



CHRAJ

The Commission on Human Rights
& Administrative Justice

Ghana

SEVENTEENTH
ANNUAL REPORT 2010



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 Seventeenth Annual Report of the Commission for the period January 1 to December 31, 2010.

Yours sincerely,

Richard A. Quayson
Deputy Commissioner

COMMISSION MEMBERS



Emile Francis Short
Commissioner



Anna Bossman
Deputy Commissioner,
Legal & Investigations



Richard Ackom 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
BECE	Basic Education Certificate Examination
CDD	Centre for Democracy and Development
CHRAJ	Commission on Human Rights & Administrative Justice
CHRI	Commonwealth Human Rights Initiative
CPI	Corruption Perception Index
CRC	Constitutional Review Commission
CSOs	Civil Society Organisations
DANIDA	Danish International Development Agency
DV	Domestic Violence
ECOWAS	Economic Community of West African States
ESCR	Economic Social and Cultural Rights
FA	Focal Agency
FCUBE	Free Compulsory Universal Basic Education
FGD	Focus Group Discussion
FM	Frequency Modulation
GACC	Ghana Anti-Corruption Coalition
GES	Ghana Education Service
GBC	Ghana Broadcasting Corporation
GII	Ghana Integrity Initiative
GGHRP	Good Governance and Human Rights Programme
GNAT	Ghana National Association of Teachers
GPRS II	Ghana Poverty Reduction Strategy
GTV	Ghana Television
HRE	Human Rights Education
HIV	Human Immune Deficiency Virus

IDEG	Institute of Democratic Governance
ILO	International Labour Organisation
KVIP	Kumasi Ventilated Improved Pit
L&I	Legal and Investigations
MESW	Ministry of Employment and Social Welfare
MoU	Memorandum of Understanding
MOWAC	Ministry of Women and Children's Affairs
MP	Member of Parliament
NACAP	National Anti-Corruption Action Plan
NAHRAP	National Human Rights Action Plan
NCCE	National Commission on Civic Education
NMC	National Media Commission
NGO	Non-Governmental Organisation
NHRI	National Human Rights Institution
NHIS	National Health Insurance Scheme
NTC	Nurses Training College
PE	Public Education
PE&AC	Public Education and Anti-Corruption
PWD	Persons with Disability
SOHR	State of Human Rights Report
UN	United Nations
UNDP	United Nations Development Programme
WASSCE	West African Senior School Certificate Examination

COMMISSIONER'S MESSAGE

I am delighted to present the 2010 Annual Report of the Commission on Human Rights and Administrative Justice [CHRAJ], which is the 17th edition since the inception of the Office.

The year 2010 was particularly eventful for the Commission, as it witnessed the retirement of its pioneer Commissioner, Mr. Emile Francis Short. Mr. Short retired voluntarily from the Commission on November 30, 2010, after seventeen years of dedicated service to the Commission and the nation.

I take this opportunity to express our most sincere gratitude to Mr. Short for the solid foundation he laid which makes CHRAJ recognized as one of the best performing National Human Rights Institutions in Africa. The Commission, the Nation, and indeed Africa, is greatly indebted to him.

The Commission continued to grow from strength to strength in spite of severe resource constraints. The Commission is, however, happy to note that there was a noticeable improvement in the 2010 budgetary allocation from government.

Once again, significant accomplishment was made by the Commission towards advancing human rights, promoting fair administration in the public services, building a strong national integrity system, and contributing to consolidate the peace of the land.

ADVANCING HUMAN RIGHTS

During the year, the Commission continued with the consultation process began in the previous year with stakeholders towards the development of the National Human Rights Action Plan

(NAHRAP). We were able to build consensus on the key framework around which the Plan should evolve.

The Commission stepped up its public education and sensitization effort towards entrenching the culture of respect for human rights and human dignity, and strengthening the foundation for ensuring human security. In that regard, the Commission conducted a total of 3,051 public education programmes in schools and communities across the country, worked with over 361 Human Rights Clubs in Senior High Schools in the country, and organized a human rights course for health professionals from the Cape Coast and Ankaful Nursing Training Colleges. A total of 338 final year students from the 2 institutions successfully completed the Basic Human Rights Course for Health Professionals.

The Commission also successfully resolved 8,070 human rights cases in the year, and presented the State of Human Rights Report issued annually by the Commission to commemorate the UN Human Rights Day on December 10.

PROMOTING FAIR ADMINISTRATION AND BETTER SERVICE DELIVERY IN THE PUBLIC SERVICE

With the support of the media, the Commission embarked on public education campaigns across the country to improve its visibility and increase public knowledge and understanding of the scope of its administrative justice oversight role. The Commission worked with the Public Services Commission and the Public Services to promote principles and practices of good administration in the public service and facilitate public service improvement in complaints handling, and successfully resolved 521 administrative justice cases in the year.

COMBATING CORRUPTION

The Commission took pragmatic steps in providing leadership for the development of a National Anti-Corruption Action Plan (NACAP) that would offer a more holistic and concerted approach to combating corruption in Ghana.

The Commission continued to heighten public awareness of the evils of corruption through community outreaches and education programmes targeting students, members of parliament and other public office holders, and issued its Report on the State of Corruption in Ghana on December 9, 2010.

In addition, the Commission developed its strategic plan for the period 2011-2015. Apart from providing strategic direction for the Commission, the Plan will ensure that the Commission is better poised to maintain and continuously improve the high standards it has already set for itself since it was established in 1993.

CHALLENGES

While we do not wish to dwell on the challenges of 2010, most of them having persisted over a long period, we nonetheless find it important to caution the nation of the debilitating effect these challenges continue to have on the Commission, and the threat they pose to the independence of the Commission.

Poor funding, coupled with inordinate delays in releasing budgeted funds, has often delayed investigations and implementation of planned programmes, in addition to increasing cost of operations. Combined with poor conditions of service which have also brought about a high rate of staff attrition, especially in the professional class, poor infrastructural and logistical support, the quality of work as well as the general output of the Commission is likely to suffer badly if the funding situation does not improve quickly.

Consequently, the Commission developed its strategic plan for the period 2011-2015 in the year to address the challenges identified, as well as position the Commission to meet the challenges of the immediate future. Apart from providing strategic direction for the Commission, the Plan will ensure the Commission is better poised to maintain and continuously improve the high standards it has already set for itself since its establishment. Over the next 5 years, the Commission will work with government and Development Partners to garner the necessary support to implement the Plan.

In spite of the gnawing challenges, the Commission remains focused to secure a society that is truly free, just and equitable, where human rights and dignity are respected, where power is accountable, and governance is transparent.

CONCLUDING REMARKS

It has been our aim to present an overview of our successes and challenges in the year 2010, and to acknowledge the committed effort behind these milestones, including those not mentioned here. It is therefore our sincere hope that you will find the report useful.

We extend to you our sincere gratitude for your continued interest in the Commission. Naturally, we are grateful to the government and people of Ghana for their continued support to the Commission.

Finally, we would like to put on record our deepest gratitude to the **Royal Danish Embassy/DANIDA** for their invaluable support, both financial and technical, that has enabled the Commission to chalk the successes highlighted in this report. We would not have been successful in discharging our multiple mandates to this extent without the support of those who work with us and alongside us.



Richard A. Quayson
Deputy Commissioner

BRIEF SUMMARY OF 2010 PERFORMANCE

1. HUMAN RIGHTS

In the year 2010, the Commission took more pragmatic steps to fulfill its human rights mandate. The following are the achievements of the Commission concerning the promotion and protection of human rights in the country:

- Received a total number of 11,884 human rights cases with 11,465 of these cases closed by the end of the year;
- Intensified human rights education with a total of 3,051 educational programmes carried out in schools and communities in the country;
- Established and maintained Human Rights and Integrity Clubs in 361 schools across the country;
- Extended the Basic Human Rights for Health Professionals Training Programme to 3 more regions, namely Western, Brong Ahafo and Upper East Regions, bringing to 4 the regions that are benefitting from the programme;
- Continued with consultation among stakeholders on the development of a National Human Rights Action Plan (NAHRAP) for Ghana; and
- Continued with its regular monitoring of progress made in the promotion of human rights and issued the annual State of Human Rights Report on UN International Human Rights Day on December 10.

ADMINISTRATIVE JUSTICE

The Commission continued to strengthen its administrative justice oversight role and facilitate public service improvement. In that regard, the Commission:

Embarked on a number of public education campaigns with the help of the media to improve its visibility and broaden the knowledge of its administrative justice mandate among public offices and the citizenry; and

Received 978 administrative justice cases, and closed 1,009 [including cases from previous year].

ANTI- CORRUPTION

The Commission continued to use its three-pronged approach to combat corruption, namely, prevention, investigation and education [PIE]. Under this mandate, the Commission:

- Received and investigated 38 corruption cases and issued reports on 17 of them;
- Printed and circulated a combined version of the Guidelines on Conflict of Interest and Code of Conduct for Public Officers;
- Developed a Code of Conduct specific to the Commission, (the CHRAJ Code) for its staff;
- Intensified public education to create awareness of the evils of corruption through community outreach programmes, educational programmes for basic and secondary schools, and the media;
- Organized training programmes on the Code of Conduct for Public Officers for Members of Parliament and other public office holders;
- Continued to facilitate the development of the National Anti-Corruption Action Plan [NACAP]; and

- Presented the State of Corruption Report of Ghana for 2010 on UN International Day Against Corruption on December 9.

PART I: OVERVIEW OF CHRAJ

1. 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.

2. 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.

3. 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] to achieve that objective. The Commission's mandate is threefold, namely, human rights, administrative justice, and combating corruption. The Commission is:

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

The Commission reports to the Parliament of Ghana.

HUMAN RIGHTS MANDATE

The Commission has a broad mandate to protect fundamental human rights and freedoms, especially those recognized under the 1992 Constitution of Ghana, which includes civil and political rights, economic, social, and cultural rights, and other international human rights instruments which Ghana has ratified. Specific mandate relating to 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, 1993 [Act 456].

The Commission's human rights functions can be divided into two categories:

- Enforcement of Rights
- Promotion of Rights

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, the Commission can seek any remedies in Court, including enforcement of its recommendations.

The Commission also carries out special investigations into human rights abuses that are systemic, or arise from harmful cultural practices 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 educate the public as to human rights and freedoms. 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 also monitors the human rights situation across the country periodically and issues reports. The Commission organizes 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.

In addition, the Commission conducts research on how Bills and policies impact human rights and freedoms, and make appropriate recommendations for the strengthening of the human rights situation of the country.

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 has the mandate to promote administrative justice to ensure that government and its offices, departments and agencies are accountable, transparent and efficient. This oversight function is in place to secure improvement in public sector service delivery and to assist public officials to avoid arbitrariness and discrimination, and to uphold propriety, fairness, openness and impartiality in their decisions and actions.

The Commission investigates complaints of maladministration, arbitrariness, discrimination, abuse of power and unfair treatment of any person, neglect, delay, among others, made against public institutions and public officials.

The Commission also investigates complaints concerning the functioning of the Public Services Commission, the administrative organs of the State, the Ghana Armed Forces, the Ghana Police

Service and the Ghana 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.

ANTI-CORRUPTION

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

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 cases, among others. Public education is also conducted 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 Officers. It investigates allegations of conflict of interest and breach of the code of conduct under Chapter 24 of the 1992 Constitution of Ghana, as well as 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.

LIMITATIONS ON THE COMMISSION'S MANDATE

While no institution, body, or person in Ghana is excluded from the Commission's mandate generally, the Commission has no power to 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.

STRUCTURE

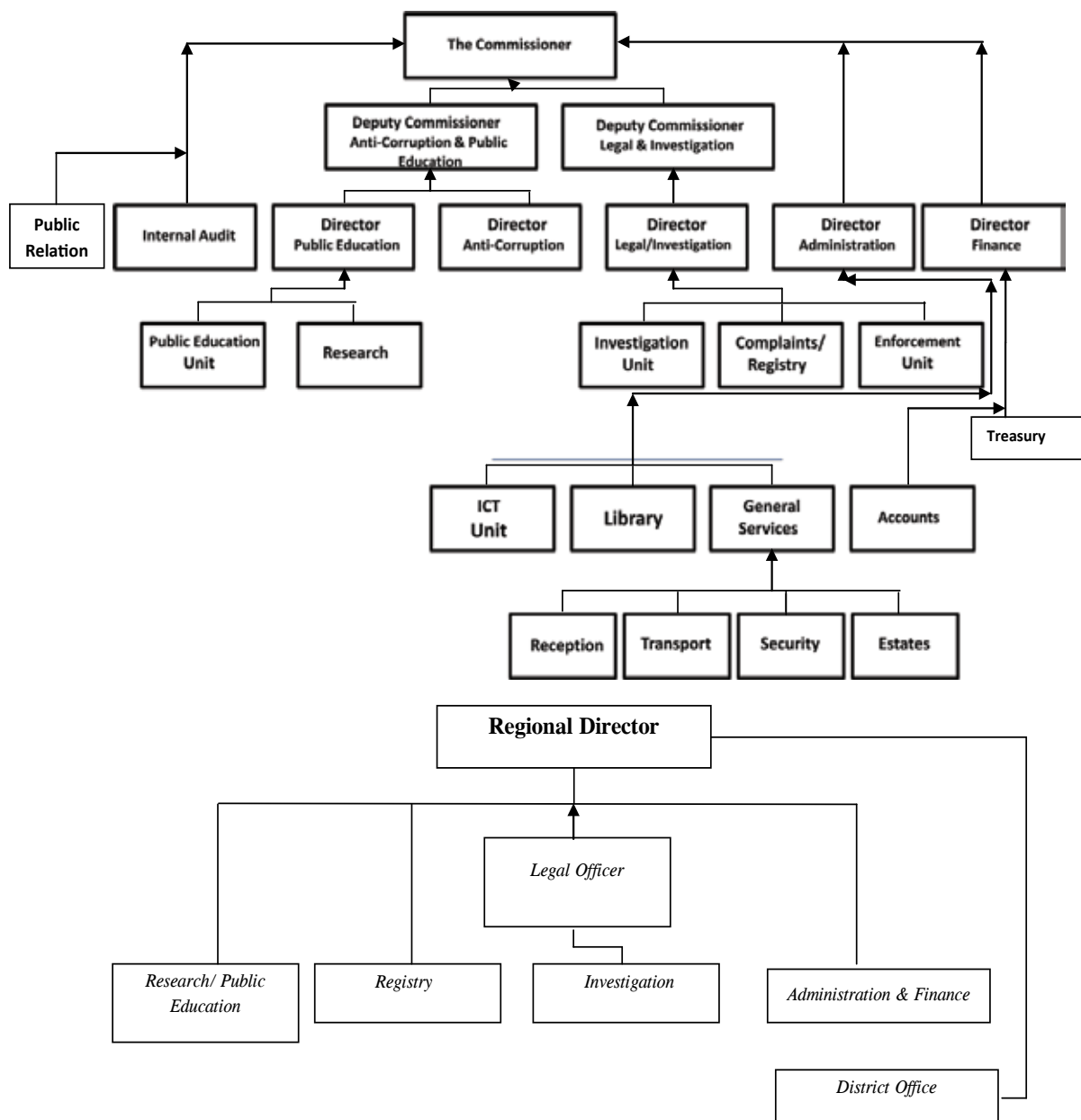
The Commission is made up of a Commissioner, who is the chairperson, and two deputies. The 3 Commissioners constitute the governing body of the Commission. The Commissioners are supported by Departmental Directors who have direct responsibility for the departments of the Commission, namely:

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

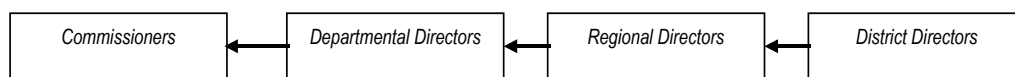
The Commission has ten (10) Regional Offices that coordinate the Commission's work in the 10 administrative regions of Ghana. In addition, it has two (2) Sub-Regional and hundred (100) District Offices across the country that ensure that the work of the Commission is brought to the doorstep of the ordinary person in Ghana.

ORGANIZATIONAL STRUCTURE

A. HEAD OFFICE



Summary



PART II: REVIEW OF 2010 PERFORMANCE

1. HUMAN RIGHTS MANDATE

The Commission's human rights work in the year is reported under two broad headings, namely, Promotion and Enforcement.

A. PROMOTION

i. National Human Rights Action Plan (NAHRAP)

During the year, the Commission worked intensively with stakeholders towards the development of the National Human Rights Action Plan (NAHRAP) for Ghana. Significant progress was made in building consensus on the key framework around which the Plan should evolve. Processes for engaging a team of consultants to assist with the development of the Plan are far in advance, and it is expected that the Plan will be completed next year.

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

Since 2005, the Commission has been monitoring the general state of human rights to assess Ghana's compliance with its human rights obligations and issue a report. This year, the monitoring exercise focused on Economic Social and Cultural Rights (ESCRs), including the right to education, right to health, children's rights, women's rights, harmful cultural practices and activities of prayer/healing camps, and the rights of people living in extremely deprived communities (slums).

Research techniques, including structured interviews and Focus Group Discussions (FGDs) were used to conduct the study. The respondents included local leaders, community members - men, women and children, officials of government institutions, NGOs and CSOs from the national, regional and district levels.

The Commission visited 302 public basic schools under the right to education; 218 health facilities under the right to health; 260 communities under child rights; and 260 communities under women's rights; 3 Refugee Camps for persons accused of witchcraft ; 51 "healing" camps and 19 extremely deprived communities. (See Part V for highlights of the SOHR Report.

iii. Monitoring/Inspection of detention facilities

In 2010, the Commission visited the nation's detention facilities to ascertain the conditions and the extent to which the human rights of inmates are protected. The exercise formed part of efforts to monitor Ghana's compliance with its international human rights obligations.

A total of 469 police stations, 28 prisons and prison camps, and three senior correctional institutions were monitored. At the time of the exercise, there were 5,475 inmates in the selected prisons and prison camps, 156 in the correctional centres, and 1,305 in police cells. Below is the regional distribution of the detention facilities monitored.

Table 1 : Number of Institutions Visited

Region	Police Cells	Prisons & prison camps	Senior Correctional Institutes	Total
Greater Accra (including Tema)	40	-	3	43
Ashanti (including Obuasi)	86	3	-	89
Central	63	4	-	67
Eastern	59	3	-	62
Volta	70	5	-	75
Brong Ahafo	63	3	-	66
Western	34	5	-	39
Northern	22	2	-	24
Upper West	14	2	-	16
Upper East	18	1	-	19
Total	469	28	3	500

The Commission found that there had been only marginal improvements in the conditions in which detainees are kept. Congestion in police cells had eased a bit compared with last year's situation. However, there was still severe congestion in the prisons, and in many of the facilities, the number of inmates on remand had almost doubled.

Figure 1


The Commission observed that the general sanitary condition of the inspected police cells with Water Closet or KVIP facilities was fairly good. On the other hand, cells where inmates had buckets or pan latrines placed in the cells had very poor sanitary conditions and unbearable decaying smell. Many of the police cells and prisons visited had only a few mattresses and blankets for use by inmates. In many of the facilities, the inmates had used cardboards and paper as improvised beddings.

It was also observed that suspects detained at the police cells were fed mostly by relatives and friends while government's daily stipend of 60Gp per inmate in prisons was woefully inadequate.

iv. Public Education and Outreach

The Commission organised various educational programmes as part of efforts to promote and protect fundamental rights and freedoms across the country. Specific activities that were undertaken included:

a. Public Education through the Electronic Media

The Commission collaborated with the Ghana Broadcasting Corporation (GBC) to organise educational programmes in four Ghanaian Languages (Ewe, Ga, Akan and Dagbani) on the mandate and functions of the Commission. The series were broadcast via the GTV Adult Education programme and were replicated in the regions and districts across the country using the FM radio stations.

b. Human Rights Education (HRE)

- Human Rights Education in Basic Schools: This year, the Commission extended its human rights education in basic schools programme to the Ga South Municipality of the Greater Accra Region. The programme aimed at introducing pupils of basic schools to fundamental human rights and integrity values very early in their lives. In all, about 2000, pupils drawn from 39 basic schools in the Greater Accra Municipality benefited from the

Commission's educational programmes. The Commission also established Human Rights Clubs in 50 basic schools in the municipality. In all, the Commission maintained 361 Human Rights Clubs across the country.

- **Human Rights Education for Trainee Nurses:** In collaboration with the Ghana Health Service in the Central Region, the Commission organised a 12-week Course on Basic Human Rights for Health Professionals at Cape Coast and Ankaful. A total of 338 trainee nurses completed the programme, made up of 156 from Cape Coast Nurses and Midwifery Training College, and 182 from Ankaful Nurses Training College.

Figure 2



The programme has made a significant impact already, and other institutions have made a demand for the programme to be extended to them. For a start, the Commission has extended the programme to 3 more regions, namely, Western, Brong Ahafo, and Upper East regions for the 2010/2011 academic year. Efforts are underway to have the programme mainstreamed in the training of health professionals generally throughout the nation.

- **Human Rights Education for Military Officers:**

In a joint exercise with the Ghana Armed Forces, the Commission organized a number of workshops on human rights for new recruits and serving officers at the Kamina and Bawa Barracks in Tamale. The workshops focused on the protection of fundamental human rights and freedoms, especially the rights of the vulnerable in conflict situations.

c. Regional and District PE Activities: Human Rights Education in Schools and Rural Communities

Human rights education in schools and communities was intensified in 2010 by the Commission's regional and district offices. As at the end of year, a total of 3051 programmes had been carried out. Below is the regional breakdown of PE activities organised across the country.

REGIONAL DISTRIBUTION OF 2010 PE ACTIVITIES

REGION	NUMBER OF ACTIVITIES	PERCENTAGE
Greater Accra	108	3.5
Eastern	395	12.9
Volta	332	10.9
Ashanti	429	14.1
Brong Ahafo	319	10.5
Central	262	8.6
Western	272	8.9
Northern	297	9.7
Upper East	258	8.5
Upper West	287	9.4
Tema	78	2.6

Additional information on the Commission's public education is provided under Statistical Overview in Part IV of this Report.

d. Human Rights and Integrity Week Celebrations

The Commission celebrated the 2010 Human Rights and Integrity Week from 6th to 10th December. Highlights of the celebrations were:

- Formal Launch and Materials Fair
- Gender Equality Day
- Colloquium on Free Compulsory Universal Basic Education (FCUBE)
- International Anti-Corruption Day
- International Human Rights Day

The celebrations brought together a large number of stakeholders and partners, among them, members of the Diplomatic Corps, public officers, civil society organisations, women's groups, youths and students.

The celebrations were used by the Commission to share progress and achievements made in the year and also to submit its operations to public scrutiny.

e. Promotion of Gender Equality

The Commission continued mainstreaming gender into its operations, and in particular, commenced the processes for developing a comprehensive Gender Policy, Action Plan, Training Manual, Audit Plan and Monitoring Indicators for the Commission.

f. Promotion of Child Rights

The Commission continued to give priority to the protection of the rights of children in all its programmes during the year.

In particular, the Commission signed a Memorandum of Understanding (MoU) with the Ministry of Employment and Social Welfare (MESW) in support of the implementation of a National Plan of Action for the Elimination of the Worst Forms of Child Labour in Ghana. Under the MoU,

the Commission is required to play a lead role in the implementation of the Action Plan, using its investigations, public education and monitoring mechanisms.

