friday evenings and refused bail until Mondays. The team further stated that a person arrested must be properly arraigned before court within 48 hours, otherwise the person must be granted bail. The Commission also appealed to the police to operate within the law since nobody is above the law. The police on the other hand were very grateful to CHRAJ for such an opportunity, and pledged their support and co-operation with CHRAJ to enhance good governance and democracy.

Radio Programs

The Regional Director continued with radio programs on the B.A.R and SKY F.M. stations in Sunyani. There is a weekly educational program dubbed "Radio Lawyer" Tuesdays at 8.00am and 2.00p.m when the Regional Director answers questions from the public on human rights, the Commission in general and other relevant issues. In fact this program has been very successful and helpful to the Commission because of the radios' wide coverage and the awareness creation of the program. This has much improved the performance of the Commission compared to previous years.

CENTRAL REGION

The Regional Office collaborated with some Institutions and NGO's and organized seminars and workshops to enlighten the public on their rights and duties under the Constitution

We started the year by holding a joint seminar with the Professional Marketing Students Association of Ghana (PROMAGS) of Cape Coast Polytechnic in February. The seminar was on corruption and the Theme was "Employing a Regime of Sanctions and Punishment to Achieve Zero Tolerance for Corruption". A Special Assistant represented the Attorney General while a Special Assistant in the office of the President Mr. Asamoah-Boateng represented Dr. Nduom - the Minister for Economic Plan

In January 2002, the Regional Office arranged a series of lectures for Secondary Schools and Training Colleges in Cape Coast. The following schools were able to grant our request to deliver lectures.

| | | |
|---|--------------------------------------|--------------------|
| ■ | University Practice Secondary School | 8th February, 2002 |
| ■ | Edinaman Secondary School | 8th February, 2002 |
| ■ | OLA Training College | 31st January, 2002 |
| ■ | Academy of Christ the King | 25th January, 2002 |
| ■ | Oguaa Secondary Technical | 25th January, 2002 |



The Regional Director was a Planning Committee member of the "Constitution Week" of National Commission For Civic Education. The event covered 28th April to 4th May 2002.

We also collaborated with NCWD at a forum in Jukwa on July 2nd and treated the issue of violence against women. With NGO Coalition on the Rights of Children, we had a workshop on Child Labour in the Tourism Industry and drafted byelaws for curbing abuse of children in this industry.

The Regional Director carried out a series of talks and discussions on two of the radio stations in Cape Coast, Radio Central and Atlantic FM. A highlight of this was a discussion of the Commission's State of Human Rights Report 2002. .

A seminar for Employers of Labor proposed for the 2nd half of the year was cancelled and moved over to the coming year

District Offices

All the District offices organized a series of educational programs aimed at sensitizing the communities in their districts about human rights in general and on topical issues that are prevalent in specific communities.

The programs were categorized according to target groups - first cycle schools, second cycle institutions and communities - to enable us design special programs that would meet the needs and aspirations of each group.

- First Cycle Schools: the objective was to inform and educate school children about their rights and responsibilities and to explore avenues for the formation of human rights clubs in their schools.
- Second Cycle Institutions: The objective was to educate students and members of staff on human rights and encourage them to promote and protect fundamental human rights and freedoms. As a result basic issues affecting students such as bullying, cheating at examinations, autocratic leadership style of prefects, rioting and demonstrating, destruction of school property etc. that are in conflict with basic principles of human rights were highlighted. Students were given the opportunity after every presentation to ask questions on issues that worried them. They were asked to report any human abuses that come to their notice to CHRAJ, WAJU, or to the police or any person in authority who can deal with it.
- Communities: Adults in communities were gathered in public places and brief presentations were made followed by discussion and question sessions. Topics covered were;
 - Promotion and Protection of the Rights of Women and Children,
 - Intestate Succession Law, PNDC 111,
 - Fundamental Human Rights and Freedoms enshrined in the 1992 Constitution of Ghana

Collaboration with National Commission On Civic Education: District offices of NCCE



have formed Civic clubs in most of the schools. We therefore took advantage of this to collaborate with them rather than duplicate clubs. However where they have not been, we established human rights clubs

Judging from patronage and other reactions from opinion leaders and ordinary citizens we believe a lot needs to be done, and that will inform our programs for next year.

EASTERN REGION

Educational Program

During the year the regional office carried out educational programs covering churches, schools, associations and communities in all the fifteen districts of the region.

F M Radio Station

From the beginning of the year the Regional Director undertook a thirty-minute weekly program on the local FM radio station to educate the public on the Commission and its functions, human rights in general and some human rights abuses that are prevalent in the region

Financial constraints put a halt to the implementation of other programs

Public Education In Rural Communities

The Regional office undertook programs in about eighteen rural communities and towns and six educational institutions Topics covered were:

- Fundamental Human Rights Under the Constitution, and
- Women and Children's Rights

Regional Seminar for Police

A day's seminar was organized for the police in the region. About 80 police personnel of all ranks drawn from the fifteen districts in the region participated. Topics covered were:

- Fundamental Human Rights Under the 1992 Constitution,
- Police Powers of Arrest, Detention and Bail,
- Police/ Public Relations

The Regional office also held discussions with some organizations such as market women's associations, GNAT ladies, Hairdressers and some women's associations within some churches

Invitations From Private And Public Institutions

During the year the Regional Director was selected as member of the Regional Multi-sectorial Committee On the Protection of Children's Rights. At the launching ceremony, attended by all departments in the region, he gave a talk on the Rights of the Child.

The Regional Office also responded to invitations from some churches such as the Assemblies of God Church [Betom], The Church Of Pentecost [Nkubem], and the Church of Pentecost [Nkurakan]

The Regional Director was the resource person at a youth camp organized by the Catholic Church where Fundamental Human Rights were discussed



Collaboration with the NCCE

The Regional Office sent some officers to the FM radio station to participate in a program organized by the National Commission on Civic Education (NCCE) to discuss Wills and Intestate Succession.

The Principal Legal Officer participated in the launching of the Constitutional Week held by the National Commission on Civic Education and spoke on: Fundamental Human Rights Under the 1992 Constitution

Public Education Organized By The District Offices

District Directors organized educational programs targeted at various groups organizations and second cycle institutions. Religious groups featured prominently in the districts especially Kwaebibrim, Akropong and Akim Oda.

Some topics covered were:

- The Functions And Powers Of the Commission
- Fundamental Human rights of the Citizen
- Intestate Succession Law and Inheritance
- Women and Children's Rights
- The Police and the Citizen

GREATER ACCRA REGION

Public Education

The Greater Accra Regional office organized a number of public educational activities during the year 2002 targeting mainly second cycle institutions in the region and making known to them relevant sections of the 1992 Constitution that pertain to basic rights.

The Commission visited Accra High School to deliver a talk on human rights during the schools open day in November 2002. The Commission initiated the establishment of a Human Rights Club there and donated a copy of the 1992 Constitution. Three teachers volunteered to supervise the running of the club. The Commission also visited Dodowa Senior Secondary School in November and donated a copy of the 1992 Constitution for study by the Human Rights Club to be formed in the school.

On the December 10, 2002, the public education team went to Ada-Foah to take part in a seminar marking the United Nations Human Rights Day. The theme for the day was "Promoting fundamental Human Rights in the Dangme East District- the Role of Civil Society and the Police". The Regional Director addressed the Seminar.

The team took the opportunity to address representatives from Ada Secondary School, presented them with a copy of the 1992 Constitution, and initiated steps for the formation of a human rights club in the school.

The team participated in a church program organized by the Living Word Assemblies International on September 10, 2002. The topic was, "The Rights of the Youth and the Civic Responsibilities that go with them." Interaction of the police with the public, particularly in



the areas of arrests, bail, treatment of suspects and sending of subjects to court for trial were discussed.

The Region is constrained by lack of logistics in the performance of its public education duties. For the region to make maximum impact in this sector adequate resources must be made available to it.

Ada-Foah District

The Ada-Foah District office honored the following invitations:

- i. Program on HIV / AIDS Pandemic in the District organized by "District Response" an NGO.
- ii. To speak on the, "The Relevance of CHRAJ to the Woman Teacher" to GNAT-LAS, an association of women teachers.
- iii. To attend the 1st Session of the 4th Assembly of the Dangme East District Assembly

Ga District

The Commission opened an office at the Ga District in March 2002 and since then it has been engaged in a number of public educational activities there. Since the Commission was new in the district, a reasonable part of the year was spent on the creation of awareness in the people about the existence of the CHRAJ District office at Amasaman. In addition, the Commission teamed up with the National Commission for Civic Education (NCCE) and collaborated with the Information Service to educate the public on their fundamental human rights. The communities covered included Adjen-Kotoku, Pokuase, Ngleshie-Amanfro, Manhean, Okushiebaiade and Ayikai Doblo.

The Commission in collaboration with the Ghana Education Service and NCCE visited some second cycle institutions in the district to revive Child Rights Clubs in the schools. For the first cycle institutions the Commission assisted to organize quiz competitions on the rights of the child. Furthermore, the Commission organized educational programs on "The Rights of the Child and Parental Duties" among the Moslem community in Madina

NORTHERN REGION

The Northern Region is the hub of Non-Governmental Organizations (NGO's) in the country. The regional directorate took advantage of the generosity of these NGO's to submit proposals for funding to those that were human rights oriented, such as CRS, Action Aid Ghana, UNICEF, OXFAM and the German Development Service. Some yielded not only promises but real funding.

Launching Of 2002 Educational Programs

Following the mobilization of the necessary funds the Regional Directorate launched its 2002 educational programme at the Tohazie hotel in Tamale. It was chaired by the Deputy Regional Minister and covered by the print and mass media. The programme covered the Tamale municipality, Tolon/Kumbungu, Gushiegu/Karaga and Savelugu/Nanton districts.



It is important to state that funds sent by head office facilitated educational programmes in all districts in the region.

The theme that ran through the 2002 educational programs in all the districts was the rights of women and children with special emphasis on violence against women and children and the inhuman treatment of women suspected of witchcraft.

Targeted groups were opinion leaders at the community level, which included chiefs, assemblymen, women groups, youth groups, market women, religious groups, students, and security and health.

The methods used were lectures, symposia and interactive discussions.

Collaboration With NGO's And Other Organizations

During the year under review the Commission collaborated with some public institutions and NGO's in carrying out educational and training programmes. The Commission and the Presby Go-Home Project organized an anti-witchcraft education in Gambaga during which the inmates of the Gambaga witch camp participated actively.

We also collaborated with THUDEG in a training program for our staff.

INSPECTION OF PRISONS AND POLICE CELLS

During the year under review the Commission inspected the four prisons in the region: that is the Tamale, Yendi, Salaga and Gambaga prisons. The Regional office visited the Tamale Prison and police cells within the administrative areas of the Tamale District Police Command. The Commission's District Directors inspected district police cells.

The Commission was guided by the following factors:

- Whether prison officers respected the dignity of prisoners.
- Whether there was enough and decent accommodation facility
- Whether the quality of food was satisfactory
- Whether the health needs of inmates were being catered for satisfactorily.
- Whether some remand prisoners were kept for very long periods without trial.
- Whether inmates in police cells were kept more than forty-eight hours.

There was no incidence of detention without trial by the police

Congestion

Except for the Salaga prison where congestion was not noticed, all the prisons visited had cells with more than the required number of persons.

The plight of remand prisoners in the Tamale prisons was very serious and pathetic. Apart from having to sleep or lie on the bare floor, it was not possible for all of the remand prisoners to find space to sleep in the cells.

Some preferred to sleep in the open air within the prison yard than to squeeze themselves into the congested cells. The reasons assigned for the congestion in the remand prison was the slow pace at which the court hears cases of those on remand.



Generally beds and mattress were either worn out or non-existent. Some prisoners were seen lying on virtually bare beds without mattresses.

Sanitation And Health

At the Tamale police cells, even the police on duty at the charge office which leads into the cells were at risk of getting ill because of the horrible stench of faeces and urine coming from the cells.

Feeding

Inmates were generally satisfied with the food that was prepared for them but the prison authorities expressed the need for government to increase the feeding grants per inmate.

Incidence Of Abuse By Prison Authorities

The relationship between the prison officers and prisoners was cordial. No prisoner in any of the prisons inspected complained of any kind of abuse meted out to him/her by a prison officer.

Poor Training Facilities

The problem that runs through all the prisons inspected was that training facilities in the form of equipment for tailoring, carpentry and shoe making workshops, were either non-existent or outmoded, thus defeating the objective of giving prisoners the requisite vocational training necessary to rehabilitate and reintegrate convicts into society.

INSPECTION OF WITCH CAMPS

The Commission had the opportunity to visit the Gambaga, Kukuo and Ngani witch camps in the Northern Region.

It was not possible to have physical count of the inmates of the various camps. In fact the "Tindanas" or spiritual caretakers of the camps did not agree.

The figure received from the caretakers of the three witch camps revealed that:

1. Kukuo witch camp in the Nanumba District had two hundred inmates (200)
2. Ngani witch camp in the Yendi District had about eight hundred (800) inmates.
3. Gambaga witch camp in the East Mamprusi district had ninety (90) inmates.

Most of the women suspected of witchcraft could not tell their ages. A close look at the physical appearance and the ages of their children suggested that on average the inmates were above 50 years

Living Conditions At The Camps

When asked how they got food they said they had to labor to get their daily meals. Their services were hired during farming seasons and through these activities they were rewarded either in cash or food items.

The three witch camps were also assisted by some NGO's. The Presby Go-Home Project assisted the Gambaga witch camp. The project provides for the health needs, clothing and economic needs of the inmates.

At the Kukuo witch camp in the Nanumba District, an NGO called TIDA supplements the



efforts of the inmates by supplying them with food items, clothing, potable water and micro credit facilities to do business.

The Ngani witch camp at Yendi is also assisted by an NGO called MAID.

Perception Of Inmates About The Witch Camp Concept And Their Liberty

In fact all the inmates interviewed at Tindana share the same view with their caretakers that the camp is not a prison for witches but a safe haven. It is a refuge centre where women whose lives are threatened come for protection after going through a "dewitching" exercise. They see the Tindana or the Tilana, in the case of the Kukuo witch camp, as a protector. In fact none of the "witches" interviewed was prepared to return to their communities even if the Commission guaranteed their safety. They do not believe they will be accepted back and are convinced they will be lynched to death.

