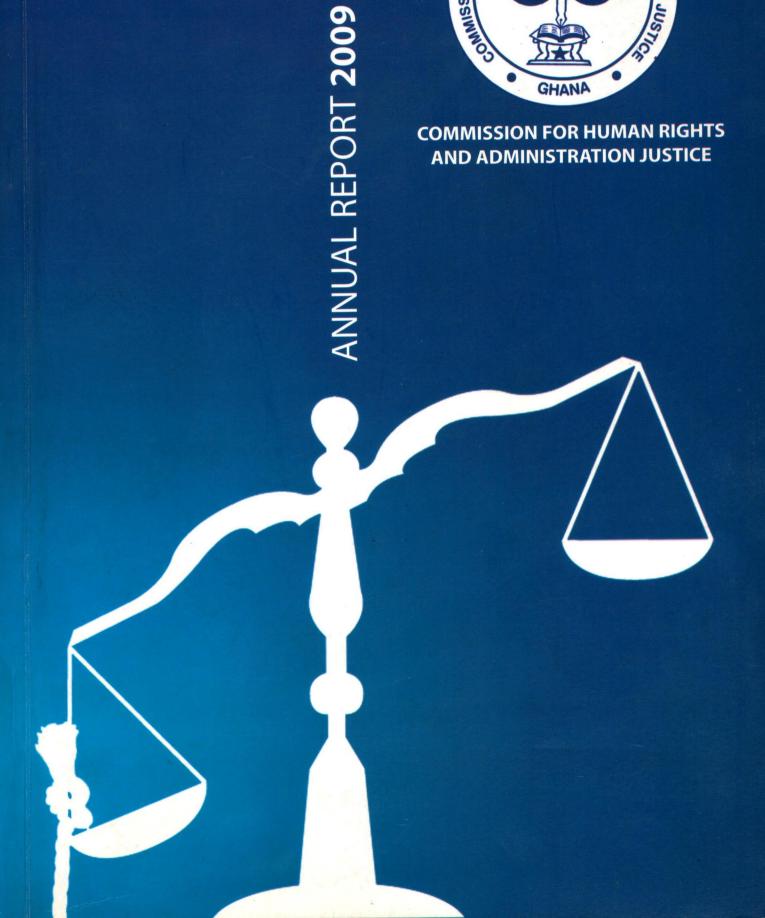


COMMISSION FOR HUMAN RIGHTS AND ADMINISTRATION JUSTICE





CHRAJ

Commission on Human Rights and Administrative Justice

Ghana

Sixteenth Annual Report 2009

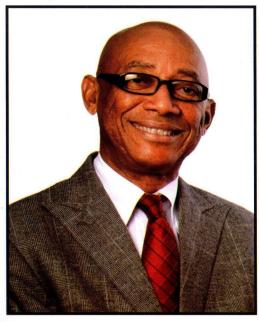
The Speaker of Parliament Parliament House Accra

Madam 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 am pleased to present the Sixteenth Annual Report of the Commission for the period January 1, 2009 to December 31, 2009.

Yours sincerely,

Richard A Quayson Deputy Commissioner



Emile Francis Short Commissioner



Anna Bossman Deputy Commissioner, Legal & Investigations



Richard A. Quayson Deputy Commissioner Public Education & Anti-corruption

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LIST OF ACRONYMS

ACA Anti-Corruption Agency

A-G Attorney-General's Office

AIDS Acquired Immune Deficiency Syndrome
APT Association for the Prevention of Torture

AuG Auditor-General
AWP Annual Work Plan

BECE Basic Education Certificate Examination

C&AGD Controller and Accountant-General's Department

CHASS Conference of Heads of Assisted Secondary Schools

CHRAJ Commission on Human Rights and Administrative

Justice

CODE Conference of Directors of Education

CSO/NGO Civil Society Organisation/Non-Government

Organisation

DANIDA Danish International Development Agency

DCEC Directorate on Corruption and Economic Crime

ECMS Electronic Case Management System

ECOWAS Economic Community of West African States

FA Focal Agency

GACC Ghana Anti-Corruption Coalition

GES Ghana Education Service
GII Ghana Integrity Initiative

GNAT Ghana National Association of Teachers

HRE Human Rights Education

HIV Human Immunodeficiency Virus

IDASA Institute for Democracy South Africa

IDEG Institute of Democratic Governance

ILO International Labour Organisation

MACC Malaysia Anti-Corruption Commission

MESW Ministry Of Employment and Social Welfare

MoU Memorandum of Understanding

MOWAC Ministry of Women and Children Affairs

MP Member of Parliament

NACAP National Anti-Corruption Action Plan

NAGRAT National Association of Graduate Teachers

NAHRAP National Human Rights Action Plan
NCC National Coordinating Committee

NCCE National Commission on Civic Education

NMC National Media Commission

OPCAT Optional Protocol to the UN Convention Against

Torture

PE/AC Public Education and Anti-Corruption

PPB Public Procurement Board

PRINCOF Principals Conference

SFO Serious Fraud Office

SOHR State Of Human Rights Report

UN United Nations

UNDP United Nation's Development Programme

WASSCE West African Senior School Certificate Examination

COMMISSIONER'S MESSAGE

On behalf of the Commission on Human Rights and Administrative Justice, I am very pleased to present the Commission's Annual Report for 2009.

This report has been made possible by the collective efforts of the Commissioners, Management and Staff of the Commission, who have all gone beyond the call of duty to enable the Commission chalk successes in 2009.

We owe an enormous debt to DANIDA and other development partners for their continued support that made it possible for the Commission to accomplish a great deal in the protection and promotion of human rights and championing ethics in the country.

Advancing Human Rights

In all, the Commission received 12,443 complaints in the reporting year. These include 11,176 formal complaints of violations of fundamental freedoms and human rights.

As part of its strategy to enlist the support of Ghanaians in realising its vision, the Commission collaborated with a number of institutions, human rights CSOs and human rights activists in undertaking human rights promotion and protection in the country. Key among these institutions and CSOs are the Judiciary, MOWAC, DOVVSU, Department of Social Welfare and the Human Rights NGOs' Forum that operates under the auspices of the Commission. By stepping-up human rights education in schools and communities, our national human rights institution (NHRI) sought to entrench a culture of peace and lawfulness in the country.

National Human Rights Action Plan (NAHRAP)

The Commission initiated steps to rally all relevant stakeholders and experts to work together to lay the foundation for developing a National Human Rights Action Plan for Ghana. The concept of National Human Rights Action Plan [NAHRAP] was recommended and adopted by participating States including Ghana at the UN Human Rights World Conference in 1993. The NAHRAP will provide a road map for advancing human rights in the country in a more systematic manner. It will enable Ghanaian society to more comprehensively address any shortcomings related to the promotion, protection and progressive realisation of human rights, as rights are mainstreamed in the country's development planning and policy formulation and implementation.

Promoting Fair Administration and Better Service Delivery in Public Service

The year under review saw a major re-focusing and re-strategizing on the Commission's Administrative Justice Mandate to ensure improved standards and the adherence to practices of good administration in all Public Service Institutions. In the coming years, the Commission intends to step up awareness creation of its role as the Public Services Ombudsman with external oversight over public administration, as well as support improvements in internal Complaint Handling by Public Services. We hope to achieve three key Outcomes in this area:

- Public Services administered fairly and delivered at improved standards
- Complaints are handled fairly by public services
- The public are made aware to demand fair and better quality of service from public services

Combating Corruption

Significant efforts were made in the year to combat corruption. However, it appears that the fight against Corruption did not make the desired impact. The nature and number of media reports on corruption as well as the findings of the 2009 Barometer Survey in Ghana suggest that there is yet to be any substantial change in the perception of Ghanaians about the prevalence of corruption in the country.

National Anti-Corruption Action Plan [NACAP]

The extent and nature of corruption in the country indicates the need for a concerted effort in the fight against corruption with a clear demonstration of commitment and leadership from government and all relevant stakeholders. In that regard, the Commission convened a consultative meeting of stakeholders and experts on July 9, 2009 to explore strategies for winning the fight against corruption. A very important outcome of this meeting was the constitution of a Working Group to coordinate the development of a national plan of action for combatting corruption in Ghana. The twenty-four (24) member Working Group was officially inaugurated by the Vice President of the Republic of Ghana, H.E. John Dramani Mahama, on December 9.

To further enhance intergrity in the public service, a code of conduct for public offices was issued in the year.

The Commission, for the first time, issued a stand-alone report on the state of corruption in Ghana on December 9, 2009 to mark International Anti-Corruption Day. Hitherto, such reports formed part of the State of Human Rights in Ghana Report published by the Commission on UN Human Rights Day, which is commemorated on December 10 worldwide.

Challenges

Under resourcing and poor conditions of service continued to plague the Commission and did undermine its capacity to deliver on its multiple mandates in the year under review. Even though this issue has been raised consistently over the years, the Commission is yet to see any marked improvement in funding support from government. Worse still, even the approved budgetary estimates are either released very late or sometimes withheld altogether thereby making it virtually impossible to carry out planned programmes.

Expectations for 2010

The Commission started the processes for the development of two national plans of action, namely National Human Rights Action Plan [NAHRAP] and National Anti-Corruption Action Plan [NACAP]. In 2010, the Commission plans to work with all relevant stakeholders to continue work on the two plans and build broad consensus around them.

Concluding Remarks

This report captures efforts by the Commission to apply available resources to discharge its triple mandate in the reporting year. Readers will appreciate the implemented projects and means through which the Commission pursued its vision of securing a society that is free, just and equitable, where power is accountable and governance is transparent.

The achievements by the Commission would not have been possible without the support of cognate institutions, human rights CSOs and activists, and most of all the government and people of Ghana. Once again, I express our most profound gratitude to DANIDA and our stakeholders who continue to support our efforts to fulfil the triple mandate of the Commission. We owe an enormous debt to them.

Richard A. Quayson
Deputy Commissioner

EXECUTIVE SUMMARY

Human Rights

The year 2009 saw the strengthening of the Commission's human rights mandate. The Commission investigated 10,987 of the 12,443 formal complaints it received. It also undertook a number of activities aimed at building a sustainable culture of respect for human rights in Ghanaian society. These activities included developing additional human rights education materials, producing audio versions of the CHRAJ and Disability Acts, and the stepping-up of human rights education in schools.

The Commission organised a total of 3,226 public education programmes in rural communities and schools in all ten regions of the country. The public education programmes focused on the mandates of the Commission, economic, social and cultural rights, and gender equality.

The Commission commenced the processes for facilitating the development of a National Human Rights Action Plan (NAHRAP) for Ghana. The development of NAHRAP will be a major strategic step toward mainstreaming rights in development planning for systematic implementation, as well as measuring the performance of Government and all other players in the public and private sectors with respect to the observance of human rights in Ghana. Consultations with Government and other stakeholders began this year with a view to building broad consensus and ownership, and we hope to have a committee in place next year to co-ordinate the development of the Plan.

The Commission issued a report on the State of Human Rights in Ghana on December 10 to commemorate the 2009 International Human Rights Day. This year, the Commission focused on the right to education, right to health, children's rights, women's rights, harmful cultural practices, extremely deprived communities (slums), and rights of persons in detention.

Administrative Justice

The year 2009 saw a major re-focusing on the Commission's Administrative Justice Mandate. As a result, the Commission organised various public education programmes to educate the public on its Administrative Justice Mandate. In addition, the Commission sponsored a 2-member team comprising a Deputy Commissioner and a Deputy Chief Investigator, to participate in a 2-week training programme in the United Kingdom.

In the year under review, the Commission received 1,143 formal complaints of administrative injustice.

Anti- Corruption

As part of continuing efforts to develop systems and to build public capacity to combat corruption and related misconduct, the Commission developed and launched the Code of Conduct for Public Officers during the year under review.

A twenty-four (24) member Working Group was formed and officially inaugurated on December 9, 2009, to develop a National Anti-Corruption Action Plan (NACAP) for Ghana. Members of the Working Group consist of representatives from various public institutions/organizations in the country.

Also in 2009, the Commission continued its nationwide awareness creation and sensitisation on the Guidelines on Conflict of Interest for Public Officers. It organised various public education programmes on the Guidelines for public officials including Ministers and Members of Parliament (MPs).

In line with the Terms of Reference (ToR) of the Memorandum of Understanding (MoU) adopted by the Commission and the Malaysia Anti-Corruption Commission (MACC), the Commission hosted the first meeting of the Implementation Committee in Accra, Ghana during 2009.

The Commission issued a separate report on the State of Corruption in Ghana during the year under review.

I. 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.

II. VISION

We envision a society that is truly free, just and equitable, where human rights and human dignity are respected, where power is accountable, and governance is transparent.

III. MANDATE

The Commission on Human Rights and Administrative Justice exists to protect fundamental human rights and to promote good governance in Ghana. The Commission was given a broad mandate under Chapter 18 of the 1992 Constitution of Ghana and the CHRAJ Act, 1993 [Act 456]. The Commission's mandate is threefold, namely:

- 1. National Human Rights Institution
- 2. Ombudsman, an agency which promotes administrative justice
- 3. Anti-Corruption Agency and Ethics Office of the Public Service of Ghana.

The Commission's mandate is designed to enhance the scale of good governance, democracy, peace, and social development by promoting and enforcing fundamental human rights, and administrative justice for all of Ghana. Through its activities, the Commission hopes to help create a free, just and equitable society in which human rights and human dignity are respected, governance is transparent, and power

is accountable. The Commission reports to Parliament annually on the performance of its functions.

a. Human Rights

The Commission has a broad mandate to protect universal human rights and freedoms, especially those recognized under the 1992 Constitution of Ghana, including civil and political rights, economic, social, and cultural rights, and other international human rights instruments which Ghana has ratified. Specific mandates concerned with the protection of human rights can be found in Article 218 (a), (c), and (f) of the 1992 Constitution of Ghana and Section 7(1) (a) (c) and (g) of the CHRAJ Act. The Commission's human rights functions can be divided into two categories:

- 1. Enforcement
- 2. Promotion

Enforcement of Rights

The Commission investigates individual complaints of human rights violations by persons and institutions in both the private and public sectors. The Commission is mandated to resolve these complaints by various methods, including mediation, negotiation, and formal investigation/hearing. The CHRAJ Act gives the Commission sufficient powers to facilitate its investigations and resolution of complaints. In addition, it is empowered to go to Court to seek remedies including enforcement of its recommendations.

The Commission also carries out special investigations into human rights abuses that are systemic, cultural or are otherwise deemed matters of public interest. The Commission conducts research, field investigations, and public hearings in the course of these investigations.

Promotion of Rights

The Commission is mandated by Article 218 (f) of the 1992 Constitution of Ghana to conduct public education programmes. The Commission uses a wide variety of strategies and approaches to achieve this goal, including the use of mass media, publications, lectures and symposia, outreaches to rural communities and schools.

The Commission monitors the human rights situation across the country periodically and issues reports. The Commission organises monitoring visits to detention facilities, hospitals, schools, communities, among others, to assess the degree to which human rights are being respected. These monitoring visits also provide CHRAJ and other stakeholders early warning signals of human rights abuses and help prevent violations from taking place.

The Commission also conducts research on how bills and policies impact human rights and freedoms, and make appropriate recommendations for the strengthening of human rights situation of the country.

b. Administrative Justice

This mandate relates to the Ombudsman functions of the Commission, as laid out in Articles 218 (a), (b) of the 1992 Constitution of Ghana and Section 7(1) (a), (b) of Act 456.

As the Ombudsman of Ghana, the Commission is mandated to promote administrative justice to ensure that the government and its officers, departments and agencies are accountable, transparent and efficient. This oversight function is in place to assist public institutions and public officials to avoid arbitrariness and discrimination, and instead uphold propriety, fairness, openness and impartiality in their decisions and actions.