B. Enforcement/Investigation of Cases

A total of 12,900 complaints were received in 2010 out of which 11,884 were on human rights. Most of the complaints received related to children and women's rights. The Commission successfully closed 11,465 human rights complaints.

Additional information on the case work of the Commission is provided in Part IV of this Report.

2. ADMINISTRATIVE JUSTICE MANDATE

a. Promotion

The Commission continued to promote its administrative justice oversight role in public administration and to secure improvement in public sector service. Among others, the Commission:

- Collaborated with the Ghana Broadcasting Corporation (GBC) to organize educational programmes in four (4) Ghanaian Languages (Ewe, Ga, Akan and Dagbani) on its administrative justice mandate as a way of reaching out to more people in the society. The programme was broadcast via GTV Adult Education.
- Organized a number of public education and sensitization programmes on its administrative justice mandate using the plethora of FM stations in the regional and district capitals.
- Reached out to many rural communities and schools in the year to sensitize them on the Commission's administrative justice mandate.

- (Additional information on the Commission's public education is provided in Part IV of this Report.)

b. Enforcement/Investigation of Cases

In 2010, the Commission received 978 administrative justice related complaints for investigation, out of which 521 cases were resolved, with 196 cases declined and 292 discontinued.

Additional information on the case work of the Commission is provided in Part IV of this Report.

3. ANTI-CORRUPTION MANDATE

The Commission continued to apply the three-pronged approach to combating corruption in the public service; namely prevention, education and investigations/enforcement.

A. Prevention

i. National Anti-Corruption Action Plan (NACAP)

During 2010, a consultant was recruited to assist in developing the strategy and plan for a National Anti-Corruption Action Plan (NACAP). By the end of the year, the consultant had completed an assessment of the situation of corruption in both the private and public sectors and submitted a draft report to the Commission.

The Report is to help stakeholders to gain better understanding of the actual level of corruption, reasons for it and the trends in Ghana. It also identified gaps and challenges in the approaches adopted over the years to combat corruption in the country and provided the basis for the development of the Action Plan and the key issues to be addressed.

ii. Report on the State of Corruption in Ghana

The Commission issued a report on the State of Corruption in Ghana for 2010 on 9th of December to mark the International Anti-Corruption Day. The report covered areas such as the health sector; cocoa and mining industries; and public procurement. The highlights include:

- **Health Sector:** The report noted that reports and public complaints showed that the health sector was plagued with corruption and abuses such as lateness and absenteeism of doctors and nurses in public health facilities; diversion of drugs from public facilities for sale in private pharmacies or stores; irrational medical consultancy fees, among others.
- **Cocoa and Mining Industries:** These industries were characterised by massive cheating and underpayment of cocoa farmers by purchasing clerks, dishonesty and fraud in dealing with cocoa farmers and land users by mining companies. These two major foreign exchange earners, it noted, suffered immeasurably because of the growing 'quiet corruption' in these industries.
- **Public Procurement:** The report noted that, despite the coming into force of the Public Procurement Law in 2003, there was still a lot to be done to ensure transparency in the award of public contracts. It revealed that some public institutions and officials demanded kick-backs and other considerations before, during and after contracts had been awarded.
- **Trend:** On the other hand, the report noted that efforts of stakeholders in Ghana to fight corruption were yielding result as Ghana for the first time since 1999, scored 4.1 on the Transparency International Corruption Perception Index (CPI). This, according to the report, made her the seventh least corrupt country among 47 African countries surveyed and the 62nd among 178 countries surveyed in 2010.

iii. Media Monitoring

The Commission noted over 60 reports relating to corruption culled from 22 state and private-owned newspapers. The allegations included bribery, embezzlement, misappropriation of public monies, fraud, causing financial loss to the state, conflict of interest and abuse of office, abuse of the procurement processes, land “grabbing” and cyber fraud.

Anti-corruption Materials

The Commission developed materials during the year to enhance its anti-corruption education among public officers:

- **Repackaging of Code of Conduct and Conflict of Interest Guidelines:** The Commission combined the Guidelines issued in 2006 with the Code of Conduct launched in 2009 to produce a more reader-friendly booklet. 50,000 copies of the new version were printed for distribution to public officers. Ultimately, the Commission aims at providing a copy of this booklet to 500,000 public officers in the country by 2015.
- **Code of Conduct for CHRAJ:** The Commission developed a Code of Conduct (the CHRAJ Code) specific to the Commission. The CHRAJ Code is a supplement to Chapter 24 of the 1992 Constitution and the Code of Conduct for Public Officers of Ghana. It is hoped that the CHRAJ Code would be published for dissemination in 2011.

Public Education and Outreaches

The Commission re-doubled its effort at its nationwide awareness creation and sensitization on corruption and other related issues. The activities included:

- **Workshop on Guidelines on Conflict of Interest for MPs:** The Commission organised training programmes on Conflict of Interest Guidelines for Members of Parliament (MPs) during the period. About 100 Members of Parliament

benefited from this training, which the MPs evaluated as very useful.

- **Workshop on the Code of Conduct for Public Officers:** Workshops on Code of Conduct were held in the Central, Western and Volta Regions for selected public officers. About 300 public officers, including Heads of Department in the three regions benefited from this training.
- **Workshop on Whistle-blowing:** As part of efforts to encourage whistle-blowing in the country, the Commission organised training and public awareness programmes on the Whistleblower Act, 2006 (Act 720) in three regions (Central, Western and Volta).
- **CHRAJ-GII Community Outreach:** The Commission teamed up with the Ghana Integrity Initiative (GII) to organise public education on corruption for 10 communities in the country. The communities were Bolgatanga, Tamale, Bole/Bamboi, Mampong-Ashanti, Kumasi, Offinso, Obuasi, Takoradi, Axim/Elubo and Tarkwa. The aim of the programme was to raise public awareness about the evils of corruption, empower the citizenry to report corruption and sensitise them about available mechanisms for redress.
- **Education on Corruption in Basic Schools:** The Commission organised sensitization programmes on corruption in Basic and Second Cycle Schools in almost all the 110 districts where the Commission has offices.

Additional information on the Commission's public education is provided in Part IV of this Report.

B. Enforcement/Investigation of Cases

During the year, 38 corruption cases were received, three being Whistle-blower cases. The cases included abuse of office/power, extortion of money, fraud, etc. Misappropriation/embezzlement

accounted for the highest number of cases (11 cases) received. Additional information on the case work of the Commission is provided in Part IV of this Report.

PART III: OTHER PROGRAMMES

1. ADMINISTRATION

A. Staff Training

As part of its mission to use a well-trained, motivated workforce and cutting edge thinking to carry out all of its activities, the Commission in 2010 continued to build the capacity of its staff.

- **International Training for Staff:** Five case officers were trained in various courses in Denmark, Malaysia, Ethiopia and United Kingdom. The courses included Conflict Management and Administrative Justice.
- **Training in Gender Equality:** The Commission trained case officers from Ashanti, Brong Ahafo, Northern, Upper East and Upper West regional offices. The training was to sensitize and equip case officers to be able to identify gender issues in their regions and also effectively investigate gender-related complaints.
- **Training on Mediation Skills & Case Handling Manual:** Training continued for case officers in the use of the case handling manual developed for investigations. The purpose of the manual was to ensure uniformity and consistency in investigating cases throughout the Commission.
- **Human Rights Monitoring Training:** The Commission organised a special training in human rights monitoring for all regional and district officers involved in the monitoring and data collection for the State of Human Rights (SOHR) Report. The training aimed at equipping officers with best practices in research methods, as well as addressing challenges identified in previous monitoring exercises. In

all, 213 members of staff from the Commission's offices across the country benefited from this exercise.

- **Code of Conduct for CHRAJ:** The Commission developed a Code of Conduct specific to the Commission. The CHRAJ Code of Conduct is a supplement to Chapter 24 of the 1992 Constitution and the Code of Conduct for Public Officers of Ghana, and is intended to enhance professionalism and the ethical environment of the Commission's work.

B. CHRAJ Strategic Plan

The Commission developed a new 5-year strategic plan to provide strategic direction for the Commission for the period 2011-2015. The Plan seeks to address identified internal weaknesses and help to strengthen the Commission to better deliver on its mandate.

C. Others

- **Acquisition of Lands:** A number of plots were acquired in the regional and district capitals as part of the Commission's long term solution to office accommodation in the regions.
- **Opening of New District Office:** The Commission opened its 100th District Office at Weija, in the Ga South Municipality. The office is located at the Assembly premises. This brings the number of the district offices of the Commission in the Greater Accra Region to four (4).
- **Procurement of Lexis Nexis Online Research Services:** The Commission procured ten licences from Lexis Nexis Online Services to improve research work and enhance quality of investigation reports and decision-writing within the Commission.
- **Migration unto the Single Spine Salary Structure:** The Commission commenced the processes to migrate its staff to the mechanised payroll at the Controller and Accountant-General's Department. It successfully

completed the mapping of salaries of staff unto the Single Spine Salary Structure in collaboration with the Fair Wages and Salaries Commission.

2. PUBLIC/MEDIA RELATIONS

The Commission responded to numerous enquiries from the public, both domestic and international, for information about the Commission and its functions. It furnished relevant literature such as copies of particular reports produced by the Commission to various individuals and groups on request. It also undertook the following media related activities:

A. Roundtable Discussion on Reporting Human Rights:

The Commission organised a roundtable discussion with news editors and senior media practitioners in the Greater Accra and Ashanti regions on effective reporting of human rights stories. The programme was very successful and strengthened the partnership between the Commission and the Media for the promotion of human rights in Ghana.

B. Press Statements

The Commission issued a number of press statements during the year under review. They were mainly in support of and to commemorate the International UN days and to draw attention to certain pertinent issues on the promotion and protection of fundamental human rights and the Commission's mandates generally. Below are excerpts of some of the press statements:

- **International Women's Day**

On March 8, 2010, the Commission issued a press statement to mark International Women's Day. The statement called on government to demonstrate its commitment to gender equality and women's empowerment in Ghana.

It noted that “discrimination against women abounds, and injustice towards women persists, manifesting itself in very many ways, including the trafficking of women and children, domestic violence, disparity in education and healthcare, exploitation in labour, violence against women in conflict situation, feminization of poverty, sexual harassment and negative harmful cultural practices”.

The Commission sought the support of all in ensuring the promotion and protection of women’s rights in Ghana, as a shared responsibility of all stakeholders.

- **World Day against Child Labour**

In commemoration of the World Day against Child Labour on June 12, 2010, the Commission issued a press statement highlighting some of the worst forms of child labour children go through. The statement, titled “Go for the Goal – End Child Labour”, emphasized that child labour was both an abuse of the fundamental human rights and freedoms of children as well as an offence under the Ghana penal code.

The Commission, however, noted that the elimination of all forms of child labour had been made difficult, because it is deeply rooted in poverty, underdevelopment as well as socio-cultural attitudes and practices.

Whilst commending the Government of Ghana for initiating a process to implement a National Plan of Action to eliminate the worst forms of child labour, the Commission also called on government to take up the fight against the menace and to appropriately punish those who knowingly exploit children to serve as a deterrent to others.

- **Abuses at the Osu Children’s Home**

The Commission issued a press statement on September 2, 2010 expressing its utter shock and dismay at the

terrible conditions depicting the dehumanizing and degrading treatment meted out to inmates of the Osu Children's Home as captured in Anas Aremeyaw Anas' undercover investigations.

The Commission appealed to the relevant authorities to put in place measures to ensure the well-being of children in the homes. It noted that "a home, which survives on the benevolence of well-meaning Ghanaians and various philanthropists, and for that matter lacks nothing in terms of food and clothing, could not be seen to divert what is meant for the children for their private use and deprive them of the basic necessities of life; food, clothing, health and shelter".

The statement lauded Anas for the investigation and the call by the Attorney-General for a thorough investigation into the activities of the Home.

- **Demolition Exercises**

In a press statement issued on September 13, 2010, the Commission expressed its grave concern over the manner in which demolition exercises were carried out in certain parts of the country. Although the Commission conceded that unauthorized structures on waterways and unapproved places could be pulled down, it was concerned that UN Guidelines on Development Based Evictions were not adhered to. It therefore called upon the authorities to apply a human face to the demolition exercises and provide acceptable compensation and resettlement packages to the victims where they are warranted.

- **Grandma burnt to death**

The Commission issued a press statement on Friday, November 26, 2010 following a publication in the **Daily Graphic** of Madam Ama Hemmah who was burnt to death at site 15, Tema Community 1, on suspicion of her being a witch.

The Commission applauded the police for acting swiftly in arresting the perpetrators and commended Deborah Pearl Adumoah, the student-nurse who tried to save Madam Hemmah's life. The Commission further urged the Attorney-General's Department to act promptly on the matter and ensure that the full force of the law is brought to bear on the perpetrators.

- **International Day of Persons with Disabilities**

The Commission marked International Day of Persons with Disabilities on December 3, 2010 on the theme; "Keeping the Promise: Mainstreaming Disability in the Millennium Development Goals (MDGs) toward 2015 and beyond".

A call was made to stakeholders to provide equal opportunities for all persons with disabilities.

The Commission was particularly concerned that a lot still remained to be done in spite of several measures aimed at safeguarding the rights of Persons with Disabilities (PWDs). Also, the Commission reiterated its dissatisfaction that PWDs are continuously discriminated against when looking for jobs.

- **National Farmers Day**

On December 3, 2010, the Commission issued a statement calling on government to address problems facing Ghanaian farmers. It noted that these farmers continue to suffer unfair terms of trade coupled with the growing preference in urban centres for foreign products to the detriment of locally produced ones. Ghanaians were therefore encouraged to patronise local products.

- **Integrity Award**

A press release was issued on December 9, 2010 on an Integrity Award received by the Acting Commissioner,

Ms. Anna Bossman. The award was given in recognition of her courage and dedication to the fight against corruption at the International Corruption Hunters Alliance Conference held in Washington DC, USA, on December 7, 2010.

3. EXTERNAL RELATIONS AND COOPERATION

The Commission participated in activities of the Network of Anti-Corruption Agencies in ECOWAS Member States held in Senegal and Mali. The meetings were to strengthen the Network, finalise and approve a Constitution and a five-year work plan as well as elect interim executive officers of the Network.

CSO/NGO Collaboration: The Commission continued to deepen its collaboration with civil society, especially CSOs in the human rights and anti-corruption fields. The Commission expresses its gratitude to Ghana Anti-Corruption Coalition [GACC], Centre for Democracy and Development [CDD], Ghana Integrity Initiative [GII], Commonwealth Human Rights Initiative [CHRI], Amnesty International, and many others who contributed to the Commission's effort at promoting human rights and good governance in Ghana.

NGOs Forum: The Commission continued to host the Human Rights NGOs' Forum, which brings together a number of NGOs who specialize in human rights work. The Forum organised two separate symposia to commemorate UN International Day in Support of Victims of Torture on June 26 and Universal Children's Day on November 20. The events provided a platform for heightening public awareness on torture and the rights of children.

PART IV: CASES AND STATISTICS

1. SUMMARY OF SELECTED CASES

I. CASE NO: 2009/HQ/01458

Human Rights (Denial of right as refugee)

The Complainant alleged that he had been refused refugee status by the Ghana Refugee Board (Respondent). According to the Complainant, he took part in a verification exercise conducted by the Respondent to ascertain the number of refugees at the refugee camp in which he was residing. The above notwithstanding, the Complainant's name was not found on the list of refugees; he was informed by the Respondent that its records indicated that the Complainant had already been repatriated to his country of origin. The Complainant asserted that this was false. He therefore petitioned the Commission to order the Respondent to restore his refugee status.

Commenting on the allegations, the Respondent stated that, as per its records, the Complainant was repatriated to his country of origin on 7th February, 2010. The Respondent alleged that, due to the destruction of official repatriation documents by flood, the Respondent was unable to produce the records covering the Complainant's repatriation.

In the absence of credible evidence to support Respondent's position that the Complainant had been previously repatriated, the Commission found the removal of the Complainant's name from the list of refugees an infringement on the Complainant's right to refugee status. At a follow-up meeting with the parties, the Respondent offered to restore the Complainant's refugee status, and this was acceptable to the Complainant. Consequently, the Commission closed the case as settled.

II. CASE NO: CHRAJ/40/2009

Administrative Injustice (Arbitrariness/abuse of power)

The Complainant, representing his brother, submitted a complaint through his lawyers alleging that the Respondent, Driver and Vehicle Licensing Authority (DVLA), had impounded his vehicle based on suspicion that the Complainant had tampered with the chassis number of a vehicle his brother imported to enable him evade payment of import duties.

According to the Complainant, the vehicle had gone through all the necessary customs clearance procedures supervised by the Respondent which made it possible for the vehicle to be duly registered by the DVLA; he produced receipts as evidence of all the customs duties/taxes paid before clearance of the vehicle. The Complainant therefore sought the Commission's intervention for an unconditional release of his vehicle and payment of compensation.

The Respondent replied that the vehicle was impounded for evasion of customs duties as well as tampering with the chassis number by the Complainant. The Respondent further stated that its investigations proved beyond reasonable doubt that the plate on which the vehicle's chassis number was written was cut from another vehicle and fixed onto the vehicle. Also, the Respondent claimed an independent automobile company it commissioned to examine the Complainant's vehicle had confirmed that the chassis number had been falsified. This was challenged by the Complainant as untrue.

In order to ascertain the veracity of the rival claims, the Commission sought an independent opinion from an automobile company with respect to the tampering of the chassis number. The independent expert found that, in spite of the vehicle undergoing major repair around the chassis number, the chassis number was not tampered with.

Based on the findings by the independent expert, the Commission directed the Respondent to release the vehicle to the Complainant. This directive was duly complied with.

On the issue of compensation, the Commission was of the opinion that the seizure of the vehicle was not arbitrary because the alteration of portions around the chassis number provided reasonable basis for the Respondent to impound the vehicle. Since there had not been an unreasonable delay in resolving the matter, the Commission declined the award of compensation.

III. CASE NO: CHRAJ/126/2007

Human Rights (Right to dignity and privacy)

Administrative Justice (Abuse of Power/Extortion of Money)

The Complainant stated that he contracted a loan from a bank for a friend who was in dire need of financial assistance. His friend failed to repay the loan, but he succeeded in retrieving the loan amount from his friend. The Complainant alleged that his friend was dissatisfied with the manner in which the loan amount was retrieved and threatened to “teach him a lesson at all cost”.

The Complainant stated that, in furtherance of his threat to “teach him a lesson at all cost”, his friend lodged a complaint of “threat of death” against him with the Ghana Police Service, Nungua, Accra, the Respondent herein. Consequently, in the absence of the Complainant, 3 police officers, purportedly acting under the authority of the Respondent, conducted a search of the Complainant’s room for a gun alleged to be in the Complainant’s possession. The Complainant intimated that the search was not backed by any warrant.

The Complainant further stated that he proceeded to the police station to enquire about the basis for the search in his room. However, on arrival at the police station, he was informed that a complaint of alleged threat of death had been lodged against him by his friend. The Respondent thereafter arrested the Complainant and removed his clothing, leaving him in his underwear/briefs, and made him sleep on the bare floor of the police cell overnight.

The Complainant further alleged that when his wife came to stand surety to enable him be admitted to bail, the Respondent demanded a fee of GH¢50.00, but his wife gave GH¢30.00 before he was granted bail.

It was in the light of the above that the Complainant lodged this complaint against the Respondent for violating his fundamental human rights to dignity and privacy. In addition, he alleged abuse of power by the police officers.

According to the Respondent, the search carried out in the Complainant's house was in connection with possession of a weapon (a gun) he intended to use to carry out the alleged threat of death. Although the said weapon was not found during the search, the Respondent intimated that the search was done without any malice but to ensure the safety of the complainant's friend. The Respondent stated that the Complainant was placed in police custody in respect of a complaint of threat of death lodged against him by his friend. However, the Respondent admitted that the Complainant was left in his briefs and was made to sleep on the bare floor of the police cell. The Respondent vehemently denied having collected money before granting bail to the Complainant.

The issues determined were:

- Whether the Respondent violated the Complainant's right to privacy by searching his room without a warrant in his absence.
- Whether the Respondent violated the Complainant's dignity by stripping him to his underwear.
- Whether the Respondent was right to demand a bail fee from the Complainant before granting him bail.

In respect of the first issue, Article 18(2) of the 1992 Constitution states that:

“No person shall be subjected to interference with the privacy of his home, property, correspondence or

communication, except in accordance with law and as may be necessary in a free and democratic society for public safety or the economic well-being of the country, for the protection of health or morals, for the prevention of disorder or crime or for the protection of the rights or freedoms of others”.

Also, Section 19(10) of the Criminal Offences and other Offences Act, 1960 (Act 30) states that:

“Any Police Officer not below the rank of Assistant Superintendent of Police or who being below such rank is authorized in writing so to do by some Police Officers not below such rank, may enter any house, shop, warehouse, yard, ship, boat, vessel, beach or other premises which he has reasonable cause to believe contains any property which has been stolen or dishonestly received and may search for, seize and secure, any property which he has reasonable cause to believe has been stolen, or dishonestly received in the same manner as if he had a search warrant and the property seized, if any, corresponded to the property described in such search warrant” (Emphasis added).

The Commission found that the Respondent did not comply with the requirements of the law since the evidence revealed that the police officers who carried out the search were below the rank of Assistant Superintendent of Police. Besides, they did not have the appropriate authorization to carry out the search without a warrant.

On the issue of violation of the Complainant’s right to dignity, the Respondent admitted that the Complainant was left in his briefs and compelled to sleep on the bare floor of the police cell.

Article 15(1) and (2) of the 1992 Constitution states that:

1. **The dignity of all persons shall be inviolable.**
2. No person shall, whether or not he is arrested, restricted or detained, be subjected to –

- a. torture or other cruel, inhuman or degrading treatment or punishment;
- b. any other condition that detracts or is likely to detract from his dignity and worth as a human being.”

The Commission found that the treatment meted out to the Complainant by the Respondent whilst in detention amounted to a degrading treatment and constituted a condition that detracted from the Complainant’s dignity as a human.

Furthermore, the Commission found that the search of Complainant’s room in his absence, and without a warrant, violated his constitutional right to privacy of his home.

As regards the issue of extortion premised on the alleged payment of bail fees by Complainant’s wife, the Commission could not make any categorical finding of fact as the Complainant could not produce evidence.

In the light of its findings, the Commission recommended that the officers concerned should be sanctioned severely by the Ghana Police Service.

IV. CASE NO: CHRAJ/250/2009

Administrative Injustice (Denial of Salary)

The Complainant alleged that he made a request for a voluntary transfer which was granted by the GES (Respondent). He claimed that after working at the new place of posting for about one year and nine months, the Respondent deleted his name from the payroll on grounds of “doubling”, a terminology used by Respondent to mean schooling and working at the same time without approval. The Complainant contended that he was not “doubling”; therefore, the deletion of his name from the payroll was wrongful. As a result, the Complainant sought the assistance of the Commission for his reinstatement as well as payment of all salary arrears occasioned by the deletion of his name from the payroll.

In reply, the Respondent indicated that its investigations disclosed that the Complainant was among some 200 personnel who were regular employees in one of its districts, who were teachers and at the same time regular students at various higher institutions of learning. According to the Respondent, these employees including the Complainant used working hours for their private academic work leading to poor performance and low output in their schools.