Observations And Recommendations

One interesting observation made at the camps was that whereas the Gambaga and Ngani witch camps are isolated from the community, the Kukuo camp is the entire village. The "witches" live among the Kukuo community but are still identified as "witches".

The truth is that the witches are suffering. The intervention of the NGOs is still very far from letting the inmates at the camps lead decent and comfortable lives. Most of the inmates are in their 60's and 70's and still have to labor for food and other basic needs. Government must make the freedom and security of these poor women its priority.

UPPER EAST REGION

Public Education

During the year under review the Regional and District offices of the Commission in the Region undertook a series of workshops and seminars for various categories of groups, all in an attempt to educate the public on human rights issues.

Officials of the Commission also accepted invitations to present papers at various symposia and seminars on human rights issues. The Commission also entered into partnership with Action Aid, (Ghana), an NGO to organize public education programs

Attached are tables depicting activities carried out on public education by both the Regional and District offices of the Commission during the year under review.

Networking with NGO's

The Commission's relations with NGOs continue to grow from strength to strength. During the year under review, the Commission carried out much of its public education in collaboration with NGOs such as, Action Aid Ghana, World Vision International, Christian Mothers Association of Ghana, Catholic Relief Services, and Bawku East Women's Development Association.



Facilitators

The Regional Director and other senior officers facilitated several public education activities at various towns like Bolga and Zebilla in the Upper East Region in collaboration with Action Aid, Ghana Topics covered included:

- Marital and Property Rights of Women under customary law and the 1992 Constitution.
- Nature and Functions of the Commission

Target groups were:

- Hairdressers/Beauticians
- Religious women organization and market women

The District Directors also undertook various public education activities targeted at JSS and SSS students, various women groups and the general public, and topics covered included:

- The Rights Of The Child
- Female Genital Mutilation
- Early Forced Marriages
- Widow Hood Rites
- Defilement And Rape
- Fundamental Human Rights and Responsibilities of the Citizen
- The Neglects and Responsibilities of the Child
- Violence against women`

UPPER WEST

Capacity Building:

During the year under review both junior and senior members of staff participated in seminars organized by head office. Some of the programs are as follows

- Peace Building Seminar held at Wa from 9th to 11th December 2002.
- Customer care held at Accra from 9th- 10 December 2002
- Computer Training and Internet Browsing Seminar for Regional Directors held at Accra.
- Government Accountability Improvement Trust organized by GILT AT Wa on 11th December:

Public Education

The Regional Office contacted Action Aid Ghana to promote human rights education in schools and communities by organizing

- Formation of human rights clubs
- Organizing inter-human rights clubs debates
- Human rights education on radio
- Human rights education in the Communities



PROGRAMME REPORTS

WESTERN REGION

Radio Programs

The regional Directorate continued with its Radio Programmes on Twin-city FM and Skyy Power FM radio stations during the reporting year.

Workshops and Training Programmes

The Directorate organized workshops and seminars for pastors, media practitioners:

- A 2-day training programme for about 35 pastors within the Shama Ahanta East Metropolitan Area at Guesthouse Maggi, Takoradi.
- A 2-day workshop for about 35 Pastors within the Juabeso Bia District
- A 2-day workshop for about 50 Pastors and church leaders within the Bibiani Anhwiaso Bekwai District at Bibiani.
- A day's workshop for media practitioners in the Shama-Ahanta East Metropolitan Authority at Takoradi Beach Hotel, Takoradi, and.
- A 2-day workshop for about 40 Pastors within the Wassa West District at the Tarkwa community centre.

Rural Communities and Civil Society Organizations

There has been a significant improvement in the job performance of staff within the region, thereby helping the directorate to exceed its target for 2002. It provided human rights education for 272 rural communities and civil society organizations during the reporting year. This represents an increase of 240% over the 2001 period.

Training Programs For Staff:

1. **At Head Office:**

- The Regional Director, a legal officer and eight district directors participated in an induction course in Accra for District Directors recruited and posted in 2002, 2001, and 2000 who had not benefited from any induction course
- Two officers from the regional office participated in a 2-day training program on customer care for Front Desk Personnel in Accra
- Three Officers from the Region attended a 4-day training program for newly recruited District Directors, Legal Officers, Investigators, Registrars and Assistant Registrars in Accra.

2. **At The Regional Office:**

- The Takoradi office organised a day's in-service training for all female staff.

Western Region.

- The Directorate organised a 2-day Orientation Programme for 4 newly appointed District Directors posted to the region.
- The Directorate organized a 2-day training program on Public Education for all district directors, legal officers and investigators in the region at the Takoradi office.

3. **In The District**

The Directorate organized a day's workshop for its staff in the Bibiani office.



VOLTA REGION

Public Education

For the period under review, public lectures were organized for communities, schools, churches and associations like market women.

In addition the local Volta Premier F. M. Radio Station at Ho Polytechnic was effectively used throughout the year.

Content Of The Programs:

1. **Broad outline**

- Chapter Five of the 1992 Constitution dealing with Fundamental Human Rights and Freedoms
- Sections of the Children's Act 1998, Act 560.
- Intestate Succession Law P.N.D.C 111.
- The Wills Act 1971. Act 360
- The Marriage Ordinance and
- International Instruments relating to Human Rights like the African Charter of Human and People's Rights.

2. **In detail**

The Right to Life

- i. Reference was made to Article 13 of the 1992 Constitution and to circumstances in which the use of deadly force would be considered as reasonably justifiable.
- ii. The Spousal Killings going on in the country was treated. Suggestions were made as to how to minimize the incidence of spousal killings

Freedom To Form Or Join Political Parties

The following were discussed under this topic

- I. How to form political parties
- II. Procedure for registration
- III. Conditions regarding the age of members of political parties
- IV. Use of under aged children for political campaigns.

Property Rights Of Spouses

The following were discussed:

- I. A will - what is it
- II. Systems of rules and laws governing Inheritance of property during the colonial period and the period of independence before the promulgation of P.N.D.C. L. 111
- III. Provisions of the P.N.D.C L111
- IV. Whether the provisions of the Law are actually being enforced.

Issues Of Administrative Justice

- I. What it means for Administrative Bodies to act fairly and reasonably
- II. We discussed Section. 7 of Act 456, the CHRAJ enabling act and the Commission's Jurisdiction in such matters.

Code Of Conduct For Public Officers; Chapter 24. Of The Constitution



Under this we discussed

Who a public Officer is

- What constitutes conflict of interest; issues relating to Declaration of Assets and complaints of contravention of provisions of the Chapter. We stressed the duty of all citizens to protect and preserve public property and expose and combat misuse and waste of public funds and property.
- Combating corruption through investigations and prosecutions - the role of CHRAJ
- The term "corruption" was explained. The three (3) main forms were identified as
- Petty or survival corruption.
- Grand corruption and
- Political corruption.
- The jurisdiction of the Commission in such matters was discussed citing the provisions of Art. 218 of the Constitution and Section (7) (1) (f) of Act 456, the CHRAJ enabling Act. The fact that we lack power to prosecute officials against whom we make adverse findings of corruption was also pointed out.

Sexual Harassment

In dealing with this topic we looked at the origin of the offence, its definition, elements, consequences or injuries suffered by victims and some remedies available to victims of sexual harassment. Thereafter a sample of a sexual harassment case decided by the Commission was given to explain the ingredients.

Duties And Obligations Of Citizens

As part of CHRAJ's contribution to the weeklong activities during the Prisons Week celebration in Ho aimed at exposing the public to the criminal justice system, the above topic was treated on the local FM. Radio (VPFM) to highlight some of the problems facing the Ho male prison.

Similarly the following topics were dealt with and discussed in detail:

- Human rights and culture.
- The powers of the police vis-à-vis the rights and freedoms of the individual
- The rights of the child
- The rights of the sick
- The rights of accused persons
- Negotiation and mediation as means of settling disputes
- The rights of disabled persons
- Some negative attitudes of some members of the public towards CHRAJ and some of its officers



As at December 2002 the Commission had received 64,805 complaints since its inception, out of which it had resolved 51,932 representing 80.1% of the total received

Table X

Complaints Received and Handled in 2002

| Year | Cases Received | Total Closed in Active year | Total Pending (Current) |
|----------------|----------------|-----------------------------|-------------------------|
| 1993/94 - 2001 | 52,424 | 42,436 | 9,988 |
| 2002 | 12,381 | 9,496 | 12,873 |

2002 recorded 12,381 complaints. The breakdown is as follows: -

| | | |
|---|--------------------------------|-------|
| ■ | Administrative Justice Issues; | 2525 |
| ■ | Family-Related Issues; | 6850 |
| ■ | Property-Related Issues; | 1692 |
| ■ | Miscellaneous issues; | 1314. |

Complaints received in 2002 represent an increase of more than 17% compared to 2001

Administrative Justice:

Complaints under this category represent 20.4% of the total received in 2002 and an increase of 46.8% over that of 2001. They ranged from dismissals, termination of appointments, retirements, non-payment of pensions/gratuities, social security deductions, end-of-service benefits, salary arrears, discrimination, suspensions, interdictions, transfers, promotions and demotions.

55.3% of the complaints were on family related issues indicating a significant level of human rights abuse in various homes.

Respondent Bodies

One thousand and fifty three complaints were made against Government Ministries or Departments whilst a sizeable total percentage of 91.5% complaints were against private individuals, organizations and companies.

Complaints against private individuals alone stood at 10,182 and represented over 82% of the total received under the review year.

Closed Cases

The total number of cases disposed of in 2002 stands at 9,496 representing an increase of 2% as against cases closed in 2001.

Six thousand and eighteen complaints, were disposed of through mediation or negotiation. This represented 63.4% of the total cases closed in the review year.

Others included cases that were withdrawn by complainants; 456 or (4.8%), cases dismissed for lack of prosecution; 1342 or (14.1%), cases rejected for lack of jurisdiction; 136 or (1.4%) were disposed of for various other reasons. Only 0.9% constituted complaints that were transferred to other registries and as such were considered closed.

Treated Cases

Treated cases are complaints handled within a review year made up of pending cases plus the new cases received within the year.

In 2002, 22,369 complaints were treated. Generally 42.5% of cases treated in 2002 were disposed of. However the number of complaints resolved represents 76.7% of the total number of cases received in the year under review.

Regional Distribution of Cases Received

Once again Brong-Ahafo Region received the highest number of 2789 cases, which constitute over 22% of the total number received nationwide. Ashanti Region received 1826 or (14.7%), Central Region 1564 or (12.6%), Eastern Region 1520 or (12.3%) and Western Region 1306 or (10.5%).

The 1165 complaints received at the Head Office in 2002 represent a 33% increase over 2001.

The considerable increase in complaints received in 2002 together with a high staff turnover has affected the Commission's ability to process complaints expeditiously resulting in a backlog of cases.

**CASE No.1: COMMISSION HAS DISCRETION NOT TO INVESTIGATE STALE COMPLAINTS**

The Complainant, ordinarily resident in England, was arraigned before a Public Tribunal that ordered his imprisonment and the confiscation of 2 Datsun cars he imported, and for three pieces of gold found on him at the point of entry. He was however released following a petition he made to the President to exercise his prerogative of mercy. He was now claiming compensation for his two Datsun cars, disabilities he suffered in Nsawam Prison, and especially, for being made to spend three months longer in prison than he was legally supposed to do.

The Complainant lodged his complaint seventy-two months or six years after he was released. The Commission, exercising its discretionary powers under Section 13(2) (a) of Act 456 dismissed the complaint, as the complaint relates to a decision, recommendation, act or omission of which the complainant has had knowledge for more than twelve months before the Commission received the complaint.

Not satisfied with the Commission's decision the Complainant applied for a review but the application was disallowed

CASE NO.2: A MOTHER'S RIGHT TO COMMUNICATE WITH HER CHILD

The Complainant was claiming custody of her child from a caretaker.

The Complainant was divorced. She had custody of her child, now 14, for the first 10 years; then, her ex-husband took custody of the child and took him to Italy. He however returned the child to Ghana saying he talked in his sleep, and so took the child to a spiritualist for deliverance. The father returned to Italy leaving the child in the care of his newly wedded wife's sister, instructing her not to allow the Complainant to see her son.

The Commission undertook a mediation of the matter. It was then disclosed that the child had gone back to his father in Italy, but the Complainant had not been so informed. The caretaker agreed that the Complainant had a right to see her child and should have been informed about his departure to Italy. The caretaker therefore agreed to give the child's address to the Complainant to enable her to communicate with him.

CASE NO.3: THE COMMISSION RULES ONLY ON ISSUES BEFORE IT

The Complainant lodged a claim for three month's salary in lieu of notice and compensation for loss of livelihood resulting from wrongful termination of his appointment.

The Commission awarded the Complainant three month's salary amounting to ₵ 300,000.00; and ₵138,000.00 in respect of Social Security contributions for the 11 months his employment lasted. These monies were paid to the Complainant through the Commission and duly acknowledged by him. However, the Complainant asked for a review of the decision raising a fresh issue that the Respondent had promised renting a room; purchasing a set of furniture, a motorbike and a T.V. set for him and in addition to promising to help him to open his own shop, and claiming that the award was inadequate.



CASE SUMMARIES

The issues for determination were whether the Commission could rule on an issue not originally placed before it; and whether the Complainant was entitled to more compensation than was awarded him.

The Commission ruled that there was no reference to ground one in the original complainant and so it could not be faulted for not addressing what was not in contention. The Commission also ruled that under the circumstances the Complainant was not entitled to a greater award of compensation

The Commission also noted that the Complainant had not raised any fresh and compelling evidence, or shown that the Commission had misled itself or had been misled by the winning party through fraudulent or innocent misrepresentation of fact or of law. Accordingly, the Commission affirmed its earlier decision.

CASE NO.4: THE COMMISSION AND CRIMINAL INVESTIGATION

The Complainant who was on remand at the James Fort Prison invited the Commission to take up his case and reinvestigate it

The summary of evidence and a bill of indictment served on him pointed to him as the perpetrator of a murder. He claimed he knew the real offender and informed the police investigators so, but they did not act on the information.

The issue was whether the Commission is mandated to carry out criminal investigations.

The Commission dismissed the complaint on grounds that it was more appropriate for the state prosecutor to deal with the matter. Since the bill of indictment had been issued, it meant the Attorney General considered that the Complainant had a case to answer in court. The Commission, however, directed the Complainant to the Legal Aid Board for assistance.

CASE NO.5: A DISCIPLINARY COMMITTEE'S RECOMMENDATIONS DOES NOT BIND MANAGEMENT.