The Commission investigates complaints of, maladministration abuse of power , unfair treatment, discrimination, bias, neglect, delay, arbitrariness, among others, made against public institutions and public officials. CHRAJ also investigates complaints concerning the function of the Public Services Commission, the administrative organs of the State, the Armed Forces, the Police Service and the Prison Service, in so far as the complaints pertain to (i) a failure to achieve balanced structuring of those services; (ii) equal access for all to the recruitment of personnel to those services; or (iii) fair administration in relation to those services.

c. Anti-Corruption

The Commission is one of the major anti-corruption agencies in Ghana. Its anti-corruption powers stem from Articles 218 (a) & (e); 284-288 of the 1992 Constitution of Ghana and Section 7(1) (a), (e) & (f) of Act 456.

The Commission is mandated, by Article 218(a)and(e), to investigate abuse of power and "all instances of alleged or suspected corruption and the misappropriation of public monies by public officials". It investigates allegations of conflict of interest and breach of the code of conduct under Chapter 24 of the 1992 Constitution of Ghana.

The Commission conducts training for public officials to increase awareness regarding the dangers of corruption, and assists public officials in the proper management and resolution of conflict of interest, among others. It also conducts public education to sensitize the general public on corruption as well as foster public support to fight corruption at all levels of society.

As the Ethics Office, the Commission works to foster sound ethical standards and accountability in the public service. It promotes integrity and encourages compliance with the ethical standards contained in the Code of Conduct for Public Officials. It also investigates allegations and complaints that relate to the failure to uphold work discipline and professional ethics in the public service.

The Whistleblower Act 2006 (Act 720) confers an additional mandate on the Commission: to investigate disclosures of impropriety (economic crime, waste, mismanagement, misappropriation of public resources, environmental degradation) and complaints of victimization of whistleblowers. The Commission conducts training and public education on making disclosures and the protection available to whistleblowers to stimulate greater public intolerance for corruption and impropriety.

d. Limitations on the Commission's Mandate

While no institution, body, or person in Ghana is excluded from the Commission's mandate generally, the Commission cannot investigate:

- a matter that is pending before a court or judicial tribunal;
- a matter involving relations between the government and any other government or international organization; or
- a matter relating to the exercise of the prerogative of mercy.

IV. STRUCTURE

The Commission is made up of a Commissioner, who is the chair, and two deputies. The 3 Commissioners constitute the governing body of the Commission.

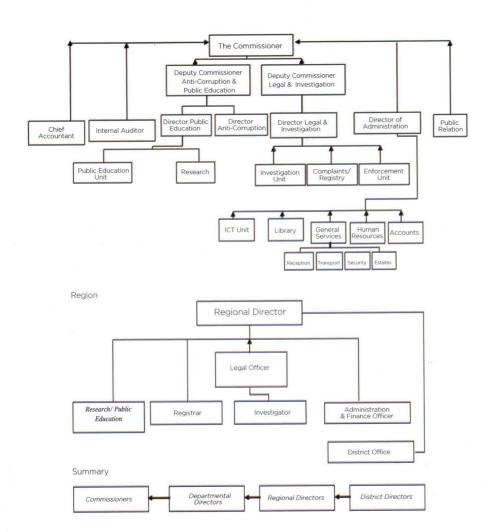
The Commissioners are supported by Departmental Directors who have direct responsibility for the departments of the Commission, namely:

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

The Commission has ten (10) Regional Offices that coordinate the Commission's work in the 10 administrative regions of Ghana. In addition, it has two (2) Sub-Regional and ninety-nine (99) District Offices across the country that ensure that the work of the Commission is brought to the doorstep of the ordinary person in Ghana.

ORGANISATIONAL CHART

Head Office



PART II REVIEW OF 2009 PERFORMANCE

HUMAN RIGHTS

The year 2009 saw a major policy refocusing by the Commission towards the strengthening of the Legal and Investigations Department for a more efficient prosecution of the Commission's human rights mandate. In this year's report, the Commission's human rights work is reported under two broad headings, namely:

- Promotion
- Enforcement

A. Promotion

i. National Human Rights Action Plan (NAHRAP)

At the UN Human Rights World Conference in 1993, the concept of a National Human Rights Action Plan (NAHRAP) was recommended and adopted by participating States, including Ghana. The aim of the NAHRAP initiative is to enable States to more comprehensively address any shortcomings related to the promotion, protection and realisation of human rights in their respective countries.

Accordingly, as the National Human Rights Institution of Ghana, the Commission held meetings on the 10th September and 19th November 2009 with relevant experts/stakeholders to develop a five (5) year National Human Rights Action Plan for Ghana. As the focal agency, the Commission, among others, is expected to draw up draft principles of the initial stages of the development of the plan in consultation with identified stakeholders.

As part of the development process, a National Coordinating Committee (NCC) will be formed and duly inaugurated to assist the

Commission in formulating the NAHRAP. The NCC will be an ad hoc committee which would phase out at the end of the development of the Plan. It would then handover the document to the Commission to coordinate and ensure the implementation of the NAHRAP.

A Secretariat will be established to support the NCC activities, manage activities relating to NAHRAP as well as coordinate committee meetings.

The development of NAHRAP will be a major strategic step for mainstreaming rights in development planning for systematic implementation. It will provide a framework by which the performance of Government and all other players in the public and private sectors with respect to the observance of human rights will be measured.

ii. Nationwide Monitoring of the State of Human Rights (SOHR)

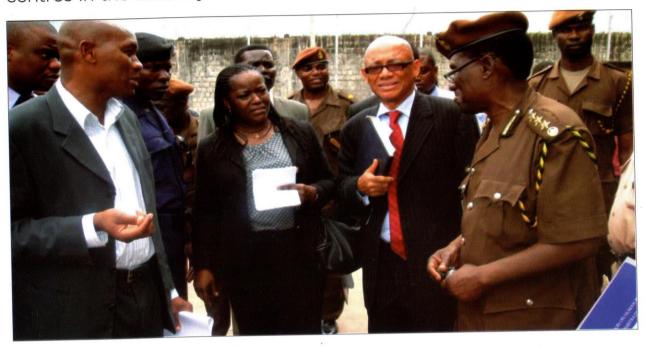
During the year, the Commission carried out its nationwide monitoring of the state of human rights in Ghana. This monitoring exercise assesses progress made, as well as existing gaps, with respect to Ghana's compliance with its international human rights obligations. It is particularly focused on ESCRs, including the right to education, right to health, children's rights, women's rights, harmful cultural practices, and the rights of those in extremely deprived communities (slums).

The Commission used interviews, focus group discussions, questionnaires and field observation to gather information from respondents. The respondents included local leaders, community members (including women and children), officials of government institutions, NGOs and CSOs.

In all, two hundred (200) communities, two hundred and ninety-five (295) public schools, eighty-seven (87) health institutions, eighty-one (81) prayer camps, three (3) camps for persons suspected of witchcraft, and six (6) extremely deprived/slum communities were visited across the country. Every 10th December the Commission joins the international community to commemorate International Human Rights Day. The Commission uses this occasion to issue a general statement on: "The State of Human Rights in Ghana".

iii. Inspection of Detention Facilities

During the year, the Commission inspected a number of detention facilities in Ghana to ascertain the level of respect for human rights and human dignity in detention facilities. The inspections, which included a visit to the Nsawam Medium Security Prison by the Commissioners, was extended to police cells and prisons, prison camps and correctional centres in the country.



Inspection, Medium Security Prison, Nsawam

Out of forty-two (42) detention facilities of the Prisons Service, the Commission monitored twenty-five (25) prisons, and one (1) senior correctional centre. Three hundred and fifty-five (355) police cells across the country were also inspected. As the time of the visits, there were eight thousand, two hundred and twenty-six (8,226) inmates in the prisons, nine (9) in the Swedru Correctional Centre and seven hundred and fourteen (714) in the police cells visited. (Table 1 shows the regional breakdown of the number of detention facilities visited).

Table 1: Number of Detention Facilities Monitored

		Prisons & Prison Camps & Correctional	
Region	Police Cells	Institutes	Total
Greater Accra	12	1	13
Central	51	1 v	52
Ashanti	63	3	66
Volta	66	4	70
Western	. 32	4	36
Eastern	23	3	26
Brong-Ahafo	60	4	64
Northern	23	4	27
Upper East	12	-	12
Upper West	13	1	14
Total	355	25	380

The Commission found that general living conditions of detainees have not improved compared with the previous year. Prisoners face serious overcrowding, lack of access to health facilities and lack of adequate ventilation.

Feeding of inmates in police cells has also not improved. Many of those in police custody have no blankets or mattresses, and many of them sleep on sheets of paper.

iv. Public Education

During the year, the Commission undertook a number of activities aimed at raising public awareness, and building a sustainable culture of respect for human rights in Ghanaian society. Highlights of these activities include:

a) Development of Human Rights Education Materials

The Commission developed human rights education materials on economic, social and cultural rights to enhance human rights education in urban and rural communities.

The specific topics covered include the right to education, right to health, women's rights and harmful cultural practices.

24 |||

b) Audio Versions of CHRAJ and Disability Acts (Acts 456 & 715)

The Commission launched the English, Ewe, Ga and Twi audio versions of the CHRAJ Act (Act 456) and Disability Act (Act 715). This was in line with the Commission's effort at extending its public education programmes to persons with disability and making these documents user-friendly. Copies of the audio recordings were presented to the Special Education Division of the Ghana Education Service (GES) for distribution to Special Schools in the country.



Presentation of audio materials at the Akropong School for the Blind by Mr. Richard Quayson, Deputy Commissioner of CHRAJ

c) Human Rights Education (HRE) in Schools

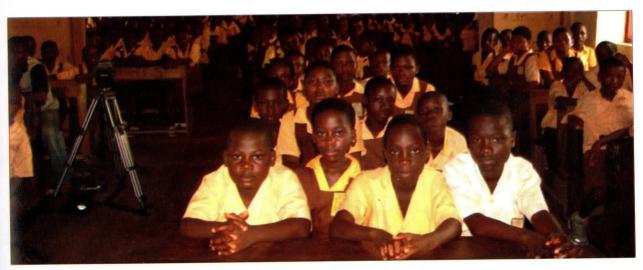
- CHRAJ and GES collaboration to incorporate human rights into school curricula: In furtherance of the Commission's efforts at promoting human rights in schools, a ten (10) member Standing Committee, made up of representatives from the Commission and GES held consultative meetings to formulate a plan, with the aim of exploring effective ways of incorporating human rights into the school curricula. The Standing Committee will develop an action plan for consideration and implementation.
- The Commission interacted with various stakeholders in the education sector such as the Principals Conference (PRINCOF), National Association of Graduate Teachers (NAGRAT), Ghana National Association of Teachers (GNAT), Conference of Heads of Assisted Secondary Schools (CHASS) and the Conference of Directors of Education (CODE) at their various conferences in the year under review. CHRAJ briefed each of these actors on

the Commission's efforts and also solicited their support towards the incorporation of human rights into the school curricula.

 Pilot Human Rights Education Programme for Basic Schools in Accra: The Commission embarked on special human rights education programme for selected basic schools in Accra and its environs. In all, ten (10) schools in deprived communities in the Greater Accra region benefited from this programme. The programme offered the Commissioners the opportunity to interact with basic school children and educate them on basic human rights concepts and principles. In the coming year, the programme will be continued and replicated in other regions and districts.



CHRAJ officer explaining the consequences of Child Abuse to pupils



A section of the pupils listening to the presentation from CHRAJ Officers

 Human Rights Education (HRE) for Health Professionals: The Human Rights Education Programme for Health Professionals; ie student nurses, confirmed this year. The Commission started this program in the Central Region in 2004, at the Nurses and Midwifes Training Colleges in Cape Coast. The Commission hopes to extend this programme to other nurses training colleges in the country.

d) Human Rights Education Activities

The Commission organised a total of 3,226 human rights education programmes in the ten regions of the country. The human rights education programmes, which were mainly concentrated in rural communities, focused on the mandates of the Commission and general knowledge of human rights with specific emphasis on economic, social and cultural rights. (Below is the regional breakdown).

Table 2: Public Education Statistics for 2009

Region	Number of Educational Programmes
Greater Accra	128
Eastern	387
Volta	305
Ashanti	449
Brong Ahafo	334
Central	312
Western	302
Northern	443
Upper East	226
Upper West	213
Tema	90
Obuasi	37
Total	3,226

Human Rights Week Celebrations

V.

In commemoration of the Annual International Human Rights Day on December 10, the Commission organised a week-long activity dubbed the 'Human Rights Week Celebrations'. Some of the activities organised as part of the celebrations include:

- Symposium: The Commission, in collaboration with the Ghana Federation of the Disabled, organised a symposium to raise awareness on disability issues and the Disability Act, 2006 (Act 715), with specific emphasis on discrimination.
 The symposium was under the theme: "Ensuring systematic implementation of the Disability Act". It was well-attended and attracted a cross section of the public, various groups of persons with disability, students and other stakeholders.
- Inter-Schools Human Rights Debate: The Commission organised an Inter-Schools Human Rights Debate between human rights clubs from Labone Senior High School and Accra Girls' Senior High School in the Greater Accra Region.

 The issue for debate was "Discrimination: A Threat to a Child's Development", in line with the global theme for the 2009 Human Rights Day, ie "Embrace Diversity, End Discrimination". The participating schools and debaters were awarded various prizes including television sets, certificates of participation and human rights education materials.

Gender Equality Day Celebration: The Commission organised a symposium on the 7th of December under the theme 'Promote Gender Equality, End Gender Discrimination' to mark Gender Equality Day. Presentations were made on the topics, 'The Role of Civil Society in Advancing Gender Equality in Ghana', and 'Promoting Gender Equality among the Youth in Ghana'.

The symposium attracted students civil society groups and the general public.

International Human Rights Day: On December 10, the Commission climaxed its Human Rights Week Celebrations with the release of the report on the State of Human Rights in Ghana and an open forum.

The Commissioner of CHRAJ, Justice Emile Francis Short, presented the report on the State of Human Rights in Ghana. He presented an overview of achievements made by the State in the area of human rights, as well as shortfalls, and made several recommendations to address these shortfalls.



Commissioner Short presenting the State of Human Rights Report on UN International Human Rights Day

Mr. Daouda Toure, the UN Resident Coordinator, read the UN Secretary-General's message. The message noted that discrimination is everywhere and manifest in many forms - old and new, covert and blatant, public and private. He said discrimination may also appear as institutionalised racism, as ethnic strife, as episodes of intolerance and rejection, or as an official national version of history that denies the identity of others.

The message confirmed that, discrimination targets vulnerable individuals and groups such as the disabled, women and girls, the poor, migrants, minorities, and all those who are perceived as different. These vulnerable people, he continued, are frequently excluded from participating in the economic, political, cultural and social lives of their communities. It invited people everywhere, at all levels, to join the United Nations and human rights defenders around the world in the fight against discrimination.

vi. Gender Promotion

During 2009, the Commission embarked on a number of activities aimed at promoting gender equality. Among the activities, the Commission organized a number of training to build institutional capacity for gender mainstreaming, and empowerment of women, children and other vulnerable groups, as well as stepping up its awareness campaign.

The Commission also began work on Gender Briefing Kit and Gender Policy for the Commission, and formed a Gender Advisory Committee to advise the Commission on gender issues.

 CHRAJ and MESW Child Labour Collaborations: This year, the Commission continued to integrate issues of child labour in its work. The Commission has been selected as one of the lead institutions responsible for implementing the National Plan of Action for the Elimination of the Worst Forms of Child Labour in Ghana that the Ministry of Employment and Social Welfare has developed.

B.Enforcement/Investigations

During the year, the Commission investigated 11,176 human rights cases, out of 12,443 formal complaints it received. The cases include children's rights, women's rights, and those that bordered specifically on economic, social, culture, civil and political rights.

2. ADMINISTRATIVE JUSTICE

During the year, the Commission began the processes necessary to strengthen the structures and mechanisms central to more effectively carrying out its administrative justice mandate. Among the efforts, the Commission sponsored two (2) officers to train in the UK, intensified its public awareness programme, and investigated a number of complaints against public offices/officers.