An investigation conducted by the Commission confirmed that the Complainant was indeed schooling; he even admitted this fact in a discussion with an officer of the Commission. Furthermore, the Respondent institution had earlier given a directive for deletion of the names of all employees who were “doubling” from the payroll.

The Commission found that the Complainant’s allegation of wrongful deletion of his name from the payroll lacked merit and dismissed the case accordingly.

V. CASE NO. CHRAJ/136/2009

Administrative Injustice (Unlawful Termination of Appointment and Non-Payment of End of Service Entitlement)

The Complainant, a civil servant, alleged that in 1983 her appointment was terminated by the Respondent on grounds of using office hours for her private business. She contended that the termination was unfair. She conceded that she operated her personal business, but did so only on weekends which did not compromise her official working time. She further explained that the termination of her appointment occurred at a time when the Provisional National Defense Council (PNDC) was in power and it could dismiss public servants at will. She stated that she had to flee the country upon hearing that her life was in danger and could only return in 1991 after the revolution.

According to the Complainant, sometime in 2000 she was informed about a recommendation to reinstate her, but since she did not receive an official letter in that regard, she could not pursue her reinstatement. She intimated that all attempts

made since the year 2000 to have her reinstated or have her end of service entitlement paid to her proved futile, hence her complaint to the Commission.

In its response to the Commission, the Office of the Civil Service (Respondent) commented that it received an earlier petition from the Complainant. Unfortunately, the petition could not be upheld because the Respondent contended that the Complainant had vacated her post. Moreover, she waited until sometime in 2000 before she petitioned against her termination rendering same time barred in accordance with Regulation 90(4)(a) of the Ghana Civil Service Administrative Instructions.

The Commission observed that the alleged event occurred 10 years before the inception of the Commission (1983-1993). The mandate of the Commission does not extend to events that predated its establishment. Furthermore, the Commission's enabling legislation, Act 456 (1993), section 13(2)(a), frowns on complaints filed out of time.

The Commission therefore declined mandate and ceased any further investigations into the case. That notwithstanding, the Commission recommended that since the right to pension is not time bound, the Complainant may apply to the relevant authorities for payment of her pension benefits, if she so qualifies.

VI. CASE NO: 4967/2005

Administrative Injustice (Abuse of Power/Use of Deadly Force)
Human Rights (Right to life)

The complainant claimed he was driving in a taxi cab around 11:30 pm when a police officer stopped him at a check point and demanded his car papers. According to the Complainant, the papers had earlier been seized by another police officer who gave him a cover note so he handed the note to the police officer. He alleged that the police officer took the cover note from him and joined his colleagues, at which point another security officer at the checkpoint motioned to him to leave.

The Complainant contended that on his way home, he realized that he was being pursued by another taxi cab. All of a sudden he heard a gunshot and he felt some numbness in his waist and leg, as a result of which his taxi cab swerved into a gutter. Subsequently he realized that he had been shot by the police officer who stopped him and who had pursued him in another taxi cab. He was rushed to the hospital for surgery and treatment.

The Complainant indicated that, the police officer claimed that the shot was aimed at the tyres of the taxi cab. The Complainant contended that the shooting was negligent or intentional because the bullet was nowhere near the car tyres. He said the shooting had affected his ability to have sexual intercourse as well as his ability to work. In support of his claim, the Complainant provided copies of medical reports regarding his medical circumstances. The Complainant asked for payment of a compensation of GH¢90,000.00 from the Ghana Police Service (Respondent).

The Respondent confirmed that the Complainant was stopped and asked to produce his car papers but he only gave out a note to the police officer with the explanation that the car papers had earlier been seized by another police officer who gave him the note. He then drove off without being told to do so and the police officer suspecting that the car might be a stolen car or one carrying stolen items did not read the note but stopped the next taxi cab and started chasing the Complainant.

According to the Respondent, the chase continued for some time and eventually they caught up with the Complainant's taxi. He was signalled to stop, but he did not, so the police officer gave a warning shot, but still the Complainant refused to stop. The police officer aimed at the tyres of the taxi with the view to deflating them, but he missed the target and the bullet penetrated the car through the bumper and hit the Complainant. The Respondent contended that the police officer acted reasonably and was not negligent. Meanwhile, based on Respondent's comments, the Attorney-General's Office did not find the police officer liable for Complainant's predicament and advised against any criminal prosecution of the police officer.

The Commission decided to conduct full investigation into the matter and invited the parties to a hearing. Regrettably, the Respondent failed to attend the hearing in spite of several notices served on it. However, at the Respondent's request, the Commission arranged a meeting in respect of refund of Complainant's medical bills and payment of compensation.

The Commission found the police officer to have been reckless in using deadly force. It therefore recommended that the Respondent should refund all medical bills in the amount of GH¢729.75 to the Complainant.

With respect to appropriate compensation payable to the Complainant, the Commission found as follows:

- The Complainant suffered 25 per cent degree of incapacitation;
- He underwent surgery and it was reasonable to assert that he went through pain and emotional trauma; and
- Considering the period of his hospitalization, he was away from his family for about four months.

Based on the above, the Commission further recommended payment of an amount of GH¢15,000.00 to the Complainant as compensation for incapacitation, pain and emotional trauma suffered by him.

VII. Human Rights (Right to Education)

The Complainant lodged this complaint on behalf of his niece who was a Junior High School (JHS) 3 pupil in Respondent's institution. The Complainant intimated that the Respondent, a private school, refused to register her niece for the Basic Education Certificate Examination (B.E.C.E) because she could not attain the aggregate pass marks set for a mock examination conducted by the school.

The Complainant sought the Commission's intervention to have her niece registered.

The Respondent in its reaction to the complaint indicated that, the Complainant's niece could not obtain the pass mark set by the school in the mock examination conducted by the school. As a result, she was advised to register with a public school.

The Commission's investigation revealed that the Complainant's niece was not academically competent as portrayed by the Respondent. This was evidenced in her terminal reports submitted to the Commission. In addition, the Commission noted that the Respondent's refusal to register the Complainant's niece was premised on its decision that all JHS 3 pupils ought to attain 100 per cent pass in the B.E.C.E. mock exams, since they were the first batch of its pupils being presented for the examination and fearing that the Complainant's niece might not be able to pass, she was denied registration.

The Commission found that the refusal by the Respondent to register the Complainant's niece violated the child's right to education and the Commission took the opportunity to educate the Respondent on the rights of the child to education and the fact that the best interest of the child is paramount in deciding issues affecting the child.

The Commission was of the view that since the Respondent could not determine the performance of Complainant's niece in the B.E.C.E., its action was not justified. The Commission directed the Respondent to register Complainant's niece which was duly complied with.

2. STATISTICS ON CASES

1.1. Number of Complaints Received

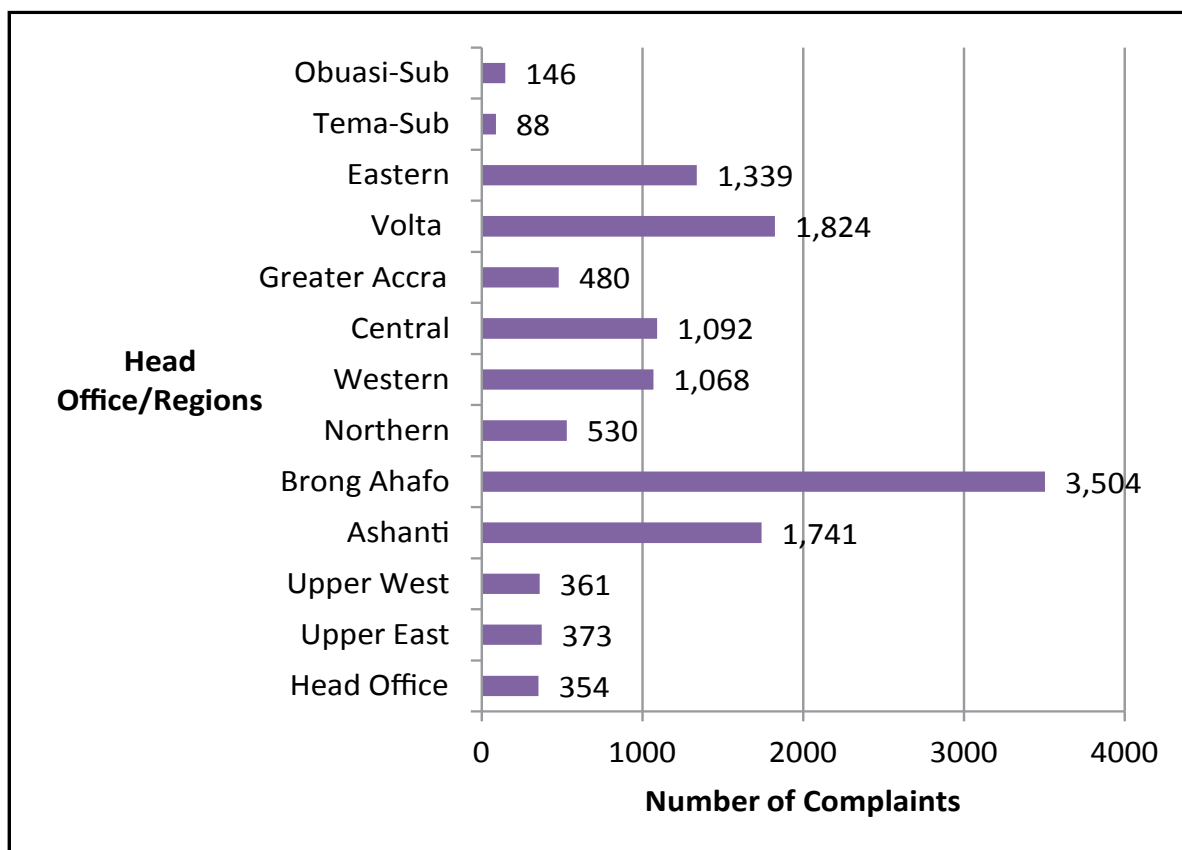
The Commission received a total of 12,900 complaints in the year 2010. Brong Ahafo Region received the highest number of cases with Upper West receiving the least.

(See table 1 and figure 1 for regional breakdowns; Table H, for breakdown of cases received by all the regional and district offices nationwide.

Table 1: Total Complaints Received by Head Office /Regions

Head Office/Regions	Number of Complaints	Percentages (%)
Head Office	354	2.7
Upper East	373	2.9
Upper West	361	2.8
Ashanti	1,741	13.5
Brong Ahafo	3,504	27.2
Northern	530	4.1
Western	1,068	8.3
Central	1,092	8.5
Greater Accra	480	3.7
Volta	1,824	14.1
Eastern	1,339	10.4
Tema-Sub	88	0.7
Obuasi-Sub	146	1.1
Total Cases Received	12,900	100%

Figure 1: Cases Received by Regions/Head Office



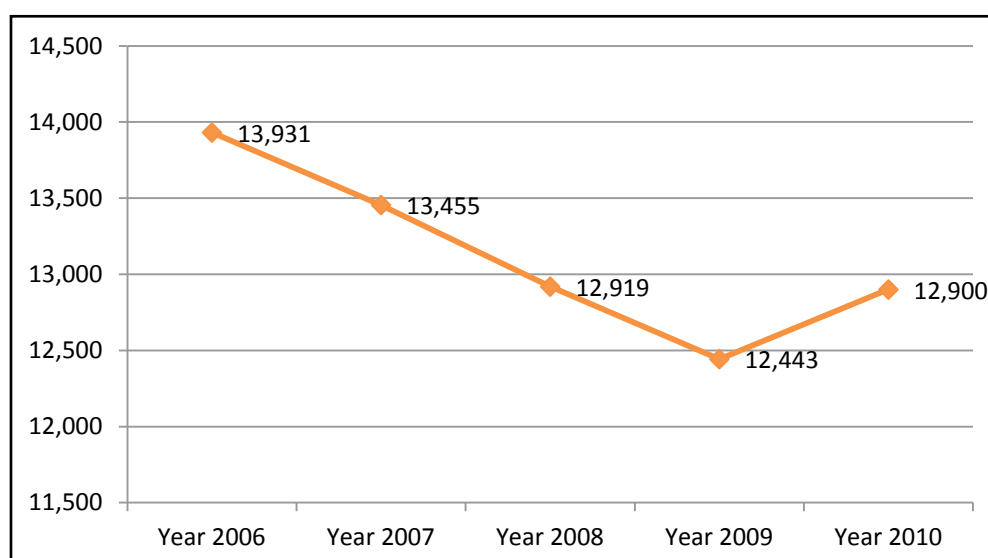
1.2: Trend of Complaints Received over the last 5 Years

Cases received decreased steadily at an average rate of 3.7 per cent from 2007 through the year 2009 but increased again in 2010 by the same percentage. This pattern could be seen clearly in figure 2 below. Volta Region recorded the highest increase in 2010 of 37.5 per cent over the previous year whilst Head Office recorded a decrease of 31.7 per cent in the same period. (See table 2 for regional comparisons)

Table 2: Complaints Received over the past 5 Years

Head Office/Regions	2006	2007	2008	2009	2010	Totals
Head Office	671	668	890	518	354	3,101
Upper East	417	386	367	414	373	1,957
Upper West	234	235	283	416	361	1,529
Ashanti	1,756	1,417	1,523	1,568	1,741	8,005
Brong Ahafo	3,508	3,704	3,618	3,394	3,504	17,728
Northern	720	813	725	649	530	3,437
Western	1,390	1,284	1,110	1,243	1,068	6,095
Central	1,485	1,135	1,261	1,072	1,092	6,045
Greater Accra	482	546	534	488	480	2,530
Volta	1,323	1,544	1,327	1,327	1,824	7,345
Eastern	1,830	1,640	1,189	1,258	1,339	7,256
Tema-Sub	115	83	92	96	88	474
Obuasi-Sub	-	-	-	-	146	146
Total	13,931	13,455	12,919	12,443	12,900	65,648

Figure 2: Trend of Complaints Received over the past 5 Years



1.3: Classification of Complaints Received

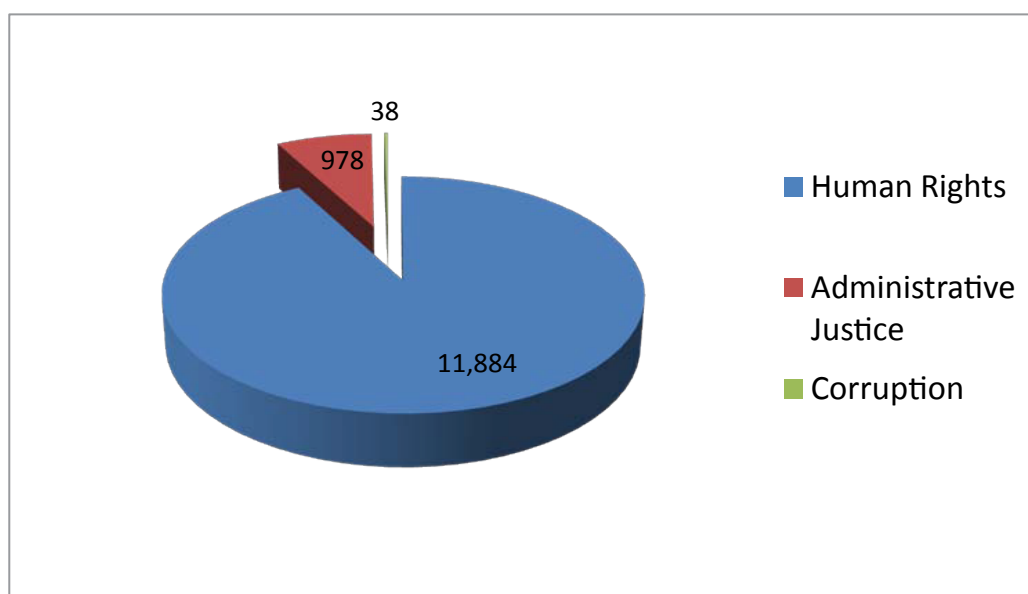
The 12,900 complaints received in 2010 were classified into “Human Rights”, “Administrative Justice” and “Corruption” to reflect the triple mandates of the Commission. A total of 11,884 complaints, representing 92.1 per cent of all complaints received, were Human Rights related cases; 978 (7.6 per cent) were Administrative Justice related cases, whilst 38 (0.3 per cent) were Corruption related cases.

Brong Ahafo region received the highest number of Human Rights complaints, whilst the Head Office in Accra received the highest complaints in both Administrative Justice and Corruption. (See table 3 for regional breakdowns and figure 3 for diagrammatical representation of the 3 mandate areas)

Table 3: Classification of Complaints Received in 2011

Head Office/ Regions	Human Rights	Administrative Justice	Corruption	Total
Head Office	174	166	14	354
Upper East	350	22	1	373
Upper West	326	35	0	361
Ashanti	1,599	140	2	1,741
Brong Ahafo	3,374	123	7	3,504
Northern	471	57	2	530
Western	988	79	1	1,068
Central	1,014	74	4	1,092
Greater Accra	434	46	0	480
Volta	1,736	85	3	1,824
Eastern	1,248	88	3	1,339
Tema-Sub	43	44	1	88
Obuasi-Sub	127	19	0	146
Total	11,884	978	38	12,900

Figure 3: Classification of Complaints Received in 2011



1.3.1. Trend of Complaints over last 5 years

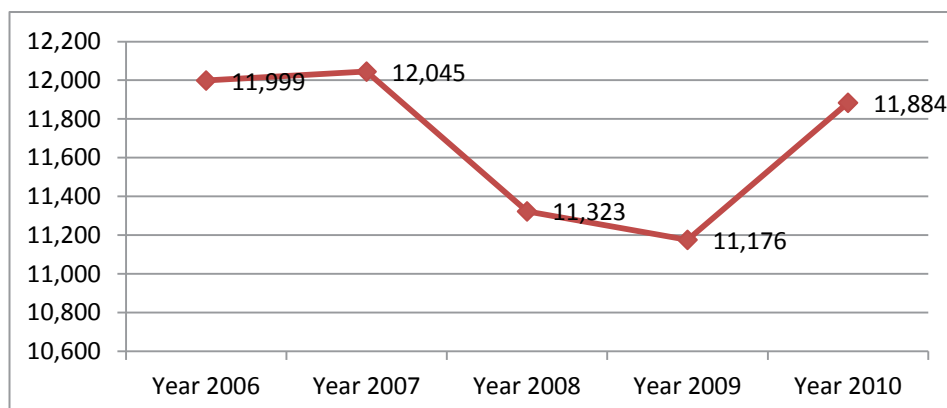
Table 4 below reflects the trend of complaints received over the last five years in respect of the three different mandate areas of the Commission.

Table 4: Trend of Complaints Received over the last 5 Years Classified alongside Mandate areas

Classifications	2006	2007	2008	2009	2010	Total
Human Rights	11,999	12,045	11,323	11,176	11,884	58,427
Administrative Justice	1,546	1,303	1,460	1,143	978	6,430
Corruption	386	107	136	124	38	791
Total	13,931	13,455	12,919	12,443	12,900	65,648

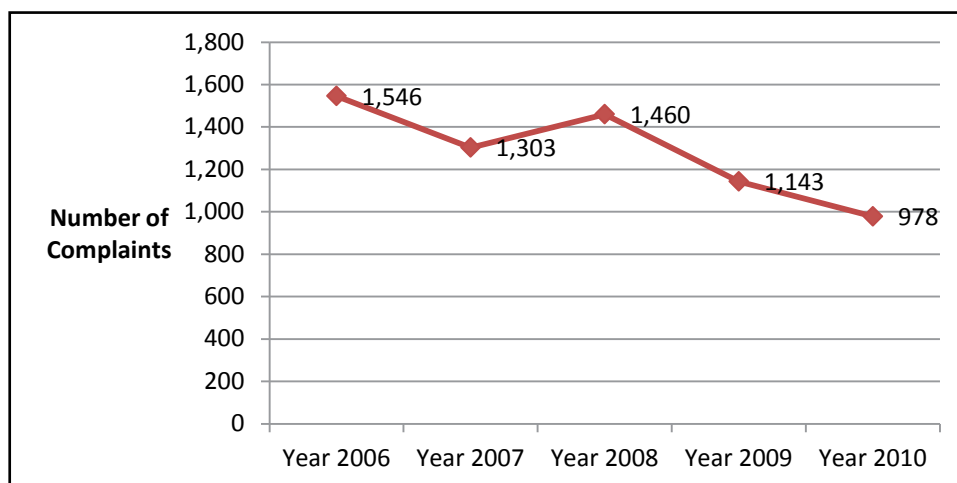
Trend of Human Rights Complaints: Human Rights related complaints followed the general trend over the past 5 years, i.e. a steady decline in the number of human rights complaints reported, although complaints received in 2010 increased by 6.3 per cent over that of the previous year. See table 4 above and figure 4 below.

Fig 4: Trend of Human Rights Complaints Received from 2006 to 2010



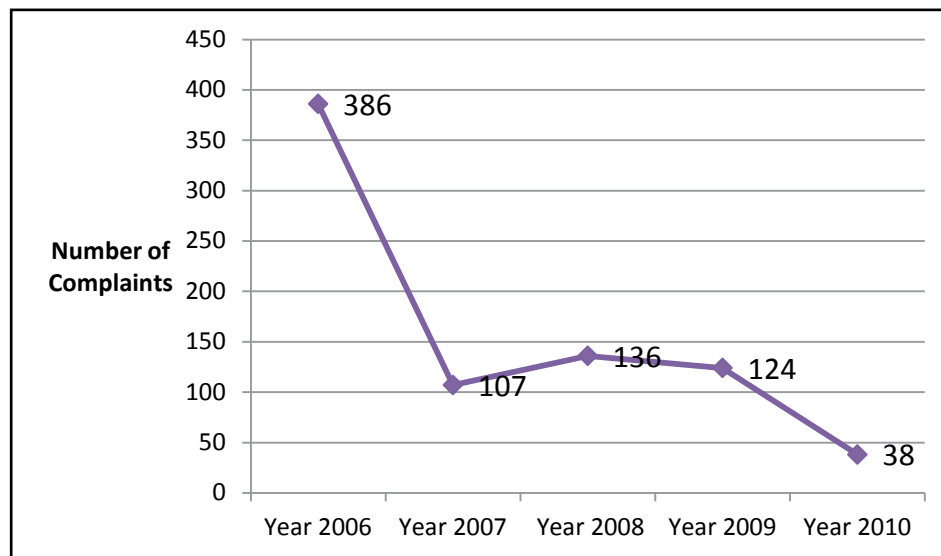
Trend of Administrative Justice Complaints: Administrative Justice Complaints decreased from 1,546 in 2006 to 1,303 in 2007, increased to 1,460 in 2008 and started declining again to 978 in 2010, the lowest since 2006. See table 4 above and figure 5 below.

Figure 5: Trend of Administrative Justice Complaints Received over the last 5 Years



Trend of Corruption Complaints: The number of corruption cases reported to the Commission decreased sharply from the 2006 figure of 386 to 107 in 2007, increased marginally in 2008, and decreased to 38 in 2010. See table 4 above and figure 6 below.

Figure 6: Trend of Corruption Complaints Over the Last 5 Years



1.4: Nature and Classification of Complaints Received

The nature of complaints received was classified along the Commission's threefold mandate, namely Human Rights, Administrative Justice and Corruption.