The Complainant was seeking redress for the wrongful termination of his appointment by management contrary to a disciplinary committee's recommendation of six weeks' suspension.

The Commission therefore had to decide inter alia whether management was bound by the disciplinary committee's recommendation.

From the totality of the evidence available, the Commission was convinced that the assessment committee willfully ignored due process and simply made an award, which the claimant was not entitled to in clear violation of laid down regulations. Management was not bound by the disciplinary committee's recommendation that the Complainant should be suspended. The Commission found that the termination of the Complainant's appointment was supported by the weight of evidence.

**CASE NO. 6: I WILL NOT WORK, BUT YOU SHALL PAY ME**

The Complainant filed a complaint against his former employers saying they owed him arrears of salary and against the CHRAJ District Director of Ada Foah for handling his complainant in an unsatisfactory manner.

The Complainant had written to the Commission's Ada Foah office alleging that he had been underpaid from December 1998 to April 2000, and had not been paid at all from January to May 1997. The District Director, following the complaints procedure of CHRAJ requested the Respondent to react to the complaint. The Respondent replied that first, between September 1995 and February 1996 the Complainant went on study leave without permission, which constituted vacation of post. His salary for that period was paid back to him and he was reinstated only after the intervention of union officials. Second, the Controller and Accountant General's Department were rectifying the shortage in the salary. It had resulted from the application of the Ghana Universal Salary adjustment. The Complainant was apprised of this and advised to go back to work whilst all the matters he complained about were resolved. The Complainant however failed to go back to work. The Complainant again absented himself from duty without permission from March to 17th July 2000. The Respondent therefore suspended payment of his salary and declared that he had vacated his post for the second time without reasonable cause.

In the light of the foregoing the Commission was of the view that the Complainant was aware of the consequences of absenting himself from work. The nature of the complaint did not require the Complainant to stay away from work. The Complainant did not also establish his allegation that the District Director's handling of the case was unsatisfactory. The Commission accordingly dismissed this complaint as being without merit and ceased further investigations into the matter.

CASE NO.7: GRANTING OF VISA IS A GOVERNMENT'S PREROGATIVE

The Complainant, a Ghanaian, petitioned the Commission to intervene to get the German Embassy to grant her a visa. Her German husband, died in Ghana; and she applied for a visa to enable her return to Germany to manage their business but the German Embassy denied her a visa.

The issue was whether the Commission could compel a foreign government to grant a visa.

The Commission ruled that it had no jurisdiction in the matter. First, according to Section 8(2) (b) of Act 456, "The Commission shall not investigate matters involving the relations of the government with any government or international organizations." Second, by international convention, the decision to grant or not to grant visas rests with the home government of the country to which application is made. On these grounds the Commission lacks power to either investigate or compel the Respondents to grant the Complainant the visa she required. The Complainant was advised to appeal to the Respondent to reconsider its decision or to contact the Ministry of Foreign affairs for assistance..



CASE NO. 8 THE GRANT OF STUDY LEAVE IS DISCRETIONARY

The Complainant seeking reinstatement contended that he could not understand why his employers had declared him as having vacated his post and terminated his appointment.

The Complainant had informed the Respondent that he was studying at the University Of Cape Coast. The Respondent refused to grant him study leave with pay and asked him to resume duty in January 1994. His regional head advised him to apply for leave without pay but he did not do so. The Respondent decided that his absence from work for more than ten consecutive days violated Section 19(c) of the Collective Bargaining Agreement and accordingly terminated his employment.

All members of staff of the Respondent were permitted to proceed on study leave with pay if the course of study was relevant to their work. However, the Complainant was the first to be refused study leave with pay after the Respondent adopted the policy that Statistics/Economics and Statistics/Sociology rather than Social Sciences were their new priority areas.

The issues were whether the Respondent was justified in declaring that the Complainant had vacated his post and terminating his employment

The Commission found that the grant of study leave was discretionary and it was so stated in the Collective Bargaining Agreement. Also the explanation given by the Respondent for refusing to grant the Complainant study leave with pay was plausible. The Respondent rightly requested the Complainant to report for duty after his leave in January 1994. The Complainant still had the option of study leave without pay, which he refused to take up even though his head of section advised him to do so. The Respondent could therefore not be faulted for declaring that the Complainant had vacated his post. The Commission therefore dismissed the complaint as lacking merit.

CASE NO.9 THE PAUPER, THE MEDICAL BILL AND THE INSURANCE CLAIM

The Complainant's niece was hospitalized at the Korle Bu Teaching Hospital when the Respondent's car knocked her down. The total cost of her treatment was ₵1,218,700.00. The Respondent paid a deposit of ₵300,000.00. The outstanding balance was ₵918,000.00. The hospital refused to discharge the 11 year-old niece until the outstanding bill was settled but the Respondent refused to pay up. The Complainant therefore prayed the Commission to get the Respondent to pay up.

The Respondent, replied that, he paid the initial deposit on humanitarian grounds, but in reality, it was his insurance company that was liable.

The Commission's investigations revealed that the insurance company settles such claims upon receipt of medical and police reports. However, the medical bill had to be settled before a medical report would be issued for presentation to the insurance company.

The investigations further revealed that the Complainant was a pauper, and was, therefore, entitled to free medical treatment from the hospital. The Commission therefore negotiated with the Social Welfare authorities resulting in the Complainant being asked to pay two



thirds of the outstanding bill. The Respondent agreed to pay the remainder of the bill and the Complainant's niece was discharged.

Subsequently, through the Commission's mediation, the Respondent agreed to settle the medical bill and compensate the Complainant's niece as well. The matter was thus amicably settled.

CASE NO.10: DISCRIMINATION AND ADMINISTRATIVE INJUSTICE

The Complainant, in the interest of administrative justice, invited the Commission to investigate the wrongful appointment of one candidate as Managing Director of a state owned limited liability company

The Complainant believed that he was by far the better candidate in terms of academic qualification; length of service, exposure to formal management principles, methods and processes, and had international exposure.

The Commission observed from all the evidence available to it that another candidate and not the Complainant was selected as the better candidate. The panel recommended that that candidate be offered the position of Managing Director. However on the advice of the Board of Directors the President appointed somebody else. On the retirement of that person, the President on the advice of the Board appointed the complainant as Managing Director.

The issue to be determined was whether there had been administrative injustice perpetrated in the appointment of the present substantive Managing Director of the said company.

The Commission did not agree with the Complainant that more than a first degree was required for a candidate to be appointed Managing Director in the said company. Rather it was the case that if there were a tie then the one with additional qualifications would have the advantage. However the question did not arise. From the totality of the evidence, the Commission was satisfied that the Complainant had not established that he was unfairly treated. The application was therefore dismissed.

CASE NO.11: MY BROTHER'S HOUSE BELONGS TO ME

The Applicant applied for the review of a decision of Tema Development Corporation (TDC), which was adopted by the Commission that the tenancy of house No AH 25, Community 4, Tema be granted to her and her deceased husband's brother.

The facts of the case were that the original tenant of the house and the husband of Applicant had invited the Respondent to live with them. However the Respondent refused to pay rent or share in the payment of utilities. The original tenant died. The husband of the Applicant later registered the house in his name before he died. When the Respondent became aware of this he complained about it to their uncle who told him to let the status quo remain, because they were brothers. He complied with their uncle's advice and conceded that the tenancy should remain in the name of his brother, the Applicant's husband.

In the course of the Commission's investigations the Applicant established that she had



bought the subject matter of the case, House No AH 25 at Tema Community 4, on hire purchase and had already paid €1.3 million as part payment. This sale was as a result of the policy of the TDC, the landlord, that all sitting tenants could purchase the houses they were living in.

The issue was whether the house belonged to the applicant, the Respondent or them both.

Since no tribunal or court of competent jurisdiction had set that sale aside, the Commission decided that the house remains the bona fide property of the Applicant. The earlier decision of the Tema Sub-Regional office of the Commission was therefore set aside, and the Respondent may, therefore, only occupy the house at the pleasure of the Applicant.

CASE NO 12: REVIEW APPLICATION: THE LAW OF ESTOPPEL INVOKED

The Complainant had lodged a complaint requesting the Commission to declare ineffective the notice to him to vacate his premises. The Commission concluded in its decision dated 14th July 1999 that there was established a contractual relationship between the Complainant and the HFC, before his appointment with the Respondents was terminated.

Aggrieved by the decision, the CDH, the Respondent, applied for a review of the decision with the prominent reason that the Commission erred in finding that the flat in question was not the property of the Company.

In May 2000, the Commission reviewed its decision in respect of this point and held that the ownership of the flat had never been in dispute. However, the evidence on record was unambiguously clear that by letter dated November 20 1995 the CDH, the Respondent, made the Complainant then an employee of the CDH the offer to purchase the flat he was occupying. The Complainant wrote to accept this offer on the 28th November 1995. This transferred the interest of the Respondent in the property to the Complainant according to the consideration and terms agreed to.

The question, which came up for determination, was whether the Complainant acquired any interest in the property that the law must recognize and protect.

The Commission was of the view that it would be not only unfair but an unjust and discriminating act on the part of the Respondent, the CDH, to deny the interest in the property the Complainant acquired. The CDH were therefore estopped from denying the interest of the Complainant in the property and could therefore not evict the Complainant.

CASE No. 13: DRAMATIC END TO UNFAIR TREATMENT

The Complainant alleged that the Respondent had discriminated against him and treated him unfairly.

The Complainant's case was that he and a co-worker were asked to go home and report back in two weeks. However, when they reported back, the other worker was asked to resume work whilst the Complainant was asked to go back home and report in a week's time. This continued for four months.



When the Respondents were invited to react to the complaint they forwarded to the Commission an amount of one hundred and forty eight thousand, five hundred cedis (¢148,500.00) being one month's pay in lieu of notice in respect of the Complainant's termination. They also agreed to convert an outstanding earned leave to cash amounting to one hundred and fifty four thousand cedis (¢154,000.00) which was paid to him.

The Complainant was happy with this reaction of the Respondent and wrote to indicate his satisfaction that on his reporting the matter to the Commission the Respondent had ended the unfair treatment given him.

CASE NO. 14 THE COMMISSION DOES NOT HANDLE INSURANCE CLAIMS

The Complainant alleged that his lawyer had failed to follow-up an insurance claim in spite of several invitations from the insurance company to him to do so and sought assistance from the Commission.

The Complainant hired the lawyer to assist him in making an insurance claim following the death of his wife in a lorry accident. Three years later the lawyer reported that the claim had been repudiated because it was brought out of time.

The Commission advised the Complainant to seek redress from the General Legal Council concerning the conduct of his lawyer. Concerning the insurance claim proper the Commission advised Complainant to engage the services of another lawyer to advise him what to do.

CASE NO.15: FUNERAL DONATIONS AND FUNERAL GRANTS

The Complainant sought the assistance of the Commission to get the Respondents to pay him his entitlements.

The Complainant, a former employee of the Respondent said he was bereaved in June 2001, but a cheque issued to cover a funeral grant he was entitled to was not honoured by the bank; however several approaches he made to management to get the payment effected proved futile.

The Respondent wrote a fresh cheque for ¢590,000.00 in favour of the Complainant to cover the funeral grant. However the Complainant said the amount was short by ¢104,000.00 which was to cover funeral donation. The Commission's investigations revealed that the funeral donation was supposed to be paid directly to the extended family on the funeral grounds by the Respondent but on this occasion there had not been any delegation by the extended family to the funeral and so the amount was to be returned to chest.

The Commission accepted and upheld the Respondent's stand not to pay the funeral donation to the Complainant.



CASE SUMMARIES

CASE NO. 16 THE DOUBLE JEOPARDY RULE

The Complainant was seeking the assistance of the Commission to have the results of an examination he sat recognized and his rank restored

The Complainant, a police sergeant, reported that he was arraigned before a disciplinary committee for allegedly negligently permitting a prisoner to escape, but the prosecution witness did not attend and he was therefore discharged. However, immediately thereafter, the Regional Commander was prevailed upon to order a retrial, which resulted in a conviction and a sentence of reduction in rank from sergeant to corporal for two years.

The Complainant's rank was restored in 1988 and in 1989 the Police Administration recommended him to sit for the competitive examination for promotion from Sergeant to Inspector. He sat, passed and was duly promoted in 1989. But soon after the publication of the list of successful officers a directive from the Regional Commander's office was received to the effect that his promotion be suspended as a service enquiry was pending against him. Since November 1989 the Complainant has been appealing to various Inspectors General of Police for a restoration of his rank, but to no avail.

The Complainant further alleged that his second trial was wrongful since it contravened Section 113 Criminal Procedure Code 1960, that is:

"A person who has been once tried by a Court of competent jurisdiction for an offence and convicted or acquitted of the offence, shall not be liable to be tried again on the same fact for the same offence or any other offence of which he could have lawfully been convicted at the first trial unless a retrial is ordered by a Court having power to do so."

This is the principle known as the double jeopardy rule

The issue before the Commission was whether the Complainant was entitled to sit for the examination and be promoted

The Commission found that there was no trial in the sense envisaged by Section 113 of Act 30/60 and it follows that there was neither a conviction nor an acquittal. The Complainant was discharged for want of prosecution and could therefore be re-arraigned for trial any time the prosecution was ready and this is exactly what the Police Administration did. Therefore the second alleged trial is not a nullity.

The Respondent's action to suspend the promotion of the Complainant to the rank of Inspector on grounds that there was a service inquiry was not supported by the evidence available to the Commission.

The Commission accordingly ruled that there was no justification for the suspension of the Complainant's promotion and the never-ending suspension was therefore wrongful, a nullity and of no effect. The Complainant should therefore be restored to the rank of Inspector with retrospective effect from November 1989, and all his salary arrears to date, including increments and other entitlements, should be paid him. It was recommended that he should be promoted out of turn at the next opportune time to the rank of Chief Inspector unconditionally.



CASE NO. 17: CAP 30 OR SSNIT PENSION SCHEME?

The Complainant lodged a complaint with the Commission asking the CHRAJ to help her claim her benefits under the Cap 30 pension scheme. The Complainant said that the failure of the Respondents to pay her under Cap 30 amounted to discrimination because she travelled abroad to join her husband, a situation that was compelled by marital obligations. Also she got pregnant and gave birth within the period.