The Commission received and investigated 1,143 formal complaints of administrative injustice, representing 9.18% of total cases reported nationwide. These cases included abuse of office, undue delay and wrongful dismissal, and termination of appointment.

3. ANTI-CORRUPTION

A. Prevention

i. National Anti-Corruption Action Plan (NACAP)

On July 9, 2009, the Commission convened an experts/stakeholders consultative meeting as part of its continuing efforts to develop strategies to build and sustain public capacity to combat corruption and related misconduct. The purpose of the meeting was to consider the development of a National Anti-Corruption Action Plan (the Plan) to combat corruption in Ghana.

A twenty-four (24) member Working Group was established and officially inaugurated on December 9, 2009 by the Vice President of the Republic of Ghana, H.E. John Dramani Mahama, with the task of developing the Plan. Members of the Working Group consist of representatives from institutions/organizations such as the Office of the President, Judiciary, Ghana Integrity Initiative, Parliament, Ministry of Finance, Public Services Commission, CHRAJ, and various development partners among others.



The Vice President H.E. John Dramani Mahama with the NACAP Working Group

ii. Report on the State of Corruption in Ghana

This year, the Commission issued a stand-alone report on the State of Corruption in Ghana. Hitherto, such reports were part of the report on the State of Human Rights in Ghana. The Commission issued the report on the State of Corruption in Ghana as part of its activities to mark the International Anti-Corruption Day on December 9. The theme for the celebrations was "Corruption: A Crime Against National Development - Your No Counts".

The report highlighted the negative effects of corruption and mentioned that in the year 2009, the fight against corruption appeared not to have yielded any significant dividends, as reports indicated an increase in looting of state resources and displays of impunity among State officials. The report also stated that the revelations at the Ghana @ 50 Commission, the number and nature of corruption cases the Commission had received, and the findings of the 2009 Barometer Survey in Ghana, all suggest that

there has yet to be any significant change in the perception of Ghanaians about the prevalence of corruption in the country.

The report stressed the need for a concerted effort in the fight against corruption and urged Government to consolidate all anti-corruption legislation into one enactment. It further urged Government to revise the definition of corruption in the Constitution with a view toward making it more inclusive of the various forms of corruption, and to resource anti-corruption agencies adequately, among others.



A cross-section of participants

iii. Code of Conduct for Public Officers

As part of continuing efforts to promote integrity and to contribute to sound ethical standards in the public service, the Commission developed a draft generic code of conduct for public officers. The Code was developed in collaboration with the Public Services Commission, Office of the Head of Civil Service, Attorney-General's Department, Auditor-General, Office of the Chief Justice, State Enterprises Commission, Parliament, among others. The Code of Conduct for Public Officers seeks to promote integrity, probity and accountability and dedicated and faithful service to the Republic of Ghana.

The Code was finalized after it had been put to public officers for comment through consultative forums and meetings in the Greater Accra, Ashanti, Northern and Upper East Regions. The Code will assist and guide public officers in the management of ethical dilemmas that they may encounter in the course of their official and private activities. H.E. John Dramani Mahama, the Vice President of the Republic of Ghana, launched the Code on December 9, 2009.



Training-Introducing Code of Conduct for Public Officers

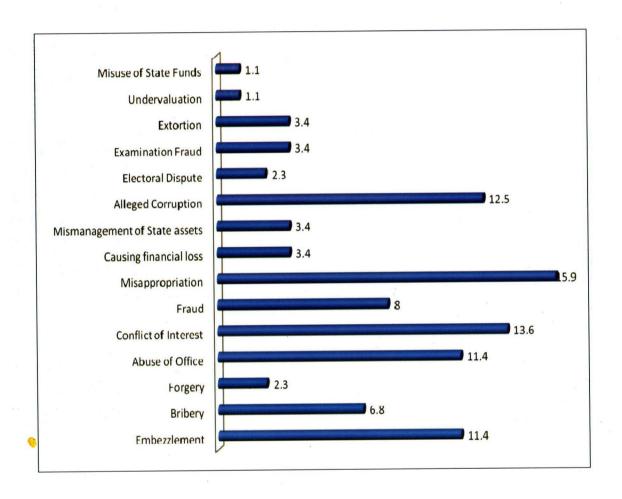
iv. Media Monitoring

This year, the Commission continued to monitor reports of corruption and related misconduct made in the print media and recorded over 88 of such reports. The print media monitored include Daily Graphic, Ghanaian Times, The Independent, The Enquirer, The Insight, Daily Guide, Crusading Guide, Daily Post, Free Press, Gye Nyame Concord, The Daily Dispatch, The Lens, The Ghanaian Observer, and The Punch Newspapers.

Allegations of misappropriation of public funds recorded the highest percentage of cases reported; i.e. 15.9% followed by complaints of conflict of interest that recorded 13.6%. Allegations of "corruption" constituted 12.5 % whilst allegations of embezzlement and abuse of office each consituted 11.4%. Allegations of fraud and bribery represented 8.0% and 6.8% respectively; allegations of causing financial loss, mismanagement of state assets, examination fraud

and extortion all recorded 3.4% each, forgery and electoral offences recorded 2.3 % of cases each, whilst undervaluation and misuse of state funds recorded 1.1% each. (See Figure 1 for details).

Figure 1: Reports Of Corruption Related Offences In Ghanaian Newspapers



B. Education

i. Public Education

During 2009, the Commission continued its nationwide awareness creation and sensitisation on the Guidelines on Conflict of Interest for Public Officers (the Guidelines). It organised various public education programmes for public officers. The public education programmes included:

- Workshop on the Guidelines for Ministers: In March 2009, the Office of the President invited the Commission to make a presentation on the Guidelines at an orientation programme for ministers.
- Workshops on the Guidelines for Members of Parliament (MPs): A two-day workshop was held on 20th and 21st July 2009 for MPs, with funding support from the Ghana Integrity Initiative (GII). The objectives of the workshop, among others, were to examine the causes of conflicts of interest, discuss the importance of conflict of interest in combating corruption, as well as to enhance the capacity of the MPs to handle conflict of interest situations. In all, about 50 MPs participated in the workshop.
- Advocacy on Anti-Corruption Legislation: The Commission continued its advocacy on anti-corruption legislation in 2009. It held meetings on two draft Bills, the Whistleblower Amendment Bill, 2009 and the Public Officers Accountability Bill, 2009.

II. CHRAJ/MACC: Cooperation

In line with the Terms of Reference (ToR) adopted during the signing of the Memorandum of Understanding (MoU) with the Anti-Corruption Agency (ACA), now Malaysia Anti-Corruption Commission (MACC), in 2008, the Commission hosted the first meeting of the Implementation Committee in Accra, Ghana, from 26th-29th July 2009.

The Deputy Commissioner (PE&AC), and the Director, Anti-Corruption, participated in an Executive Certificate Course for Strategic Management of Anti-Corruption Programmes, at MACA, Malaysia, from 10th -21st August 2009.

The Course Objectives of the training were to enable participants to:

- Deepen and broaden the understanding of the causes and effects of corruption and its negative consequences on the well-being of the nation and citizen;
- Strengthen technical know-how and skills in corruption prevention, detection, investigation, prosecution, and community education; and
- Develop an effective anti-corruption strategic plan drawing lessons from best (and worst) practices in the region.

In all, thirty-five (35) officers from anti-corruption agencies in Asia and Ghana participated in the course.

C. Investigations

The Commission received 124 corruption-related cases in 2009, representing 1% of total cases reported to it nationwide. At the close of 2009, a total of 51 corruption cases were pending at various offices of the Commission. Of the 51 cases, 32 were pending at the Head Office whilst 19 were pending in the regions.

PART III OTHER PROGRAMMES

A. Management Retreat

The Commission organised its Annual Management Retreat in Sogakope, Volta Region from 8th-13th March, 2009. This year's retreat offered Commissioners, Directors from the Head Office and the Regions, as well as Unit Heads the opportunity to interact, take stock of programmes of the previous year, identify gaps and draw up the annual work plan for 2009.

B. Staff Training

During the period, the Commission continued to build the capacity of staff with a view toward realising the mission and vision of the Commission. In line with this, some selected staff benefited from the following training and capacity-building programmes:

- 1. Capacity-Building Training for Assistant Registrars, Assistant Investigators and Administrative Assistants held from 16th-17th February, 2009.
- 2. A five (5) day validation workshop was organised for Public Education and
- 3. Research focal persons from 30th March-3rd April, 2009.
- 4. Training in Stores Management for Administrative Assistants held from 29th-30th September, 2009
- 5. Training on the Case Handling Manual and Report/Decision Writing held from 25th-27th August, 2009 for some selected Investigators and District Directors.
- 6. Training in the use of ECMS for Case Officers and Support Staff in the Head Office.

Some members of staff were also sponsored by the Commission to attend various short courses organised by some professional institutions.

C. Media Relations

In 2009, the Commission issued various statements to mark important national and international UN days. These include:

International Women's Day

On March 8, 2009, the Commission issued a press statement to mark International Women's Day, which was under the theme "Women and Men Unite to End Violence Against Women and Girls".

In the press release, the Commission condemned the various forms of domestic violence against women and children. The Commission called on the Government to ensure stiffer punishment for perpetrators to emphasize that the Ghanaian society does not and will not tolerate violence against women and girls.

Disability Day

The Commission issued a press statement on June 23, 2009 to mark the National Day of Persons with Disability. The Commission noted that disability has often been misunderstood as inability. The Commission also emphasised that Persons with Disability do not need our pity, but need our compassion and support in the pursuance of their set goals.

The Commission reiterated its call on the Government to put in place a comprehensive Action Plan that will guarantee all Persons with Disability full benefit of the provisions of the Disability Act, 2006 (Act 715).

World Refugee Day

On June 20, 2009, the Commission issued a press release to mark World Refugee Day, which was on the theme; "Real People, Real Needs".

In the press release, the Commission indicated that the theme for the celebration "evinces refugees as individuals with real needs, who are forced by circumstances beyond their control to live at the mercy of others".

The Commission stated that the recent global economic downturn is no reason for countries to renege on their commitments to safeguard the rights and well-being of refugees.

World Press Freedom Day

On May 3, 2009, the Commission issued a press statement to congratulate the media on the celebration of the World Press Freedom Day, on the theme: "Media, dialogue and mutual understanding".

In the press release, the Commission pointed out that, "It is not by fluke that the Ghanaian media landscape has been adjudged as one of the best on the continent, especially when taking into consideration the pivotal role it played in the successful general elections held in December, 2008".

The Commission reminded the Government of its stated commitment to probity, accountability, an open government and respect for human rights. The Commission further used the occasion to urge the Government to ensure the passage of the Freedom of Information Bill.

World AIDS Day

In a press statement to mark World AIDS Day on December 1, 2009, the Commission noted that the theme, "Universal Access and Human Rights" strikes at the heart of what is perhaps the single largest challenge faced by people living with HIV/AIDS in our communities today: discrimination.

The Commission, therefore, admonished Ghanaians to reject all forms of discrimination and practices that leave victims of HIV in total isolation. It also called on Ghanaians to create an enabling environment for a smooth integration of people living with HIV/AIDS into our society.

International Day of Persons with Disability

The Commission joined Ghanaians and the International Community to celebrate International Day of Persons with Disability on December 3, 2009. CHRAJ also issued a press statement acknowledging the achievements, contributions, commitments and aspirations of persons with disability in Ghana.

The Commission called on Government and all stakeholders including the Ghana Federation of the Disabled as well as individual persons with disability to work together more zealously to implement the Disability Act, (Act 715), 2006.

Farmers Day

On December 4, 2009, the Commission congratulated all farmers for their hard work, great commitment and contributions to the nation's development and progress.

In the press release, the Commission expressed support for the 2010 Budget Statement because Government had indicated its commitment to provide adequate financial and logistical support to the Agricultural Sector in recognition of the pivotal role farmers play in Ghana's economy. The Commission also commended the Government for restoring the tariffs on imported rice, maize and poultry products. It further implored the Government to continue to inject some financial assistance into the Agricultural Sector to enable local farmers match up to the needs of local population.

Anna Bossman Receives Women of Honour Ice Breaker Award

The Ag. Commissioner of the Commission on Human Rights and Administrative Justice (CHRAJ), Ms. Anna Bossman, and seven other Distinguished Ghanaian women were honoured in the year for their contribution towards the development of the country.

The award, the "Women of Honour Ice-Breakers Award" included a citation, a plaque, a television set and a printer.



Ms Anna Bossman about to receive her award

The Award was instituted by the Allied for New Africa (AFNA), a Non-governmental Organization in collaboration with the Students' Representative Council of the University of Ghana, Legon under the theme "the role of Ghanaian Women in Nation Building".



Ms Bossman making remarks after the award

CHRAJ Donates Human Rights Education Manuals to Ghana Education Service

The Commission on Human Rights and Administrative (CHRAJ) in the year under review donated ten thousand (10,000) copies of Human Rights Educational Manuals to the Curriculum Research and Development Division of the Ghana Education Service (GES) to be distributed to Teacher Training Colleges and Basic Schools in the country.

D. International Relations and Cooperation

The Commission, taking cognizance of the fact that it cannot fight corruption all alone, and that international cooperation in the broadest sense possible is required to address corruption, intensified collaboration with cognate institutions outside the country. The Commission recorded improvement in its international relations and cooperation with the Office of the Public Protector of South Africa, the Corrupt Practices Investigation Bureau of Singapore, the Directorate on Corruption and Economic Crime (DCEC) of Botswana, Malaysia Anti-Corruption Commission (MACC) and the Sierra Leonean Anti-Corruption Commission.

The Commission continued with the implementation of the MoU it signed with MACC in 2009. The Commission also fostered collaboration with international anti-corruption agencies and associations or fora, such as the ECOWAS Network of Anti-Corruption Agencies, the Annual Conference of Global Forum on Corruption, the International Association of Anti-Corruption Authorities, and the Association of Anti-Corruption Agencies of Africa, among others.

Visit by IDASA and IDEG

On May 15, 2009, the Institute of Democratic Governance (IDEG) and the Institute for Democracy South Africa (IDASA) paid a courtesy call on the Ag. Commissioner as part of a research project being undertaken by the two bodies.

The visitors included Ms. Abena Tabi and Mr. Dan-Bright Dzorgbor both from IDEG, Mr. Stefan Gilbert of IDASA and Ms. Inguild Oia of the United Nation's Development Programme (UNDP). Their visit was to enquire about the Commission's efforts at promoting good governance in Ghana.

Visit by Delegation from Benin

A delegation from Benin's Ministry of Administrative Reforms led by the Sector Minister, Mr. Joseph Ahanhazo, visited the Commission on June 3, 2009. The United Nations Resident Representative to Benin was also part of the delegation. The purpose of the visit was to obtain first hand information on how the Commission operates and also to share experiences with respect to the promotion of fundamental human rights and freedoms.

Visit by Association for the Prevention of Torture (APT) Delegation

In September 2009, the Commission coordinated a visit by a two-member delegation from APT that comprised Mr. Mark Thompson, the Secretary General, and Ms. Audrey Oliver, the Coordinator. The purpose of their visit to Ghana was to encurage Ghana to ratify the Optional Protocol to the UN Convention Against Torture (OPCAT). During their visit, the delegation had discussions with key stakeholders, authorities, Parliamentarians and Civil Society Organizations.

E. CSO Collaboration

NGOs Forum

In the year under review, the Commission continued its collaboration with human rights NGOs and other civil society organizations, for the promotion and protection of human rights in Ghana. The NGOs Forum facilitated by the Commission issued a press statement to condemn the action of the parents of an eleven (11) year old girl who was being forced into marriage at Kasoa in the Central Region. The NGOs Forum also commemorated the International Day for the Elimination of Violence against Women and the International Day of Persons with Disabilities at events held on the 25th November and 3rd December, 2009 respectively.