1.4.1. Nature of Human Rights Complaints

The 11,884 Human Rights Complaints received were further disaggregated into Children, Women, Property, Economic Social and Civil Political Rights. See table 5 for the number of complaints under each category and table 3 for regional details.

Table 5: Types of Human Rights Complaints

Types of Rights	Number of Complaints	Percentages
Children	4,768	40.1%
Women	1,648	13.9%
Property	1,638	13.8%
Economic & Social	3,276	27.5%
Civil & Political	554	4.7%
Total	11,884	100%

Children's Rights Related Complaints: The Commission received 4,768 complaints involving children. More than 80 per cent of these complaints were lodged by the biological mothers of children whose biological fathers were not providing support for their daily maintenance. The majority of the parents were either not married/couples or are separated with the children being in the custody of the mothers. Some of the men simply refuse to maintain their children on grounds that their mothers would also benefit from the remittances.

There were also cases of defilement, maltreatment, trafficking, abduction/kidnapping, sodomy, child prostitution and forced marriages. Complaints of forced marriages were received mainly by the Commission's Offices in the 3 northern regions of the country.

Trend: The number of children's rights related complaints received in 2010 was higher than the previous year by 6.6 per cent but there had not been any significant change over the 5 - year period. Complaints of forced marriages decreased steadily over the past 5 years. Worthy of note, is also the reduction in complaints of child maltreatment. Also for the first time since 2006, the Commission received 6 complaints on child labour and one (1) complaint each on sodomy and child prostitution. (See table 6 below)

Table 6: Children Rights Related Complaints over 5 Year-Period

Nature of Abuses	2006	2007	2008	2009	2010	Total
Non-Maintenance of Children	3,268	3,317	3,309	2,952	3,269	16,115
Deprivation of Education	123	168	149	201	253	894
Lack of Medical Care	75	51	48	52	58	284
Improper Care	56	23	59	77	28	243
Unlawful Custody	583	541	530	614	643	2911
Defilement	35	19	41	16	17	128
Child Labour	0	0	0	0	6	6
Forced Marriage	225	224	141	129	98	817
Maltreatment	106	48	95	112	70	431
Denial of Paternity	419	559	265	250	267	1760
Unnamed	11	12	6	8	7	44
Trafficking	0	0	0	3	8	11
Incest	2	0	4	3	0	9
Sodomy	0	0	0	0	1	1
Illegal Adoption	0	0	0	0	2	2
Denial of Access to Justice	0	0	0	0	26	26
Abduction/Kidnapping	47	20	18	12	11	108
Child Prostitution	0	0	0	0	1	1
Others	0	0	0	43	3	46
Total	4,950	4,982	4,665	4,472	4,768	23,837

Women's Rights Related Complaints: 1,648 complaints were received under this category. Two types of complaints dominant in this category were non-maintenance or neglect of spouse and domestic violence. The domestic violence takes the form of battering, forced eviction, prevention from having access to personal belongings and verbal abuse. 92 complaints of battering and 609 other forms of violence were reported to the Commission in 2010. Complaints bordering on non-maintenance that involved relationships that were not formalized by marriage were also relatively high.

Trend: Women's rights related complaints reported over the past 5 years have been quite irregular. The number reduced in 2007 through 2008, increased in 2009 and reduced again in 2010. Complaints on sexual harassment reduced significantly from 57 in 2009 to 11 in 2010, which situation would have been very welcome if it, indeed reflected, a reduction in the practice. It is also important to note that whilst complaints on non-

maintenance decreased of spouse from 1,213 in 2009 to 625 in 2010, domestic violence increased dramatically from 195 to 609. (See table 7 below)

Table 7: Women's Rights Related Complaints over last 5 Years

Nature of Abuses	2006	2007	2008	2009	2010	Total
Non-Maintenance of Spouse	1,361	1,518	1,047	1,213	625	5,764
Sexual Harassment	0	0	49	57	11	117
Rape	0	0	0	0	3	3
Sex Discrimination	100	72	8	10	6	196
Discrimination Based on Pregnancy	0	0	0	0	3	3
Spousal Battery	68	66	145	162	92	533
Other Domestic Violence	619	0	96	195	609	910
Neglect of Pregnancy	128	53	339	265	299	1,084
Others	0	0	0	5	0	5
Total	2,276	1,709	1,684	1,907	1,648	9,224

Property Rights: Complaints classified under this section were related more to allegations of unlawful interference or denial of access to property. Total number of cases reported under this category was 1,638. About 39 per cent of the complaints were instances where private individuals had denied the rightful owners access to their properties mainly due to misunderstanding, dispute, or disagreement. The Commission also received 237 complaints which were mostly from widows who have been deprived of access to their deceased spouses' properties by the members of the deceaseds' extended families. There were also cases of forcible ejection of widows from their matrimonial homes in contravention of the Intestate Succession Law, 1985 (PNDCL 111). Other complaints involved demolishing of properties without any compensation. (See table 8 below)

Trend: There has been a significant decrease in complaints involving denial of widows from having access to their deceased spouses' properties over the past 3 years. From 745 cases received in the year 2007, such cases reduced through the years to 237 in 2010.

Table 8: Property Related Complaints over the last 5 Years

Nature of Abuses	2006	2007	2008	2009	2010	Total
Destruction	251	154	106	88	182	781
Compulsory Acquisition of Property	159	40	70	79	1	349
Denial of Share (Jointly Acquired)	-	-	-	-	133	133
Denial of Share (Inheritance)	881	640	612	328	282	2743
Denial of Access (Intestate Succession)	281	745	298	258	237	1,819
Denial of Access (Self-Acquired)	520	160	311	475	641	2107
Confiscation by State	0	19	40	30	2	91
Trespass/Encroachment	125	73	54	120	122	494
Title	78	57	0	80	27	242
Others	0	0	0	61	11	72
Total	2295	1,888	1,491	1,519	1,638	8831

Economic, Social and Cultural Rights (ESCRs): A total of 3,276 complaints were received under this section. Landlord-tenancy matters alone constituted about 32.3 per cent of the ESCRs. Ten cases of molestation of persons accused of witchcraft were reported in the northern part of the country. (See table 9 below)

Table 9: Economic, Social and Cultural Rights Related Complaints

Nature of Abuses	Number of Complaints
Non-Payment of Wages	95
Denial of Right to Work	6
Environmental Hazards	14
Noise Pollution	12
Breach of Agreement	787
Unfair Treatment	398
Tenancy	1,057
Nuisance/Misconduct	11
Witchcraft Accusations	10
Violation of Rights to Freedom of Worship	7
Others	879
TOTAL	3,276

Civil and Political Rights Complaints (CPR): Total complaints received were 554. Violation of personal liberty and personal dignity dominated the CPR complaints. (See table 10 below).

Nature of Abuses	Number of Complaints
Forced Eviction	66
Unlawful Detention	30
Non-Compliance with Courts' Ruling	4
Unfair Trial	9
Banishment	3
Threat to Life	27
Violation of Right to Dignity	149
Denial of Bail	4
Violation of Personal Liberty	230
Inhuman Treatment	12
Others	20
Total	554

1.4.2. Nature of Administrative Justice Complaints

The Commission received 978 Administrative Justice complaints. Unlawful dismissal and termination of appointment, underpayment, non-payment and unlawful deductions of salaries formed a chunk of the complaints.

Complaints categorized as administrative justice complaints in table 11 include non-payment of transfer grants, medical bills, salary distortions, wrongful expulsion from school, disconnection of water supply and cancellation of examination results, withholding of documents, loss of personal files, wrongful placement and withholding of educational certificates. (See table 11 below)

Table 11: Nature of Administrative Justice Complaints

Nature of Injustices	2006	2007	2008	2009	2010	Total
Unlawful Dismissal	221	162	275	173	131	962
Unlawful Termination of Appointment	233	215	198	177	125	948
Underpayment of Pensions	39	29	36	28	9	141
Non-Payment of Pensions	-	-	-	-	10	10
Non-Payment of Salaries	-	-	-	-	78	78
Salary Arrears/Withholding Underpayment	252	245	210	221	120	1,048
Unlawful Deductions of Salaries	25	33	29	37	61	185
Redundancy/Redeployment	26	4	6	12	7	55
Denial/Delay of Promotions	10	7	6	2	9	34
Demotion	-	-	-	-	4	4
Suspension/Interdiction	35	16	13	9	10	83
Non-Payment of Social Security Contribution	82	54	62	35	18	251
Non-Payment of Social Security Benefit	-	-	-	-	21	21
Failure to Act on Complaints (Police)	-	-	-	-	11	11
Delay in Dispensing Justice (Police)	26	35	33	37	26	157
Delay in Dispensing Justice (Labour Office)	-	-	-	-	5	5
Delay in Dispensing Justice (Attorney General)	-	-	-	-	8	8
Delay in Dispensing Justice (Judiciary)	-	-	-	-	8	8
Arbitrary Transfer	9	10	13	5	7	44
Non-Payment of End-of-Service	104	105	86	61	35	391
Non-Payment of Workman's Compensation	81	83	90	31	39	324
Rudeness	2	6	8	12	3	31
Non-Payment of Allowance	-	-	-	-	12	12
Non-Payment of Severance Award	42	8	18	12	-	80
Premature Retirement	-	-	-	-	8	8
Denial of Study Leave	4	2	2	0	0	8
Forced Resignation	13	12	14	1	1	41
Non-Payment of Insurance Claim	27	16	13	25	18	99
Negligence	5	5	1	12	3	26
Abuse of Office/Discretion (Intimidation/Oppression)	57	63	24	68	19	144
Miscellaneous	209	154	300	152	172	987
Total	1,546	1,303	1,460	1,143	978	6,430

1.4.3 : Nature of Corruption Complaints

In all, 38 complaints were received in the year, out of which 3 were made under the Whistleblower Law. The complaints were grouped under Abuse of Office, Misappropriation of Money, Fraud, Conflict of Interest, Bribery and Extortion, although in most cases, the individual complaints contained a combination of, or multiple offences. (See table 12 below)

Table 12: Allegations of Corruption

Types of Corruptions	2010
Abuse of Office	10
Misappropriation/Embezzlement	9
Fraud	8
Conflict of Interest	2
Bribery	2
Extortion of Money	7
Total	38

2. RESPONDENT BODIES

Respondent bodies refer to the private individuals, organizations or institutions or group of persons against whom complaints have been lodged. Classification of respondents has been made in Human Rights, Administrative Justice and Corruption related complaints.

2.1. RESPONDENT BODIES IN HUMAN RIGHTS COMPLAINTS

Private individuals almost totally dominated the respondents in human rights complaints. In all, 11,776 (99.1 per cent) of the total human rights related complaints were lodged against private individuals. 36 allegations of unlawful arrest/detention, assault, inhuman treatment and denial of bail/release were lodged against the Ghana Police Service. 15 complaints on demolition of properties were lodged against Metropolitan/Municipal/District Assemblies. Six cases were lodged against religious bodies for excessive noise making, and a few more complaints were against private companies. For details refer to table D.

2.2. RESPONDENT BODIES IN ADMINISTRATIVE JUSTICE COMPLAINTS

Of the 89 complaints against Ministry of Interior, 75 complaints were received against the Ghana Police Service alone. Most of the complaints of non-payment and withholding of salaries were lodged against the Ghana Education Service. Complaints against Social Security and National Insurance Trust (SSNIT) and Controller and Accountant-General Department over pension issues were relatively high which still raises concerns about how issues of pensioners are handled. (See classified respondent bodies in Table 13)

Table 13: Classification of Respondent Bodies in Administrative Justice Complaint Received in 2010

Respondent Bodies	Number of Complaints
Organizations under Ministry of Interior	89
Organizations under Ministry of Finance	81
Organizations under Ministry of Education	107
Organizations under Ministry of Roads and Highways	14
Organizations under Ministry of Justice	18
Organizations under Local Government & Rural Development	21
Organizations under Ministry of Health	33
Extra-Ministerial Organizations	62
Others	553
Total	978

2.3. RESPONDENT BODIES IN CORRUPTION COMPLAINTS

Of the 38 complaints received, Police personnel topped the list with 8 complaints, constituting 21.1 per cent of total corruption complaints which were mostly on extortion. This was followed by 5 complaints against employees of Ghana Education Service (G.E.S.) alleging misappropriation of capitation grants, extortion and fraud.

3. CLOSED CASES

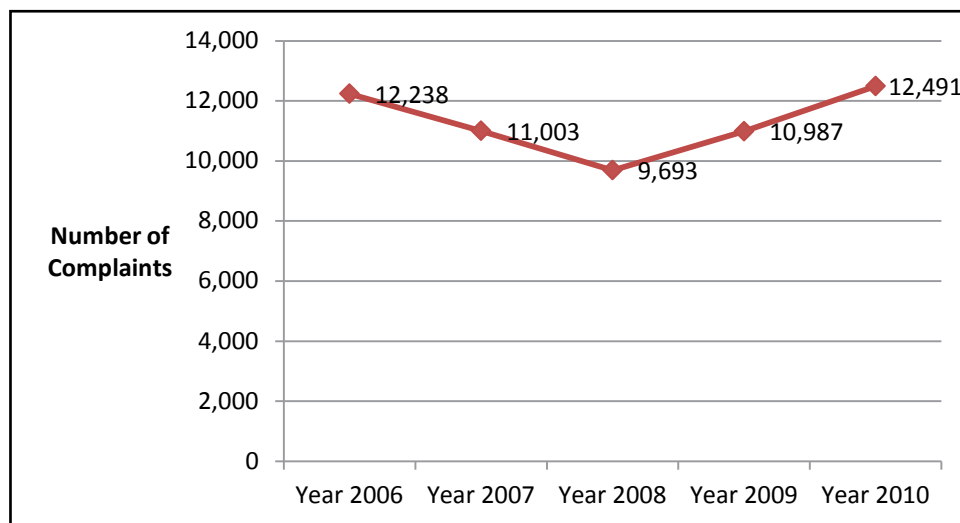
3.1: NUMBER OF COMPLAINTS CLOSED OR FINALIZED

The Commission closed 10,420 of the total number of cases received in year 2010 and 2,071 cases carried forward from the previous year, bringing the total cases closed in the reporting year to 12,491. The cases closed represent 79.3 per cent of the total available cases for investigation.

The number of closed cases was higher than the previous year by 13.7 per cent and was also the highest since the inception of the Commission in 1993. (See table 14 and figure 7 below.)

Table 14: Finalized Cases for the last 5 Years by Regions & Head Office

Head Office/Regions	2006	2007	2008	2009	2010	Total Closed
Head Office	496	315	607	487	312	2217
Upper East	382	359	303	348	393	1785
Upper West	215	288	283	328	350	1464
Ashanti	1,557	1,292	1,230	1,332	1,616	7,027
Brong Ahafo	3,237	2,989	2,275	3,321	3,461	15,283
Northern	490	594	556	495	490	2625
Western	1,326	1,053	1,118	1,229	1,092	5,818
Central	1,264	1,040	961	977	913	5,155
Greater Accra	439	491	358	401	415	2,104
Volta	1,266	1,303	1,046	1,045	1,648	6,308
Eastern	1,464	1,212	873	922	1,414	5,885
Tema-Sub	102	67	83	102	197	551
Obuasi-Sub	-	-	-	-	190	190
Total	12,238	11,003	9,693	10,987	12,491	56,412

Figure 7: Trend of Cases Closed over 5 years' period

3.2: CLASSIFICATION OF COMPLAINTS CLOSED OR FINALIZED

Out of 12,491 cases closed, 11,465 representing 91.8 per cent were Human Rights cases, whilst 1,009 (8.1 per cent) and 17.1 per cent) were Administrative Justice and Corruption cases respectively. (See table 15.)

Table 15: Classifications of Cases Closed

Classifications	Number of Cases Closed	Percentages
Human Rights	11,465	91.8%
Administrative Justice	1,009	8.1%
Corruption	17	0.1%
Total	12,491	100%

3.3. Mode of Closure or Finalization [Performance Indicators]

The Commission closed or finalized cases for three (3) basic reasons, namely declined, discontinued and resolved.

Declined Cases: In the year, the Commission rejected or declined to investigate 1,261 complaints and consequently, closed them. These cases were closed for varied reasons, among them, lack of mandate, delay in lodging complaint and triviality of complaints. These constitute 10.1 per cent of the total cases closed.

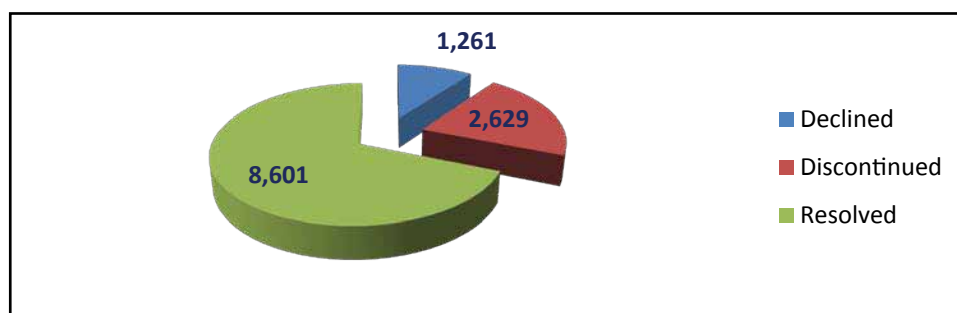
Most of the complaints under this category were referred for resolution to appropriate fora which included the Courts, Department of Social Welfare, Police, Labour Commission and Rent Office. (See figure 8 and table 17 for details.)

Cases Discontinued: In accordance with Sec 13(1)(b) of the CHRAJ Act, 1993 (Act 456), the Commission discontinued investigation into 2,629 cases for various reasons, predominantly among them, withdrawal and failure of the complainants to respond to invitations to assist with investigation of the cases. These cases constitute 21 per cent of the total closed cases. (See figure 8 and table 17 for details.)

Cases Resolved: The Commission resolves complaints through processes of mediation or formal investigation. During the reporting year, the Commission resolved 8,601 complaints representing 68.9 per cent of the total cases closed. Of the 8601 cases, 8,520 complaints, constituting 99.1 per cent of cases resolved, were through mediation while 81 (0.9 per cent) were decided on merit after full investigation. (See Figure 8 and Table 17 for details.)

Time Spent on Resolved Cases: Average time spent on mediated cases ranged from 3 weeks to 3 months while time spent on cases decided after full investigation was between 3 months and 1 years.

Figure 8: Mode of Closure



3.3.1. Trend of Mode of Closure: The number of cases closed as “declined” or rejected was higher than all previous years which may be a reflection of the Commission’s insistence on accepting only cases within its mandates. The number of cases resolved in 2010 was also higher than the years 2008 and 2009 by 1,181 and 247 respectively. This may be an indication that the performance in the year 2010 was better than the last two years. (See table 16 for yearly comparisons.)

The number of cases resolved through full investigation reduced drastically from 307 in the year 2008 to 141 in the year 2009 and reduced further to 81 in 2010. Conversely, cases resolved through mediation have continuously increased in the past four years. In the year 2007, there were 5,657 cases resolved through mediation and this has since increased throughout the subsequent years to 8,520 in 2010.

Table 16: Mode of Closure over the last 4 Years

Mode of Closure	2007	2008	2009	2010	Total
Declined	1,052	1,124	942	1,261	4,379
Discontinued	1,163	1,149	1,691	2,629	6,632
Resolved	8,788	7,420	8,354	8,601	33,163
Total	11,003	9,693	10,987	12,491	44,174

3.3.2. Respectively, 99.9 per cent and 88.7 per cent of “Human Rights” and “Administrative Justice” cases were resolved through mediation. This obviously underscores mediation as the Commission’s preferred method of resolving complaints. However, all corruption cases resolved were done through formal investigation. (See table 17 below.)

Table 17: Classification of Mode of Closure

Reasons/Mode of Closure of Cases	Human Rights	Administrative Justice	Corruption	Total	Percent-ages
Lack of Jurisdiction	1,054	188	3	1,245	
Delay in Presentation	3	6	0	9	
Trivial	5	2	0	7	
Total Declined	1,062	196	3	1,261	10.1%
Cases Withdrawn By Complainants	673	42	0	715	
Lack of Prosecution (Lost of Interest in Cases by Complainants)	1,660	250	4	1,914	
Total Discontinued	2,333	292	4	2,629	21.0%
Mediation	8,058	462	0	8,520	
Decided After Full Investigation	12	59	10	81	
Total Resolved	8,070	521	10	8,601	68.9%
Grand Total	11,465	1,009	17	12,491	100%

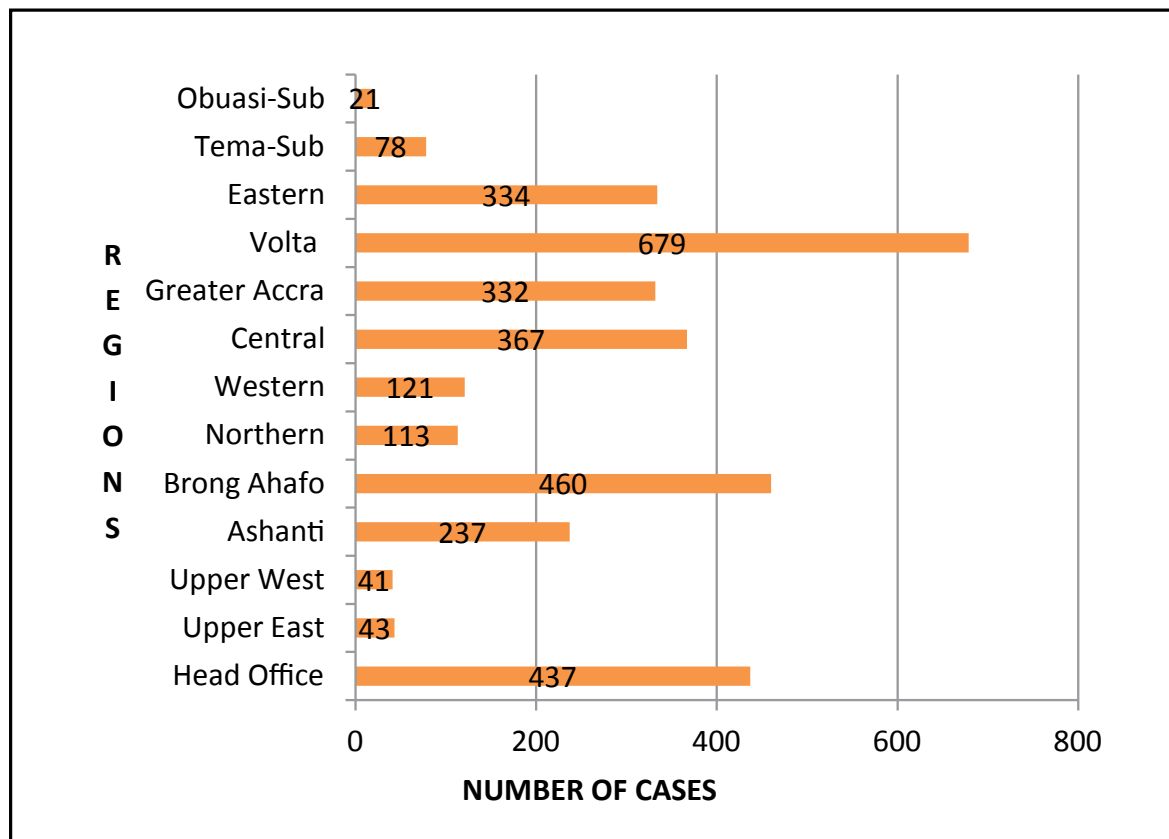
4. CASES PENDING

3,263 cases, representing 20.7 per cent of available cases for investigation in 2010 were pending at the end of the year. (For regional breakdowns, refer to table 26 and figure 12.)