The Complainant was a teacher in the employment of the Respondents (the Ghana Education Service (GES) from 1960 till she left the service for the UK in 1972, and came back in 1979 to continue her service. Investigations revealed that there was a break in her service for a period of 20 months

Therefore the issue the Commission had to determine was whether under the circumstances the Complainant could be paid pension under the Cap 30 Scheme

In the view of the Commission, the Complainant's inability to get a job in the U.K. within a period of more than a year certainly constituted a break in service in terms of the Teacher's Pensions (Amendment) Act (Pension Ordinance) of 1955. There would have been continuity under the GES regulations if she had secured a job during that period since the U.K. belongs to the British Commonwealth. During that time she did not belong to the GES and was not also a teacher in the U.K. The Commission found no evidence of discrimination against the Complainant as she stated in her submissions, and decided that the Complainant makes her claim under the SSNIT Pension Scheme since her claim for payment under Cap 30 was unmeritorious

CASE NO.18 PAYMENT OF ARREARS OF SALARY FOR WRONGFUL SUSPENSION

The Complainant filed a complaint against the National Mobilization Programme (N.M.P) for unfairly and indefinitely suspending him. He said that his suspension, which had been for over three (3) months and was to take retrospective effect, was in contravention of the laid down procedure as set out in S. 78(1) of PNDCL 327, The Civil Service Law. He therefore wanted the suspension to be nullified and to be re-instated

The Commission had to determine whether the indefinite suspension of the Complainant with retrospective effect was in accordance with law.

The Commission found that the Civil Service Act, and Interim Regulations dated 1960 (L.147) governed the Complainant's employment, together with any statutory instruments made thereunder. The Respondents had classified the Complainant's conduct as insubordination under S. 77 (b) of PNDCL 327 and penalised him by suspending him indefinitely per a letter dated November 13, 1997 to take retrospective effect from October 28, 1997

S. 78 (1)(h) of the Civil Service Law, 1993, PNDCL. 327, stipulates that:

"S.78 (1)

The following penalties may be imposed in disciplinary proceedings under this part in respect of misconduct or unsatisfactory service.....

(h) suspension from duty with subsequent loss of pay and allowances for a period not



exceeding fourteen days"

The suspension of the Complainant "indefinitely" which had hanged on his neck for more than three months as at the time of the Complaint was therefore found to be clearly wrongful.

Again the suspension of the Complainant on November 13, 1997 to take retrospective effect from October 28, 1997 was contrary to the spirit of Article 107(b) of the 1992 Constitution, which frowns upon retrospective legislation. That section states:

Parliament shall have no power to pass any law,

- a. which operates retrospectively to impose any limitations on or adversely affect the personal rights and liberties of any person or to impose a burden, obligation, or liability on any person except in the case of a law enacted under Articles 178 to 182 of this Constitution.

If Parliament itself cannot pass a law to adversely affect a person's rights retrospectively, then we do not see how any body operating under laws made by parliament can adversely take an action that retroactively affects a person's rights. The action taken by the Respondents to suspend the Complainant with retrospective effect from October 28, 1997 was therefore arbitrary, ultra vires the powers vested in the Director, wrongful, null and void.

The Commission recommended that the Respondents re-instate the Complainant into the position immediately before his suspension. In addition, he was to be paid all his salaries and allowances from the date of his suspension, i.e. October 28, 1997 to the date that he would be reinstated.

CASE NO.19: FEMALE GENITAL MUTILATION

The Catechist of the Presbyterian Church, Kabrono-Banda, lodged a complaint that the Respondents had carried out female circumcision on some young girls in the town and that the young girls ran to seek refuge with him at the mission house.

The Commission conducted investigations into the matter. After the investigations the Respondents were arrested and put before court at Wenchi charged with female circumcision contrary to S.69 of Act 29, 1960 as amended. They were cautioned and discharged. The court, however, ordered them to pay ₵ 600,000.00 each.

Thereafter the Commission embarked upon series of public education activities in the area on the dangers of female genital mutilation and other related practices drawing attention to the laws on such practices

CASE NO. 20: NO HIDING PLACE FOR CORRUPT OFFICIALS

The Brong Ahafo Youth Task Force complained to the Commission that the Brong Ahafo Regional Manager of the Forest Services Division was reluctant to investigate and punish



some officials of the Forest Services Division against whom allegations of various illegal timber operations had been made. The Complainant therefore asked the Commission to investigate the allegations against the officials and if well founded, take appropriate corrective measurement.

After investigations and having heard the parties involved, the Commission made the following recommendations:

1. that two of the Respondents should each be suspended for two (2) months without pay;
2. that the punishment of the two was without prejudice to the refund of the ₵150,000.00 they took from the Complainant;
3. that the Brong Ahafo Regional Manager of FSD advise his staff to observe and follow laid-down rules in relation to allocation of felling rights.

The Complainant was commended for his courage.

CASE NO.21: MISAPPROPRIATION OF ROAD REGRAVELLING

The President of a youth club based at Agbozume in the Ketu District of the Volta Region claimed that an assembly member for Agbozume Central had misapplied funds meant for the rehabilitation of some roads in the Somey Wego area. A committee of enquiry set up to investigate the matter established that the said member was liable for an amount of ₵1,240,800.00. The Complainant therefore called for the dismissal of the member from the assembly, and appealed to the Commission to intervene to ensure that social justice and sustainable development were assured in the area.

The investigations established, that the MP for the area requested that each council area should make a project proposal to be supported from the MP's Common Fund; that the Somey Wego council made a proposal for the rehabilitation of bad sections of the 6 feeder roads in the area, which was approved. Money was to be released for the project as soon as a tipper truck was procured. The assembly member who was to be the linkman brought a tipper truck from Ho to Denu and accordingly ₵5,760,000.00 was released to him. However due to the assembly member's refusal to follow the agreed procedure for prosecuting the project a committee of inquiry was set up, which made several recommendations, one of which was that the assembly member should refund ₵1,240,800.00, and two others ₵308,900.00, and ₵101,600.00, by 14th September 2000.

Only one person paid up. The Commission concluded that the refusal of the assembly member and the other person to refund monies they were found to have misappropriated is reprehensible, and is sufficient ground for their dismissal from the Assembly.

The Commission therefore directed that District Chief Executive of Ketu District Assembly should collect the misappropriated monies with interest calculated from 14 September 2000 to the time of payment from the two persons and should indicate compliance to the Commission.

The District Chief Executive has informed the Commission that they complied on 15th



March 2002

CASE No.22: PUBLIC OFFICE HOLDERS AND CONFLICT OF INTEREST

The editor of the Crusading Guide reported to the Commission that in 1995 the ex-National Insurance Commissioner had the former insurance brokers of Ghana Airways changed; and in their place put another insurance company, on a prior assurance by the new brokers that it was going to reward him with some commission. Subsequently he collected US \$96,500 from the new brokers between 1995 and 1998.

The ex-National Insurance Commissioner denied the allegations adding that he could not have made such an arrangement when the selection of the broker was not in his hands

The Commission undertook preliminary field investigations requesting the assistance of national and international institutions and organizations. Consequently, the Commission instituted a panel hearing in order to determine the merits of the complaint.

Faced with overwhelming evidence of his guilt, the former National Insurance Commissioner dramatically repudiated his earlier denials. Led by his counsel, in his evidence-in-chief he admitted that he had received \$96,500 from the new insurance brokers, but described the payment as a "gift".

The issues to be determined were whether, the former National Insurance Commissioner influenced Ghanair to change its reinsurance brokers; and whether the payment of \$96,500 he received from the new brokers between 1995-1998 was a bribe or a gift.

The Commission found, that, the former National Insurance Commissioner acted in an unethical manner in accepting the payment of the colossal amount of U\$96,500 and further found that it was paid to him as a bribe for having "played a prominent role" in securing the transfer of Ghanair's reinsurance business from the former to the current brokers. The Commission also found that in accepting the payment of \$96,500 the former National Insurance Commissioner committed an act of corruption and he as a public officer, put himself in a position where his personal interest conflicted or was likely to conflict with the performance of the functions of his office, contrary to Article 284 of the 1992 Constitution.

The Commission recommended;

1. that the former National Insurance Commissioner should repatriate U\$11,243.12, an outstanding balance on his account, of payments he received and pay this amount into government chest;
2. that he should be barred forthwith from holding any public office, and from membership of any insurance institution or association;
3. that the Attorney General's Department should consider prosecuting him for corruption.
4. that future National Insurance Commissioners should be registered and professional insurance practitioners, which the former National Insurance Commissioner was not; and finally
5. that the Government should adopt a Code of Ethics for public officers giving guide lines as to the circumstances under which public officers may accept gifts, and illustrating situations where a conflict of interest is likely to arise.



COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE

216. There shall be established by Act of Parliament within six months after Parliament first meets after the coming into force of this Constitution, a Commission on Human Rights and Administrative Justice which shall consist of -
- (a) A Commissioner for Human Rights and Administrative Justice; and
 - (b) Two Deputy Commissioners for Human Rights and Administrative Justice.
217. The President shall appoint the members of the Commission under article 70 of this Constitution.
218. The functions of the Commission shall be defined and prescribed by Act of Parliament and shall include the duty -
- (a) To investigate complaints of violations of fundamental rights and freedoms, injustice, corruption, abuse of power and unfair treatment of any person by a public officer in the exercise of his official duties;
 - (b) to investigate complaints concerning the functioning of the Public Services Commission, the administrative organs of the State, the Armed Forces, the Police Service and the Prisons Service in so far as the complaints relate to the failure to achieve a balanced structuring of those services or equal access by all to the recruitment of those services or fair administration in relation to those services;
 - (c) To investigate complaints concerning practices and actions by persons, private enterprises and other institutions where those complaints allege violations of fundamental rights and freedoms under this Constitution;
 - (d) To take appropriate action to call for the remedying, correction and reversal of instances specified in paragraphs (a), (b) and (c) of this clause through such means as are fair, proper and effective, including -
 - (i) Negotiation and compromise between the parties concerned;
 - (ii) Causing the complaint and its finding on it to be reported to the superior of an offending person;
 - (iii) Bringing proceedings in a competent Court for a remedy to secure the termination of the offending action or conduct, or the abandonment or alteration of the offending procedures; and
 - (iv) Bringing proceedings to restrain the enforcement of such legislation or regulation by challenging its validity if the offending action or conduct is sought to be justified by subordinate legislation or regulation, which is unreasonable or otherwise ultra vires;
 - (e) To investigate all instances of alleged or suspected corruption and the



misappropriation of public moneys by officials and to take appropriate steps, including reports to the Attorney-General and the Auditor-General, resulting from such investigations;

- (f) To educate the public as to human rights and freedoms by such means as the Commissioner may decide, including publications, lectures and symposia; and
 - (g) To report annually to Parliament on the performance of its functions.
219. (1) The powers of the Commission shall be defined by Act of Parliament and shall include the power -
- (a) To issue subpoenas requiring the attendance of any person before the Commission and the production of any document or record relevant to any investigation by the Commission;
 - (b) To cause any person contemptuous of any such subpoena to be prosecuted before a competent Court;
 - (c) To question any person in respect of any subject matter under investigation before the Commission;
 - (d) To require any person to disclose truthfully and frankly any information within his knowledge relevant to any investigation by the Commissioner.
- (2) The Commissioner shall not investigate -
- (a) A matter which is pending before a court or judicial tribunal; or
 - (b) A matter involving the relations or dealings between the Government and any other Government or an international organization; or
 - (c) A matter relating to the exercise of the prerogative of mercy.
220. An Act of Parliament enacted under article 216 of this Constitution shall provide for the creation of regional and district branches of the Commission.
221. A person shall not be qualified for appointment as a Commissioner or a Deputy Commissioner for Human Rights and Administrative Justice, unless he is -
- (a) In the case of Commissioner, qualified for appointment as a Justice of the Court of Appeal; and
 - (b) In the case of a Deputy Commissioner, qualified for Appointment as a Justice of the High Court.
222. The Commissioner and Deputy Commissioners shall not hold any other public office.



223. (1) The Commissioner and Deputy Commissioners shall enjoy the terms and conditions of service of a Justice of the Court of Appeal and High Court respectively.
- (2) The Commissioner and Deputy Commissioners shall cease to hold office upon attaining the ages of seventy and sixty-five years respectively.
224. Where the Commissioner dies, resigns or is removed from office or is for any other reason unable to perform the functions of his office, the President shall, acting in consultation with the Council of State, appoint a person qualified to be appointed Commissioner to perform those functions until the appointment of a new Commissioner.
225. Except as provided by this Constitution or by any other law not inconsistent with this Constitution, the Commission and the Commissioners shall, in the performance of their functions, not be subject to the direction or control of any person or authority.
226. The appointment of officers and other employees of the Commission shall be made by the Commission acting in consultation with the Public Services Commission.
227. The administrative expenses of the Commission including salaries, allowances and pensions payable to, or in respect of, persons serving with the Commission, shall be charged on the Consolidated Fund.
228. The procedure for the removal of the Commissioner and Deputy Commissioners shall be the same as that provided for the removal of a Justice of the Court of Appeal and a Justice of the High Court respectively under this Constitution.
229. For the purposes of performing his functions under this Constitution and any other law, the Commissioner may bring an action before any court in Ghana and may seek any remedy, which may be available from that court.
230. Subject to the provisions of this Constitution and to any Act of Parliament made under this Chapter, the Commission shall make, by constitutional instrument, regulations regarding the manner and procedure for bringing complaints before it and the investigation of such complaints.



THE COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE

AN ACT to establish a Commission on Human Rights and Administrative Justice to investigate complaints of violations of fundamental human rights and freedoms, injustice and corruption; abuse of power and unfair treatment of persons by public officers in the exercise of their duties, with power to seek remedy in respect of such acts or omissions and to provide for other related purposes.

DATE OF ASSENT: 6th July 1993

BE IT ENACTED by Parliament as follows-

PART I

ESTABLISHMENT OF COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE

1. There is established by this Act a body to be known as the Commission on Human Rights and Administrative Justice in this Act referred to as "the Commission"
2. (1) The Commission shall consist of -
 - (a) A Commissioner for Human Rights and Administrative Justice in this Act referred to as "the Commissioner"; and
 - (b) Two Deputy Commissioners for Human Rights and Administrative Justice, in this Act referred to as "the Deputy Commissioners".
- (2) The President shall, acting in consultation with the Council of State appoint The Commissioner and the Deputy Commissioners.
3. (1) A person shall not be qualified for appointment as Commissioner or a Deputy Commissioner for Human Rights and Administrative Justice, unless he is -
 - (a) In the case of the Commissioner, qualified for appointment as a Justice of the Court of Appeal; and
 - (b) In the case of a Deputy Commissioner, qualified for appointment as A Justice of the High Court.
- (2) The Commissioner and Deputy Commissioners shall not while holding office as Commissioners hold any other public office.
4. (1) The Commissioner and Deputy Commissioners shall enjoy the terms and Conditions of service of a Justice of the Court of Appeal and High Court respectively.
- (2) The Commissioner and Deputy Commissioners shall cease to hold office upon attaining the ages of seventy and sixty-five years respectively.