Ghana Anti-Corruption Coalition (GACC)

The Commission participated in a series of activities organised by the Secretariat of the GACC during the year under review. It participated in a workshop in November on Monitoring Media Reportage on Corruption Issues, aimed at exploring ways of working with the media to improve its capacity to report corruption issues. The Commission also participated in a workshop on Monitoring the Implementation of the Whistleblower Act, 2006 (Act 720). The objective of this workshop was to validate indicators for monitoring the fight against corruption in the country.

Information Sharing and Exchange Forum

In 2009, the Commission participated in a series of meetings facilitated by GII for key accountability institutions such as the Serious Fraud Office (SFO), the Attorney-General's Office (A-G), the Auditor-General's Office (AuG), the Public Procurement Authority (PPA), Controller and Accountant-General's Department (C&AGD), Public Accounts' Committee of Parliament and the Ghana Police Service. The meetings sought to foster exchange of information among and within key accountability institutions in the country to reduce duplication of efforts, minimise inter-institutional turf wars, and promote efficient use of human and material resources.

F. Case Handling Manual

The Commission, as part of its objectives to handle cases more efficiently developed a new Case Handling Manual for its staff. The Commission organized 3 (three) workshops on the new Case Handling Manual and Decision Writing for its lawyers and investigators during the reporting period.

The new manual seeks to ensure uniformity of procedure and output in case handling by the Commission.

G. Amendment of the Whistleblower Act, 2006 (Act 720)

The Commission, working with other key stakeholders, proposed a number of amendments to the Whistleblower Act. They include:

- Extending the law to cover actions by private persons that affect the public interest.
- Whistleblowers to be given feedback on action taken on disclosures. Investigating bodies like CHRAJ, SFO and NMC under Section 3 should also be able to give feedback to whistleblowers resulting from investigations they may have conducted into a disclosure of impropriety.
- Amend section 10 of the law since it has the potential of undermining the independence of independent governance institutions such as CHRAJ and NMC.
- Introduction of provisions making it mandatory for the employer to sensitise employees on the Whistleblower Law. In addition, provision should be made for the monitoring role of CHRAJ to ensure that various institutions meet their obligations under the Whistleblower Act.

H. STATISTICAL OVERVIEW

1.0 Overview of Complaints Data

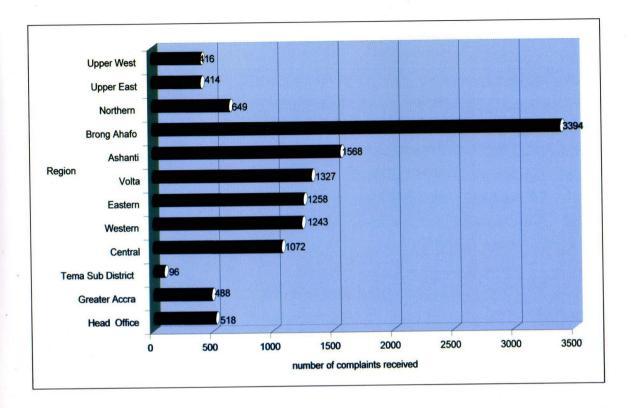
In 2009, the Commission received a total of 12,443 complaints nationwide, compared with the 12,919 complaints received 2008. The number of cases brought forward from the previous year was 6,246. The total number of cases available for investigations in 2009 therefore stood at 18,689. (Table 3 shows the summary of case statistics for 2009).

Table 3: Summary of Case Statistics for 2009

Regions	Cases Received	Cases Pending At Beginning of the Year	Total Cases In The Year 2009	Total Cases Closed
Head Office	518	471	989	487
Greater Accra	488	350	838	401
Tema Sub	96	69	165	102
Central	1072	495	1567	977
Western	1243	299	1542	1229
Eastern	1258	696	1954	922
Volta	1327	562	1889	1045
Ashanti	1568	688	2256	1332
Brong Ahafo	3394	2050	5444	3321
Northern	649	388	1037	495
Upper East	414	128	542	348
Upper West	416	50	466	328
Total	12443	6246	18689	10987

The Brong Ahafo Regional Office received the highest number of cases of 3,394 representing 27.3% of the total number of cases reported to the Commission whereas the Tema Sub-Regional Office received the lowest number of cases, 96, representing 0.8%.

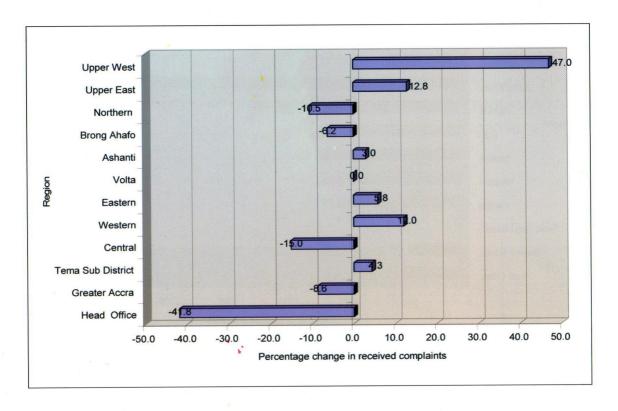
Figure 2: Number of Complaints Received in 2009



2.0 Percentage Changes in Number of Complaints Received (against 2008)

While some regions recorded a reduction in the number of cases received, others reported an increase. The Upper West and East regions recorded the highest increase of 47% and 12.8% over the previous year respectively. The Head Office, Central and Northern Regions saw reduction in the number of cases received in the same period with the Head Office recording the highest reduction of 41.8%. Volta Region on the other hand did not record any change in the number of cases received. (See Figure 3).

Figure 3: Percentage Changes in the Number of Cases Received between 2008 and 2009



3.0 Closed Cases

In 2009, the Commission closed a total of 10,987 cases (compared with 9,693 in 2008), representing 58.79% of the total number of cases available for investigation (18,689). This represents an increase of 13.35% over that of 2008 performance. Western Region recorded the highest percentage closure of 79.7%, while Eastern Region recorded the least percentage closure (47.2%). (See figures 4 and 5).

Figure 4: Number of Cases Recorded and Closed at the end of 2009

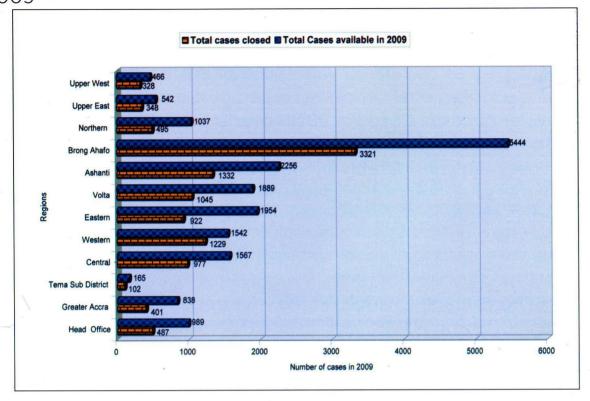
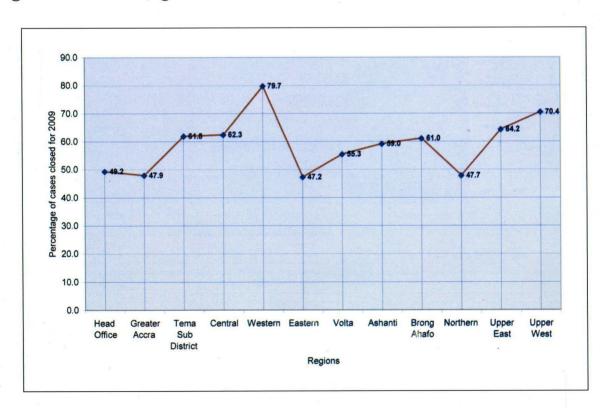


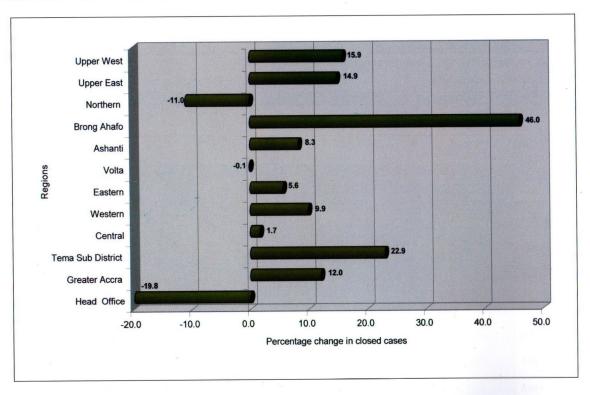
Figure 5: Percentage of Cases Closed for 2009



4.0 Closure of Complaints in the Regions

Generally, there has been an improvement in case management in all the regions as indicated by the increased percentage change in cases closed in 2009 as compared with those of 2008. The Brong Ahafo and Tema sub-Regional Offices recorded 46% and 22.9% increases in the number of cases closed in 2009 over that of 2008. On the other hand, the number of cases closed at the Head Office and Northern Region declined considerably by -19.8% and -11.0% respectively, even though the total number of cases recorded in these regions also declined. (See figure 6).

Figure 6: Percentage Changes in the Number of Cases closed between 2008 and 2009



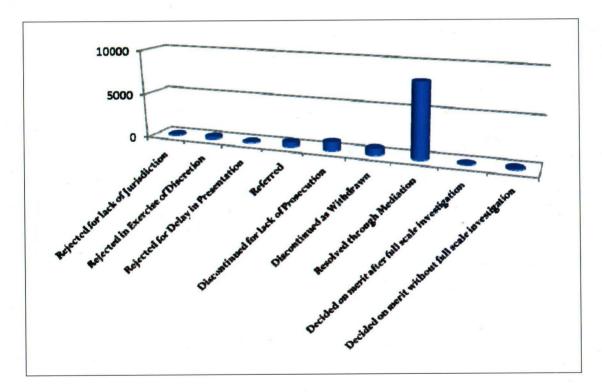
5.0 Nature of Closure of Cases

Out of 10,987 cases closed in the reporting year, 8,213 (74.8%) were successfully mediated. 482 cases rejected, 1,691 cases discontinued, 510 cases were referred to other institutions, and 141 decided on merit.

Table 4: Cases Closed

Mode of Closure	Numbers of Cases Closed
Rejected for lack of Jurisdiction	96
Rejected in Exercise of Discretion	248
Rejected for Delay in Presentation	88
Referred	510
Discontinued for lack of Prosecution	971
Discontinued as Withdrawn	720
Resolved through Mediation	8213
Decided on merit after full scale investigation	36
Decided on merit without full scale investigation	105
Total	10987

Figure 7: Nature of Closed cases



6.0 Complaints Grouped Under Mandates

Cases received by the Commission are categorised into human rights, administrative justice, and corruption in line with the Commission's mandates. The total cases received by the Commission have decreased since 2005.

Table 5: Cases Reported to the Commission from 2004 to 2009

Category	2004	2005	2006	2007	2008	2009
Administrative Justice	1,671	1,622	1,546	1,303	1,460	1,143 (9.18%)
Human Rights	13,249	13,844	11,999	12,045	11,323	11,176 (89.82%)
Corruption	33	283	386	107	136	124 (1.00%)
Total	14,953	15,749	13,931	13,455	12,919	12,443

6.1 Human Rights Related Cases

Human rights related cases comprised the highest number of complaints received in 2009. The human rights related cases were 11,176 representing 89.82% of complaints received. Cases involving rights of Children constituted the highest number of human rights related cases received (4,472), whereas civil and political rights cases comprised the lowest number of human rights related cases received (320). See table 6.

Table 6: Nature of Human Rights Cases for 2009

Classification	Total Cases	Percentage (%)
Children's Rights	4,472	40.02
Women's Rights	1,907	17.06
Property Rights	2,539	22.72
Economic and Social Rights	1,661	14.86
Civil and Political Rights	320	2.86
Others	277	2.48
Total	11,176	100

Children's Rights Related Cases

The dominant complaint under children's rights related cases during 2009 was child non-maintenance with a total of 2,952 (66%) cases, followed by child custody complaints, with a total of 250 (13.7%) cases. The Commission received 129 cases on forced marriage, 16 on defilement, 3 on incest and 3 on rape. Brong Ahafo Region recorded the highest number of children's rights related cases with 1,045 cases. Volta Region followed Brong Ahafo Region with 547 cases of children's rights related cases. (See figures 8 and 9).

Figure 8: Nature of Children Rights Related Cases Received in 2009

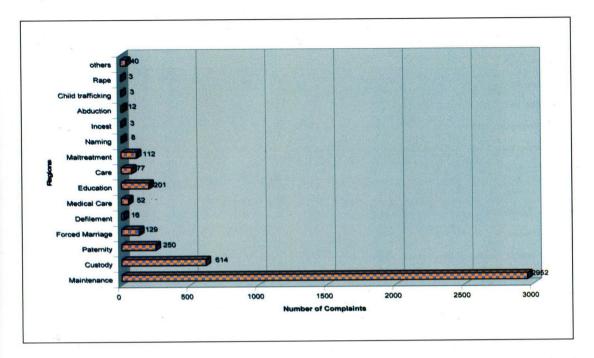
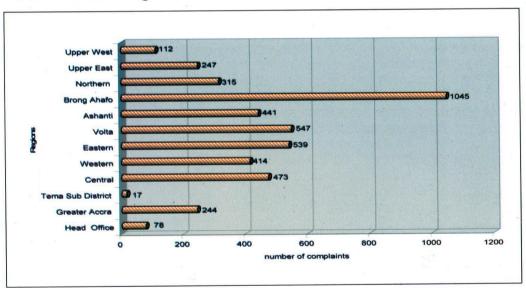


Figure 9: Number of Children's Rights Related Cases Received in 2009 in the Regions



Women's Rights Related Cases

The Commission received a total of 1,907 women's rights related cases representing 17.06% of total human rights cases received in 2009. Some of the women's rights related cases received include non-maintenance, spousal battery, and witchcraft accusation. Non-maintenance cases topped the list of women's rights related cases with 1,213 cases reported to the Commission. The Commission also received 162 spousal battery cases in 2009.

Figure 10: Number of Women's Rights Related Cases Received in 2009 in the Regions

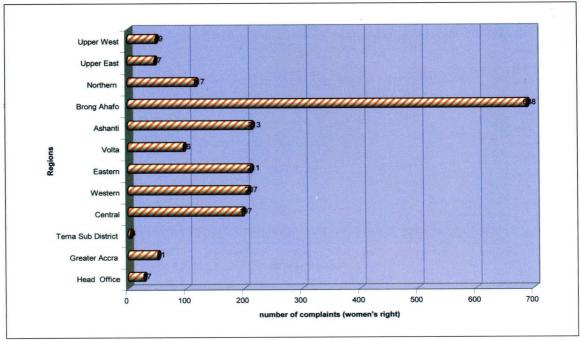
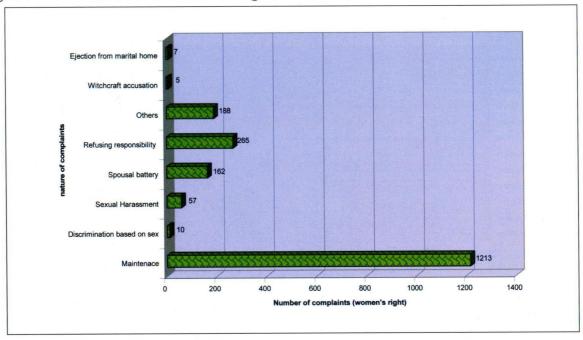


Figure 11: Nature of Women's Rights Related Cases Received in 2009



Property Rights Related Cases

The Commission received a total of 2,539 property rights related cases representing 22.7% of all human rights related cases. The dominant complaint under property rights related cases is complaints on tenancy with a total of 1,025 cases, followed by retrieval of property complaints with 475 cases. Brong Ahafo Regional Office received the highest number of property related cases - 814 cases while the Tema Sub-Regional Office received the least number of property related cases - 7 cases. (See figures 12 and 13).