Table 26: Breakdown of Cases Pending

Head Office/Regions	Human Rights	Administrative Justice	Corruption	Total
Head Office	201	214	22	437
Upper East	35	8	0	43
Upper West	20	21	0	41
Ashanti	198	39	0	237
Brong Ahafo	440	19	1	460
Northern	98	12	3	113
Western	100	20	1	121
Central	321	44	2	367
Greater Accra	241	91	0	332
Volta	524	155	0	679
Eastern	272	61	1	334
Tema-Sub	49	28	1	78
Obuasi-Sub	17	4	0	21
Total Cases Pending	2,516	716	31	3,263

Figure 12: Cases Pending



DETAILED STATISTICAL TABLES ON CASES HANDLED IN 2010

Table A: Nature of Human Rights Complaints Received in 2010

NATURE OF ABUSES	H.O.	U/E	U/W	A/R	B/A	N/R	W/R	C/R	G/R	V/R	E/R	TOTAL
CHILDREN'S RIGHTS												
Non-Maintenance of Children	51	143	71	389	580	66	315	418	211	566	459	3,269
Deprivation of Education	0	8	13	17	66	29	24	10	11	62	13	253
Lack of Medical Care	0	4	1	7	3	5	2	9	3	9	15	58
Improper Care	1	0	3	2	1	1	1	1	2	13	3	28
Unlawful Custody	9	34	16	59	198	38	43	51	33	86	76	643
Defilement	0	2	1	2	3	1	0	2	1	4	1	17
Child Labour	0	0	1	0	3	0	0	0	0	1	1	6
Forced Marriage	0	2	5	1	13	54	1	1	0	20	1	98
Maltreatment	1	3	5	10	8	2		23	1	16	1	70
Denial of Paternity	1	10	3	35	119	17	11	14	9	39	9	267
Unnamed	0	0	0	1	1	0	1	0	1	2	1	7
Trafficking	0	0	0	0	1	0	0	1	1	5	0	8
Sodomy	0	0	0	1	0	0	0	0	0	0	0	1
Illegal Adoption	0	0	0	2	0	0	0	0	0	0	0	2
Denial of Access	3	2	3	1	0	0	1	3	6	3	4	26
Abduction/Kidnapping	0	1	0	1	2	2	0	2	0	3	0	11
Child Prostitution	0	0	0	0	0	0	0	0	1	0	0	1
Others	1	0	0	0	0	0	0	0	0	2	0	3
SUB-TOTAL	67	209	122	528	998	215	399	535	280	831	584	4,768

WOMEN'S RIGHTS													
Non-Maintenance of Spouse	0	13	7	98	157	20	52	69	11	113	85		625
Sexual Harassment	0	0	0	1	4	2	0	1	1	2	0		11
Rape	0	0	0	0	0	0	0	1	1	1	0		3
Sex Discrimination	0	0	0	0	1	0	0	0	0	5	0		6
Discrimination Based on Pregnancy	0	0	0	1	2	0	0	0	0	0	0		3
Spousal Battery	1	7	6	6	9	13	0	6	17	17	10		92
Other Domestic Violence	0	0	4	17	464	2	29	28	14	33	18		609
Denial/Neglect of Pregnancy	0	5	4	21	51	29	61	12	10	27	79		299
SUB-TOTAL	1	25	21	144	688	66	142	117	54	198	192		1648
PROPERTY RIGHTS													
Destruction	7	3	6	36	42	10	15	16	4	28	15		182
Denial of Access (Self-Acquired)	7	23	33	107	181	29	37	66	21	76	61		641
Compulsory Acquisition of Property	0	0	0	0	0	0	0	1	0	0	0		1
Denial of Share (Jointly Acquired)	1	0	3	7	26	1	75	2	0	0	18		133
NATURE OF ABUSES	H.O.	U/E	U/W	A/R	B/A	N/R	W/R	C/R	G/R	V/R	E/R	TOTAL	
Denial of Share (Inheritance)	2	2	1	43	33	8	42	53	5	61	32	282	
Denial of Access/Share (Intestate Succession)	4	6	11	58	32	0	102	14	2	6	2	237	
Confiscation by State	0	0	0	0	0	0	1	0	0	0	1	2	
Trespass/Encroachment	3	5	4	28	24	3	11	6	0	17	21	122	
Title	0	1	1	10	4	2	0	3	1	4	1	27	
Others	2	0	0	0	2	0	2	0	0	5	0	11	
SUB-TOTAL	26	40	59	289	344	53	285	161	33	197	151	1638	

[illegible]

Harassment (Violation of Rights to Personal Liberty)	6	9	14	30	69	15	15	18	13	20	21	230
Inhuman Treatments	4	0	0	2	1	0	0	1	0	1	3	12
Others	9	1	0	1	0	2	0	1	2	3	1	20
SUB-TOTAL	48	24	38	62	119	39	31	41	29	69	54	554
GRAND TOTAL	174	350	326	1,725	3,375	471	988	1,014	477	1,736	1,248	11,884

(Note: Complaints received by Tema and Obuasi Sub-regional offices were added to Greater Accra and Ashanti Regions respectively.)

Table B: Nature of Administrative Justice Complaints Received in 2010.

NATURE OF INJUSTICE	H.O.	U/E	U/W	A/R	B/A	N/R	W/R	C/R	G/R	V/R	E/R	TOTAL
Unlawful Dismissal	23	1	7	32	21	6	7	2	9	13	10	131
Unlawful Termination of Appointment	23	1	1	24	12	8	15	18	15	4	4	125
Underpayment of Pension	5	0	0	0	0	0	0	0	0	0	0	5
Non-Payment of Pension	1	0	0	1	0	0	3	0	1	2	2	10
Pension Based on Lower Grade	3	1	0	0	0	0	0	0	0	0	0	4
Withholding of Salary	1	0	0	11	2	5	5	5	2	9	5	45
Underpayment of Salaries	5	0	0	0	0	0	0	0	0	0	0	5
Non-Payment of Salaries	2	4	5	14	8	12	11	1	4	4	13	78
Non-Payment of Salaries Arrears	12	0	1	11	21	4	2	7	5	1	6	70
Unlawful Deduction of Salaries	4	0	2	3	10	5	3	12	2	13	7	61
Redundancy/Redeployment	1	0	0	1	1	0	0	0	0	1	3	7
Demotions	2	0	0	0	0	0	1	0	0	0	1	4
Denial/Delay of Promotions	3	0	0	4	0	0	0	1	0	0	1	9
Suspension/Interdiction	1	0	0	3	1	1	2	0	0	1	1	10
Non-Payment of Social Security Contribution	1	0	0	5	0	1	0	2	0	7	2	18
Non-Payment of Social Security Benefit	0	1	0	6	4	3	2	1	0	1	3	21

Failure to Act on Complaints (Police)	6	2	0	0	0	0	0	0	0	0	0	0	1	9
Failure to Prosecute (Police)	2	0	0	0	0	0	0	0	0	0	0	0	0	2
Delay in Justice (Police)	4	1	0	5	0	0	2	1	6	3	4			26
Delay in Justice (Labour Office)	4	0	0	0	0	0	0	0	1	0	0	0	0	5
Delay in Justice (Attorney-General)	0	0	8	0	0	0	0	0	0	0	0	0	0	8
Delay in Justice (Judiciary)	2	0	0	2	0	0	0	0	3	0	1			8
Arbitrary Transfer	1	0	0	0	0	0	1	1		1	3			7
Non-Payment of End-of-Service	10	0	0	8	4	0	5	2	2	3	1			35
Non-Payment of Workmanship Comp.	7	3	0	3	8	1	2	3	1	7	4			39
Rudeness & Improper Attention	3	0	0	0	0	0	0	0	0	0	0			3
Non-Payment of Allowances	4	0	1	4	0	0	1	1	0	0	1			12
Wrongful Placement	1	0	0	2	0	0	0	0	0	0	0			3
Unlawful Withdrawal from School	0	1	0	0	0	1	0	0	0	0	0			2
Premature Retirement	1	0	0	2	4	0	1	0	0	0	0			8
Denial of Study Leave	0	0	0	0	0	0	0	0	0	0	0			0
Forced Resignation	0	0	0	1	0	0	0	0	0	0	0			1
Withholding of Certificates	1	0	0	0	0	1	0	0	0	1	0			3
Non-payment of Insurance Claim	5	0	0	2	2	0	4	3	0	1	1			18

Abuse of Office (Intimidation)	0	1	0	1	0	2	1	3	8	3	0	19
Negligence	0	0	0	0	2	0	0	0	1	0	0	3
Unfair Ruling	0	0	0	0	1	0	0	0	0	0	0	1
Non-Payment of Transfer Grants	0	0	0	0	1	0	0	1	0	0	2	4
Others	28	6	10	14	21	7	11	10	30	10	12	159
TOTAL	166	22	35	159	123	57	79	74	90	85	88	978

(Note: Complaints received by Tema and Obuasi Sub regional offices were added to Greater Accra and Ashanti Regions respectively.)

Table C: Breakdowns of Types of Corruption Complaints Received in 2010 on Regional Basis

TYPES OF CORRUPTION	H.O.	U/E	U/W	A/R	B/A	N/R	W/R	C/R	G/R	V/R	E/R	TOTAL
Abuse of Office/Power	5	0	0	0	1	0	0	0	0	0	0	6
Misappropriation/Embezzlement	2	0	0	1	2	0	1	0	0	1	2	9
Fraud	0	1	0	0	3	1	0	0	0	1	1	7
Conflict of Interest	2	0	0	0	0	0	0	0	0	0	0	2
Bribery	2	0	0	0	0	0	0	0	0	0	0	2
Extortion of Money	0	0	0	1	1	1	0	4	1	1	0	9
Sub-Total	11	1	0	2	7	2	1	4	1	3	3	35
(WHISTLE BLOWER)												
Abuse of Office/Power	1	0	0	0	0	0	0	0	0	0	0	1
Misappropriation/Embezzlement	2	0	0	0	0	0	0	0	0	0	0	2
Sub-Total	3	0	0	0	0	0	0	0	0	0	0	3
GRAND TOTAL	14	1	0	2	7	2	1	4	1	3	3	38

(Note: Complaints received by Tema and Obuasi Sub regional offices were added to Greater Accra and Ashanti Region respectively.)

Table D: Breakdown of Respondent Bodies in Human Rights Complaints Received in 2010

RESPONDENTS BODIES	H.O.	U/E	U/W	A/R	B/A	N/R	W/ R	C/R	G/R	V/R	E/R	TOTAL
Private Individuals	138	348	326	1,706	3,372	465	985	1006	468	1,724	1,238	11776
Ghana Police Service	11	1	0	6	0	1	0	1	5	7	4	36
Municipal/Metro/Dist. Assemblies	4	1	0	2	0	1	0	2	1	0	2	13
Ghana Education Service	1	0	0	1	0	1	1	1	0	0	0	5
Private Companies	6	0	0	4	1	2	1	0	2	1	2	19
Unit Committees	0	0	0	4	0	0	0	0	0	0	0	4
Churches	1	0	0	3	0	0	0	0	0	0	2	6
Private Organization (Small Scale Enterprises)	0	0	0	0	1	0	0	0	0	0	0	1
Ghana Health Service	1	0	0	0	0	1	0	0	0	0	0	2
Government of Ghana	0	0	0	0	0	0	1	0	0	0	0	1
Lands Commission	1	0	0	0	0	0	0	1	0		0	2
Chieftaincy Secretariat	0	0	0	0	0	0	0	1	0	0	0	1
Attorney-General's Dept.	0	0	0	0	0	0	0	2	0	0	0	2
Private Schools	0	0	0	0	0	0	0	0	1	1	0	2
Electricity Company of Ghana	0	0	0	0	0	0	0	0	0	3	0	3
SSNIT	1	0	0	0	0	0	0	0	0	0	0	1
Judiciary	8	0	0	0	0	0	0	0	0	0	0	8
Ministry of Health	1	0	0	0	0	0	0	0	0	0	0	1
Others	1	0	0	0	0	0	0	0	0	0	0	1
Total	174	350	326	1,726	3,374	471	988	1014	477	1,736	1,248	11,884

Table E: Breakdown of Respondent Bodies in Administrative Justice Complaints Received in 2010

Respondents Bodies	H.O.	U/E	U/W	A/R	B/A	N/R	W/R	C/R	G/R	V/R	E/R	TOTAL
Ghana Education Service	5	2	1	4	7	3	4	12	4	6	5	53
Ghana Police Service	24	3	1	8	0	0	1	3	19	6	10	75
Ghana Health Service	2	0	1	8	3	6	2	0	1	3	7	33
Universities	3	0	1	2	0	0	0	0	0	0	0	6
SSNIT	1	3	0	6	3	3	3	3	1	3	4	30
Commercial Banks (Banking Institutions)	6	0	1	4	1	1	3	0	1	7	5	29
Municipal/Metro/Dist. Assemblies	1	0	1	6	2	1	1	1	2	2	2	19
Private Basic Schools	1	0	0	11	5	0	0	3	4	1	2	27
Polytechnics	2	4	0	2	0	1	0	1	1		0	11
National Youth Employment Programme (NYEP)	0	1	0	5	0	2	0	2	0	3	0	13
Ghana Railways Authority	1	0	0	1	0	0	0	0	1	0	0	3
COCOBOD	3	0	0	1	1	0	1	0	0		2	8
Judicial Service	3	0	0	1	0	0	0	0	3	0	1	8
National Health Insurance Authority (NHIA)	0	0	0	1	0	1	0	1	0	0	0	3
Dept. of Feeder Roads	0	0	0	1	0	0	0	0	0	0	0	1
National Youth Council (NYC)	0	0	0	1	1	0	0	0	0	0	0	2
Hotels	0	0	0	2	0	1	1	2	0	1	1	8
Foreign Embassies	0	0	0	1	0	0	0	0	0	0	0	1
Rent Office	0	0	0	1	0	0	0	0	0	0	0	1

Attorney Generals Dept.	0	1	8	1	0	0	0	0	0	0	0	0	0
State Housing Company	0	0	0	1	0	0	0	0	0	0	0	0	1
Forestry Commission	0	0	0	1	0	0	0	0	0	0	0	0	1
Electricity Company of Ghana	0	0	0	1	0	0	0	0	0	0	0	0	1
Ghana Highway Authority	1	0	0	0	1	0	1	0	1	0	0	0	4
GNAT Secretariat	1	0	0	0	1	0	0	0	0	0	0	2	4
Controller & Accountant General's Department	7	0	0	0	1	2	1	0	0	0	0	1	12
Stool Lands	0	0	0	0	1	0	0	0	0	0	0	0	1
Centre for National Culture	0	0	0	0	1	0	1	0	0	0	0	0	2
Ghana National Fire Service	0	0	0	0	1	0	0	0	0	0	0	1	2
Industrial & Commercial Workers Union	0	0	0	0	1	0	0	0	0	0	0	0	1
Churches	1	0	0	0	1	0	0	0	1	0	0	0	3
CHRAJ	0	1	3	0	1	0	0	0	0	0	0	0	5
Bui Hydro Electric Project	0	0	0	0	1	0	0	0	0	0	0	0	1
National Service Secretariat	0	0	1	0	0	0	0	0	0	0	1	0	2
Non-Formal Education Division (NFED)	0	0	0	0	1	1	4	1	0	0	0	0	7
Metro Mass Transit Ltd	0	0	2	0	0	1	0	0	0	0	0	0	3
Information Services Department	0	0	1	0	0	0	0	0	0	0	0	0	1
Birth & Death Registry	0	0	1	0	0	0	0	0	0	0	0	0	1
Fisheries Department	0	0	1	0	0	0	0	0	0	0	0	0	1
Forestry Commission	0	1	0	0	0	0	0	0	0	0	0	0	1
Volta River Authority (VRA)	0	1	0	0	0	1	0	0	0	0	0	0	2

Ghana Immigration Service	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
Zoomlion Ghana Ltd	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	3
National Disaster Management Organization (NADMO)	0	0	0	0	0	0	0	4	1	0	0	0	0	0	0	0	0	0	0	6
Ghana Red Cross Society	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Training Colleges	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	3	4
Military	1	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	2
National Identification Authority	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Non-Governmental Organizations	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
Lands Commission	2	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	3
Ghana Post	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
Town & Country Planning	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1
Ghana Prisons Service	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	2
Irrigation Development Agency	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	2
West African Examinations Council (WAEC)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	2
Labour Commission	2	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	4
Ministry of Information	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1
Ghana Water Company (GWC)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1
Ghana National Petroleum Corporation (GNPC)	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Ghana Institute of Management	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
High Commissions	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1

Table F: Breakdown of Respondent Bodies in Corruption Complaints Received

*RESPONDENTS BODIES	H.O.	U/E	U/W	A/R	B/A	N/R	W/R	C/R	G/R	V/R	E/R	TOTAL
Ghana Police Service	0	0	0	1	1	0	2	2	0	2	0	8
District Assemblies	2	0	0	0	0	0	0	0	0	0	0	2
Lands Commission	1	0	0	0	0	0	0	0	0	0	0	1
Parliament of Ghana	1	0	0	0	0	0	0	0	0	0	0	1
Dept of Parks & Gardens	1	0	0	0	0	0	0	0	0	0	0	1
Ghana Ports & Harbours Authority	1	0	0	0	0	0	0	0	0	0	0	1
Ministry of Lands & Forestry	1	0	0	0	0	0	0	0	0	0	0	1
Ministry of Transport	1	0	0	0	0	0	0	0	0	0	0	1
Banking Institutions	0	0	0	0	1	1	0	0	0	0	0	2
Ghana Education Service	0	0	0	0	0	4	0	0	0	0	1	5
Judicial Service	0	0	0	0	0	0	0	0	1	0	0	1
Death & Birth Registry	0	0	0	0	0	0	0	1	0	0	0	1
Forestry Commission	0	0	0	0	0	0	0	1	0	0	0	1
NPP Members of Parliament	1	0	0	0	0	0	0	0	0	0	0	1
Food & Drugs Board	1	0	0	0	0	0	0	0	0	0	0	1
Ghana Post	1	0	0	0	0	0	0	0	0	0	0	1
Ministry of Youth & Sports	1	0	0	0	0	0	0	0	0	0	0	1
Private Individuals	2	0	0	1	0	0	0	0	0	2		5
Private Companies	0	0	0	1	1	0	0	0	0	0	0	2
Associations	0	0	0	0	0	0	1	0	0	0	0	1
Total	14	0	0	3	3	5	3	4	1	4	1	38

* The complaints were mostly lodged against private individuals who occupy offices in the institutions enumerated above.

(Note: Respondent Bodies in complaints received by Tema and Obuasi Sub-regional offices were added to Greater Accra and Ashanti Regions respectively.)

Table G Below : Mode of Closure on Regional Bases

Head Office/Regions	Declined	Discontinued	Resolved	Total Closed
Head Office	213	47	52	312
Upper East	78	45	270	393
Upper West	77	44	229	350
Ashanti	178	316	1,122	1,616
Brong Ahafo	138	667	2,656	3,461
Northern	44	93	353	490
Western	120	258	714	1,092
Central	117	204	592	913
Greater Accra	28	56	331	415
Volta	102	263	1,283	1,648
Eastern	113	488	813	1,414
Tema-Sub	37	72	88	197
Obuasi-Sub	16	76	98	190
Total	1,261 (10.1)	2,629 (21%)	8,601 (68.9%)	12,491 (100%)

Table H: Number of Complaints Received and Closed by CHRAJ Offices Nationwide

REGIONS/OFFICES	CASES RECEIVED IN 2010	*CASES CLOSED
HEAD OFFICE	354	312
TEMA-SUB REGIONAL OFFICE	88	197
OBUASI-SUB REGIONAL OFFICE	146	190
BRONG AHAFO REGION		
SUNYANI	354	341
BEREKUM	201	197
DORMAA	301	350
BECHEM	115	108
WENCHI	485	469
DROBO	97	80
ATEBUBU	701	751
KINTAMPO	162	153
TECHIMAN	436	394
KENYASE	101	79
GOASO	195	146
NKRONSA	260	294
KWAME DANSO	96	99
TOTAL	3,504	3,461
EASTERN REGION		
KOFORIDUA	64	110
NKAWKAW	102	85
KADE	170	202
NEW ABIREM	141	140
BEGORO	78	66

KIBI	65	59
NSAWAM	148	153
ASAMANKESE	174	184
SUHUM	59	61
AKIM ODA	62	54
ASUOGYAMAN	45	36
AKROPONG	45	15
ODUMASE KROBO	95	127
DONKORKROM	91	122
TOTAL	1,339	1,414
CENTRAL REGION		
CAPE COAST	140	89
DUNKWA-ON-OFFIN	89	70
AGONA SWEDRU	136	117
ABORA DUNKWA	49	61
WINNEBA	52	49
TWIFO PRASO*	125	104
ASSIN FOSU	126	79
ELMINA	94	75
SALTPOND	82	77
APAM	73	64
BREMAN ASIKUMA	52	56
AJUMAKO	74	72
TOTAL	1,092	913
ASHANTI REGION		
KUMASI	186	175
OFFINSO	326	335
BEKWAI	120	112
MAMPONG	82	51
REGIONS/OFFICES	CASES RECEIVED IN 2010	*CASES CLOSED
EFFIDUASE	63	61
NEW EDUBIASE	106	106
EJURA	221	209
KUNTANASE	115	114
MANKRANSO	56	38
NKAWIE	79	70
MANSO NKWANTA	105	94
AGONA	56	50
KONONGO	95	90
JUASO	44	36
TEPA	56	51
MANPONTENG	31	24
TOTAL	1,741	1,616
NORTHERN REGION		
TAMALE REGIONAL OFFICE	109	113
DAMONGO	18	18
ZABZUGU	7	10
GUSHEGU	7	6
TOLON-KUMBUGU	3	3

WALEWALE	31	32
SALAGA	67	50
YENDI	54	46
BOLE	30	25
SABOBA	90	95
BIMBILLA	67	53
SAVELUGU	47	39
TOTAL	530	490
UPPER WEST REGION		
WA	120	108
NADOWLI	65	69
JIRAPA	67	75
TUMU	54	53
LAWRA	55	45
TOTAL	361	350
UPPER EAST REGION		
BOLGATANGA REGIONAL OFFICE	65	63
ZEBILLA	31	40
BAWKU	56	61
BONGO	25	27
NAVRONGO	156	143
SANDEMA	40	59
TOTAL	373	393
WESTERN REGION		
TAKORADI REGIONAL OFFICE	83	77
TARKWA	91	90
ENCHI	100	117
SEFWI JUABOSO	60	61
AXIM	130	133
ASANKRANGWA	107	108
REGIONS/OFFICES	CASES RECEIVED IN 2010	*CASES CLOSED
SEFWI WIAWSO	97	92
BIBIANI	285	291
AGONA NKWANTA	56	65
HALF ASSINI	32	25
DABOASE	27	33
TOTAL	1,068	1,092
VOLTA REGION		
HO REGIONAL OFFICE	132	40
JASIKAN	61	66
KPANDO	113	108
KETA	392	395
HOHOE	89	78
NKWANTA	219	196
DENU	182	179
SOGAKOPE	191	183
AKATSI	242	214
ADIDOME	71	48