- (3) Where the Commissioner or a Deputy Commissioner dies, resigns or is removed from office, the President shall, acting in consultation with the Council of State, appoint a person qualified to be appointed Commissioner or Deputy Commissioner to perform those functions until the appointment of a new Commissioner or Deputy Commissioner.
5. The procedure for the removal of the Commissioner and Deputy Commissioner shall be the same as that provided for the removal of a Justice of the Court of Appeal and a Justice of the High Court respectively under article 146 of the Constitution.
6. Except as provided by the Constitution or by any other law not inconsistent with the Constitution, the Commission and the Commissioners shall, in the performance of their functions not be subject to the direction or control of any person or authority.

PART II

FUNCTIONS OF THE COMMISSION

7. (1) The functions of the Commission are -
 - (a) To investigate complaints of violations of fundamental rights and freedoms, injustice, corruption, abuse of power and unfair treatment of any person by a public officer in the exercise of his official duties;
 - (b) To investigate complaints concerning the functioning of the Public Services Commission, the administrative organs of the State, the offices of the Regional Coordinating Council and the District Assembly, the Armed Forces, the Police Service and the Prisons Service in so far as the complaints relate to the failure to achieve a balanced structuring of those services or equal access by all to the recruitment of those services or fair administration in relation to those services;
 - (c) To investigate complaints concerning practices and actions by persons, private enterprises and other institutions where those complaints allege violations of fundamental rights and freedoms under the Constitution;
 - (d) To take appropriate action to call for the remedying, correction and reversal of instances specified in paragraphs (a), (b) and (c) of this subsection through such means as are fair, proper and effective, including -
 - (i) negotiation and compromise between the parties concerned;
 - (ii) causing the complaint and its finding on it to be reported to the superior of an offending person;
 - (iii) bringing proceedings in a competent court for a remedy to secure the termination of the offending action or conduct, or the abandonment or alteration of the offending procedures; and
 - (iv) bringing proceedings to restrain the enforcement of such legislation



or regulation by challenging its validity if the offending action or conduct is sought to be justified by subordinate legislation or regulation which is unreasonable or otherwise ultra vires;

- (e) to investigate allegations that a public officer has contravened or has not complied with a provision of Chapter Twenty-four (Code of Conduct for Public Officers) of the Constitution;
 - (f) to investigate all instances of alleged or suspected corruption and the misappropriation of public monies by officials and to take appropriate steps, including reports to the Attorney-General and the Auditor-General, resulting from such investigation;
 - (g) to educate the public as to human rights and freedoms by such means as the Commissioner may decide, including publications, lectures and symposia; and
 - (h) to report annually to Parliament on the performance of its functions.
- (2) All costs and expenses related to investigations conducted by the Commission into a complaint shall be borne by the Commission.
8. (1) The Commission shall for the purposes of performing its functions under this Act, have power -
- (a) to issue subpoenas requiring the attendance of any person before the Commission and the production of any document or record relevant to any investigation by the Commission;
 - (b) to cause any person contemptuous of any such subpoena to be prosecuted before a competent court;
 - (c) to question any person in respect of any subject matter under investigation before the Commission;
 - (d) to require any person to disclose truthfully and frankly any information within his knowledge relevant to any investigation by the Commissioner.
- (2) The Commissioner shall not investigate -
- (a) a matter which is pending before a court or judicial tribunal; or
 - (b) a matter involving the relations or dealings between the Government and any other Government or an international organization; or
 - (c) a matter relating to the exercise of the prerogative of mercy.
9. For the purposes of performing his functions under the Constitution, this Act and any other law, the Commissioner may bring an action before any court in Ghana



and may seek any remedy which may be available from that court.

10. (1) There shall be established in each Region and District of Ghana Regional and District branches respectively of the Commission.
- (2) There shall be appointed by the Commission an officer who shall be the head of a Regional or District branch of the Commission.
- (3) The Commission may create such other lower structures as would facilitate its operations.
11. (1) A representative of the Commission in a Regional or District office of the Commission shall -
 - (a) receive complaints from the public in the Region or District;
 - (b) make such on-the-spot investigation as may be necessary; and
 - (c) discharge any other duties relating to the functions of the Commission that may be assigned to him by the Commissioner.

PART III

PROVISIONS RELATING TO COMPLAINTS AND INVESTIGATIONS

12. (1) A complaint to the Commission shall be made in writing or orally to the national offices of the Commission or to a representative of the Commission in the Regional or District branch.
- (2) Where a complaint is made in writing it shall be signed by the complainant or his agent.
- (3) Where a complaint is made orally, the person to whom the complaint is made shall reduce the complaint into writing and shall append his signature and the signature or thumbprint of the complainant.
- (4) Notwithstanding any law to the contrary, where a letter written by -
 - (a) a person in custody; or
 - (b) a patient in a hospital;
 is addressed to the Commission, it shall be immediately forwarded unopened and unaltered to the Commission by the person for the time being in charge of the place or institution where the writer of the letter is detained or of which he is a patient.
- (5) A complaint under this Act may be made by any individual or a body of persons whether corporate or unincorporated.



- (6) Where a person by whom a complaint might have been made under this Act has died or is for any sufficient reason unable to act for himself, the complaint may be made by his personal representative or by a member of his family or other individual suitable to represent him.
13. (1) Where in the course of the investigation of any complaint it appears to the Commission -
- (a) that under the law or existing administrative practice there is adequate remedy for the complaint, whether or not the complainant has availed himself of it; or
 - (b) that having regard to all the circumstances of the case, any further investigation is unnecessary, it may refuse to investigate the matter further.
- (2) The Commission may refuse to investigate or cease to investigate any complaint -
- (a) if the complaint relates to a decision, recommendation, act or omission of which the complainant has had knowledge for more than twelve months before the complaint is received by the Commission; or
 - (b) if the Commission considers that -
 - (i) the subject matter of the complaint is trivial;
 - (ii) the complaint is frivolous or vexatious or is not made in good faith; or
 - (iii) the complainant does not have sufficient personal interest in the subject matter of the complaint.
- (3) Notwithstanding subsection (2) of this section, if within six months after the Commission's refusal or ceasing to investigate any complaint under this section, fresh evidence in favor of the complainant becomes available, the Commissioner shall, at the request of the complainant, re-open the case.
- (4) Where the Commission decides not to investigate or to cease to investigate a complaint, it shall within 30 days of the decision inform the complainant of its decision and the reasons for so refusing.
- 14 (1) Where the Commission decides to conduct an investigation under this Act, it shall give the authority or person concerned and to any other person who is alleged in the complaint to have taken or authorized the act or omission complained of, an opportunity to comment on any allegations contained in the complaint and the representative of the authority or person concerned shall submit his comments within such time as the Commission may specify.
- (2) The public may be excluded from investigations conducted by the Commission.



- (3) Without prejudice to the generality of the provisions of this section, the Commission may obtain information from such persons and in such manner, and make such inquiries, as it considers necessary.
 - (4) The Commission may pay to a person by whom a complaint is made and to any other person who attends and furnishes information for the purposes of an investigation under this Act -
 - (a) sums in respect of expenses properly incurred by them; and
 - (b) allowances by way of compensation for the loss of their time, in accordance with such scales and subject to such conditions as may be determined by the Commission having regard to the rates for the time being applicable to the courts.
15. (1) Subject to this section the Commission may require any person who, in its opinion, is able to give any information relating to a matter being investigated by the Commission -
- (a) to furnish the information to it;
 - (b) to produce any document, paper or thing that in its opinion relates to the matter being investigated and which may be in the possession or control of that person.
- (2) The Commission may summon before it and examine on oath or affirmation -
- (a) a person required to give information or produce anything under subsection (1) of this section;
 - (b) a complainant;
 - (c) any other person who the Commission considers will be able to give information required under subsection (1) of this Section.
- (3) Subject to subsection (4) of this section, a person who is bound by law to maintain secrecy in relation to, or not to disclose, any matter may not -
- (a) supply information to or answer a question put by the Commission in relation to that matter; or
 - (b) produce to the Commission a document, paper or thing relating to it, if compliance with that requirement would be in breach of the obligation of secrecy or non-disclosure.
- (4) A person to whom subsection (3) of this section applies may be required by the Commission to supply information or answer a question or produce a document, paper or thing that relates to a matter under investigation; and subject to section 16 of this Act, it shall be the duty of that person to comply with the requirement.
- (5) A witness before the Commission shall be entitled to the same privileges to which he would have been entitled if he were a witness before the High Court.
- (6) No person shall be liable to prosecution for an offence under any enactment by reason of his compliance with a requirement of the Commission under this section.



16. Article 135 of the Constitution, which relates to production of official documents in court shall apply to proceedings before the Commission as it applies to proceedings before a court.
17.
 - (1) The Commissioner or a Deputy Commissioner and every person holding an office or appointment under the Commission shall maintain secrecy in respect of all matters that come to their knowledge in the exercise of their functions.
 - (2) Every person holding office or appointment under the Commission who is likely to have access to confidential information of the Commission shall before proceeding to carry out his functions under this Act, take and subscribe to the Oath of Secrecy set out in the Second Schedule to the Constitution.
 - (3) The Commission shall determine the category of persons to whom subsection (2) of this section shall apply.

PART IV PROCEDURE AFTER INVESTIGATION BY THE COMMISSION

18.
 - (1) Where after making an investigation under this Act, the Commission is of the view that the decision, recommendation, act or omission that was the subject matter of the investigation -
 - (a) amounts to a breach of any of the fundamental rights and freedoms provided in the Constitution; or
 - (b) appears to have been contrary to law; or
 - (c) was unreasonable, unjust, oppressive, discriminatory or was in accordance with a rule of law or a provision of any Act or a practice that is unreasonable, unjust, oppressive, or discriminatory; or
 - (d) was based wholly or partly on a mistake of law or fact; or
 - (e) was based on irrelevant grounds or made for an improper purpose; or
 - (f) was made in the exercise of a discretionary power and reasons should have been given for the decision; the Commission shall report its decision and the reasons for it to the appropriate person, Minister, department or authority concerned and shall make such recommendations as it thinks fit and the Commission shall submit a copy of its report and recommendations to the complainant.
 - (2) If within three months after the report is made no action is taken which seems to the Commission to be adequate and appropriate, the Commissioner, may after considering the comments, if any, made by or on behalf of the department, authority or persons against whom the complaint was made,



bring an action before any court and seek such remedy as may be appropriate for the enforcement of the recommendations of the Commission.

19. (1) The Commissioner shall, annually submit a report to Parliament which shall include a summary of the matters investigated, and the action on them by the Commission during the preceding year.
- (2) Parliament may debate the report of the Commission and may pass such resolution as it considers fit.
- (3) A resolution of Parliament shall not alter a decision made by a court on a matter instituted before the court by the Commissioner.
- (4) The Commissioner may, in the public interest or in the interest of any person or department or any other authority, publish reports relating -
 - (a) generally to the exercise of the functions of the Commission under this Act; or
 - (b) to any particular case investigated by the Commission whether or not the matters in the report have been the subject of a report to Parliament.

PART V MISCELLANEOUS PROVISIONS

20. The appointment of officers and other employees of the Commission shall be made by the Commission acting in consultation with the Public Services Commission.
21. The administrative expenses of the Commission including all salaries, allowances and pensions payable to or in respect of, persons serving with the Commission are charged on the Consolidated Fund.
22. (1) Subject to the supervisory jurisdiction of the Supreme Court, no proceedings shall lie against the Commission or against any person holding an office or appointment under the Commission for anything done, reported or said by him in the course of the exercise or intended exercise of his functions under this Act, unless it is shown that he acted in bad faith.
- (2) Anything said, any information supplied, or any document, paper or thing produced by any person in the course of an inquiry by or proceedings before the Commission under this Act is privileged in the same manner as if the inquiry or proceedings were proceedings in a court.
- (3) For the purposes of the rules of law relating to defamation any report made by the Commission under this Act shall be privileged, and a fair and accurate



report on it in a newspaper or a broadcast shall also be privileged.

23. For the purposes of this Act, the Commissioner or any public officer authorised by him, may at any time enter any premises occupied by a department, authority or a person to whose act or omission this Act applies and inspect the premises and, subject to sections 16 and 17 of this Act carry out on the premises any investigation that is within the jurisdiction of the Commission.
24. Any person who -
- (a) without lawful justification or excuse, willfully obstructs, hinders or resists a member of the Commission or an officer authorized by the Commission in the exercise of any powers under this Act; or
 - (b) without lawful justification or excuse, refuses or willfully fails to comply with any lawful request of the Commissioner or a Deputy Commissioner or any other person under this Act; or
 - (c) willfully makes any false statement to or misleads or attempts to mislead the Commissioner or any other person in the exercise of his functions under this Act commits an offence and is liable on summary conviction to a fine not exceeding ₦500,000.00 and in default of payment to imprisonment for a term not exceeding six months or to both.
25. The provisions of this Act are in addition to the provisions of any other Act or any rule of law under which -
- (a) a remedy or right of appeal or objection is provided for any person; or
 - (b) any procedure is provided for the inquiry into or investigation of any matter, and nothing in this Act shall be taken to limit or affect a remedy or right of appeal or objection or procedure.
26. (1) Subject to the provisions of the Constitution and to any Act of Parliament made under the Constitution, the Commission shall make, by constitutional instrument, regulations regarding the manner and procedure for bringing complaints before it and the investigation of such complaints.
- (2) The exercise of the power to make regulations may be signified under the hand of the Commissioner or in his absence, a Deputy Commissioner.
27. In this Act a reference to a member of a complainant's family means -
- (a) in the case of a person belonging to a family based on the paternal system - mother, father, wife, son, daughter, brother, sister, father's brother, father's father, father's brother's son, and brother's son;
 - (b) in the case of a person belonging to a family based on the maternal system - mother, father, wife, son, daughter, brother, sister, mother's mother, mother's brother, mother's sister, sister's son, sister's daughter, mother's sister's son and mother's sister's daughter.