Figure 12: Nature of Property Rights Related Cases Received in 2009

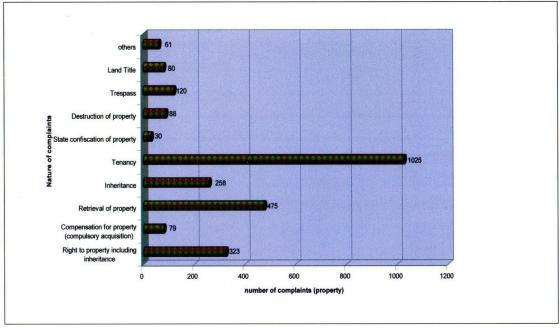
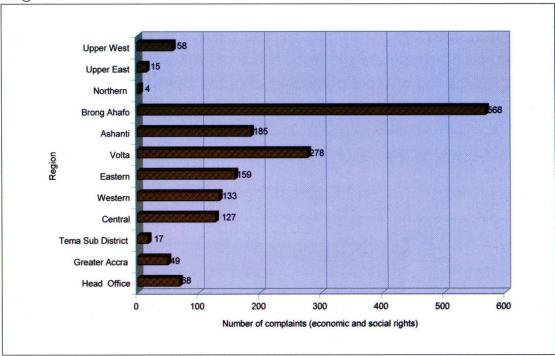


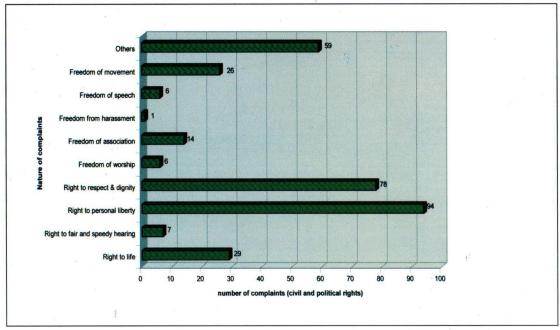
Figure 13: Number of Property Rights Related Cases Received in 2009 in the Regions



Economic and Social Rights Related Cases

The Commission received a total of 1,661 economic and social rights related complaints representing 14.9% of all human right related cases. Brong Ahafo Regional Office received the highest number of economic and social rights related cases with 568 cases while the Tema Sub-Regional Office received the least number of economic and social rights related cases with 17 cases. (See figure 14).

Figure 14: Number of Economic and Social Rights Related Cases Received in 2009 in the Regions



Civil and Political Rights Related Cases

The Commission received a total of 320 civil and political rights related cases representing 2.86% of human rights related cases. Of the 320 cases, 94 of the cases were complaints related to right to personal liberty, 78 of the cases were complaints related to right to dignity, and 29 of the cases were complaints related to right to life. Western Region recorded the highest number of civil and political cases with 42 cases, followed by Greater Accra and Volta Regions with 49 and 48 cases respectively. (See figures 15 and 16 for details).

Figure 15: Nature of Civil and Political Rights Related Cases Received in 2009

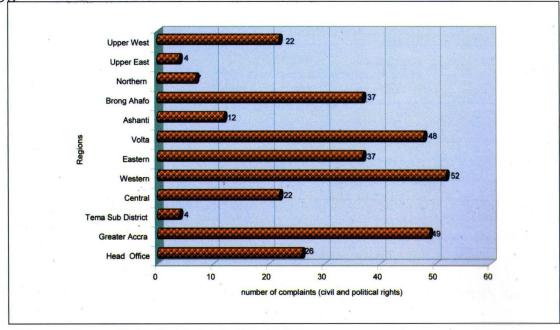
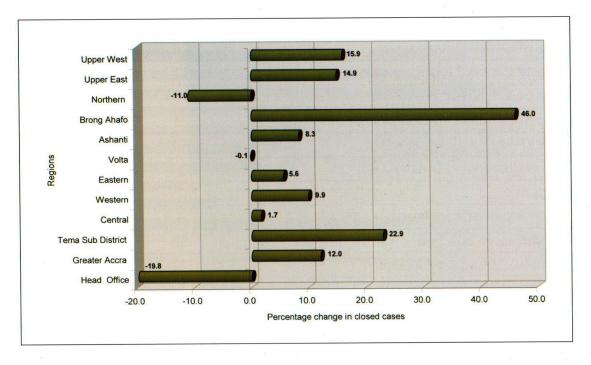


Figure 16: Number of Civil and Political Rights Related Cases Received in 2009 in the Regions



6.2 Administrative Justice Related Cases

In 2009, the Commission received a total of 1,143 administrative justice related cases representing 9.18% of total number of cases received during the year. The administrative justice related cases received include withholding of salary, undue delay, abuse of office (exercise of discretion), abuse of office (oppression), negligence, and delay in dispensing Justice (Police).

The highest number of administrative justice related cases the Commission received was non-payment of salary arrears. The Commission recorded 221 of complaints of non-payment of salary arrears representing 19.3% of the total number of administrative justice cases received in the year.

Ashanti Region recorded the highest number of administrative justice related cases; i.e. 200 cases whilst Upper East Region recorded the least number of administrative justice related cases with 39 cases.

Table 7: Nature of Administrative Justice Related Cases for 2009

ADMINISTRATIVE JUSTICE	No. of cases	Percentage
Abuse of Office (Exploitation)	18	1.6
Abuse of Office (Intimidation)	24	2.1
Abuse of Office (Unbecoming Conduct)	12	1.0
Abuse of Office (Oppression)	7	0.6
Abuse of Office (Exercise of Discretion)	19	1.7
Undue Delay	33	2.9
Delay in dispensing Justice (Police)	37	3.2
Negligence	12	1.0
Over billing of school fees	4	0.3
Dismissal	158	13.8
Termination of Appointment	177	15.5
Resignation	1	0.1
Redundancy/Redeployment	12	1.0
Pension/Gratuity	28	2.4
SS Deduction/Payment	35	3.1
End of Service Benefit	46	4.0
Severance Award	12	1.0
Salary Arrears/Withholding	221	19.3
Insurance Claims	25	2.2
Suspension/Interdiction	9	0.8
Transfer	5	0.4
Promotion	2	0.2
Retirement Benefits	15	1.3
Study Leave	0	0.0
Surcharging of lost items	2	0.2
Workmanship compensation	31	2.7
Salary deduction	37	3.2
Reinstatement	15	1.3
Others	146	12.8
Total	1,143	100.0

Upper West
Upper East
Upper East
Northern
Brong Ahafo
Ashanti
Volta
Eastern
Western
Central
Tema Sub District
Greater Accra
Head Office
0 20 40 60 80 100 120 140 160 180 200
Number of complaints (admin justice)

Figure 17: Number of Administrative Justice Cases Received in 2009 in the Regions

6.3 Corruption Related Cases

During the year, the Commission received a total of 124 corruption related cases representing 1.00% of the total number of cases received in 2009. The corruption related cases received include fraud, abuse of office, bribery, extortion, embezzlement, and misappropriation of public funds. Among these cases, fraud (40) and abuse of power (17) constituted the highest number of cases reported to the Commission in the year.

The Head Office received the highest number of corruption related cases with 56 cases, followed by the Volta Region with 42 cases. The Upper West, Upper East, Western, and Greater Accra and Tema Sub-Regional Offices did not receive any corruption related cases in 2009.

Figure 18: Number of Corruption Related Cases Received in 2009 in the Regions

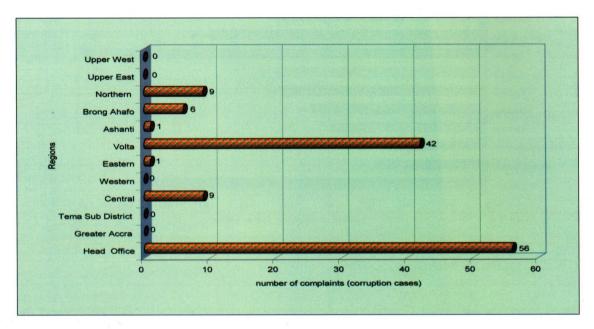
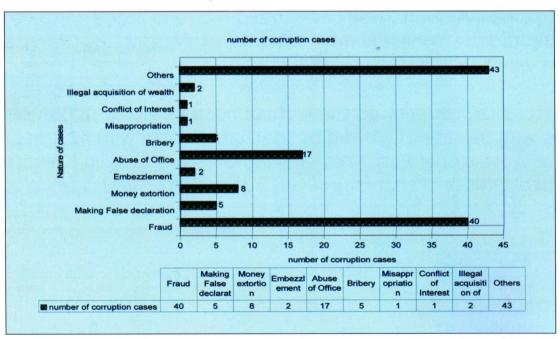


Figure 19: Nature of Corruption Related Cases Received in 2009



PART IV SUMMARY OF CASES

SUMMARY OF CASES

KWEKU V MENSAH

On October 27, 2009, the Complainant, the biological father of two children, lodged a complaint against the his brother-in-law, to return to his custody his children.

According to the Complainant, he lost his wife in May 2009. During the funeral, his two daughters with the deceased, aged ten and seven, were sent to the Respondent's home to stay there temporarily.

After the funeral, however, the Respondent refused to return his children to him. He said the Respondent had enrolled the children in a new school, insisting that he (the Complainant) pays their fees, all showing that the Respondent had no intention of returning the children soon. He wanted the Commission to assist him take custody of his children.

On his part, the Respondent claimed that he had no intention of keeping the children, but that, considering the age of the children, he believed it would be in the best interest of the children for them to reside with their maternal family.

The Respondent subsequently revealed what the Commission considered was the main reason behind his action, especially since, in his own words, he and complainants were friends until the funeral of the deceased. Respondent indicated that the Complainant did not support the deceased enough when she was ill and did not contribute substantially to her funeral expenses.

The Commission explained to the parties that the Children's Act, 1998 (Act 560) required that children grow up in the care of their natural parents unless they are unavailable or unfit. Section 5 of the Children's Act provides:

"No person shall deny a child the right to live with his parents and family and grow in a caring and peaceful environment unless it is proved in a court that living with his parents would-

- a. Lead to significant harm to the child; or
- b. Subject the child to serious abuse; or
- c. Not be in the best interest of the child"

There was no evidence that the Complainant was not fit to be a parent, nor was there any evidence to suggest that the Complainant posed any threat or risk to the children's interest. The Commission inspected the Complainant's home and made other enquiries to satisfy itself that it was in the best interest of the children to be returned to him and to the home they have been used to all their lives.

In the end, the parties agreed that the children be returned to their surviving parent, and on December 22, 2009 the Respondent handed the children over to the Complainant.

The case was therefore closed as settled.

2. Case No. 514/2006/640 - Unlawful Detention

This case came to the attention of the Commission through its routine media monitoring exercise.

A caller in a radio call-in programme alleged that a suspect had been held in custody at an Accra Police Station for over 6 years without a formal charge or remand order by a court of competent jurisdiction.

In a follow-up on the media report, the police denied that the detainee was being held without due process or for that length of time. They explained that the accused was arraigned before an Accra

Magistrate Court and formally charged with murder. That the case was subsequently transferred to the High Court where the accused person was admitted to bail in the sum of ¢50 million with one surety to be justified, but he failed to meet the bail conditions. As a result, the accused person had to remain in custody until such time that he would be able to satisfy the bail conditions or the trial is completed.

Under the circumstances, the Commission discontinued the investigation under Section 13(1)(b) of the CHRAJ Act, 1993 (Act 456) which states that:

'Where in the course of the investigation of any complaint it appears to the Commission that having regard to all the circumstances of the case, any further investigation is unnecessary, it may refuse to investigate the matter further'.

1. Case No. 246/2009/1543 - Withholding Student's Results Slip

In his complaint lodged on behalf of his ward, the Complainant alleged that his ward's West Africa Examination Council (WAEC) examination results had been withheld by the Head Master of Nungua Secondary School for non-payment of boarding fees owed. As a result, he claimed his ward missed an opportunity to apply for admission to a Teacher Training College.

According to the Complainant, he applied for his ward to be admitted to the boarding-house, but had to cancel the application due to financial constraints. However, he failed to officially inform the school of the cancellation.

The Complainant further claimed that his ward paid monies to the Respondent for which no receipts were issued.

The Respondent confirmed essentially the story of the Complainant that his ward's results slip was withheld because of boarding fees which came about because the Complainant failed to officially cancel his ward's application to be admitted to boarding house. As a result,

the school records had it that the complainant owed school fees. The Respondent conceded that for the period the Complainant was billed with the disputed boarding fees, the ward of the Complainant did not actually benefit from the boarding facility, and did not eat or sleep on school campus.

The Respondent accordingly offered to settle the matter amicably and requested the Complainant to collect the results slip from the school. Subsequently the Commission was informed that the result slip has been released to the Complainant with apology. The case was therefore closed as settled by the parties.

2. Case No. 21/2007/1649 - Unfair Treatment

This Complaint was lodged on behalf of traders of Agbogbloshie Central No. 2 Market, Accra whose market stalls were demolished by officials of the Accra Metropolitan Authority (Respondent).

According to the Complainants, during preparations towards 'Ghana at 50' celebrations, the Respondent through its agents met them and gave them two weeks to remove their valuables from the market as part of a cleaning-up and beautification of the nation's capital. The Respondent failed to disclose to them its intent to demolish their stalls. Before two weeks' notice was up, the Respondent went to the market at dawn to demolish their stalls destroying their properties. They therefore petitioned the Commission to assist them to recover the cost of their stalls and valuables that were destroyed.

The Respondent initially denied knowledge of the said demolition exercise. Represented by its Head of Security and a representative of the Metro Works Department, the Respondent subsequently admitted carrying out the exercise after it was confronted with pictures on the demolition exercise. The Respondent however maintained that the Complainants were served with requisite notice to remove all their valuables to make way for the demolition exercise.

The Commission found in the course of its investigations that the Respondent indeed embarked on the said demolishing exercise without waiting for the notice to expire. The Commission observed that considering the large quantity of Complainants' wares, the

two weeks' notice given them was insufficient. Nonetheless, the Respondent breached the short notice and demolished the market stalls before the two weeks given to the Complainants was due.

Further, the Commission found that the Respondent failed to inform the Complainant of its intention to demolish their stalls. In addition, the manner in which the exercise was undertaken at dawn sprang a surprise on the traders and made it impossible for them to either remove or protect their properties.

The Commission noted that the Respondent's mandate to remove or demolish structures which it deemed unauthorized still required it to be fair, candid and to act in accordance with law. Article 23(1) of the 1992 Constitution requires administrative bodies such as the Respondent and its officials who carried out the demolition to be fair and candid, and follow laid down procedures in its dealings with the public.

The Commission found that the complaint was justifiable. Accordingly, the Commission recommended that the Complainants should be compensated with regard to the cost of their demolished stalls, their wares, as well as other related costs they had incurred. The Commission further recommended that the Respondent provides an alternative place for the displaced Complainants. Finally, it recommended that in future exercises of this nature, the Respondent gives sufficient notice, at least not less than eight (8) weeks to affected persons.

3. Case No. 738/2009/1451 - Unfair Dismissal

The Complainant alleged that after 10 years of employment as Chief Internal Auditor with the Respondent his appointment was terminated unfairly.

According to the Complainant he was accused of improperly disposing of the assets of the Respondent (i.e. scraps). He said his appointment was terminated without hearing, and without reason. Further, that the Respondent refused to pay his long service award after 10 years' service. He however admitted that he was paid 3 months' salary in lieu of notice, and his three (3) years accumulated leave commuted to cash and paid to him.

The Respondent denied that the Complainant's appointment was terminated without hearing or reason. They explained that the Complainant was given a fair hearing after which he was duly found culpable for disposing of Respondent's assets without authority.