REGIONS/OFFICES	CASES RECEIVED IN 2010	*CASES CLOSED
SEFWI WIAWSO	97	92
BIBIANI	285	291
AGONA NKWANTA	56	65
HALF ASSINI	32	25
DABOASE	27	33
TOTAL	1,068	1,092
VOLTA REGION		
HO REGIONAL OFFICE	132	40
JASIKAN	61	66
KPANDO	113	108
KETA	392	395
HOHOE	89	78
NKWANTA	219	196
DENU	182	179
SOGAKOPE	191	183
AKATSI	242	214
ADIDOME	71	48
KETE-KRACHI	60	70
KADJEBI	72	71
TOTAL	1,824	1,648
GREATER ACCRA REGION		
ACCRA REGIONAL OFFICE	68	80
ADAFOAH	135	133
AMASAMAN	245	162
DODOWA	32	40
TOTAL	480	415
GRAND TOTAL	12,900	12,491

Table I: Mode of Closure of Human Rights Cases

Nature of Abuses	Cases Declined	Cases Discontinued	Cases Resolved	Total Closed
CHILDREN'S RIGHTS RELATED CASES				
Non-Maintenance of Children	168	620	2,353	3141
Deprivation of Education	10	46	182	238
Lack of Medical Care	5	12	40	57
Improper Care	9	1	20	30
Unlawful Custody	67	97	465	629
Defilement	13	0	4	17
Child Labour	2	0	7	9
Forced Marriage	3	5	82	90
Maltreatment	12	11	36	59
Denial of Paternity	32	56	173	261
Unnamed	1	0	6	7
Trafficking	4	1	3	8
Denial of Access	9	3	14	26
Abduction/Kidnapping	8	1	0	9
Others	4	0	2	6
Sub-Total	347	853	3387	4587
WOMEN'S RIGHTS RELATED CASES				
Non-Maintenance of Spouse	41	134	438	613
Sexual Harassment	1	2	11	14
Sex Discrimination	0	1	2	3
Rape	2	0	1	3
Spousal Battery	16	16	53	85
Other Forms of Domestic Violence	27	115	447	589
Sub-Total	87	268	952	1307
PROPERTY RIGHTS RELATED CASES				
Destruction	22	27	96	145
Denial of Access (Self Acquired)	74	105	388	567
Denial of Share (Jointly Acquired)	21	38	88	147
Denial of Share (Inheritance)	45	52	181	278
Denial of Access (Intestate Succession)	31	61	158	250
Confiscation by State	0	1	1	2
Trespass/Encroachment	30	28	65	123
Title	7	5	10	22
Others	2	1	4	7
Sub-Total	232	318	991	1541
ECONOMIC AND SOCIAL RIGHTS RELATED CASES				
Non-Payment of Wages	11	20	54	85
Denial of Right to Work	0	8	5	13
Non-Payment of Debts	19	26	132	177
Environmental Hazards	3	4	9	16
Noise Pollution	2	1	9	12
Breach of Agreement	60	130	527	717
Denial of Pregnancy	14	40	91	145

Neglect of Pregnancy	11	40	65	116
Unfair Treatment	23	125	258	406
Tenancy	65	203	753	1,021
Nuisance (Misconduct)	1	0	8	9
Denial of Rights to Freedom of Worship	0	0	2	2
Witchcraft Accusation	4	3	5	12
Others	77	174	465	716
Sub-Total	290	774	2,383	3447
CIVIL AND POLITICAL RIGHTS RELATED				
Forced Eviction	6	9	51	66
Unlawful Arrest/Detention	3	7	12	22
Non-Compliance with Courts Ruling	4	0	0	4
Unfair Trial	8	0	0	8
Banishment	0	1	2	3
Threat to Life	9	9	11	29
Right to Respect and Dignity	39	33	68	140
Denial of Bail or Release	0	0	8	8
Denial of Rights to Freedom of Worship	0	0	3	3
Inhuman Treatment (By Police)	1	8	3	12
Inhuman Treatment (By other civilians)	0	4	3	7
Harassment (Violation of Rights to Personal Liberty)	23	45	185	253
Others	13	4	11	28
Sub-Total	106	120	357	583
GRAND TOTAL	1,062	2,333	8,070	11,465

Table J: Mode of Closure of Administrative Justice Cases

Nature of Injustice	Cases Declined	Cases Discontinued	Cases Resolved	Total Closed
Unlawful Dismissal	25	44	71	140
Unlawful Termination of Appointment	30	41	91	162
Non-Payment of Pension	2	12	11	25
Pension Based on Lower Grade	2	0	5	7
Underpayment of Pension	2	3	0	5
Withholding of Salaries	6	11	25	42
Non-Payment of Salaries	11	22	56	89
Non-Payment of Salaries Arrears	15	15	41	71
Unlawful Deduction of Salaries	12	12	35	59
Redundancy/Redeployment	0	1	2	3
Demotions	0	4	1	5
Denial/Delay of Promotions	0	2	2	4
Suspension/Interdiction	2	5	4	11
Non-Payment of Social Security Contribution	2	5	5	12
Non-Payment of Social Security Benefit	10	8	9	27
Failure to Act on Complaints (Police)	2	2	1	5
Failure to Prosecute (Police)	3	0	1	4
Delay in Dispensing Justice (Police)	5	5	10	20
Delay in Dispensing Justice (Judiciary)	2	3	1	6
Delay in Dispensing Justice (Labour Office)	0	0	3	3
Arbitrary Transfer	1	2	2	5
Non-Payment of End-of-Service	7	12	20	39
Non-Payment of Workmanship Compensation	8	6	22	36
Non-Payment of Allowance(s)	4	6	5	15
Wrongful Placement	0	1	1	2
Withdrawal from School	0	0	2	2
Premature Retirement	1	2	4	7
Forced Resignation	0	1	0	1
Withholding of Certificates	2	0	3	5
Non-payment of Insurance Claim	6	6	11	23
Negligence	0	1	1	2
Non-Payment of Transfer Grants	0	0	2	2
Abuse of Office (Intimidation)	2	4	8	14
Non-Payment of Transfer Grants	0	1	0	1
Rudeness & Improper Attention	3	0	0	3
Others	31	55	66	152
Total	196	292	521	1009

Table K: Mode of Closure of Corruption Cases

Types of Corruption	Cases Declined	Cases Discontinued	Cases Resolved	Total Closed
Abuse Office/Power	0	1	2	3
Misappropriation/Embezzlement	0	0	3	3
Fraud	3	0	3	6
Conflict of Interest	0	0	1	1
Bribery	0	0	0	0
Extortion of Money	0	3	1	4
Total	3	4	10	17

STATISTICS ON PUBLIC EDUCATION FOR 2010

Table 1: Public Education Statistics for 2010

REGION	NUMBER OF ACTIVITIES	PERCENTAGE
Greater Accra	108	3.5
Eastern	395	12.9
Volta	332	10.9
Ashanti	429	14.1
Brong Ahafo	319	10.5
Central	262	8.6
Western	272	8.9
Northern	297	9.7
Upper East	258	8.5
Upper West	287	9.4
Tema	78	2.6
Obuasi	14	0.4
Total	3,051	100

Table C: Breakdowns of Types of Corruption Complaints Received in 2010 on Regional Basis

Month/Region	J	F	M	FQ	A	M	J	SQ	MID-YR	J	A	S	TQ	O	N	D	FQ	TOTAL	%
GREATER ACCRA	8	3	10	21	4	9	16	29	50	9	8	8	25	12	18	3	33	108	3.5
Breakdown																			
Regional Office	-	-	3	3	1	1	3	5	8	3	3	-	6	-	5	3	8	22	20.4
Amasaman	2	1	-	3	1	3	2	6	9	3	3	3	9	3	3	-	6	24	22.2
Ada Foah	6	2	3	11	1	4	3	8	19	3	-	-	3	4	3	-	7	29	26.9
Dodowa	-	-	4	4	1	1	8	10	14	-	2	5	7	5	7	-	12	33	30.5
EASTERN	22	44	31	97	13	32	61	106	203	29	25	29	83	31	51	27	109	395	12.9
Breakdown																			
Regional Office	2	8	6	16	3	8	14	25	41	2	1	2	5	2	3	1	6	52	13.2
Suhum	5	7	6	18	-	-	4	4	22	2	4	2	8	2	5	4	11	41	10.4
Nsawam	-	5	-	5	-	3	9	12	17	5	-	2	7	3	2	1	6	30	7.6
Asamankese	2	2	1	5	2	2	1	5	10	4	4	4	12	5	5	4	14	36	9.1
Kibi	-	5	5	10	2	3	3	8	18	1	4	4	9	-	4	-	4	31	7.8
Oda	3	5	-	8	2	2	2	6	14	2	2	2	6	3	3	2	8	28	7.1
Nkawkaw	2	2	2	6	-	-	6	6	12	1	-	3	4	2	6	-	8	24	6.1
Akropong	2	2	1	5	-	1	1	2	7	2	3	-	5	2	1	-	3	15	3.8
Asuogyaman	-	-	-	-	-	5	5	10	10	2	-	3	5	-	-	-	-	15	3.8
New Abirem	4	4	4	12	-	-	-	-	12	-	-	-	-	4	4	4	12	24	6.1
Manyia Krobo	-	-	-	-	-	4	6	10	10	2	3	-	5	-	5	-	5	20	5.1
Donkorkrom	2	3	1	6	-	-	7	7	13	2	-	3	5	1	6	3	10	28	7.1
Begoro	-	1	5	6	-	2	1	3	9	4	4	4	12	3	4	4	11	32	8
Kade	-	-	-	-	4	2	2	8	8	-	-	-	-	4	3	4	11	19	4.8

Month/Region	J	F	M	FQ	A	M	J	SQ	MID-YR	J	A	S	TQ	O	N	D	FQ	TOTAL	%
VOLTA	17	34	37	88	29	35	24	88	176	24	28	32	84	38	18	16	72	332	10.9
Breakdown																			
Regional Office	2	3	1	6	1	4	2	7	13	1	3	1	5	2	1	-	3	21	6.3
Keta	2	2	3	7	3	3	3	9	16	2	2	2	6	5	3	4	12	34	10.2
Ketu	2	3	2	7	2	2	4	8	15	4	4	4	12	3	2	-	5	32	9.6
Akatsi	3	8	10	21	3	6	-	9	30	2	-	2	4	5	5	2	12	46	13.9
North Tongu	-	3	2	5	2	3	3	8	13	-	2	2	4	1	-	-	1	18	5.4
South Tongu	2	3	5	10	2	2	3	7	17	2	2	4	8	4	2	3	9	34	10.2
Kpando	-	2	-	2	3	4	-	7	9	2	2	3	7	1	1	-	2	18	5.4
Hohoe	1	2	1	4	2	2	-	4	8	3	3	4	10	5	-	-	5	23	6.9
Jasikan	-	-	4	4	3	3	3	9	13	3	2	2	7	7	-	-	7	27	8.1
Kadjebi	2	4	4	10	3	2	2	7	17	2	2	2	6	2	2	3	7	30	9
Nkwanta	1	2	2	5	2	2	2	6	11	-	2	2	4	3	2	2	7	22	6.6
Kete Krachi	2	2	3	7	3	2	2	7	14	3	4	4	11	-	-	2	2	27	8.4
BRONG-AHAFO	22	21	22	65	16	25	26	67	132	38	32	40	110	37	20	20	77	319	10.5
Breakdown																			
Regional Office	-	2	3	5	-	3	3	6	11	3	4	5	12	5	2	3	10	33	10.3
Dormaa	3	5	2	10	3	4	4	11	21	5	4	4	13	4	3	2	9	43	13.5
Wenchi	3	2	3	8	2	3	3	8	16	3	3	2	8	3	3	2	8	32	10
Jaman/Drobo	1	-	1	2	1	-	1	2	4	-	-	-	-	2	2	-	4	8	2.5
Nkoranza	-	-	2	2	1	3	4	8	10	1	2	9	12	3	-	-	3	25	7.8
Techiman	-	-	-	-	-	2	-	2	2	6	-	2	8	-	-	-	-	10	3.1
Bechem	-	-	-	-	-	-	3	3	3	3	3	1	7	6	-	6	12	22	6.9
Asunafo/Goaso	-	-	--	-	2	1	1	4	4	-	-	2	2	2	2	-	4	10	3.1
Asutifi/Kenyasi	4	2	-	6	1	2	2	5	11	4	2	1	7	2	2	-	4	22	6.9
Berekum	1	2	2	5	-	2	3	5	10	2	2	3	7	1	2	-	3	20	6.3
Atebubu	3	1	2	6	1	-	2	3	9	1	2	2	5	1	2	2	5	19	6.1
Kwame Danso	5	5	5	15	5	5	-	10	25	5	5	5	15	5	-	5	10	50	15.7
Kintampo	2	2	2	6	-	-	-	-	6	5	5	4	14	3	2	-	5	25	7.8

Month/Region	J	F	M	FQ	A	M	J	SQ	MID-YR	J	A	S	TQ	O	N	D	FQ	TOTAL	%
ASHANTI	13	49	56	118	43	37	53	133	251	4	6	1	11	69	53	45	167	429	14.1
Breakdown																			
Regional Office	5	10	12	27	22	1	6	29	56	4	6	1	11	7	4	5	16	83	19.3
New Edubiase	-	3	3	6	2	1	1	4	10	-	-	-	-	5	5	3	13	23	5.4
Offinso	-	2	3	5	3	3	4	10	15	-	-	-	-	3	3	1	7	22	5.1
Kuntunase	1	1	1	3	1	1	1	3	6	-	-	-	-	4	4	4	12	18	4.2
Juaso	2	4	3	9	1	2	1	4	13	-	-	-	-	2	4	4	10	23	5.4
Manso Kwanta	-	5	7	12	-	2	4	6	18	-	-	-	-	4	4	4	12	30	7
Konongo	-	2	3	5	-	2	2	4	9	-	-	-	-	5	5	4	14	23	5.4
Ejura	-	-	11	11	4	6	5	15	26	-	-	-	-	2	2	2	6	32	7.5
Tepa	-	2	1	3	-	-	3	3	6	-	-	-	-	4	4	2	10	16	3.7
Mankranso	-	-	1	1	-	1	1	2	3	-	-	-	-	3	2	-	5	8	1.9
Mamponteng	-	5	2	7	-	3	4	7	14	-	-	-	-	4	3	3	10	24	5.6
Nkawie	3	3	3	9	1	4	8	13	22	-	-	-	-	4	3	3	10	32	7.5
Agona	2	2	1	5	2	2	2	6	11	-	-	-	-	4	3	3	10	21	4.9
Mampong	-	4	2	6	2	3	4	9	15	-	-	-	-	4	4	4	12	27	6.3
Efiduase	-	4	2	6	2	3	4	9	15	-	-	-	-	4	3	3	10	25	5.8
Bekwai	-	2	1	3	3	3	3	9	12	-	-	-	-	10	-	-	10	22	5
UPPER EAST	24	22	16	62	18	17	20	55	117	28	24	22	74	22	22	23	67	258	8.5
Breakdown																			
Regional Office	6	3	6	15	2	2	3	7	22	10	10	5	25	6	6	6	18	65	25.1
Bawku	5	1	-	6	-	-	-	-	6	3	3	4	10	3	3	3	9	25	9.7
Sandema	3	5	-	8	7	6	7	20	28	3	3	3	9	3	4	3	10	47	18.2
Zebilla	3	4	2	9	3	3	3	9	18	4	3	3	10	3	3	4	10	38	14.7
Navrongo	5	5	5	15	3	3	4	10	25	4	3	4	11	3	3	4	10	46	17.8
Bongo	2	4	3	9	3	3	3	9	18	4	2	3	9	4	3	3	10	37	14.5

Month/Region	J	F	M	M	FQ	A	M	J	SQ	MID-YR	J	A	S	TQ	O	N	D	FQ	TOTAL	%
CENTRAL	16	29	25	70	21	10	12	9	31	58	-	1	2	3	7	1	-	8	69	8.6
Breakdown																				
Regional Office	9	13	5	27	10	12	9	9	31	58	-	1	2	3	7	1	-	8	69	26.3
Agona Swedru	-	3	-	3	-	-	-	-	-	3	1	1	4	6	2	2	-	4	13	5
Ajumako	-	2	-	2	-	-	1	1	1	3	-	1	-	1	5	3	-	8	12	4.6
Twifo Praso	-	2	3	5	2	2	2	2	6	11	-	-	4	4	6	-	-	6	21	8
Abura Dunkwa	-	-	2	2	-	-	-	-	-	2	-	3	2	5	3	-	-	3	10	3.8
Elimina	-	3	2	5	2	-	2	2	4	9	-	1	1	2	3	3	-	6	17	6.5
Mfantiman	-	2	2	4	2	-	-	-	2	6	1	1	1	3	4	-	-	4	13	5
Gomoa	-	-	2	2	1	-	-	-	1	3	4	4	2	10	3	2	-	5	18	6.9
Breman Asikuma	-	-	-	-	-	-	2	2	2	2	2	-	-	2	6	9	-	15	19	7.3
Winneba	5	4	7	16	-	-	-	-	-	16	4	2	2	8	3	4	-	7	31	11.8
Dunkwa Offin	2	-	2	4	2	1	1	1	4	8	-	-	-	-	10	7	-	17	25	9.5
Assin Fosu	-	-	-	-	2	2	1	1	5	5	1	-	2	3	6	-	-	6	14	5.3
WESTERN	17	28	36	81	17	14	18	18	49	130	14	17	25	56	33	37	16	86	272	8.9
Breakdown																				
Regional Office	7	9	8	24	-	-	-	1	1	25	-	3	1	4	4	10	7	21	50	18.4
Tarkwa	3	2	3	8	3	3	3	3	9	17	2	2	3	7	2	3	2	7	31	11.4
Axim	-	-	-	-	-	2	2	2	4	4	2	3	2	7	2	1	-	3	14	5.1
Sefwi- Wfawso	1	2	2	5	2	3	1	1	6	11	1	1	1	3	2	2	-	4	18	6.6
Asankrangwa	3	1	6	10	-	-	1	1	1	11	-	-	1	1	5	5	1	11	23	8.5
Juaboso	1	-	-	1	-	-	3	3	3	4	2	-	-	2	4	2	-	6	12	4.5
Enchi	2	2	4	8	2	2	3	3	7	15	3	2	1	6	3	3	3	9	30	11
Half Assini	-	-	3	3	-	-	-	-	-	3	-	-	2	2	3	3	1	7	12	4.4
Bibiani	-	4	-	4	4	4	4	4	12	16	4	6	6	16	4	4	2	10	42	15.4
Agona Nkwanta	-	3	4	7	-	-	-	-	-	7	-	-	-	-	4	4	0	8	15	5.5

Dabase	-	5	6	6	11	6	-	-	-	8	8	-	-	-	-	-	-	-	25	9.2
Month/Region	J	F	M	FQ	A	M	J	SQ	MID-YR	J	A	S	TQ	O	N	D	FQ	TOTAL	%	
NORTHERN	26	43	30	99	19	14	20	53	152	18	36	38	92	19	20	14	53	297	9.7	
Breakdown																				
Regional Office	4	7	4	15	1	-	5	6	21	2	4	10	16	11	8	10	29	66	22.2	
Savelugu	9	11	3	23	-	-	-	-	23	-	3	6	9	-	-	-	-	32	10.8	
Tolon	3	3	3	9	3	3	3	9	18	4	3	2	9	1	-	-	1	28	9.4	
Walewale	1	4	4	9	1	4	3	8	17	-	2	4	6	2	4	-	6	29	9.8	
Gambaga	-	3	2	5	2	-	1	3	8	-	2	1	3	-	1	3	4	15	5	
Bole	3	7	5	15	-	-	-	-	15	4	5	2	11	-	-	-	-	26	8.8	
Damango	-	2	3	5	3	2	1	6	11	2	3	-	5	-	-	-	-	16	5.4	
Salaga	3	3	3	9	3	2	4	9	18	2	2	3	7	1	2	1	4	29	9.8	
Bimbilla	-	-	-	-	-	-	-	-	-	2	2	2	6	2	2	-	4	10	3.4	
Yendi	3	3	3	9	3	3	3	9	18	-	-	-	-	-	-	-	-	18	6	
Saboba	-	-	-	-	-	-	-	-	-	-	5	5	10	-	-	-	-	10	3.4	
Zabzugu	-	-	-	-	3	-	-	3	3	2	3	-	5	-	-	-	-	8	2.7	
Gushegu	-	-	-	-	-	-	-	-	-	-	2	3	5	2	3	-	5	10	3.3	
UPPER WEST	19	18	25	62	15	25	24	64	126	17	12	31	60	29	36	36	101	287	9.4	
Breakdown																				
Regional Office	2	2	1	5	-	5	5	10	15	5	-	10	15	10	10	15	35	65	22.6	
Lawra	4	1	4	9	-	6	-	6	15	-	-	-	-	2	10	7	19	34	11.8	
Nadowli	3	3	3	9	4	3	4	11	20	2	2	6	10	5	5	3	13	43	15	
Jirapa	-	-	7	7	3	3	2	8	15	1	1	6	8	3	2	2	7	30	10.5	
Turnu	10	12	10	32	8	8	13	29	61	9	9	9	27	9	9	9	27	115	40.1	
TEMA	7	14	9	30	5	14	10	29	59	-	-	3	3	9	7	-	16	78	2.6	
OBUASI	3	-	2	5	3	-	2	5	10	-	-	-	-	-	3	1	4	14	0.4	
TOTAL	194	305	299	798	203	239	292	734	1532	194	202	249	645	357	316	201	874	3051	100	

PART V: SPECIAL REPORTS

HIGHLIGHTS OF THE REPORT ON THE STATE OF HUMAN RIGHTS IN GHANA BY THE COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE (CHRAJ)

ON THE OCCASION OF INTERNATIONAL HUMAN RIGHTS DAY AT THE OLD PARLIAMENT HOUSE, ACCRA ON DECEMBER 10, 2010

Introduction

Every year, the Commission is privileged to join the international human rights community in marking UN International Human Rights Day which falls on 10th December. This year the theme for the celebration is “Speak Up ... Stop Discrimination”, a fitting follow-up to that of last year that aimed to galvanise the global community to embrace diversity and end discrimination.

The UN has emphasised in the past that human rights are what make us human. “Human rights are fundamental to our nature, without them we cannot live as human beings.” More precisely, human rights are universal rights, which all people are entitled to, regardless of race, ethnic origin, gender, age, economic or social class, religious or political belief.

Discrimination on any of these grounds or in any other form is not only wrong in itself, but also creates and sustains conditions leading to societal vulnerability.

In Ghana, unfavourable cultural attitudes continue to hinder social progress. Discriminatory and sometimes very dehumanising customary practices and traditional norms seem to consign many vulnerable persons including women, children and persons with disabilities to subservient, dehumanising roles rather than

allowing them to take their opportunities and compete with others on equal terms.

Over the years, CHRAJ has collaborated with other partners to implement programmes aimed at a wider societal appreciation and acceptance of fundamental human rights principles as a way of life.

One of the most important constitutional and statutory mandates of CHRAJ is the obligation to enhance public awareness with respect to fundamental human rights and freedoms.