28. (1) The Ombudsman Act 1980 (Act 400) is repealed.
- (2) Notwithstanding the repeal of the Ombudsman Act, 1980 (Act 400) -
- (a) any regulation made under it and in force on the coming into force of this Act shall until altered, amended or revoked, continue in force and shall be applied with such modifications as may be necessary for giving effect to the provisions of this Act; and
 - (b) Any complaint pending before the Ombudsman immediately before the coming into force of this Act may be proceeded with under, and shall be subject to the provisions of, this Act.



CONSTITUTIONAL INSTRUMENT NO. 7

In exercise of the powers conferred on the Commission on Human Rights and Administrative Justice under Section 26 of the Commission on Human Rights and Administrative Justice Act 1993 (Act 456) these Regulations are made this 1st day of September, 1994.

1. (1) A complaint to the Commission shall be made in writing or orally to the national office of the Commission or to a representative of the Commission at the regional or district branch of the Commission.
- (2) Where the complaint is in writing, it shall be addressed to the Commissioner or to his regional or district representative and shall be signed or thumb printed by the complainant or his agent.
- (3) Where the complaint is made orally or the complainant cannot read and write, the complaint shall be reproduced into writing by the officer at the registry of the Commission or its branch to whom the complaint is made or by any other person chosen by the complainant.
- (4) A person who reduces into writing the oral complaint of any person shall -
 - (a) read over and explain the contents to the complainant;
 - (b) declare on the document that the complainant has fully understood or appeared to understand and appreciate the contents of the complaint;
 - (c) cause the complainant to append his signature or thumbprint to the written complaint.
2. (1) A complaint lodged with the Commission shall contain -
 - (a) the full name and contact address of the complainant;
 - (b) the body, organization or person against whom the complaint is made;
 - (b) particulars of the nature of the complaint together with copies of any document in support of the complaint;
 - (c) the nature of the injustice or harm that the complainant has suffered as a result of the action, inaction or omission of the body or organization or person against whom the complaint is made; and
 - (e) the relief sought by the complainant.
- (2) A person who lodges a complaint with the Commission on behalf of another person shall state in writing the capacity in which he does so and the reason for so doing.



- (3) A complainant shall be given a reasonable time (depending on the circumstances of the case) within which to check on his complaint.
- (4) Where a complaint lodged with the Commission is not pursued for three months from the date it is lodged, the complaint shall lapse thereafter.
3. (1) Where the Commissioner considers that a complaint lodged with the Commission is a matter within the function of the Commission, he shall cause a copy of the complaint to be transmitted to the head of the body or organization or the person against whom the complaint is made with a request for comment and response.
- (2) The head of the body or organization or person against whom the complaint is made shall within ten days from the date of receipt of the complaint or such further period as the Commissioner may specify submit his comments or response to the Commissioner.
- (3) The Commissioner or his representative may assign an investigator or officer of the Commission to make a preliminary investigation into any complaint lodged with the Commission.
- (4) The Commission may for the purposes of performing its functions require the services of a member of the Police Force or any public institution with expert knowledge relevant for redressing any particular complaint.
4. (1) Upon receipt of the comments or response the Commissioner, where he considers that in view of the response, the complaint could be mediated upon and settled, may invite the parties concerned and attempt a settlement of the issue between the parties.
- (2) No provision of these regulations shall preclude the Commission on receipt of a complaint from inviting the parties concerned and attempting a settlement of the issue between the parties.
5. (1) Where the Commission decides to institute a full investigation into a complaint, the Commission shall in writing invite -
 - (a) the complainant
 - (b) a representative of the body, organization or person against whom the complaint is made; and
 - (c) such other persons as are considered by the Commission to be concerned in the investigation to attend to be interviewed by the Commission at a date, time and place specified in the notice.
- (2) The date for attendance shall not be less than seven days from the date of the notice.



COMPLAINT PROCEDURE REGULATIONS, 1994

- (3) A person appearing before the Commission in answer to a complaint shall -
- (a) be informed again of the particulars of the complaint and the relief sought;
 - (b) be afforded full opportunity to answer the complaint and to question any witness.
- (4) Any person who appears before the Commission in any investigation shall be given a fair hearing.
- (5) Persons appearing before the Commission to be investigated shall appear in person and may be represented by counsel.
- (6) Records of the investigation shall be kept in writing.
6. (1) For the purposes of regulation 5 the Commissioner may on the recommendation of any other member of the Commission, an investigator of the Commission or any other officer of the Commission, constitute a panel to investigate any complaint and report to the Commission.
- (2) The panel shall be composed of a chairman who shall be a member of the Commission or any legal officer in the employment of the Commission and not less than two other officers of the Commission.
- (3) Notwithstanding sub-regulation (2) of this regulation there may be co-opted on any such panel such person as the Commissioner may approve.
- (4) A person appearing before a panel under these regulations may raise an objection to the membership of the panel to the Commissioner who shall determine the issue.
7. (1) A panel composed under these regulations shall make a full report in any matter before it with its recommendations to the Commission.
- (2) The Commission shall consider every report submitted under sub-regulation (1) and may accept or reject the recommendations or ask for further investigations.
8. An officer appointed as the regional or district head of the branch of the Commission shall ensure the prompt investigation by officers in the regional or district of all complaints and may refer complaints to the national office where he considers it necessary or where directed by the Commissioner.
9. (1) The head of a district office of the Commission shall within five days of the end of every month submit to the head of the region branch of the Commission, a report of all complaints investigated by the district office in the preceding month and recommendation of the office on the complaints.



- (2) The designated head of a regional branch of the office together with the recommendations to the national office.
10. The final decision in any complaint lodged with the Commission shall be taken by the Commission.
11. For the purpose of sections 9 and 18(2) of the Act, the Commissioner may by writing authorize any public officer to bring an action in any court in the name of the Commissioner.
12. In these Regulations -
"Act" means the Commission on Human Rights and Administrative Justice Act, 1993 (Act 456).

Dated at Accra this 1st day of September, 1994. Commission shall submit a monthly report on all complaints investigated by the District offices and the Regional Offices.

EMILE FRANCIS SHORT
COMMISSIONER
COMMISSION ON HUMAN RIGHTS
AND ADMINISTRATIVE JUSTICE



A STATEMENT BY THE COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE (CHRAJ) (DECEMBER 10, 2002)

Introduction

Ladies and gentlemen, this day marks the 54th Anniversary of the Universal Declaration of Human Rights and is celebrated throughout the world as Human Rights Day. Every year on 10th December the Commission on Human Rights and Administrative Justice (CHRAJ) uses this auspicious occasion to issue a statement on the state of human rights in Ghana.

Significantly, it is almost two years since this nation experienced a historic transition from one democratically elected government to another and it offers us an opportunity to consider whether there has been any improvement in the human rights landscape in Ghana since the present administration took up office.

There is presently a general sense of greater freedom and a much more conducive environment for the enjoyment of human rights and freedoms, even though much remains to be done to inculcate in the citizenry a culture of respect for human rights. Significant developments so far include the cessation of arrests, harassment and detention in military barracks of civilians by military personnel, the repeal of the Criminal Libel Law, sustained efforts towards the enactment of a Freedom of Information Bill and a Public Interest Disclosure Bill. Indeed, the draft Public Interest Disclosure Bill (otherwise known as the draft Whistleblower's Bill) will be launched at the Institute of Economic Affairs tomorrow 11th December 2002. The following day, 12th December 2002, the Ghana Integrity Initiative will hold a Focus Group Discussion on the first draft of the Freedom of Information Bill at the GII Conference Room. We also welcome the development of a new and healthy relationship of cooperation between the police and the military.

The people of Ghana have continued to demonstrate a sustained enthusiasm and commitment to political pluralism, democracy, and the rule of law. Ghana seems to be firmly planted on the path of consolidating democracy. Parliamentary democracy has improved with a vibrant opposition in parliament, which is healthy for our multi-party democracy.

National Reconciliation

The Commission welcomes the process of reconciliation as a means of confronting the nation's turbulent history and fractious past.

The Commission wishes to express the hope that the on-going reconciliation exercise will be supported by all segments of society, that it would be free of political partisanship and the media would observe the guidelines already agreed for their reportage, especially when the sittings commence. The decision to focus on the victims, rather than the perpetrators, should be accepted by all peace loving Ghanaians.

It is hoped that the exercise will achieve the objectives of obtaining an accurate record of the human rights abuses committed during the periods stipulated, of healing the wounds of the past and reconciling the nation to enable us move forward.

This, it must be emphasized, requires demonstration of maturity, tolerance, the willingness to forgive, transparency and the desire to speak the truth.



The Commission wishes to caution all Ghanaians not to overreact to issues that may unfold during the hearings to be conducted by the NRC. Instead, Ghanaians should act with maturity and display tolerance. We are all aware of the disastrous consequences of conflict in our sub-region, especially in Liberia, Sierra Leone and now the Ivory Coast. We must cherish and preserve the political stability we have enjoyed for almost two decades.

Ethno-cultural conflicts

Ethnic conflicts, chieftaincy and land disputes remain significant problems. This year saw a disturbing increase in the number of conflicts leading to several outbreaks of violence across the country. Among the conflicts, which occurred this year are:

- Bloody conflicts between the two royal houses of the Abudu and Andani gates to the Ya-Na skin of the Dagbon Traditional Area;
- Bloody clashes over land and chieftaincy by the Tampongs both of Bimoba in the Mamprusi District of the Northern Region;
- Chieftaincy disputes among factions in Bechem, Wenchi and Wamfie in the Brong Ahafo-Region;
- A clash between the Taming and the Poli in East Mamprusi leaving about 3000 people displaced;
- A clash between the Alsunna and Tijaniya sects in the West Gonja District resulting in 2000 people being displaced and 88 houses burnt down;
- A clash over the rights of ownership to farmlands by two main gates to the Zaare skin near Bolgatanga in the Upper-West Region;
- A clash between Asunafo and Ekuona clans near Techiman in the Brong-Ahafo Region
- Misunderstanding between the Kusasis and Moshies over ownership of a piece of farmland at Bawku in the Upper East-Region
- Land dispute between the people of Mantia and Oduma in the Ga district of the Greater Accra Region.

The Commission was particularly dismayed at the serious outbreak of violence in Yendi, which led to the beheading of the late Ya-Na, Yakubu Andani, Chief of Dagbon. This crisis resulted in needless loss of lives and the destruction of property, and the declaration of a state of emergency in the Dagbon area of the northern region. The disturbances over the weekend should serve as a sober reminder that much remains to be done to find a lasting solution to the conflict. We urge the Government to release the report of the Wuaku Commission and its own White Paper as soon as possible and to ensure that the perpetrators of this heinous crime and all those who breached the law during the disturbances that led to the assassination are made to face the full rigours of the law.

The Commission wishes to reiterate that conflict retards development and progress. Communities in conflict have no opportunities for participatory governance, social and



economic development, which is already minimal for many Ghanaians. The wanton destruction of life and property further compounds the problems of the country. In the November 14th 2002, issue of the Daily Graphic, the acting Northern Regional Minister is reported as saying that the Government had so far spent ₵6 billion cedis in its efforts to resolve the Dagbon crisis. The breakdown is as follows: ₵4.5 billion for the maintenance of security personnel in the emergency area, ₵770 million on the Wuaku Commission, ₵450 million cedis on accommodation for witnesses and others connected with the Commission's sittings and ₵350 million on transportation for the factions from Tamale and Yendi to Sunyani during the Commission's deliberations. The cost is still rising, with the military personnel still deployed in the area. On the Monday 9th December, 2002 issue of the Daily Graphic, it is also reported that ₵460 million has so far been spent on two conflict areas in the Upper West Region, namely Bawku and Zaare. The Commission urges the National House of Chiefs, the Ministry of the Interior, religious bodies and the people of Dagbon to work earnestly towards peace and restore calm to the area. The inability to resolve these conflicts and the huge sums of money spent on conflict management retard development in these communities.

The Commission appeals to the feuding factions in all communities experiencing conflict to put their faith in dialogue and avoid violence as a means of finding a lasting solution to their problems.

Indiscipline, Crime and Violence

The high incidence of crime and violence, indiscipline and pervasive lawlessness, which have enveloped the nation, constitutes some of the greatest threats to democracy in Ghana today. Indiscipline has permeated virtually all spheres of the society. This phenomenon led the Vice President to launch a campaign against indiscipline. The campaign in the media has so far focussed on indiscipline on our roads manifested in reckless driving and disregard of road rules and regulations by motorists which has claimed the lives of thousands, parking at unauthorised places, punctuality at work, hawking at unauthorised places, environmental degradation such as dumping of refuse in unauthorised places, and urinating in the streets.

Statistics obtained from the National Road Safety Commission reveal that between January and June 2002, 8,980 vehicles were involved in road traffic accidents resulting in the death of 579 people and 3,743 persons injured. From July - September 2002, 5,002 vehicles were involved in accidents resulting in the death of 347 persons and injuries to 2,423 persons. Statistics released by the National Road Safety Commission reveal that twenty million Ghanaians are likely to be killed in road accidents in the next ten years if preventive measures are not taken to check in-discipline on the roads. One frightening revelation by the Commission is that the annual cost of road accidents in the country is about 300 million US dollars and that the fatality rate in Ghanaian road traffic accidents is seventy times higher than in the developed countries.

The Commission endorses wholeheartedly the Vice-President's campaign against indiscipline and urges all Ghanaians to join the crusade. However, the Commission is of the view that the campaign against indiscipline should embrace other forms of indiscipline such as the failure of state functionaries to be punctual at official functions. Leadership by example is one of the primary ways of ensuring success of the campaign.

This year armed robbery assumed frightening proportions and posed a serious threat to the



personal safety of many Ghanaians. The society was gripped with fear and insecurity as victims of armed robbery were subjected to gross atrocities.

The Commission applauds the efforts of the Government to combat this menace by setting up police and military patrols, which seemed to have resulted in a reduction of the incidence of armed robbery across the country. The Commission also commends the Government for providing the Police Service with much-needed logistics such as vehicles to equip them to discharge their functions more effectively and efficiently. It would also boost their morale. The Commission enjoins the public to support the police, and other security personnel in their efforts in fighting crime, particularly armed robbery, and in maintaining law and order.

In this regard, it is the view of the Commission that Neighbourhood Watch-Dog Committees have a very important role to play in the fight against crime. We urge the Inspector of Police to come out with guidelines to ensure a healthy collaboration between police patrols and neighbourhood watchdog committees.