Regarding the long service award, the Respondent explained that the Complainant served for 9 years 10 months and 19 days, and therefore did not qualify for the award.

The Commission found that contrary to his claim, the Complainant duly appeared before a disciplinary committee which established that he had improperly disposed of assets of the Respondent. The disciplinary committee recommended that the Complainant's appointment should be terminated. Although the Commission found that Respondent's letter terminating Complainant's appointment did not give sufficient reasons for the termination, the Commission did not find the omission fatal since the Complainant had sufficient notice of the reason for terminating his appointment through the disciplinary committee's proceedings.

Regarding the long service award, the Commission established that the Complainant did not qualify for it since he had not served for the number years required.

The Commission concluded that the Complainant did not have a good case, and dismissed his complaint as unjustified.

4. Case No. 789/2008/727 - Unfair Dismissal

The Complainant alleged that the Respondent had terminated his employment unfairly as a Vehicle Licensing Officer on grounds of misconduct after paying one (1) month salary in lieu of notice.

The Complainant claimed that he certified Vehicle Registration Certificates for a construction company without physically examining the vehicles. As a result, his appointment was terminated, but it was done without following the proper procedure under the Civil Service Act, 1993. He therefore brought the instant complaint to challenge the termination of his appointment.

The Respondent admitted that its records showed that the disciplinary committee set up to hear the Complainant's case was not properly constituted and that it was at variance with section 59(b) of Respondent's Conditions of Service. The Commission found that no disciplinary committee was set up to investigate the Complainant's alleged misconduct as claimed by the Respondent.

The Commission concluded that the Respondent is required by the Constitution of Ghana and the rules of natural justice to give the Complainant a fair hearing before proceeding to terminate his appointment. That they had failed to act in a fair and reasonable manner regarding the Complainant's case, and he was justified in law in questioning the irregularity. Consequently the Commission recommended that the Respondent should set aside its decision and reinstate the Complainant without loss of salary. The Respondent may however revisit the Complainant case by following the due process of the law. The Respondent was further advised to follow due process whenever it has to take disciplinary action regarding misconduct of its staff.

5. Case on 377/2006/33

The Complainant was demoted from the rank of Chief Accountant to Principal Accountant by the Controller and Accountant General's Department (CAGD). He brought a complaint to challenge the demotion on grounds that the CAGD lacked capacity to demote him, and that it is the Civil Service Council that had the authority to do so.

According to the Complainant he was among others investigated by the Criminal Investigations Department (CID) of the Ghana Police Service for pension fraud. That based on the investigation report, the Minister for Finance and Economic Planning directed the Respondent to take disciplinary action against the Complainant as well as others found culpable. He had received GC700 for approving the vouchers. The Complainant appeared before a Disciplinary Committee which recommended demotion from Chief Accountant to Principal Accountant. He however complained that his demotion had no legal basis since only the Civil Service Council can impose such punishment.

The Respondent contended that the demotion constituted justifiable sanction commensurate with Complainant's misconduct of approving forged pension vouchers for payment.

The Commission found gross misconduct on the part of the Complainant for approving forged pension vouchers. The Commission found that the Respondent's disciplinary procedure was in conformity with the Civil Service Law, 1993 (PNDC) Law 327. However, section 81 of the Law stipulates that a major penalty like demotion imposed by a disciplinary authority required confirmation by the Civil Service Council, which was absent in this case.

[Based on its findings, the Commission recommended that the Respondent should submit the report of the Disciplinary Committee to the Civil Service Council for approval since the misconduct of the Complainant has been established. The Complainant was also asked to pay the GH¢700.00 he received into government chest.

STATE OF HUMAN RIGHTS REPORT, 2009

Introduction

The international human rights community commemorates Human Rights Day on 10th December every year. The day offers the opportunity to assess the human rights situation globally. A special theme for reflection is selected annually by the United Nations on this day. The theme for this year is "Embrace Diversity-End Discrimination" The theme is most appropriate considering that at the root of all human rights violations is discrimination and artificial barriers of exclusion. Again, it provides food for thought and a call to step up action to inculcate human rights values in our children and insulate them against hate crimes and discrimination as we observe the 20th anniversary of the CRC.

As the national human rights institution, the Commission has a constitutional mandate to promote, protect and enforce fundamental human rights and freedoms for all persons in Ghana.

Over the years, the Commission has adopted a number of strategies to pursue this mandate, among them, investigating human rights violations and providing appropriate remedy, educating the public and disseminating human rights information, and carrying out monitoring schedules in various institutions and communities on selected thematic areas throughout the country to assess the state of human rights across the country.

By virtue of the Commission's wide geographic spread and collaboration with an extensive network of human rights NGOs and community based organisations nationwide, the Commission is able to collate nationwide situational reports on human rights from its 10 regional and 98 district offices annually. These reports, compiled through surveys and qualitative methods such as focus group discussions are by no means exhaustive. Nevertheless the reports offer invaluable first hand insight about human rights situational observances in Ghana.

This presentation represents the executive summary of the 2009 State of Human Rights (SOHR) report.

Objectives

The general objective of the 2009 nationwide monitoring exercise is to offer a situational view of the general trend of human rights development in the country in the given period and promote compliance with human rights standards, thus providing some basis for reflecting on human rights observances in Ghana.

The specific objectives are to:

- 1. Find out how Ghana is meeting its obligations under international human rights instruments and domestic laws.
- 2. Identify systemic human rights violations, and the levels at which these violations are perpetuated on victims.
- 3. Ascertain the general challenges faced by implementers of human rights policies.
- 4. Verify if there has been any improvement in the services provided by the institutions monitored.
- 5. Identify the extent of progress as well as gaps in realisation of human rights in Ghana.

Methodology

The exercise used an in-depth interview and focus group discussion to gather information from participants including opinion leaders, community members, officials of government institutions, NGOs and CSOs.

Scope

This year's monitoring has included the use of qualitative and qualitative data collection methods including in-depth interviews and focus group discussions to gather information from chiefs, opinion and religious leaders, women and other groups and individuals.

In all, 295 public schools, 87 health institutions, 81 prayer camps, 3 witch camps and 6 slum communities were monitored. In addition, an average of 200 communities was monitored.

The monitoring covered the right to education, right to health, child rights, women's rights, harmful cultural practices, extremely deprived communities (slums), suspected witch camps and prayer camps.

THE RIGHT TO EDUCATION

The enjoyment of the right to education continues to have some setbacks.

The FCUBE policy which mandates all children of school going age to be in school is not being fulfilled completely as some pupils continue to absent themselves from school to work. Most parents are also reluctant to contribute towards their children's education because of the misconception that education is totally free with reference to the FCUBE.

The School Feeding Programme which began in 2002 is still limited to some selected schools across the country. Although the programme has improved enrolment and retention rates at beneficiary schools, funds for the project is inadequate and not disbursed on time.

The Capitation Grant is inadequate and also not released on time though government has increase it from GH¢ 3.00 to GH¢4.50 per child. Some schools as a result charge levies not approved by the Ghana Education Service increasing financial burden on parents.

A number of schools monitored did not have adequate teaching and learning materials as well as infrastructure such as classrooms, desk and toilets.

Sixty percent of schools monitored had structures not easily accessible to PWDs and some school authorities remain ignorant of the right of PWDs in the schools. Again, PWDs in the schools do not benefit from the 2% of the district assemblies common fund meant for PWDs.

In 67.2% of the schools interviewed, corporal punishment persists with students sustaining injuries. The exercise also revealed cases of bullying in schools with pupils generally not aware of policy on bullying.

RIGHT TO HEALTH

Health facilities and personnel continue to be inadequate in the country. The doctor to patient ratio and the nurse to patient ratio in 2008 were 1: 29606 and 1: 2859 respectively. Access to health centres is still a challenge for a number of communities due to distance of the nearest health facility and poor roads. Most of the health institutions are without specialized resources or services for persons living with disability.

Programmes and activities towards the promotion of sexual and reproductive health rights in most of the health institutions have improved. Maternal deaths have decreased on the average, from 5.2 per institution in 2008 to 2.2 in 2009 as a result of availability of pre-natal and post-natal care in most communities as well as public health education.

Infant deaths on the contrary continue has increased from 22.0 in 2007 to 25.6 by mid-2009. Ignorance, poor nutrition, delay and irregular pre and post natal care continue to be the major cause of the phenomenon.

Knowledge about the National Health Insurance Scheme has increased with more Ghanaians registering under the scheme. The major challenges currently confronting the scheme is that drugs and treatments covered under the scheme are limited; the card cannot be use to access the scheme nationwide, discrimination in drug prescription, high Premium payment and complexities in registering under the scheme.

Patient's Charter

One hundred and twenty focused group discussions were held to solicit information on the Patient's Charter. Familiarity with the Patient's Charter is woefully inadequate and activities to promote awareness have been minimal. The use of mediums such as posters, fliers, etc was found to be the mode of information dissemination in hospitals.

CHILDREN'S RIGHTS

The provision of care and protection for children is a basic entitlement under both international and national instruments like the Universal Declaration on Human rights, UN Convention on the Rights of the Child, 1992 Constitution of Ghana, and the Children's Act (Act 560, 1998).

Child Defilement

Even though cases of defilement were reported to be common in 66% of monitored communities, sensitization on defilement is low. Between 2006 and 2008, government institutions in 106 communities had received a total of 4.601 defilement cases.

Out of 96 CSOs working on children's rights who were interviewed, 64% had ongoing child defilement campaigns. There was regular monitoring of the general situation of children by CSOs in 87% of the communities. In the last year, these organizations have monitored child defilement cases in 57 communities and noted that knowledge of legal provisions on defilement has increased in 86% of these communities.

Nine hundred and nine (909) children aged 15 and below were interviewed in 91 communities. About 70% of the children interviewed indicated that they do not know of any support available to victims of defilement.

Child Trafficking

The Commission monitored 200 communities on child trafficking and interviewed about 200 community members. Volta Region had the highest number of children either trafficked into or out of work.

Trafficking of children existed in 136 communities; children are either trafficked in or out of the communities. Between 2006 and 2009 a total of 1,775 children were reported to have either been trafficked in or out of 36 communities. Even though these children were given out to households, traders, fishermen, farmers etc most of these children were found in the agricultural sector.

Three hundred and ninety three (393) trafficked children below 16 years were interviewed in 42 communities. Most of these children had an average working period ranging from one to five years. The conditions under which these children work was deplorable; they suffered physical, mental and psychological abuses. Seventy six percent (76%) of the children had not received any form of assistance

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while 24% had received assistance in the form of school materials, feeding fees, provision of microfinance for parents, legal advice etc. CSOs in 69% of the communities regularly monitored the general situation of child trafficking and 80% noted that the situation had improved.

Child Maintenance

Section 47 (1) of the Children's Act states that "a parent or any other person who is legally liable to maintain a child or contribute towards the maintenance of the child is under a duty to supply the necessaries of health, life, education and reasonable shelter for the child," However, the phenomenon of child neglect is still very high in Ghana and constitutes the highest number of cases CHRAJ receives every year.

Eight hundred and fifty five (855) parents and guardians were interviewed in 203 communities. One thousand, one hundred and thirty five (1,135) children below 18 years were interviewed in 112 communities. The majority (35%) of children interviewed were between ages 11-15 years. Even though children in 93 communities knew institutions that work to curb child neglect only 40% said they had received some form of assistance from them. They confirmed that government institutions carry out sensitization programmes in the communities through the media, meeting with community members and identifiable groups.

About 91% of the institutions that embark on campaigns against child neglect reported that they had received positive responses. Interestingly, 81% of those institutions were funded by the government.

Child Labour and its Worst Forms

To assess the labour situation with respect to children's rights in the light of both international and national instruments, the Commission monitored the general child labour situation in 215 communities.

About 1,778 people were interviewed in 201 communities and their responses show that child labour exists in 72% of these communities. These children are employed in various sectors of work such as farming, mining, prostitution, trade etc. but the majority of these children was engaged in the agriculture sector. Poverty accounts mostly for reasons why children engage in labour. Even though, 142 communities indicated that child labour existed, 57% did not know about the existence of anti-child labour campaigns by NGOs and government institutions in these communities.

Government and Development partners are the main financiers of anti-child labour campaigns carried out by government institutions. About 88% of the government funded campaigns have recorded positive results with more people being sensitized and more cases being reported.

CSOs who have carried out yearly monitoring of child labour in 78% communities visited report that the enormity of child labour had decreased.

One thousand five hundred and forty six (1,546) child labour victims below 15 years were interviewed in 119 communities; the majority (69%) of the children were between ages 11-15 and 68% of these children have worked for periods ranging from 1 to 5 years. Working children in 81% of these communities said they had not received any form of assistance as victims of child labour.

Children's rights to recreation

The Commission monitored children's rights to recreation in accordance with children's Act which states that "no person shall deprive a child the rights to participate in sports, or in positive cultural and artistic activities or other leisure activities."

About 85% of 201 communities monitored and some form of recreational facilities, whilst 15% of the communities did not have any recreational facilities whatsoever. Reasons given for the absence of recreational facilities included lack of funds and personnel to manage recreational facilities for children.

RIGHTS OF PERSONS LIVING WITH HIV/AIDS

Many Ghanaians are aware of the mode of transmission of HIV and more are availing themselves for the testing. Public education activities by NGOs, CSO, the media and health institutions have contributed to such a situation. Nevertheless, stigmatization and discrimination against PLWHAs is still prevalent. Anti- retroviral drugs are highly inadequate and unaffordable to a number of Ghanaians.

WOMEN'S RIGHTS

Despite the promotion of women's rights as human rights women continue to have unequal access to education; to be forced into marriage; denied reproductive health rights and sexual rights etc. Domestic Violence against women still prevails in the various communities monitored. About 74% of the women interviewed have ever suffered some form of violence. They would however not report abuses due to cultural practices inherent in their communities, and also the desire to keep such matters private.

Reproductive health clinic with essential equipments are becoming more accessible to women throughout the country. Some women have also benefited from the free reproductive health services instituted by the government.

Every woman of 18 years and above is free to marry. Some women do not go through the appropriate marriage rites with some cohabiting with their fiancés. Registration of marriage is an uncommon phenomenon. Public education on legal provisions on marriage is also very minimal in the communities.

The Wills Act is quite known in the communities. Only 8% of respondents from the communities monitored have actually made a will due to the fear of dying and the notion Wills are made by the rich.

HARMFUL CULTURAL PRACTICES

Harmful Widowhood Rites

Widowhood rites are widely practiced in the country with some having negative health implications on the victims due certain rituals performed during the rites. Some government institutions continue to undertake public education programmes to prevent such practices. Tribal Marks

Tribal marks are made on the faces of children to serve as visible marks to identify tribesman. Though it tends to strengthen 'the cohesion among members in the same tribe, it tends to aid disunity in the nation, and makes a victim easily identifiable and a target for the opponents during strife.

Female Genital Mutilation

Female Genital Mutilation (FGM) is recognized internationally as a violation of the human rights of girls and women, and has been proscribed in Ghana since 1994.

The Commission monitored five (5) communities in the Upper West and East regions where the practice is common.

Victims of FGM, between the ages of 10 and 21 years who were interviewed in these communities described the practice as very painful and indicated that they could not resist as children once their parents consented to it.

The monitoring exercise revealed that the practice has died down significantly. Government institutions, religious bodies and CSOs who have carried out various campaigns against the practice, indicated that the practice has reduced drastically. The last FGM case was reported at the DOVVSU office in the Lawra district of the upper West region in 2007.

Trokosi

ILO Convention 182 on worst Forms of Child Labour describes the Trokosi system as involving one of the worst forms of child labour. Section 314 of the Criminal code 1960 (Act, 29), has criminalized the practice, making it an offense punishable by imprisonment.

Although Trokosi has been proscribed, monitoring by the Commission in 2008 showed that the practice still persists in some shrines. Out of the seventeen shrines monitored, nine (9) Trokosis were found in three, all in the Ketu North district of the volte Region. It was noted that the Trokosis had access to both non-formal and formal education with majority in basic schools.