This remains an area of potentially useful cooperation with Government, human rights NGOs and other civil society organisations such as religious bodies, schools, trade unions and professional groups.

The Commission has institutionalised as an integral part of its monitoring role, studies of various communities to determine the scale of realisation of economic, social and cultural rights that in the Commission's view, lag behind achievements made in the enjoyment of civil and political rights by members of the Ghanaian society. Every year, since 2005, the Commission's 10 Regional Offices and 100 District Offices across the country, undertake surveys using quantitative methods such as Focus Group Discussions (FGDs) in an effort to provide some evidentiary basis to determine the advancement made in the realisation of economic, social and cultural rights in communities across the country.

The State of Human Rights Report issued annually by the Commission, is based on primary and secondary data gathered on selected human rights issue and analysed by the Commission, and may not necessarily cover the entire gamut of human rights issues in Ghana at any given period.

The exercise, however, aims at making relevant recommendations to entrench a culture of human rights and peace in the country. In 2010, the focus has been on the following thematic areas:

- Right to Basic Education
- Right to Health
- Children's Rights
- Women's Rights
- Harmful Cultural Practices
- Extremely Deprived Communities (Slums)

Methodology

A combination of various research techniques or methods, including structured interviews, and Focus Group Discussions (FGDs) was used to conduct the study in 2010. Respondents included ordinary members of communities, students/pupils, traditional authorities and leadership of relevant institutions including District Chief Executives.

Personal interviews were conducted with heads of institution or authorities and key informants, while the FGDs of, at most, ten members comprising male and female (except peculiar instances where inapplicable) were conducted to solicit information from the general public.

Objectives

The general objective of the 2010 nationwide monitoring exercise is to gauge measure State compliance with its international human rights obligations.

The specific objectives include:

1. To ensure that State actors and other duty bearers meet fully their obligations under the law.
2. To assess progress made by Ghana in the effort at achieving the Millennium Development Goals (MDGs).
3. To prevent human rights abuse from occurring.
4. To serve as early warning signals for State actors.
5. Provide data and information for CHRAJ to play its oversight roles.

Focus and Scope

Education: Three hundred and two (302) public basic schools were targeted nationwide. School authorities, teachers and pupils of public basic schools were the main respondents. In addition, caterers who are involved in the school feeding programme and officials of the Ministries of Education and Finance and Economic Planning were contacted.

Health: A total of 218 public health institutions, 2 from each regional capital and 2 each from 98 districts, were targeted nationwide. In each of the 98 districts, one health facility at the district capital was selected and the other was selected from a rural community.

Identified NGOs working on health-related issues in the communities of the established health institutions were also contacted.

Children's Rights: A total of 260 communities were targeted nationwide. Community members, NGOs, Government offices as well as children themselves were the key respondents.

Women's Rights: A total of 260 communities were targeted nationwide. Community members, NGOs, Government offices were the key respondents.

Extremely Deprived Communities (Slums): Nineteen (19) extremely deprived communities were monitored with heads of household being the key informants.

Harmful Cultural Practices

Refuge Camps for Persons Accused of Witchcraft: Three refuge camps for persons accused of witchcraft in the Northern Region of Ghana were monitored. Owners of camps and some residents were the respondents.

Healing Camps: The Commission monitored 51 healing camps across the country. Owners of the camps and some clients who were at the camps at the time of our visit were contacted. In

addition, 50 offices of the Department of Social Welfare in the districts where the camps were located were contacted.

Response Rates and Challenges

The monitoring was not without challenges. Obtaining the required information from the identified target groups was the major challenge. This affected the number of answered questionnaires retrieved, thereby affecting the sample sizes. The response rate for the exercise was between 75 and 80 per cent.

RIGHT TO BASIC EDUCATION

The main objective of this report is to assess the extent to which the Government of Ghana is fulfilling its obligations with respect to the right to basic education in Ghana.

Specifically, it seeks:

- To assess the extent to which Government is fulfilling its obligation in providing Free Compulsory Universal Basic Education (FCUBE); and
- To assess the extent to which educational facilities are available and adequate in basic schools.

FCUBE

The 1992 Constitution of Ghana recognizes the right to education. Article 25 (1) of the Constitution provides that:

“All persons shall have the right to equal educational opportunities and facilities and with a view to achieving the full realisation of that right-

- a. basic education shall be free, compulsory and available to all;
- e. the development of a system of schools with adequate facilities at all levels shall be actively pursued.”

Reports from the regions indicated that the combined effect of the capitation grant and school feeding programme have

increased school enrolment and helped maintain healthy population of pupils' who continue to benefit from these interventions. Maintaining these policies and extending them to cover all Ghanaian children would help the country achieve the challenging MDG of universal education at the basic school level for all Ghanaian children by 2015.

Capitation Grant

The Commission interviewed 211 heads of basic public school on the implementation of the capitation grant.

The Commission found that capitation grant has brought some relief to basic schools. However, 60 per cent of schools monitored continue to charge fees to support the running of schools. The responses showed that the schools are charging PTA levies and printing levies because the capitation grant is not enough to run the schools.

Poverty levels are still widespread in this country. We also have the phenomenon of extremely vulnerable children who are still forced to work or engage in child labour to survive. If there is going to be hope and opportunities for these children, the Government would have to work to remove the levies in the schools so that these children and children of extremely poor parents can fully benefit from FCUBE.

The responses also showed that delays in the release in the grant are contributing to defeat the purpose of the grant. We also have the problem of mismanagement and poor controls on the management of these funds.

School Feeding Programme

To assess the impact of the School Feeding Programme, heads of 72 basic school that benefit from the school feeding programme were interviewed. In addition, 72 Focus Group Discussions were held for 724 pupils comprising 363 males and 361 females in the selected schools. 76 caterers were also interviewed to assess

the impact of the feeding programme from their perspective. The Commission found that the school feeding programme has had a positive impact on gross enrolment. According to GES records, enrolment in basic education increased by approximately 6 per cent from 2008/2009 to 2009/2010 academic year. In addition, the survey revealed that the programme has impacted positively on the feeding arrangement for poor schoolchildren and reduced the financial burden on poor parents.

The survey revealed that parents' finances on their children after the introduction of the school feeding programme have reduced by 15 per cent. (Prior to the introduction of the school feeding programme, a sample of 724 pupils were on the average, given a sum total of 630.00 Ghana cedis each school day, but this reduced to 537.00 Ghana cedis after the school feeding programme was introduced.)

Caterers under the school feeding programme encountered three major challenges including insufficient funds, delays in releasing funds and lack of storage facilities. Majority of the schools did not have kitchens or dining facilities. In some schools, it was found that the conditions under which food was prepared and served were poor and unhygienic.

Availability and Adequacy of Educational Facilities

The Commission paid monitoring visits to 238 basic schools. The Commission found that most of the schools were grappling with the problem of congestion because of increases in enrolment in basic schools. Approximately 6 out of every 10 classrooms were found to be congested.

In some classrooms, a desk meant for two was shared by four. Approximately three (3) out of every 10 schools do not have adequate teachers. Approximately four (4) out of every 10 pupils do not have access to adequate teaching and learning materials. In some places, teachers and pupils had to share textbooks.

Potable water and toilet facilities in basic schools were found to be woefully inadequate. Approximately four (4) out of every ten (10) basic schools had no supply of potable water whereas

three (3) out of every ten (10) had no toilet facility.

The Commission also found that some schools have poor accommodation, poor roofing and generally poor environment for teaching and learning.

With the annual rate of approximately 6 per cent increase in gross enrolment into basic schools, Government and its agencies must take steps to increase logistical support to basic schools so that quality is not compromised; it is necessary to provide additional classrooms, teachers, textbooks and other teaching and learning materials. Ghanaian children, also, cannot wait!

Corporal Punishment, Bullying and Harassment

The Commission paid monitoring visits to two hundred and fifty (250) schools where Focus Group Discussions were held with 2,512 pupils on the issues of corporal punishment, bullying and harassment.

It was revealed that violations of the GES Corporal Punishment Policy and bullying continue to occur in Ghanaian basic schools, leading to injuries to some pupils.

66.8 per cent of the respondents said they were victims of corporal punishment. The usual form is caning. 13.3% reported that they had sustained various degrees of injuries as a result of corporal punishment meted out to them. Injuries included bruises and cuts on parts of the body such as palms, arms, legs and back sides.

Six hundred and twenty-eight (628) pupils, representing 25 per cent of the respondents claimed they had suffered from instances of bullying since the beginning of the year. Of this number, fifty-eight (58) sustained injuries as a result of the bullying including nose bleeding and cuts on body parts such as the lips, knees and legs.

Nine hundred and fifty-two (952) pupils claimed they were humiliated and ridiculed by bullies. 275 said they had been threatened by other pupils.

Some of the pupils have come to accept harassment and bullying as normal treatment or incidents. They operated under the erroneous belief that their seniors could get away with such behaviour and therefore, they were not prepared to report them to their school authorities.

The Commission also found that most of the schools were not complying with the GES rules on the administration of corporal punishment in basic schools. Five (5) out of every 100 teachers interviewed were not aware that there were rules that regulate corporal punishment.

The Commission reiterates its earlier call that the administration of corporal punishment in schools be looked at again and steps taken to discontinue it altogether.

Until that has been done, the Commission urges the GES and school authorities to take steps to educate staff and students to discourage bullying, harassment, and abuses in the administration of corporal punishment. They should also educate them on channels of redress when they become victims of such abuses. This will make the school compound safe and friendly, and create a conducive environment for teaching and learning to achieve the objectives of the FCUBE.

Persons with Disabilities and the School Environment

The Commission paid monitoring visits to two hundred and thirty-six (236) schools. 55.3 per cent of the basic schools monitored did not have facilities to support persons with disability.

Disability aids, for instance, were not provided for persons with physical disabilities. This made it difficult for persons with physical disability to access school facilities such as libraries, classrooms and washrooms. Absence of these facilities often-times increases the sense of seclusion and discrimination for persons with disability.

With the coming into force of the Disability Act, it is imperative that steps are taken to implement the Act to ensure that persons with disability are able to participate fully in the FCUBE.

Human Rights Knowledge: Right to Education

Human rights education aims at developing an understanding of our common responsibility to make human rights a reality in every community and in society at large. In this sense, it contributes to the long-term prevention of human rights abuses and violent conflicts, the promotion of equality and sustainable development and the enhancement of people's participation in decision-making processes within a democratic system, as stated in the Commission on Human Rights resolution 2004/71. It is envisaged that the level of human rights violation would reduce considerably if more and more people become aware of their rights as well as duties.

The Commission conducted 236 Focus Group Discussions for 1,202 male and 1,209 female pupils. It also interviewed 1,044 teachers.

The survey showed that only three (3) out of every 10 basic schools have had programmes organized for teachers and heads of educational institution on the right to education this year. The findings further revealed that many of the pupils do not appreciate their rights and duties owing to the fact that they have poor understanding of human rights.

RIGHT TO HEALTH

The main objective of the exercise was to monitor the State's compliance with its obligations regarding the health needs of the Ghanaian population.

Specifically, it seeks to:

- Assess the adequacy of healthcare in Ghana and the extent to which health needs are met; and
- Assess progress made in the promotion of health rights in Ghana in 2010.

MATERNAL AND INFANT HEALTH

Evidence showed that there is increasing effort by Government and the health sector towards the promotion of maternal and infant health in Ghana. The key policies that the Commission identified were:

- The Implementation of High Impact Rapid Delivery (HIRD) interventions, which focus on:
 - Safe motherhood interventions
 - Child survival interventions
 - Malaria, HIV/AIDs control interventions
- Delivery of community-based health interventions
- The continual implementation of the free maternal health care under the NHIS

Other strategies include the development of:

- Road Map for Accelerating the Attainment of the MDGs related to Maternal and Newborn Health in Ghana
- Reproductive and Neonatal Health Strategic Plan
- National Reproductive Health Service Policy and Standards, 2003
- Ghana Strategic Plan on Health and Development of Adolescent and Young People 2009-2015
- Under-5 Children Health Strategy, and Policy 2007 – 2015
- Guidelines for the Provision of School Health Services

These efforts have been effective in improving public awareness on infant and maternal health, and antenatal and postnatal services. Health institutions across the country regularly embark on community-based public education including daily interaction on health tips with patients at Out-Patient Department [OPD] of hospitals and polyclinics.

Although these interventions have made significant difference, the current levels of maternal and infant deaths in the country continue to be relatively high.

NGOs, who focus on health issues, also continue to contribute immensely towards the promotion of maternal and infant health in the country.

The problems of inadequate health personnel and facilities, cultural barriers, and attitudes of health workers and Ghanaians on the whole remain a significant stumbling block in the promotion of infant and maternal health in the country.

PATIENT'S CHARTER

Most Ghanaians are still ignorant of the Patient's Charter and the rights and obligations stipulated in it. There is no clear Government or institutional plans towards awareness creation and enforcement of the Charter. The only significant mode of accessing information on the Charter is through posters and fliers in the health institutions. In most cases, health personnel who are supposed to inform patients of their rights as required by the Charter do not do so. Inadequate staff strength coupled with increasing workload (hospital attendance), inadequate funds to carry out education programmes, and lack of rooms to ensure clients' privacy and confidentiality are some of the major challenges in achieving the objectives of the Charter.

We must, however, commend the Cape Coast Central Hospital (Interberten) for the effort they put in to educate patients and members of the public who visit the hospital on their rights and obligations.

NHIS

The National Health Insurance Scheme (NHIS) has brought significant financial relief to majority of Ghanaians in accessing health care in the country.

The Scheme has realized massive registration and patronage of medical services by Ghanaians. It has also brought about health consciousness among Ghanaians leading to an increase in hospital attendance. Reports showed that expectant mothers benefited immensely from the Scheme. Reports also showed

that there are improvements in the payment of claims to service providers, an area that has had serious challenges over the years.

The Scheme has however brought about increased workload to service providers due to the increasing hospital attendance without a corresponding increase in the number of medical personnel and facilities. There were also problems of non-coverage of certain medications/ailments and non-availability of drugs.

There is also long waiting time by NHIS card holders due to difficulty in searching for records, and long queues as a result of high attendance. There was also evidence of preferential treatment given to cash paying patients in some of the health institutions as confirmed by 38.5 per cent of the community members interviewed. Payment for drugs over the counter by registered NHIS card holders (which should not be the case) still occurs in many health institutions.

People Living With HIV/AIDS [PLWHA]

Records indicated a low incidence (prevalence rate) of HIV/AIDS infection across the country. Government and other stakeholders' effort have been very effective in sensitizing the public on the phenomenon. However, the free counselling and testing services and the nationwide campaign to let Ghanaians know their status does not seem to be gaining much ground. Just as the Commission observed the previous year, stigmatization and discrimination against persons living with HIV/AIDS is still prevalent.

It is important that we redouble our efforts at sensitization and awareness in order to get Ghanaians to respond more positively to voluntary counselling and testing and also drive the prevalence rate in the country to the lowest level possible.

It is also important that more awareness is created to reduce discrimination and stigmatization against PLWHA.

HEALTH FACILITIES

Evidence from all health facilities visited during the exercise revealed lack of adequate health professionals to man the facilities.

Facilities for ambulance services and treatment of long-term or terminally ill patients continue to be lacking in most of the health institutions monitored. Health institutions continue to rely on public transport which is highly inappropriate.

The immunization programme has been expanded with more health institutions providing services. However, typhoid and hepatitis A and B are excluded from the programme as they are not specifically covered by the NHIS.

Accessibility to health institutions is still a challenge to a number of Ghanaians, especially persons with disability. Most patients complain about long waiting time at hospitals before receiving healthcare, such as consulting a doctor.

ACCRA PSYCHIATRIC HOSPITAL

In January, 2010, the *New Crusading Guide* newspaper filed a complaint with the Commission alleging violations of fundamental human rights, injustice and corruption, abuse of power and unfair treatment of inmates at the Accra Psychiatric Hospital.

An ace investigative reporter of the newspaper, uncovered during seven months of undercover investigations, human rights abuses and violations such as physical abuse and neglect of patients by nurses at the hospital, cases of forced labour, pilfering and sale of patients' food by some hospital staff. The newspaper also complained about the sale and use of narcotics among patients and some workers of the hospital. It had earlier produced a 30-minute documentary widely publicised on various television networks in the country in December, 2009.

The Commission in conducting an investigation into these allegations found, among others, that the Accra Psychiatric

Hospital did not refute the allegations and had agreed to take measures to ensure that the violations do not recur in the future. The Hospital, however, insisted some of the faults could be attributed to the deplorable conditions and the numerous challenges that it grappled with.

The Commission is satisfied with the initial steps taken by the Ministry of Health to deal with the issues raised by the documentary such as, improving the condition under which in-patients are housed, toilet facilities, and increasing the daily ration from 60 pesewas to 2 Ghana cedis. The Commission hopes that the Ministry will implement in full the recommendations of the Committee that was set up that these abuses do not recur in any of the health facilities again, to ensure psychiatric patients in the country also live in dignity.

CHILDREN'S RIGHTS

The main objective for the exercise was to monitor the State's compliance with its obligations in respect of the rights of children in Ghana.

Specifically, it seeks:

1. To monitor the impact of interventions in promoting Children's rights in Ghana in 2010; and
2. To examine the progress made in promoting the rights of children in Ghana in 2010.

The Commission visited 260 communities and interviewed 642 State officials and 187 officials of NGOs, whose work impact on the right of children.

CHILD SEXUAL ABUSE

The Commission interviewed 1,450 community members in 121 communities, made up of 46.5 per cent males and 53.5 per cent females, on the subject of child abuse.

Responses from Adults: 38.5 per cent of the respondents noted that there were reported cases of child sexual abuse in their communities while 61.5% said there were no such reports. 87.1 per cent of the respondents said that they knew child sexual abuse was a crime. 58.3 per cent of the respondents said they have not witnessed any education of child sexual abuse in their communities.

85.1 per cent of the respondents from 89 Government offices noted that their institutions received reports of child sexual abuse with 92.4% providing protection for victims of sexual abuse.

The measures put in place to protect victims included prosecution of perpetrators, public education, protection of the identity of victims and counselling for victims. According to most of the officials, these measures have been successful in protecting the victim(s) from stigmatization, reducing the consequences of sexual abuse, and enlightening Ghanaians on adverse effects of child sexual abuse.

76.8 per cent of interviewees noted that their institutions carried out public education activities on child sexual abuse using various methods. 88.9 per cent of the interviewees stated that the impact of such education has been positive. 33.0 per cent of the officials noted that their campaigns were funded by the Government while 18.0 per cent said NGOs were the main financiers of their campaigns.

Responses from Children in the Communities: 80.0 per cent of 941 children between ages 4 and 16 years said they knew that child sexual abuse was a crime. 77.0 per cent knew where to report cases of sexual abuse. 81.2 per cent of these children said they would report if they were sexually abused. On the other hand, 18.8 per cent noted they would not report such an abuse because they were afraid that they will not be believed or their parents will punish them. Another reason for not reporting is the fear of stigmatization.

On the issue of treatment of victims of child sexual abuse by family and community members, some of the children noted that some parents do understand and send such issues to the Police. Others rather blamed the victims and sometimes beat them up for being the cause of the incident(s). 32.4 per cent of the children noted that they knew Government institutions and NGOs that assisted victims of child sexual abuse.

CHILD TRAFFICKING

The survey indicated that child trafficking has not reduced significantly, and we need to step up efforts to tame it.

Responses from Adults in the Communities: The monitoring exercise on child trafficking engaged a total of 1858 respondents in 160 communities. 47.8 per cent males and 52.2 per cent females were involved in FGDs nationwide.

Although, many of the participants were aware of child trafficking, they had shallow understanding of the subject. Responses of the community members confirmed that child trafficking occurred in their communities. 26.3 per cent of respondents confirmed that children are trafficked into and out of their communities.

Responses from Government Institutions: A total of 160 Government offices were contacted across the length and breadth of the country. The institutions included the Department of Social Welfare, the Ghana Police Service, Ghana Immigration Service and the Department of Labour. 50.4% of the respondents confirmed that they were aware that trafficking occurred in parts of the country.

Although the strategy to prevent child trafficking covers rescue, rehabilitation and reintegration, these institutions have focused primarily on rescuing of trafficked children. The responses showed that, reintegration and rehabilitation is only undertaken by a few offices of the Department of Social Welfare, and these interventions have been inadequate compared to the scale of demand.

Monitoring and Campaigns against Child Trafficking: 62.5 per cent of Government offices contacted undertook campaigns against child trafficking in their communities. The campaigns took the form of community-based public education and sensitization programmes. However, such campaigns were not on regular basis. Only 31.2 per cent of the offices confirmed embarking on campaigns every three months. Most of the offices said that monitoring and campaigning is undertaken based on availability of resources. Nevertheless, the few campaigns and monitoring that have been undertaken were said to have impacted positively on the communities.

According to respondents, community members are becoming more aware of the negative effects of child trafficking. This has helped more people identify trafficked children and report to the appropriate agencies. In some communities, watchdog committees watch out for any suspicious movement involving children. Police officers at checkpoints have widened their scope of operations, watching out for suspicious movement involving children.

CHILD MAINTENANCE

The survey showed that child neglect, poor maintenance and lack of maintenance are still relatively high although there have been considerable improvement over the year.

Responses from Adults in the Communities: A total of 2,158 respondents were part of FGDs held in 178 communities across the country. The respondents were made up of 1864 parents and 266 guardians.

97.9 per cent of the respondents indicated that as parents/guardians they have a duty to support their children. Only 39.5 per cent of the respondents have attended programmes on child maintenance.

78.3 per cent of the respondents said they knew about organisations that handle child neglect cases whilst 22.3 per cent of them indicated that they had either witnessed or taken up a child neglect case to these organisations.

Majority of those who had taken up child neglect cases indicated that they were satisfied with the outcome of the cases. Those who were not satisfied gave reasons of not following up on the case or the parties did not comply with the terms of agreement.

Responses from Children in the Communities: A total of 1,918 children participated in various focus group discussions held in 139 communities across the country. 48 per cent of the children were aged between 11 and 15 years. 56.6 per cent of these children lived with their parents, 36.3 per cent with their guardians and 7.2 per cent lived on their own.

89.1 per cent of the children interviewed said they were provided with the necessities of life including health care by their parents. 10.9 per cent indicated that they did not have such support.

Some respondents of the latter group noted that they either lived on their own and fend for themselves or lived with their parents who did not have enough money to provide their basic needs. A few of them noted that some relatives sometimes intervened by providing them with some of their basic needs. Others had philanthropists and NGOs supporting them.

The children interviewed were divided over the issue of whether they knew of an institution that handle child neglect. 49.1 per cent did not whiles 50.9 per cent indicated that they did. Only 9.0 per cent of respondents indicated that they have received some form of assistance from any of these institutions. Such assistance included provision of school items and financial support. 51.7 per cent of those who have received such assistance indicated that the support from these institutions have helped improve their lives because their fathers have now taken full responsibility, and they are no longer sacked for not paying school fees.

48.3 per cent of the respondents, however, noted that intervention from these institutions have not improved their lives since their fathers still refuse to look after them.

Responses from Government Institutions: 97.3 per cent of 120 Government offices interviewed indicated that they educated parents to maintain their wards by organizing public education

and monitoring child rights issues in the communities.