The Commission, therefore, deeply regrets the death of four members of a Neighbourhood Watch-Dog Committee in Taifa, who were mistaken for armed robbers and killed on June 13, 2002 by a joint police/military team. The Commission wishes to reiterate that notwithstanding the difficulty and risk involved in the task of fighting crime, those who wield deadly force in society shoulder a great responsibility and should exercise great restraint in the use of force when arresting suspected criminals. However, this unfortunate incident should not destroy the much-needed cooperation between the police, military and civilians in combating crime.

The Commission expresses its appreciation of the support of government to the bereaved family and the expression of sympathy and solidarity by several members of the general public to the bereaved families and to the Taifa Community.

The Commission takes this opportunity to call on all Ghanaians to continue to perform their civic duties in assisting the police to combat crime and help build a peaceful society.

The Commission is also perturbed at the increasing evidence of lawlessness by students, especially in the second cycle institutions. We condemn incidents such as the scuffle between students of St Aquinas School and Labone Secondary School over which of them has a monopoly over girls from a particular school. Equally disturbing is the recent report that a 16-year old student of St. Augustine's College has been missing from the school for about six weeks and the allegation that he had either been involved in a crime ring or with expatriate homosexuals who might have lured him out of the school. The Commission is particularly alarmed at reports that young students in second cycle schools are indulging in homosexual activity.

Research studies have also established a strong link between drug/ alcohol abuse and indiscipline, crime and violence. Drug use and alcohol abuse are some of the grave social problems confronting many young persons in Ghanaian society. The 2001 report of the International Narcotic Control Board cited Ghana as a major transit point of heroin and cocaine trafficking. Young people are particularly at risk, as they are drawn into drug-related crimes. This has resulted in the upsurge of vandalism and hooliganism among students in various secondary schools in the country.



Religious tolerance

Our constitution and international human rights instruments, which Ghana has ratified, guarantee freedom of religion, belief, conscience and thought to all without discrimination. Religious conflicts like all other conflicts have serious consequences for the peace and stability of the nation. It will be recalled that in previous years there were confrontations between traditional authorities and some local churches, which resulted in the destruction of property worth millions of cedis and injuries to quite a number of people.

This year saw little or no violence. The Commission wishes to congratulate the Conflict Resolution Committee that was set up by the Greater Accra Regional Administration to promote tolerance between followers of traditional religion and various Christian churches during the annual ban on drumming by the Ga Traditional Council as a prelude to the Homowo festival. The Commission wishes to remind the entire citizenry that promoting religious freedom and tolerance is closely linked to the advancement of democracy. We should also guard seriously against religious extremism in whatever form or shape.

Annual Floods:

The Commission is gravely concerned that, year after year, widespread flooding causes needless loss of lives and extensive damage to property during the wet season.

The flooding has been attributed to a large extent to the construction of structures in waterways and unapproved places and inadequate drainage systems. The Commission is disappointed that the appropriate authorities have not moved quickly enough to tackle this perennial problem.

Past efforts to address the problem by demolishing buildings have been sporadic and selective. The Commission is also disturbed that in some cases these demolitions have proceeded without due process, namely, without any notice of the intended demolition to the victims. The Commission urges the appropriate authorities to develop a comprehensive solution to the problem. In doing so, the Commission recommends that drastic measures be taken to discipline public officials who are found to have issued building permits to the developers or have in any way encouraged or condoned the flouting of building regulations and laws.

Women's rights

The Commission remains gravely concerned about the continuing gender inequalities in Ghanaian society and the fact that women are under-represented in decision-making positions. Women constitute 51 percent of the Ghanaian population and they contribute immensely to the overall social and economic growth and development of the country. Yet, women in Ghanaian society are confronted with socio-cultural and attitudinal barriers that impede their advancement and their equitable participation in national development.

The Commission therefore noted with satisfaction the active involvement and efforts of Ghanaian women to participate in the district level elections held this year. Such efforts deserve the commendation and support of everyone. Participation in local government offers women opportunities to contribute to national development and to effectively represent their communities.

Domestic violence against women and girls, including rape, defilement and wife battering remains a significant problem.



Recent media reports have revealed an alarming and frightening increase in domestic violence, especially marital violence. Statistics from the Women and Juvenile Unit (WAJU) reveal a sharp rise in various cases of violence against women. As at last month, the Unit recorded 1078 wife battering cases, representing a 400% increase in the total figure for last year. Studies and media reports reveal that marital and domestic murders account for majority of the murders that occur in Ghanaian society; and that husbands undertake more than half of such murders.

The Commission wishes to implore all victims of domestic violence to speak out and report such violence. Domestic violence against women constitutes a serious violation of the dignity of women, the right to personal security and the right to be free from discrimination on the basis of sex. It is also, in most situations, a crime. It has grave physical and psychological consequences on the victims, slows down their development, and as a result, negatively affects the development of the nation. Developing ways to prevent violence against women, therefore, can and must be seen as one of the key strategies in accelerating our nation's development.

The Commission commends and supports efforts by NGOs to get Parliament to pass a bill on domestic violence, which would provide more effective remedies for victims of domestic violence.

The Commission notes with regret that dehumanizing cultural practices such as widowhood rites, trokosi, female genital mutilation and others continue to plague our society. The Commission calls on the Government to ensure that the legislative enactments criminalizing female genital mutilation and all forms of customary servitude such as the infamous trokosi system, in which vestal virgins, mostly young girls, are held in virtual slavery in atonement for the alleged transgressions of their family members, are strictly enforced. Specifically, we call on the Inspector General of Police and the Attorney General to take concrete steps to enforce these laws. It is lamentable that since the law criminalizing the Trokosi system was passed in 1998, not a single prosecution has taken place, even though a large number of women and children still remain in bondage.

Children Rights

The rise in reported cases of defilement and sexual abuse of children is most regrettable. This year, the Women and Juvenile Unit of the Ghana Police Service has already recorded 119 rape cases and 425 defilement cases between January and October. Violence adversely impacts on the physical and psychological development of the child. Children who suffer physical assault and sexual abuse, apart from facing the risk of HIV/AIDS infection and early pregnancy, are also likely to suffer from mental ill health and other personality disorders. They are likely to grow to become aggressive and abusive.

Although the 1992 Constitution prohibits slavery, and servitude, the sale of children and the practice of child trafficking for menial labour are on the upsurge. Media reports reveal that about 100 children disappear yearly from the Kokrobite Township and many other children are sold outright in the Northern region. Majority of these children are used as debt relief and in sex trade. There are reports of children being sold by their parents. The Commission calls urgently for the rigid enforcement of the laws that protect the rights of children in order to advance the rights of all children in the country.



C. HIV/AIDS AND HUMAN RIGHTS

The national prevalence rate of HIV / AIDS has now been put at 3.6% with a greater number of women being victims than men. It is reported that AIDS in Ghana orphans about 160,000 children.

Much commendable work is being done in Ghana to create awareness about the epidemic. The recent initiative, involving leaders of the different religious denominations, to get Ghanaians to show compassion and empathy to People Living with HIV / AIDS is very welcome.

However, much work needs to be done to sensitize the public about the human rights of people living with HIV / AIDS. It is a well-known fact that respect for human rights is critical to the prevention and successful treatment of HIV / AIDS. The rights of people living with HIV / AIDS often are violated because of their presumed or known HIV status, causing them to suffer both the burden of the disease and the consequential loss of other rights. The violation of their rights increases the negative impact of the epidemic because instead of worrying only about their infection they also have to worry about the further loss of rights because of their HIV status. Stigmatization and discrimination may obstruct their access to treatment and may affect their employment, housing and other rights. This, in turn, contributes to the vulnerability of others to infections, since HIV-related stigma and discrimination discourages individuals infected with and affected by HIV from contacting health and social services. The result is that those most needing information, education and counseling will not benefit even where such services are available.

Effective HIV prevention, treatment, support and care strategies are hampered in an environment where human rights are not respected.

We must collectively intensify public education against this looming development crisis. As the epidemic strikes families and households, more children are forced out of school and into child labour. Young female orphans are especially vulnerable to sexual exploitation.

Let us all renew our commitment to tackling the disease as a humanitarian imperative and let us all join the campaign to show compassion to those who have contracted HIV / AIDS.

CONCLUSION

We must work harder to consolidate our young democracy and to foster a culture of peace and human rights in Ghana. Sustaining development and eliminating poverty must be made the highest national priority.

We owe a duty to ourselves to combat the menace of ethnic, religious and political intolerance and to foster a welcoming society that is vibrant and open-minded in its acceptance of diversity, caring in its treatment of those who are different.

We should be concerned about the gradual shrinking of integrity in Ghana because this trend signals the disappearance of the crucial virtues of discipline, decency, honesty, fair-mindedness, civility, impartiality, transparency, accountability. These virtues are among the most vital of the foundations for well-ordered and progressive society.



Let each and every one of us commit ourselves to the promotion of good governance, justice, rule of law, and above all, respect for the dignity of every person and fairness for all. I thank you for your attention.

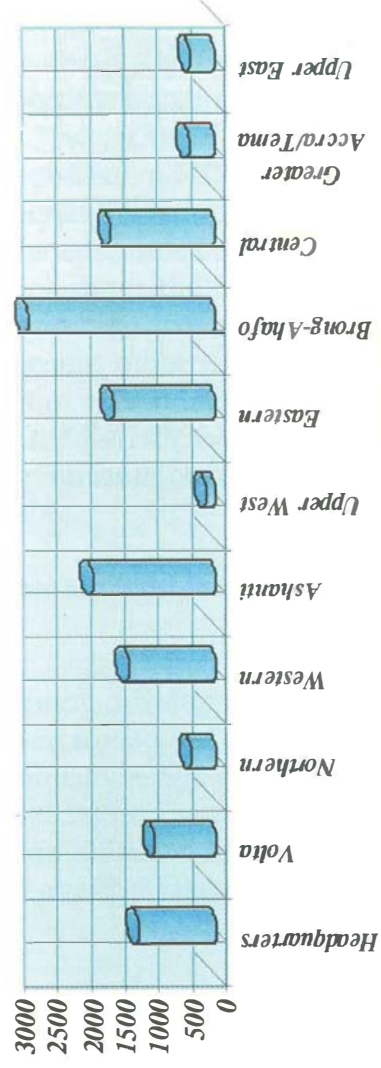
Complaints Received

| Offices | Number | % |
|--------------------|--------|------|
| Headquarters | 1165 | 9.4 |
| Volta | 922 | 7.4 |
| Northern | 381 | 3.1 |
| Western | 1306 | 10.5 |
| Ashanti | 1826 | 14.7 |
| Upper West | 150 | 1.2 |
| Eastern | 1520 | 12.3 |
| Brong-Ahafo | 2789 | 22.5 |
| Central | 1564 | 12.6 |
| Greater Accra/Tema | 392 | 3.2 |
| Upper East | 366 | 3.0 |
| Total | 12,381 | 100 |

Cases Resolved

| Offices | Number | % |
|--------------------|--------|------|
| Headquarters | 434 | 4.6 |
| Volta | 514 | 5.5 |
| Northern | 135 | 1.4 |
| Western | 1293 | 13.8 |
| Ashanti | 1537 | 16.4 |
| Upper West | 81 | 0.9 |
| Eastern | 1184 | 12.7 |
| Brong-Ahafo | 2469 | 26.4 |
| Central | 1168 | 12.5 |
| Greater Accra/Tema | 396 | 4.2 |
| Upper East | 285 | 3.0 |
| Total | 9,496 | 101 |

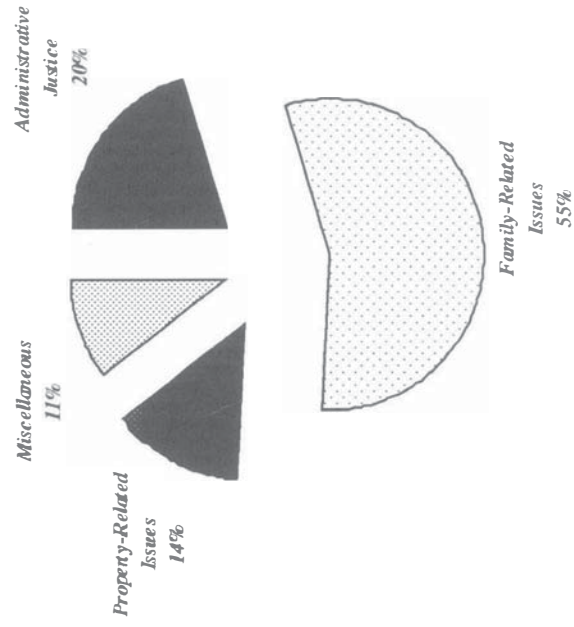
Nationwide Complaint Receipt - 2002



Nature of Complaint (Nationwide)

| Nature | Number | % |
|--------------------------------|--------|------|
| <i>Administrative Justice</i> | 2525 | 20.4 |
| <i>Family-Related Issues</i> | 6850 | 55.3 |
| <i>Property-Related Issues</i> | 1692 | 13.7 |
| <i>Miscellaneous</i> | 1314 | 10.6 |
| <i>Total</i> | 12,381 | 100 |

Nature of Complaint



Respondent Bodies (Nationwide)

| Bodies | Number | % |
|--|--------|------|
| <i>Org. under office of the President</i> | 42 | 0.3 |
| <i>Org. under Ministry of Finance</i> | 106 | 0.9 |
| <i>Org. under Ministry of Education</i> | 254 | 2.1 |
| <i>Org. under Ministry of Justice</i> | 30 | 0.2 |
| <i>Org. under Ministry of Roads & Highways</i> | 14 | 0.1 |
| <i>Org. under Ministry of Local Government</i> | 79 | 0.6 |
| <i>Org. under Ministry of Interior</i> | 305 | 2.5 |
| <i>Extra-Ministerial</i> | 57 | 0.5 |
| <i>Private Individual/organs/ Companies</i> | 11,328 | 91.5 |
| <i>Specific Ministries</i> | 166 | 1.3 |
| <i>Total</i> | 12,381 | 100 |

**Org. under office of the
President**

| Organizations | Number |
|--|--------|
| <i>Divestiture Impln., Commission</i> | 6 |
| <i>Reg. Coordination Council</i> | 9 |
| <i>Miscellaneous offices under Off. Of President</i> | 27 |
| <i>Total</i> | 42 |