It was noted that sensitization against the practice is low. Although a number of Trokosis were liberated, re-integration into the society and normal life has been extremely difficult for them. They suffer all kinds of discrimination and exclusion, and are unable to get jobs, do any meaningful trading or business or marry because of fear and stigma.

"Witch camps" for people suspected of witchcraft

Article 7 of the International Convention on Civil and Political Rights and Article 15(2) of the Ghanaian constitution both provide that one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

The banishment of people suspected to be witches and some wizards from a community is a practice that perpetuates violence, stigmatization and discrimination of people in their own communities contrary to general human right principles.

This year, the Commission monitored three (3) camps for suspected witches in the northern region. These camps were Kukuo, Tindaan Shayili-Kpatinga and the Gnani settlements. There were 363 residents in these camps at the time of visit; 178 were children made up of 24 boys and 154 girls. Of the 185 adult populations, only 11 were male.

Apart from Tindaan Shayili-Kpatinga, the rest of the camps did not have any good and regular source of water. Generally, sanitary conditions at the camps were poor and inadequate. Health care services were available but were said to be unaffordable. Primary and adult literacy education was available in two of the communities, except the Kukuo camp.

In spite of the anti-discrimination campaigns and efforts at discouraging the practice, the population in the camps has not decreased, although the conditions in the camps have improved.

PRAYER CAMPS

Article 5 of the Universal declaration on Human rights provides that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment".

Media report, however, show that a significant amount of activities at prayer camps qualify as torture or cruel, inhuman or degrading treatment of patients or person sent to the camps for help.

The majority of inmates at the camps interviewed indicated that no mistreatments are meted out to them except that they were required

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to do dry fasting and prayers. They welcomed the monitoring and human rights education in the camps.

EXTREMELY DEPRIVED COMMUNITIES (SLUMS)

Article 8 (1) of the Declaration on the Rights to Development stipulates that States should institute measures to ensure access to basic amenities and enhancement of the quality of life for persons who live in communities that fit the definition of slum by the United Nations Settlements programme (UN Habitat).

The Commission monitored six slum communities across the country to assess steps taken by the state to ensure the progressive enhancement of the right to development.

Overcrowding and the use of wooden structures for housing were common. Potable water, sanitation and sewage facilities although available, were found to be woefully inadequate.

The communities had access to health facilities and the majority of respondents indicated they are able to access medical care with little difficulty. They also had access to educational facilities, although the poverty level within the communities discourages some parents from sending their children to school.

Child labour in the communities is quite perceptible, although most of child labour activities were alleged to take place outside school hours.

DETENTION FACILITIES

International human rights laws and norms insist that detained persons are treated humanely and with respect for their inherent dignity. The Commission's monitoring and inspection constitute an integral part of an overall system that seeks to protect the fundamental human rights of persons deprived of their liberty. This year, the Commission inspected 471 police stations and 25 prisons and prison camps.

POLICE STATIONS Sanitation

The general sanitary condition of the police stations visited was not

good. Some of the cells were very dirty and exuded a pungent stench. Generally, those stations that had flush-toilets or KVIPs for inmates' use had relatively better conditions than those with buckets or plastic containers in the cells.

Health and Nutrition

There were no reports of suspects falling sick or developing health conditions in any of the inspected stations, except that the conditions under which suspects were housed were unhealthy and dehumanizing and could easily affect their health later. Most of the police stations had no first aid boxes but the few that were available were fairly stocked.

Most inmates were fed two or three times by relatives and friends, and to a lesser degree, by police officers. A significant number of stations had no regular water supply, and in many cases suspects had to buy sachet water or arrange for their own source of water.

PRISONS AND PRISON CAMPS

Conditions in ghana's detention centers today

Article 15 of the Constitution provides that the dignity of all persons shall be inviolable and that no person whether he or she is arrested, restricted or detained, shall be subjected to torture or any condition that detracts or is likely to detract from his or her dignity and worth as a human being.

Standards such as the UN Standard Minimum rules for the Treatment of Prisoners, and the International Covenant on Civil and Political Rights have provisions governing the treatment of prisoners. The UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the Convention on the Rights of the Child safeguard the rights of women and children, and in some cases are applicable to women and children in prison.

Health and Nutrition

Two stations visited in the Central Region and four in the Brong Ahafo Region respectively, had infirmaries. Three others had first aid boxes and two (Denu and New Ayoma Police Stations) in the Volta Region had a regular nurse but no infirmary.

Feeding at the police stations had not changed over the years.

Relatives and friends usually fed inmates and few had station officers feeding them and hoping to be reimbursed by the government later.

Category of Prisoners

Prisons had inmates that far exceeded their actual capacity. In the Akuse Prison for example, the facility was build to cater for 60 inmates but as at the time of visit, the prison was housing 271 inmates. Two of the female prisons (Kumasi female and Sekondi female prisons) had pregnant women in custody at the time of visit, whiles the Sunyani female prison had a nursing mother. Also, there were a number of mentally challenged persons in some of the prisons visited (Sunyani male, Yendi, Sekondi male, Kumasi central male, Koforidua and James Camp prisons). Some juveniles were in custody at the Tamale central and the Akuse Prisons.

Bedding

The various prisons visited averagely had appalling conditions and does not in anyway meet international standards. There were still cases of remand prisoners overstaying up to even 5 years in cells, people had no mattresses or blankets so had to sleep on bare floor-even in cold seasons. The Gambaga Local and the Kpando Prisons for instance had no beds, blankets or even wooden planks for inmates to use as bedding. Inmates at the James camp prison were also sometimes allowed to bring in their own beds.

Ventilation

So called windows constructed at the various prisons do not allow adequate air into the cells. Some prisons also did not have holes to serve as vent for the cells. The cell 1 of the Winneba prison and the Tamale central male prisons had no windows, making ventilation in those cells very poor. Two cells at the Akuse male prison however had ceiling fans and this is very recommendable and ought to be replicated in detention centers.

Sanitation

The major problem seemed to be the inadequate number of toilet and bath facilities. With the over crowding nature of most prisons, such facilities ought to be expanded.

Nutrition

Inmates in all the prisons and prison camps monitored were fed three times daily on government stipend. However, those at the prison camps enjoyed good meal in terms of quantity, quality and variety. This was due to the fact that the camps had farms from which they usually harvest food crops.

Congestion in the prisons continues to be a major problem, although the female prisons were not as congested as those for male prisoners. Bedding for male inmates was inadequate; some inmates had to bring their own bedding or rely on mattresses left by inmates who had finished serving their sentences.

Inmates in all the prison camps monitored were fed three times daily on government stipend. Money provided for feeding was however reported to be inadequate thereby affecting the quality and quantity of food. Most of the prisons and prison camps either had infirmaries or first aid boxes but some of them were poorly stocked.

During our visit to the Nsawam Prison in August, 2009, it was disclosed that in excess of 50% of prisoners were on remand and some of them had been on remand for periods ranging from 10-17 years. There is urgent need for the relevant authorities to take urgent steps to address the plight of the remand prisoners.

CIVIL AND POLITICAL RIGHTS

The Universal Declaration of Human Rights states that human rights are inalienable and indivisible. The enjoyment of economic, social and cultural rights cannot be fully achieved without the equal enjoyment of civil and political rights.

These are rights which belong to every citizen of the state and include the realization that the individuals have responsibilities to other individuals and to the community.

Both the print and electronic media, as well as individual Ghanaians continue to enjoy freedom of speech and expression, citizens continue to exercise their freedom of association and workers, groups and individuals are able to conduct demonstrations under police protection.

Every Ghanaian has the right to contribute to the country's development agenda in a free atmosphere without intimidation. This year, two bye-elections and two run offs were held in Jirapa and Chereponi, Tain and Akwatia constituencies. There were reported incidents of violence in Akwatia and the Tain constituencies.

The country also witnessed a successful national elections and a smooth transition from one government to another in January this year.

Apart from ethnic conflict in Bawku and a few isolated conflicts, Ghanaians continue to enjoy a politically stable environment. However, a number of incidents involving State actors have occasionally threatened to undermine these rights. There have been media reports of allegations of the violation of the rights of some former government officials by the Bureau of National Investigations (BNI).

Most of former officials were allegedly interrogated for long hours while being denied access to legal council. This raised a lot of questions about the standard procedures of the BNI in carrying out its mandate and the rule of law in the country. There were also allegation of corruption by officials and a number of police and military brutalities.

Alleged Human Rights Violation by BNI

During the year, there were several media reports of alleged detention and seizure of passports of some former government functionaries such as the former Chief of Staff, Mr. Kwadwo Mpiani, the former Minister for Foreign Affairs, Mr. Osei Adjei, for Minister of Information, Mr. Steven Asamoah Boateng, among others by the Bureau of National Investigation (BNI).

Alleged Police and Military Brutalities

A number of alleged police and soldier brutalities were reported by the media. In one of the incidents, 5 soldiers of 3 Garrison Military in Sunyani were alleged to have brutalized two civilians on 18th October, 2009. The Daily guide of Thursday Nov. 12 2009, page 3, also reported the stripping and torture of two people suspected to be part of an armed gang responsible for a shooting incident in Bawku. The most disconcerting report was in the Thursday, November 16, 2009 edition of the Daily Guide, where four girls were allegedly raped and tortured

by soldiers and policemen at Nalerigu in the Northern Region. The Commission will monitor the police investigation into these reported incidents.

Human Rights Violations in Mining communities

The Commission notes with concern of continued reports of human rights violations in mining communities. The Ghanaian observer (Wednesday June 3, 2009 P8) published a report by WACAM of alleged abuses such as arbitrary arrest, detention and shooting of citizens by security agencies acting on behalf of mining companies. Reports of the effect of poor management of cyanide spillage is worrying, with the spillage at Newmont reported to have affected a large number of communities.

CORRUPTION

In the 2009 Corruption Perception Index (CPI), Ghana scored 3.9 and placed 69th out of 180 countries surveyed globally, maintaining it's score and rank for 2008. It ranked 7th among African countries and performed below several African countries such as Botswana with 5.6, Mauritius with 5.4, Cape Verde with 5.1, Seychelles with 4.8, South Africa with 4.7 and Namibia with 4.5.

Examination Fraud

The Commission has noted with concern the increased number of cases of examination fraud reported in the media during the BECE and WASSCE.

Conflict of Interest and Abuse of Office

The media has been a watchdog and continues to play an important role in the fight against corruption. It has reported issued on conflict of interest, abuse of office, extortion and embezzlement of public funds, among others.

The Ghanaian Chronicle reported that the rector of Kumasi Polytechnic has been involved in an administrative malfeasance by awarding a contract of \$19,000 to his nephew.

The Ghanaian Lens newspaper reported that some members of the Parliamentary Sub-Committee on Communications have been demanding money unlawfully from communication service providers.

RECOMMENDATIONS

1. Right to Education

- Government must ensure that the FCUBE and other policies put in place to ensure universal access to education for all children are effectively implemented to secure equal opportunities for all Ghanaian children.
- Government should step up efforts at providing appropriate infrastructure to ensure that all school children have opportunity to learn under a healthy and conducive environment, and facilities are made equally accessible to persons with disability.
- The Ministry of Education and the Ghana Education Service should provide for the inclusion of human rights in the school curricula for basic schools, SHS and teachers training colleges.

2. Women's rights

- State bodies, such as the Ghana police Service, judicial Service, attorney General's Department, MOWAC, Ministry of Health, Department of social Welfare, as well civil society should work together to enforce domestic violence laws, including the provision of needed structures like shelters and counseling units to support victims of domestic violence.
- MOWAC, NCCE, CHRAJ, CSOs, Faith Based organizations and other stakeholders should work in concert to translate the Domestic Violence Act into the major local languages and enhance public education on domestic violence and harmful cultural practices.

3. Right to Health

 The ministry of health and the Ghana health Services should work tirelessly to solve the problem of inadequate personnel and logistics for regional, districts and community health clinics.

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- The Ministry of Health and the Ghana Health Services should improve the working conditions of health workers in order to attract and retain qualified health professionals.
- The NHIA should work hard to achieve nation-wide network of the NHIS to enable patient's access healthcare anywhere in the country.

4. Rights of Persons in Prayer Camps

 MMDAs, CHRAJ and other stakeholders should step up human rights education as well as monitoring of prayer camps.

5. Children's Rights

- NCCE, CHRAJ and other stakeholders should increase public education on children's rights.
- MOWAC, DSW, CHRAJ, Ghana Police Service and other stakeholders should enforce laws that protect children's rights.
 In particular, MOWAC, DSW, should establish rehabilitation centers for trafficked children.

6. Rights of Persons in Detention

• The Attorney General's Department, the judicial Service, the Ghana Police Service and other stakeholders should speed up the process of decongesting the prisons.

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The Vice President of the Republic of Ghana, H.E. John Dramani Mahama joined the Commission to celebrate the 6th Anniversary of the International Anti-Corruption Day, 2009. As the special guest of the 2009 event, H.E John Dramani Mahama inaugurated the 20-member working group for NACAP and also launched the Code of Conduct for Public Officers.

As part of the Commission's strategy to fight Corruption, the 2009 celebration that took place at the Old Parliament House, Accra was in two parts:

- Inauguration of a working group to assist the Commission to facilitate the development of a National Anti-Corruption Action Plan (NACAP)
- Launching of a Code of Conduct for Public Officers of Ghana.
 The Report During the period under review, the fight against corruption appeared not to have yielded any significant dividends, as reports increased about the rampage looting of state resources and display of impunity among state officials.

Over 81 state and private media reports highlighted various types of corruption perpetuated by public officials. These include fraud, bribery, conflict of interest, abuse of office, nepotism, misappropriation, misuse of state assets and resources. Lack of transparency in bidding for contracts, illegal acquisition of wealth, mismanagement of government assets and misappropriation of State funds, embezzlement, and extortion were also some of the types of corruption reported.

The sittings of the Ghana @ 50 Commission also highlighted allegations of financial mismanagement, fraud and dishonesty in the management of public funds during the celebrations of Ghana's 50th Anniversary.

By the end of the 3rd quarter, the Commission had received over 30 cases on corruption and related misconduct, which are under various stages of investigations.

Another discouraging finding of the 2009 Barometer is that the last four years have seen very little change in levels of petty bribery in many developing countries, including Ghana. In fact, it is reported that between 23 and 49 per cent of respondents in the 2009 Barometer Survey in Ghana reported paying bribes.

These reports and revelations about corruption appeared to have had an impact on the perception of Ghanaians about corruption in the country. Ghana scored 3.9 on the Transparency International Corruption Perception Index (CPI) and was ranked 69th of the 179 countries surveyed. This score is similar to the score of 2008. Thus, in the year 2009, there has not been any significant change in the perception of Ghanaians about the prevalence of corruption in the country, which indicates that more effort and resources must be directed to the fight against corruption. This year's score, combined with the numerous allegations of corruption, should be a source of worry for Ghanaians.

National Efforts to Combat Corruption

As I mentioned earlier, fighting corruption is a very complex undertaking which requires galvanising all efforts and resources to combat it more effectively. Within the period under review, the fight against corruption in the country, just as the previous year, remained an important activity. The Commission, Government and all other stakeholders made significant efforts to deal with corruption.

The Commission acknowledges government's commitment to fight corruption and notes in particular the following:

 the directive from the Presidency to Ministers of State and other Public Office holders to declare their assets. This is a laudable idea. However, indications are that many public officials, who have assumed duty, are yet to declare their assets. The President should sanction those Ministers and public officials who have not yet complied with his directive. The establishment of a Commission of Inquiry to look into activities and disbursement of resources during the Ghana @ 50 celebrations, as well as other committees of enquiry to investigate specific allegations of corruption

The Commission has also noted the determination of government to eliminate corruption through effective preventive and deterrent measures including the prosecution of some former government officials involved in alleged corruption and related misconduct.