**Org. under Ministry of
Education**

| Services/Institutions | Number |
|-----------------------------------|--------|
| <i>Ghana Education Service</i> | 136 |
| <i>West African Exams Council</i> | 6 |
| <i>Schools/Colleges</i> | 102 |
| <i>Universities</i> | 10 |
| <i>Total</i> | 254 |

Roads & Highways

| Authority/Dept. | Number |
|--------------------------------|--------|
| <i>Dept. of Feeder Rds.</i> | 2 |
| <i>Ghana Highway Authority</i> | 12 |
| <i>Total</i> | 14 |

**Org. under Ministry of
Finance**

| Services/Depts. | Number |
|------------------------------------|--------|
| <i>Controller & Acct. Gen.</i> | 51 |
| <i>Banking Institutions</i> | 15 |
| <i>CEPS</i> | 28 |
| <i>IRS</i> | 11 |
| <i>Audit Service</i> | 1 |
| <i>Total</i> | 106 |

MOJustice

| Services/Depts. | Number |
|---------------------------------|--------|
| <i>Judicial Service</i> | 27 |
| <i>Attorney-General's Dept.</i> | 3 |
| <i>Total</i> | 30 |

**Org. under Ministry of
Local Gov't**

| Assemblies | Number |
|--|--------|
| <i>Dist/Muni/Metro. Assemblies</i> | 79 |

Extra-Ministerial Org.

| Organizations | Number |
|----------------------------|-----------|
| Public Services Commission | 18 |
| Chieftaincy Secretariat | 10 |
| Lands Commission | 11 |
| Electoral Commission | 11 |
| CHRAJ | 2 |
| NCCE | 1 |
| Lands Valuation Board | 4 |
| Total | 57 |

Specific Ministries

| Ministries | Number |
|-------------------------|------------|
| Communication | 1 |
| Food & Agric. | 10 |
| Head of Civil Service | 35 |
| Health | 49 |
| Lands & Forestry | 2 |
| Interior | 8 |
| Office of the President | * |
| Works & Housing | 10 |
| Empl. & Soc. Welfare | 5 |
| Defense | 3 |
| Foreign Affairs | 5 |
| Finance | 4 |
| Mines & Energy | 3 |
| Education | 31 |
| Total | 166 |

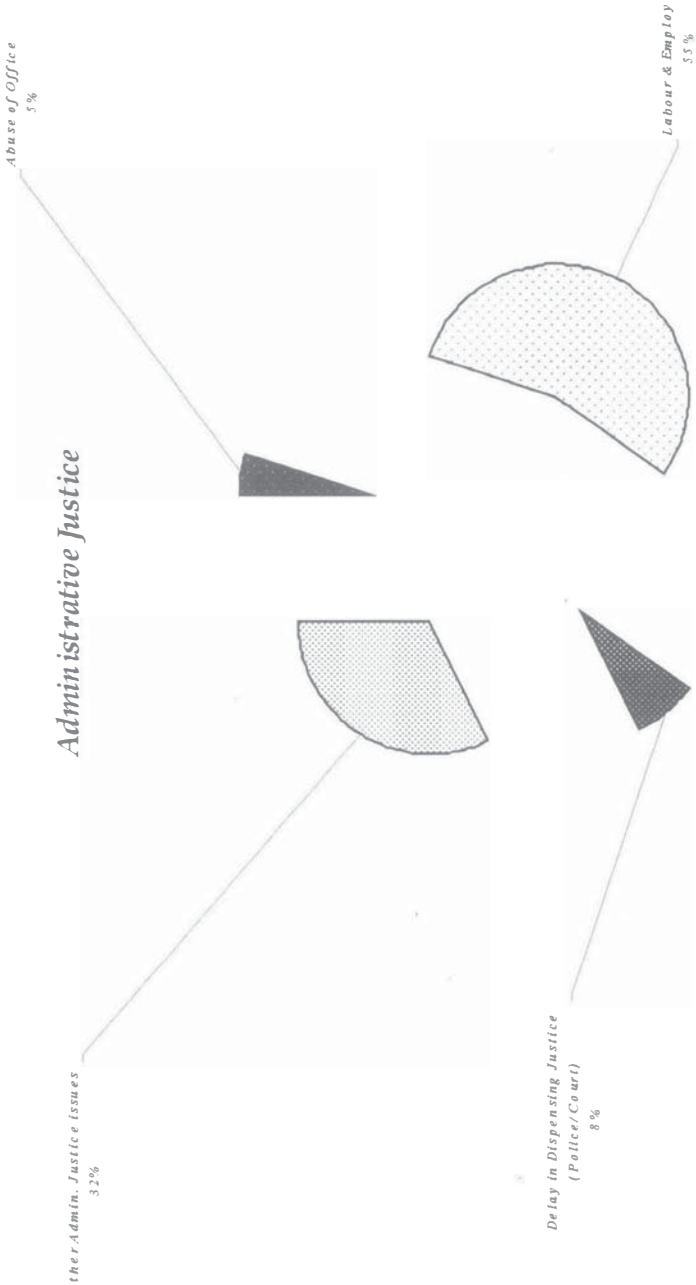
Org. under Ministry of
Interior

| Security Services | Number |
|----------------------------------|------------|
| Prisons Service | 12 |
| Immigration Service | 7 |
| Police Service | 258 |
| Bureau of National Investigation | 3 |
| Ghana Nat. Fire Service | 12 |
| Ghana Armed Forces | 13 |
| Total | 305 |

| Private(Indiv., Org., Comp) | Number |
|---------------------------------|---------------|
| Private Individuals | 10,182 |
| GPRTU | 42 |
| Pr. Organisations | 372 |
| NGOs | 34 |
| Companies/Corp. | 698 |
| Total | 11,328 |

| Administrative Justice | Number |
|--|--------|
| Abuse of Office | 124 |
| Labour & Employment | 1394 |
| Delay in Dispensing Justice (Police/Court) | 195 |
| Other Admin. Justice issues | 812 |
| Total | 2525 |

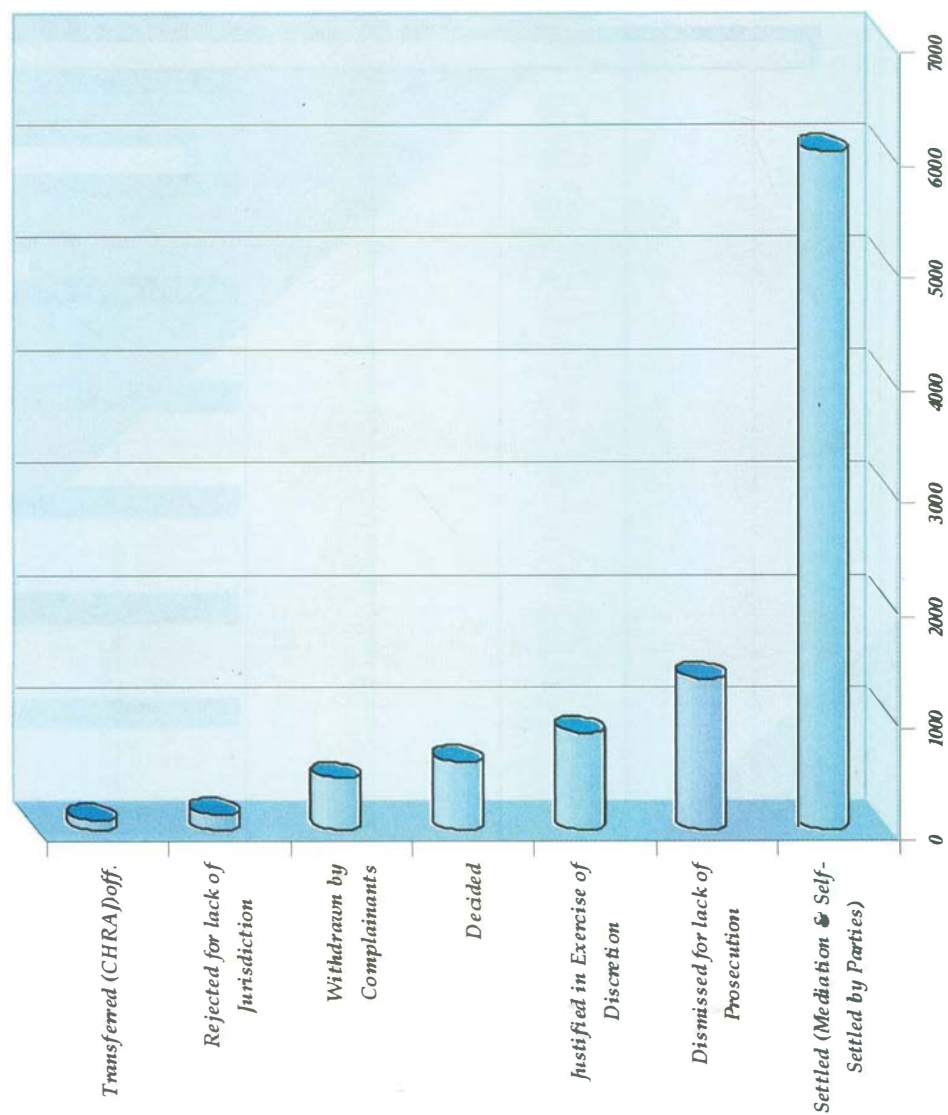
| Family-Related Complaints | Number |
|---------------------------|--------|
| Children | 4749 |
| Inheritance | 1393 |
| Family/Marital Status | 708 |
| Total | 6850 |



| Property-Related Complaints | Number |
|--------------------------------|--------|
| Confisc'n /Destr'n of Property | 418 |
| Land Title | 153 |
| Other Property-Related Issues | 242 |
| Tenancy | 701 |
| Tresspass | 178 |
| Total | 1692 |

| Miscellaneous | Number |
|----------------------|--------|
| Miscellaneous Issues | 1314 |

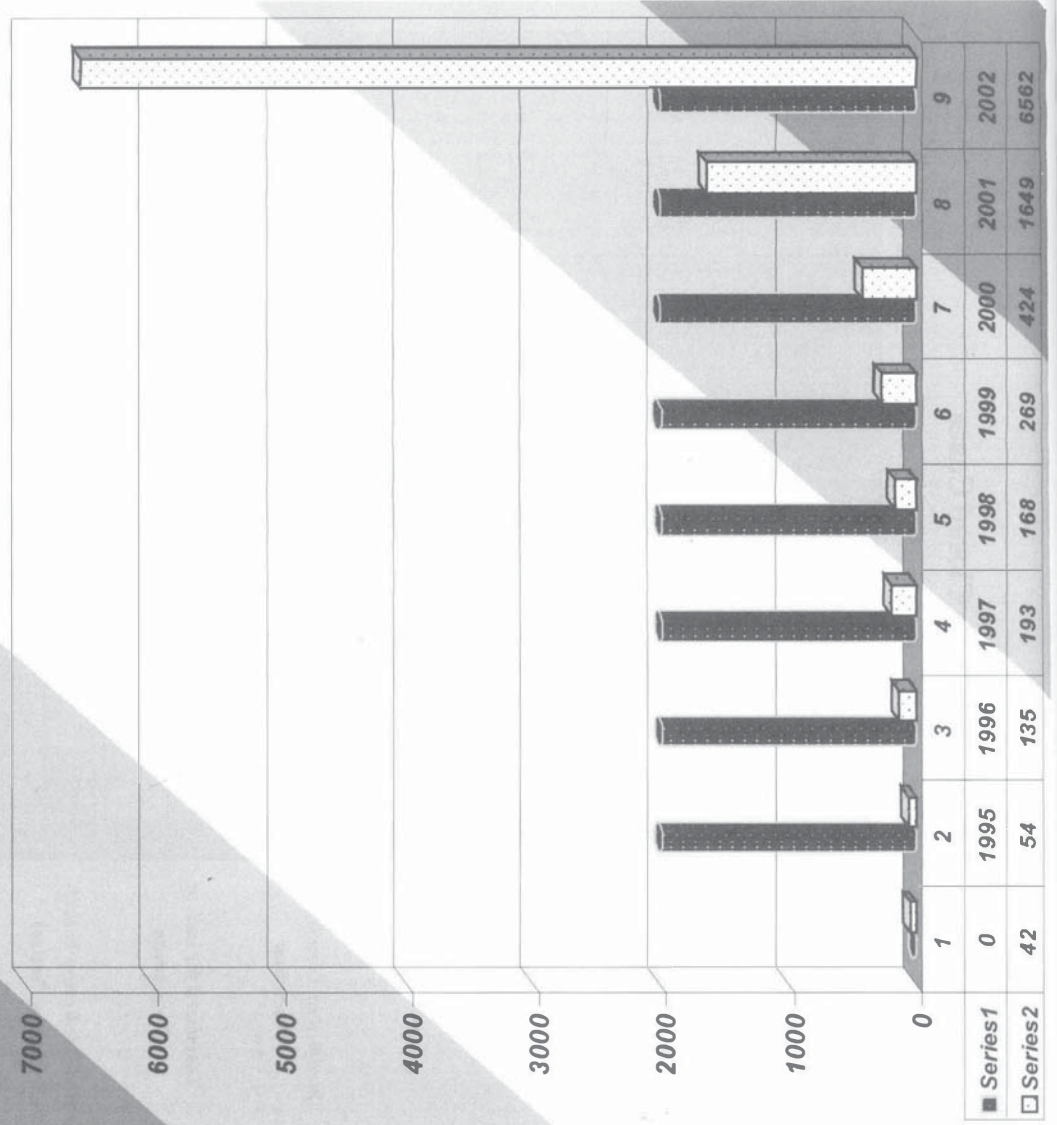
Closed Cases



| Grounds of Closure | Number | % |
|---|--------------|------------|
| Settled (Mediation & Self-Settled by Parties) | 6018 | 63.4 |
| Dismissed for lack of Prosecution | 1342 | 14.1 |
| Justified in Exercise of Discretion | 861 | 9.1 |
| Decided | 596 | 6.3 |
| Withdrawn by Complainants | 456 | 4.8 |
| Rejected for lack of Jurisdiction | 136 | 1.4 |
| Transferred (CHRA) Off. | 87 | 0.9 |
| Total | 9,496 | 100 |

| Year Case Closed in 2002 | Number |
|-----------------------------|--------------|
| 1993/ 1994 | 42 |
| 1995 | 54 |
| 1996 | 135 |
| 1997 | 193 |
| 1998 | 168 |
| 1999 | 269 |
| 2000 | 424 |
| 2001 | 1649 |
| 2002 | 6562 |
| <i>Total</i> | <i>9,496</i> |

Year Case Closures



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