As regards the legislative framework, we note that apart from bills pending, such as the Economic and Organised Crime Bill, the Whistleblower (Amendment) Bill, Public Officers Accountability Bill, among others, there are over 18 pieces of legislation on corruption and related misconduct.

In 2005, Ghana ratified the United Nations (UN) Convention Against Corruption (UNCAC) and the AU Convention, as well as the ECOWAS Protocol on Corruption. Though the legal framework for fighting corruption has been created, work to improve it has been slow. The Freedom of Information Law has been pending for far too long and a Witness Protection Law is non-existent.

Over the years, the Commission and stakeholders have called on government to demonstrate strong political will in the fight against corruption. This Will should not only show in declarations at political platforms but must also show in resourcing and strengthening key accountability institutions to enable them perform.

On the issue of resource allocation, the Commission notes a substantial increase in the allocation of resources for Anti-Corruption Agencies, including the Audit Service, the Ministry of Justice, the CHRAJ, the Ministry of Interior and the Judicial Service in the 2010 Budget. The allocations represent an average increase of between 25% and 80%. If no unilateral cuts are effected in the mid year, as often happens, it would contribute significantly to the fight against corruption.

Civil society organisations continued to make tremendous efforts in the fight against corruption in the year. The Ghana Anti-Corruption Coalition (GACC) organized a Dissemination Workshop on "Monitoring Media Reportage on Corruption Issues" on 18th November, 2009 at Coconut Grove Regency Hotel, Accra. The workshop explored ways of working with the media to improve its capacity to report corruption issues.

The GACC also initiated a project on monitoring the implementation of the Whistleblower Act, 2006 (Act 720). It has also developed corruption monitoring indicators to measure the fight against corruption in the country.

The Commission and its stakeholders have time and again stated that the current assets disclosure regime in Ghana does not represent an adequate tool for combating corruption in the country. The Assets Declaration Regime in Ghana had been fraught with problems and weaknesses that it had failed to achieve its desired results. These include the absence of a process of verification of the contents of the declaration, absence of public disclosure, the failure to extend coverage of the law to spouses and members of the Armed Forces, the long filing interval of four years and failure to elaborate on sanctions that should apply in the event of a violation.

As part of the efforts to address the weaknesses of the assets declaration regime, make it conform to international best practices and principles and make it more effective as a tool in the fight against corruption, the Ghana Integrity Initiative (GII) in collaboration with the Ghana Audit Service, established a working group to review the legal framework for assets declaration in Ghana.

The Auditor-General's Department has since presented the recommendations from this Group to the Attorney-General and Parliament, including a proposed Legislative Instrument (L.I.). Unfortunately, Parliament returned the L.I. as, according to it, the L.I was unconstitutional. It is hoped that the proposed constitutional review to be undertaken next year would provide the opportunity for a review of the assets declaration regime.

One of the causes of the failures of our anti-corruption effort, apart from the lack of coordination, which I have already mentioned, is lack of information sharing and exchange among the institutions that fight corruption, as well as with other key accountability institutions in the country.

Information sharing and exchange offers several advantages including reducing duplication of efforts, minimizing inter-institutional turf battles and promoting efficient use of human and material resources. In 2007, key accountability institutions held a closed door meeting on the issue with the support of the Ghana Integrity Initiative. Such meetings continued in 2008, culminating in the drafting of a memorandum of understanding (MOU) among the key institutions in 2009. This MoU is being circulated for study and execution. The Commission hopes that all key accountability institutions will execute the MOU to begin the process of formal coordination and information sharing.

The media continued its watchdog role in highlighting issues of corruption in the country. The Commission monitored over 21 media facilities and reviewed over 81 reports in the media on corruption and related misconduct. Their reports have helped to put corruption issues in the public domain.

On its part, the Commission continued to receive and investigate allegations of corruption, create awareness of the evils of corruption and to build public capacity to combat corruption.

The Commission continued its advocacy on anti-corruption legislation in 2009. It organised meetings on two draft Bills, the Whistleblower Amendment Bill, 2009 and the Public Officers Accountability Bill, 2009. Proposals on the Whistleblower Amendment Bill, 2009 collated from these meetings, have been submitted to the Attorney-General's Office.

It has to be noted that the Guidelines on Conflict of Interest launched by the Commission in 2006, formed the basis of the Public Officers Accountability Liability Bill, views on which the Commission will soon submit to the Attorney-General's Office.

The Commission continued to create awareness of the Guidelines, organising seminars and disseminating the Guidelines nationwide. By the end of November 2009, over 3000 public officers have been introduced to the Guidelines and over 10,000 copies have been distributed in and outside the country.

With the support of the GII, the Commission organised two workshops for Members of Parliament on the Guidelines. I take this opportunity to register the Commission's appreciation to the GII for assisting the Commission in creating awareness of the Guidelines since 2007.

His Excellency the Vice-President would be launching a Code of Conduct for Public Officers. This Code was developed by the Commission, together with its stakeholders: the Public Services Commission; the Office of the President; Office of the Head of Civil Service; Attorney-General's Department; Auditor-General's Office and the State Enterprises Commission, among others.

Challenges

Your Excellency, I cannot conclude my remarks without drawing your attention to the challenges that we face in the fight against corruption.

Our Legislative Framework provides a very narrow definition of Corruption, so inadequate to capture the canker in any meaningful way. The definition of corruption, to which we drew the attention of government as far back as 2005, does not conform to the definitions provided under the UNCAC and the AU Convention, which Ghana ratified in 2005.

Legislation dealing with corruption are more than 18, instead of one anti-corruption act. We would like the government to take steps to consolidate the over 18 pieces of anti-corruption legislation into one.

There is some protection provided in the Whistleblower Act for whistleblowers and their families. There is no legislation dealing with

the protection of witnesses, either under the Whistleblowers Act or any legislation. A law to protect witnesses would help and encourage witnesses to provide information without fear of reprisals.

Absence of an Action Plan: It has become the norm for countries with good democratic credentials to have Anti-Corruption Actions Plans put in place by the State setting out programmatically how the state intends to fight corruption. The anti-corruption action plan becomes the benchmark against which the performance of the government can be measured. The Commission is pleased that the process of developing a National Anti-Corruption Action Plan has started and it urges all relevant stakeholders to participate in the development process.

Freedom of Information: The Commission wishes to underscore, once again, the need for a speedy passage of the Freedom of Information Bill which has been doing the rounds of consultation since early 2000. Indeed, the absence of the freedom of Information Law is proving a huge challenge to the Commission in investigations generally but in particular in investigating allegations of corruption.

Cross-border investigations: corruption has become a global phenomenon. It transcends national borders. Therefore, it cannot be countered on a national basis alone, and international co-operation in the broadest sense possible, is required to address it.

The Mabey and Johnson case (M&J) is a testimony to this point. As you would recall, the Commission has commenced investigations into the M&J case which came into the media in September 2009. Though we have received some information from the SFO (UK) through the Attorney General, there are other important documents which we need in order to bring closure to our preliminary investigation and then consider launching into a full formal public hearing.

We have made a request to the Serious Fraud Office, through the Attorney General, for a host of documents referred to in the documents provided by the SFO (UK) and referred to in the UK proceedings. The Commission is also waiting to get some documents from the Ministry of Finance and Ministry of Roads and Highways. The Commission

is anxious to conclude this investigation as soon as it gets all the documents referred to.

Financial Autonomy and Resource Constraints: The Commission is funded from the Consolidated Fund based on a budget which must be approved by Parliament. In spite of constitutional guarantees of autonomy, the Commission has, since its establishment, had to contend with the effects of budget ceilings which are usually set by the Ministry of Finance without reference to the 3-fold mandate of the Commission, which has the potential to tacitly undermine the functional independence of the Commission. The Commission notes the pledge that the President made that he would take steps to enable the Commission submit its budget to Parliament direct.

The Commission performs a triple mandate, combining the functions of a National Human Rights Institution; the Ombudsman; and an Anti-Corruption Agency. Therefore the Commission represents three institutions under one umbrella. However, the Commission is not given budgetary allocations that should reflect the workload of an institution with an expansive triple mandate.

Staff Salaries and Other Emoluments: Conditions of service especially with regard to legal staff and regional and district officers is discriminatory with respect to emoluments received by persons in analogous positions in the cognate institutions. Placing the Commission at par with their counterparts in the public service on the basis of equal pay for equal work would correct the salary inequalities and resolve the salary issues for the Commission. We look forward anxiously to its implementation in January 2010.

Madam Chairperson, Your Excellency,

From 2010, the Commission will institute a National Integrity Programme, intensify public education on the Guidelines and the Code of Conduct to be launched by H.E. The Vice-President, as well as the Whistleblower Act 2006 (Act 720). We will also create an anti-corruption portal and install a toll free hotline to enable people to make complaints to the Commission more easily.

The Code of Conduct to be launched today would not work unless it is implemented. In 2010, the Commission will monitor its implementation by all public institutions.

The Commission is not oblivious of the inherent dangers that our Oil find may generate and its potential for corruption. As a constitutional body mandated to deal with all instances of alleged or suspected corruption and the misappropriation of monies by officials, the Commission will take steps to assist prevent leakages of oil funds. In this regard, the Commission will create a special unit within its Anti-Corruption Department to police, monitor and track the utilisation of oil revenue in the country.

Similarly, the Anti-corruption Department will be restructured to enable it focus as an Anti-corruption Agency. The restructuring will include giving it powers to prosecute.

I would like to conclude my remarks by thanking government for the increase in resource allocation to the Commission in the 2010 Budget to about 80%. This allocation, if not unilaterally cut off in the middle of the year by the Ministry of Finance and Economic Planning, as often happens, would enable the Commission retain and recruit qualified personnel, open and resource our District offices.

I would also like to acknowledge the support of DANIDA, the UNDP, stakeholders and other development partners for the support given the Commission in the year.

Thank you. Emile Francis Short, Commissioner

PART V FINANCIAL REPORT

The Commission's bank balances as at January, 2009 were as follows.

Salaries Account - Gh¢ 146,021.49
 Treasury Account - Gh¢ 31,565.97
 Donor Account - Gh¢ 56,622.76

Budget Estimate for 2009 fiscal year

In 2009, the Government of Ghana approved a budget estimate of Gh¢5,163,323.40 for the Commission's programme of activities for 2009 in the Government fiscal policy statement.

Below is a table of the amounts approved and released for the period 2008 and 2009.

		2008			2009	
Personal	Approved	Released	Outstanding	Approved	Released	Outstanding
Emolument	3,125,448	3,125,448		3,888,579.34	3,88,579.34	-
Administration	1,100,117	1,100,117		1,063,291.00	1,063,291.00	18,351.56
Service	129,600	107,972.54	21,627.46	68,818.00	50,466.44	142,635
Investment	139,349	70,000	69,349.00	142,635.00		160,986.56
Total	4,494,514	4,403,537.54	90,976.46	5,163,323.34	5,002,336.78	

Support from Development Partners

In the year under review, the Commission received support from DANIDA to the tune of Gh¢ 844,917.90.

The closing balances in respect of Commission's account as at December, 2009.

Salaries Account - Gh¢ 72,537.04
 Treasury Account - Gh¢ (17,425.38)
 Donor Account - Gh¢ 310,636.28

PART VI LEGISLATIVE FRAMEWORK

I. CHAPTER EIGHTEEN OF THE 1992 CONSTITUTION

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 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 service:

- 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;
 - iv. bringing proceedings in a competent Court for a remedy to
 - v. secure the termination of the offending action or conduct, or the abandonment or alteration of the offending procedures; and
 - vi. bringing proceedings to restrain the enforcement of such
 - vii.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 organisation; 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.

II. CHAPTER TWENTY-FOUR OF 1992 CONSTITUTION

Code of Conduct for Public Officers

- 284. A public officer shall not put himself in a position where his personal interest conflicts or is likely to conflict with the performance of the functions of his office.
- 285. No person shall be appointed or act as the Chairman of the governing body of a public corporation or authority while he holds a position in the service of that corporation or authority.
- 286. (1) A person who holds a public office mentioned in clause (5) of this article shall submit to the Auditor-General a written declaration of all property or assets owned by, or liabilities owed by, him whether directly or indirectly.
 - a. within three months after the coming into force of this Constitution or before taking office, as the case may be,
 - b. at the end of every four years; and
 - c. at the end of his term of office.
 - 2. Failure to declare or knowingly making false declaration shall be a contravention of this Constitution and shall be dealt with in accordance with article 287 of this Constitution.
 - 3. The declaration made under clause (1) of this article shall, on demand, be produced in evidence
 - a. before a court of competent jurisdiction; or
 - b. before a commission of inquiry appointed under article 278 of this Constitution; or
 - c. before an investigator appointed by the Commissioner for Human Rights and Administrative Justice.
 - 4. Any property or assets acquired by a public officer after the initial declaration required by clause (1) of this article and which is not reasonably attributable to income, gift, loan, inheritance or any other reasonable source shall be deemed to have been acquired in contravention of this Constitution.

- 5. The public offices to which the provisions of this article apply are those of
 - a. the President of the Republic;
 - b. the Vice-President of the Republic;
 - c. the Speaker, the Deputy Speaker and a Member of Parliament;
 - d. Minister of State or Deputy Minister;
 - e. Chief Justice, Justice of the Superior Court of Judicature, Chairman of a Regional Tribunal.
 - f. The Commissioner for Human Rights and Administrative Justice and his Deputies and all judicial officers;
 - g. Ambassador or High Commissioner;
 - h. Secretary to the Cabinet;
 - i. Head of Ministry or government department or equivalent office in the Civil Service;
 - j. chairman, managing director, general manager and departmental head of a public corporation or company in which the State has a controlling interest; and
 - k. such officers in the public service and any other public institution as Parliament may prescribe
- 6. The Auditor-General shall make a written declaration of his assets and liabilities to the President in the manner and subject to the conditions provided in clauses (1) to (3) of this article.
- 7. Before entering upon the duties of his office, a person appointed to an office to which the provisions of this article apply, shall take and subscribe the oath of allegiance, the oath of secrecy and the official oath set out in the Second Schedule to this Constitution, or any other oath appropriate to his office.
- 287. (1) An allegation that a public officer has contravened or has not complied with a provision of this Chapter shall be made to the Commissioner for Huma Rights and Administrative Justice and, in the case of the Commissioner of Human Rights and Administrative Justice, to the Chief Justice who shall, unless the person concerned makes a written admission of the contravention or non-compliance, cause the matter to be investigated.

- (2) The Commissioner of Human Rights and Administrative Justice or the Chief Justice as the case may be, may take such action as he considers appropriate in respect of the results of the investigation or the admission.
- 288. In this Chapter, unless the context other wise requires, "public officer" means a person who holds a public office.

III. THE COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE ACT, 1993 (ACT 456)

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".

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 in the case of the Commissioner, qualified for appointment as a Justice of the Court of Appeal; and 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 Co-ordinating 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 organisation; 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 favour 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 authorised 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 person required to give information or produce anything under subsection (1) of this section;
 - a complainant;
 - 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.

PARTIV-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, wilfully obstructs, hinders or resists a member of the Commission or an officer authorised by the Commission in the exercise of any powers under this Act; or
- (b) without lawful justification or excuse, refuses or wilfully 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 find not exceeding \$\psi 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'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.

- (1) The Ombudsman Act 1980 (Act 400) is repealed. 28.
 - (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.

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 -

read over and explain the contents to the complainant; declare on the document that the complainant has fully understood or appeared to understand and appreciate the contents of the complaint;

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, organisation or person against whom the complaint is made;
 - c. particulars of the nature of the complaint together with copies of any document in support of the complaint:

- d. 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 organisation 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 organisation or the person against whom the complaint is made with a request for comment and response.

- (2) The head of the body or organisation 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, organisation 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.
 - (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 objective 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 authorise 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 of September, 1994. EMILE FRANCIS SHORT COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE

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