60.2 per cent of them noted that the number of maintenance cases they handled in the year had reduced, while 23.7 per cent claimed the opposite. However, 16.1 per cent of them noted there was no change. According to the majority of these officials, the impact of their work in promoting the right of the child to maintenance has been positive.

90.8 per cent of Government offices interviewed said they carried out campaigns at the community level. The campaigns were mainly funded from Government sources.

Responses from NGOs: 72.1 per cent of 46 NGOs working on child rights issues said they assist victims of child neglect to have access to the law for redress. 92.3 per cent of them held campaigns against child neglect. 86.6 per cent said they monitor child rights including child neglect.

Even though the 2010 study on children's rights showed that parents have become a bit more responsive towards their children, there

CHILD LABOUR

The Commission held 138 focus group discussions. The discussions attracted 753 males and 875 females. In all, 1,628 people participated in the discussions.

About 50.2 per cent of the respondents indicated that children in their community still engage in labour that deprived them of their health, education or development. Children between 11 and 16 years were said to form the bulk of children engaged in child labour in those communities.

Government Institutions in the Fight against Child Labour: Officials of 83 Government offices, whose functions included complaints handling, counselling, collaborating with NGOs and implementing government policies on the worst forms of child labour, were interviewed.

The worst forms of child labour identified in the communities by these institutions are: street hawking, fishing, portering, shepherding of cattle and quarrying.

According to the respondents, the number of reported cases fell from 1,593 to 1,065, presumably an indication that Government's effort in curbing child labour is yielding results. Field reports also indicate that in some communities, community members voluntarily report child labour cases, enabling relevant authorities to intervene.

About 82 per cent of the respondents claimed that the campaigns have positive impact and community members are becoming aware of the harmful effects of child labour leading to a reduction of its incidence.

WOMEN'S RIGHTS

The main objective of the monitoring exercise is to monitor the State's compliance with its obligations regarding fundamental rights and freedoms of women in Ghana.

Specifically, it seeks:

1. To monitor the impact of interventions in promoting women's rights in 2010; and
2. To assess the progress made by communities in the effort to combat abuse of, and discrimination against, women.

This year, our monitoring of women's rights focused on domestic violence, gender-based discrimination, inheritance, and harmful cultural beliefs and practices that undermine women's rights.

A total of 2,414 respondents, between age 18 and 54, i.e. 61.0 per cent females and 38.9 per cent males were part of various FGDs held in 200 communities across the country.

Even though the respondents were able to explain what human rights are, 15.4 per cent of them did not know that women's rights are human rights. Some were totally ignorant of what

constitute women's rights and did not accept gender equality. They claimed that women are physically weaker than men therefore they should not enjoy equal rights.

The responses showed that women's right to inheritance is still not fully recognised. Evidence also showed that there is unequal access to jointly acquired property and sharing of income from jointly owned businesses.

Some traditional practices still placed women in a disadvantageous position.

About 59.3 per cent of the respondents interviewed indicated that interventions such as public education and sensitization on the rights of women by both State institutions and Civil Society Organisations; the formation of gender advocacy groups; the passage of bye-laws by chiefs and the provision of credit facilities are some of the positive interventions that have helped reduce discrimination against women in their communities.

About 64.4 per cent of the respondents indicated that abuses against women continue in the communities. 47.6 per cent revealed that verbal and psychological abuse was most common. 29.0 per cent noted that restricting freedom of movement, restraining freedom of association and free expression of religious beliefs of women were common in their communities. 23.4 per cent of the respondents indicated that women were still denied control over their own bodies in terms of their reproductive health.

About 51.0 per cent of respondents indicated that they have either attended or heard of educational programmes on women's rights. 88.1 per cent of the respondents said they are aware that they could seek redress at state institutions like the Police, CHRAJ, the Department of Social Welfare and the courts. However, only 18.2 per cent had patronised these services. Of those who had previously sought help from the State institutions, 90.9 per cent indicated they were satisfied with the services provided. 1.7 per cent was not satisfied with the remedies given by these institutions because they thought their remedies were not punitive enough.

DOMESTIC VIOLENCE AGAINST WOMEN

Focus Group Discussions were conducted in 116 communities in the country. These involved 1,432 community members made up of 59.6 per cent females and 40.4 per cent males between 18 and 54 years.

About 75.3 per cent of respondents knew about domestic violence, 71.2 per cent knew the types of acts that constitute domestic violence. 30.3 per cent indicated that they had either suffered physical, emotional or verbal abuse. Out of this number 51.0 per cent said they have been affected mentally, emotionally or physically as a result of the violence. 20.4 per cent of those who said they were victims said they sought medical help.

About 42.9 per cent of the respondents knew about the Domestic Violence Act. 66.9 per cent knew where to seek redress. Only 11.8 per cent of the respondents had ever accessed services of the State institutions. 57.8 per cent of those who patronized the services of these institutions were satisfied with the services provided.

About 44.1 per cent of the respondents have ever attended or heard of an educational programme on domestic violence organized by both State institutions and NGOs. They indicated the programmes had increased their knowledge about domestic violence and prepared them to know how to seek redress whenever necessary.

INHERITANCE

A total of 2,119 respondents were interviewed on women's rights to inheritance in 200 communities across the country. 39.7 per cent of the respondents were between ages 29 and 39.

A small per centage of the respondents interviewed indicated that women and girls were not allowed to inherit their deceased parents in their communities, although majority of the respondents said that the situation had improved in their communities.

About 42.6 per cent of the respondents knew about the Intestate Succession Law (PNDC Law 111). Majority of the respondents said they got to know of the Law through public education programmes organized by CHRAJ, NCCE, DOVVSU, NGOs, and radio.

Whether the law has been able to address the issue of discrimination women face with regards to inheritance after the death of their spouses, 69.2 per cent of respondents noted that it has now made it easy for widows to access their deceased spouses' estate.

Others were of the view that ignorance of the law; lack of enforcement as well as the cumbersome processes of obtaining letters of administration were hampering the realization of the objectives of the law.

60.0 per cent of the respondents indicated that they knew the institutions from which to seek redress, although only 12.1 per cent had ever patronized the services of these institutions. Of those who had reported cases to these State institutions, 75.7 per cent of them were satisfied with the services provided.

HARMFUL CULTURAL PRACTICES

Refuge Camps for persons accused of witchcraft

Belief in witchcraft is still prevalent in the Ghanaian society. Oftentimes men and women who are suspected to be witches and wizards suffer the fury of their communities, ranging from seclusion, banishment, physical molestation, to outright lynching. However, evidence on the ground showed that women are primarily the victims.

The recent burning of an elderly woman in Tema after she had been accused of witchcraft typifies the type of discrimination and vulnerability imposed on women and girl-children by cultural beliefs and practices in Ghana.

The Commission monitored three camps for persons suspected of witchcraft in the Northern Region to assess the living conditions of the camps.

The camps monitored were the Kukuo Settlement, Tindaan Shayili-kpatinga Settlement and the Gnani Settlement.

The Kukuo Settlement had 123 inmates, all of them women. Tindaan had 32 inmates, also all of them women, whilst Gnani had 8 men and 20 women.

Sanitation conditions at the camps were generally deplorable. There had been no improvement since the last inspection in 2009. The Kukuo Camp, for instance, has no access to potable water. Their main sources of water are stream and rain. There were no toilet facilities, and this had also compounded the sanitary condition in the camp.

In spite of efforts by the Commission and other CSOs including SONGTABA, GRAMEEN and Action Aid to end discrimination, stigmatization and banishment of persons suspected of witchcraft, the practice still persists.

HARMFUL WIDOWHOOD RITES

Article 39 (2) of the 1992 Constitution provides that:

“The State shall ensure that appropriate customary and cultural values are adapted and developed as an integral part of the growing needs of society as a whole; and in particular that traditional practices which are injurious to the health and well-being of the person are abolished.”

Although harmful cultural practices are prohibited, practices of dehumanizing widowhood rites are still prevalent in Ghana today. These rites involve rituals, ranging from seclusion and general isolation of the widow to actual causing of physical harm to the widow. Women who refused to undergo widowhood rites suffer many abuses.

According to some of the respondents, these women were accused of being responsible for the death of their spouse while others are verbally abused and denied some of the property of their deceased spouse.

A total of 789 community members comprising 281 (35.6 per cent) males and 508 (64.4 per cent) females participated in Focus Group Discussion nationwide. Out of this number, 406 (51.5 per cent) stated that such customs and practices are still practised in their communities. 48.5 per cent on the other hand indicated that the practice was on the decline.

Campaign activities against harmful widowhood practices in the various communities seem to have reduced compared with previous years. Only 27.8 per cent of the participants confirmed that there has been some campaign or talk against harmful widowhood practice(s) in their communities. Almost all the participants confirmed the absence of any organization coming to the community to conduct education on widowhood rites this year. A few, however, mentioned organizations mainly churches, the media and a few community-based NGOs implementing projects during the reporting year.

In the view of the Commission, women's empowerment and sustained public education and advocacy in our communities will help us eradicate obnoxious cultural practice. We must intensify such interventions to protect the dignity and rights of widows.

EXTREMELY DEPRIVED COMMUNITIES (SLUMS)

Nineteen (19) extremely deprived communities were monitored across the country; six each from Western and Greater Accra Regions, five in the Volta Region and one each in Brong Ahafo and Upper East Regions.

The evidence showed that most of the communities surveyed lived under sub-human conditions. Many of the communities lacked adequate housing, good water sources, good sanitation and secure tenure, making slum dwellers very much afraid of forcible eviction(s). 61.1 per cent of the households had no toilet facility.

The common sources of livelihood were petty trading, hairdressing, driving and other artisanal work; fishing, fish mongering and other agricultural activities.

Households were extremely congested and extremely vulnerable to fire outbreak and theft. 88.9 per cent of the residents lived in their own structures while 11.1 per cent lived in rented places. The monthly rents ranged between 5 Ghana Cedis and 15 Ghana cedis.

47.4 per cent of the respondents indicated that they had no hospitals or clinics within their communities. However, accessing medical facilities nearby was not difficult. About 44.4 per cent had registered under the NHIS.

PRISONS AND PRISON CAMPS MONITORING

Introduction

Everywhere in the world, prisons are meant to be places to reform detainees to become useful to society. However, considering the recidivism rate of 5.7 per cent in the country (as at last year), one would wonder whether the detention centres are serving this purpose.

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 also safeguard the rights of women and children, and in many cases, are applicable to women and children in prison.

This year, twenty-eight (28) prisons and Prison Camps out of the total of forty-two (42) were monitored across the length and breadth of the country. The monitoring showed that although some areas of the prison condition has improved, the general living condition has not improved much compared to that of the previous year.

Generally, congestion was still a major problem in the country's prisons and ought to receive serious attention. For instance, at the Sekondi Male Prisons in the Western Region, inmates had increased to six hundred and thirty seven (637) convicts, and eighty-eight (88) remand prisoners.

HEALTH AND NUTRITION

The Government daily stipend of 60Gp per inmate is woefully inadequate. Inmates at the prison are usually compelled to supplement the meagre stipend themselves.

With respect to health, not all the prisons had a health post or an infirmary and those privileged to have it, were poorly stocked. Except for a few sicknesses, common ailments in the prisons and police cells could be linked to low ventilation, overcrowding, and poor nutrition.

SANITATION

The sanitary condition in the prisons and prison camps has not improved compared to the previous year. The major problem seemed to be the inadequate number of toilet facilities. A lot more of the facilities visited had flush toilets and shower baths either in an enclosed or open space for inmates and these were in fairly good sanitary conditions.

WELFARE, VOCATION AND RECREATION

Prisons and prison camps are primarily supposed to be reformatory centres and as part of this, people without vocational skills get the chance to be trained in one so they come out better people with employable skills. However, the types of vocational workshops that are operated are poorly equipped and cannot meet these objectives.

Almost all prisons that had vocational workshops only offer training in tailoring and dressmaking, bakery, masonry, and weaving.

POLICE CELLS MONITORING

Introduction

In the year under review, the Commission monitored 469 police cells out of the total of 672. Generally, the conditions in the police cells visited had not changed much compared to the previous years.

Though a number of new ones have been added, sanitary conditions were not up to standard. Some stations still use buckets in the cell rooms for inmates' use as toilet facilities. Ventilation and lighting in most of the police cells were generally poor. Beddings were woefully inadequate and many inmates slept on the floor or wooden boards.

It must however be stated that most police stations were adhering to the 48-hour rule; suspects were usually not detained for longer hours.

Pregnant women and nursing mothers were also found in some of the cells under conditions that were not generally conducive.

HEALTH AND NUTRITION

Feeding of suspects in police cells continued to be mainly the responsibility of family and friends. In a few cases, the police personnel assist the detainees.

SANITATION

Generally, the sanitary conditions of the police stations are not good although some police stations have kept good facilities for detainees. Some of the police stations have decent toilet facilities and relatively acceptable ventilation and lighting for inmates. However, in many of the police stations visited, because of the buckets or pan latrines used, the stench in the cells was extremely overpowering and very dehumanizing.

The nation continues to enjoy relatively high respect and recognition of civil and political rights. The courts, the Commission and other institutions have enforced these rights quite commendably.

However, the Commission is gravely concerned about the spate of “mob justice” in the country.

These barbaric acts, such as beating, stoning, lynching, and burning of suspected criminals, constitute a gross violation of the 1992 Constitution of Ghana and the fundamental human rights of the victims.

Article 15 of the 1992 Constitution provides:

1. The dignity of all persons shall be inviolable.
2. No person shall, whether or not he is arrested, restricted or detained, be subject to-
 - a. torture or other cruel, inhuman or degrading treatment or punishment....

Furthermore, under the Constitution of Ghana, suspects are, presumed to be innocent until proved guilty; a principle that is well recognised in all civilised and democratic countries.

Yet in Ghana, lawless mobs perform extra judicial killings, under the pretext of losing faith in law enforcement and the judiciary, and also fear of violent crime.

In the view of the Commission, no society can resort to primitive self-help and guarantee safety and security of persons. We may all be at risk if we endorse such uncivilised acts in our society.

For instance, the June 17, 2010 edition of the *Today* newspaper reported that a 24-year old unemployed, Ato Kodjo, was lynched by irate students of Cape Coast University for allegedly stealing items and properties belonging to some of the students.

Whilst we do not approve of stealing or any crime of whatsoever nature, we cannot also condone such barbaric acts such as “mob justice” in our society. Instead, we must all cooperate with lawful agencies in the maintenance of law and order in the country, which is one of the duties of the Ghanaian citizen underscored in article 41 of the 1992 Constitution of Ghana.

The Commission admonishes all Ghanaians to desist from such barbaric acts. The Commission further calls on the Ghana Police Service to actively pursue and prosecute all those who participate in any mob killings or other barbaric acts in the country.

ALLEGED POLICE BRUTALITIES AT NANKPANDURI, NORTHERN REGION

Following a report by Peace FM in Accra on the 29th of October, 2010 of an alleged police brutality on the Nankpanduri community, officers of the Commission in the Northern Region were dispatched to the community to ascertain the facts.

The general situation at Nankpanduri, though calm, showed that the police had caused fear and panic in the community, to the extent that people had deserted the village.

Authentication of the Report:

The Commission confirmed that twenty-two (22) houses were burnt down and a number of the people in the community were physically assaulted. Apart from the houses which were burnt, other belongings such as foodstuffs and personal clothing were also vandalized. It was also established that cruel, degrading and unlawful acts were perpetrated by the police personnel who went to the community. There was overwhelming evidence that some individuals had been physically molested by police personnel with injuries to show.

Evidence also showed that the police personnel who went to the community engaged in indiscriminate shooting with bullet marks on walls and other properties to show.

This was in the wake of police effort to arrest a convict who had escaped from jail, and was said to have killed two police officers. The police went there believing that the fugitive was taking refuge in the community.

While the Commission recognizes that the Ghana Police Service engages in a very difficult work to ensure law and order, and peace and security in the country, the Commission finds it totally

unacceptable that peace officers should engage in the type of human rights abuses that took place at Nankpanduri. Evidence showed that residents of Nankpanduri were unarmed, and did not oppose the police from undertaking their law enforcement activities in the community.

In particular, the Commission recalls the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the UN in 1990.

In particular the Commission recalls the 4th principle which provides that:

“Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if the other means remain ineffective or without any promise of achieving the intended result.”

In applying such principles, the Commission believes that the Ghana Police Service will garner effective public support and public confidence in the police which in turn will make the police more successful to the admiration of the citizens.

Pending the completion of investigations to determine the culpability of individual police personnel who were involved in this unfortunate carnage, we urge Government to alleviate the victims of the Nankpanduri incident.

CONCLUDING REMARKS

In this brief report the Commission has tried to present to you an overview of human rights promotion in Ghana. The Commission is happy to acknowledge that some progress has been made in the reviewing period. The Commission commends Government, Government Agencies, Independent Governance Institutions, Civil Society Organisations, Development Partners and the entire Ghanaian community for their contribution in making this difference.


We must note, however, that the progress made does not cut across all sectors of the country. Persons with disability, poor children, and poor women continue to be exposed to high vulnerability in society.

In the coming year, we hope that Government and all stakeholders will show greater interest in the human rights work and ensure that all persons are given equal opportunity to enjoy their rights. We believe that the National Human Rights Action Plan (NAHRAP) can make a significant difference. We encourage Government and other stakeholders to ensure the Plan is completed next year and implementation begins thereafter.

We take this opportunity to thank Government, our Development Partners, in particular DANIDA, and all stakeholders who have joined us to commemorate this day.

God bless our homeland Ghana and make our nation great and strong.

Thank you.



Richard A. Quayson
Deputy Commissioner

BRIEF STATEMENT ON STATE OF CORRUPTION IN GHANA BY THE COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE (CHRAJ)

**ON THE OCCASION OF THE 7TH ANNIVERSARY CELEBRATIONS
OF THE INTERNATIONAL ANTI-CORRUPTION DAY, AT THE
OLD PARLIAMENT HOUSE, ACCRA, ON 9TH DECEMBER, 2010**

1. INTRODUCTION

It is with great humility that I present to you a summary statement on the Commission's Report on the State of Corruption in Ghana for the year 2010 on the occasion of this year's International Anti-Corruption Day.

As you may recall, the UN by Resolution No. 58/4 of October 31, 2003 declared the 9th of December as the International Anti-Corruption Day to be observed by the international community each year to create awareness about the evils of corruption, and to galvanise public support in combating it.

This year's celebration is particularly important in many respects:

- A new legal framework to regulate the oil and gas sector has commenced;
- Oil is expected to flow in a few days' time;
- Expectations on the oil revenue are unprecedentedly high; and
- Ghana is expected to join the community of oil producing countries.

These are very good indications that the standard of living of Ghanaians should further improve. However, if we do not pay proper attention to addressing corruption and ensuring transparent and accountable management of the oil resources, we may well be worse off.

It is common knowledge that not all the African countries which produce oil derive maximum benefit from the oil. Corruption, conflict of interest, rent-seeking activities and oil bunkering,

among others, have eroded the benefits that oil revenue should bring to those countries.

December 9th provides us the opportunity to reflect on what we did in the year, what worked well and what did not. It is also an opportunity to examine what should be done to ensure we succeed as a nation in our fight against corruption.

To assist in this reflection, the Commission takes this opportunity to present to Ghanaians how corruption manifested itself in 2010 and how we responded to it. The report also seeks to create awareness about the evils of corruption, and to galvanise public support in combating it.

The report will also provide us the opportunity to reappraise our efforts control to corruption and to strategies for 2011. Finally, it provides us the opportunity to account to the people of Ghana for the mandate entrusted to us.

In compiling the report, the Commission benefited from information provided by other agencies on the subject. It analyzed complaints received from the public, as well as reports on corruption published by the media. Corruption-related surveys and studies by other organisations (national and international) also provided good sources of information for the report.

For the purpose of this report, corruption is understood as abuse of entrusted office for private gain. Corruption, by this definition, encompasses offering, soliciting and accepting bribes, diversion of public resources (misappropriation, embezzlement), illicit enrichment, fraud, conflict of interest, influence peddling or trading in influence, nepotism and patronage, among others. This definition accords with the internationally accepted definition of corruption and is wider in scope than the definition in Ghana's criminal legislation.

2. OVERVIEW OF CORRUPTION

Reports of Corruption in the Media (Jan-Nov., 2010)

The Commission reviewed reports relating to corruption published by 22 media houses and noted over 60 reports. The reports highlighted various allegations of corruption, ranging from bribery, embezzlement, misappropriation of public monies, fraud, causing financial loss to the State, conflict of interest and abuse of office, abuse of the procurement processes, and illegal acquisition of State lands to cyber fraud.

Distinguished guests, ladies and gentlemen, the increasing media reports of corruption, real and perceived, that are splashed across the front pages of our local newspapers and are the staple of early morning radio talk shows are worrying because the media is oftentimes a strong reflection of the broad opinion and perception of society.

If these reports are true, then the menace of corruption is real for this nation and we must double our efforts to fight it.

Reports of Corruption in the Health Sector

Distinguished guests, ladies and gentlemen, corruption ravages anything it comes into contact with but its impact is worse when it comes to health. This is because it directly undermines the right to life.

Reports and public complaints showed that NHIS is plagued with corruption and abuses. A Send Foundation-Ghana report on the NHIS for the period 2004-2008 released in 2010, reveal a number of abuses of the Scheme. The reported abuses included cheating, over-invoicing by some service providers, fraud, irrational prescriptions by health professionals, and impersonation.

Media reports indicated that fraud was widespread in the NHIS. On 5th February, 2010, *The Ghana Palaver* newspaper carried the story of 86 NHIS Managers who were interdicted for defrauding the Scheme.

A couple of weeks later, *The Enquirer* newspaper also reported a similar story of fraud in Northern NHIS on 15th February, 2010.

The trend was not different in the past. According to a World Bank report, there are huge leakages of resources in the health care provision in Ghana. The report indicated that, in 2000, leakages of non-salary cash flows in the health sector in Ghana amounted to 80 per cent, which was only next to Chad's 99 per cent. This implied that for that period, only 20 per cent of health spending, apart from salaries, was actually spent in providing health care in Ghana.

CHRAJ's own monitoring of health facilities showed increasing lateness and absenteeism of doctors and nurses in public health facilities, diversion of drugs from public facilities for sale in private pharmacies or stores, soliciting money from well-to-do patients or their relatives, irrational medical consultancy fees, among others.

The signs are not healthy at all, and we must all double our efforts to fight corruption in the health sector.

Reports of Corruption in the Cocoa and Mining Industries

Distinguished Guests, ladies and gentlemen, cocoa and gold remain major foreign exchange earners for this country. In fact, cocoa and gold have contributed immensely to the development of our dear nation.

Ordinarily, it should follow that cocoa farmers and mining communities should benefit from the wealth created by these industries. Unfortunately this is not the case. The cocoa industry, for instance, is plagued by massive cheating and underpayment of cocoa farmers by purchasing clerks, and dishonesty and fraud in dealing with of cocoa farmers and land users by mining companies.

If care is not taken, these two major foreign exchange earners may suffer immeasurably because of the emerging trend of "quiet corruption" in the industries. This type of corruption is not

very loud and visible, but it is devastating the cocoa and mining industries and will leave the country with very little benefit.

Beside this type of corruption, the exposure by the *New Crusading Guide* of massive corruption in the cocoa industry should serve as an eye-opener to the entire nation that all is not well in the cocoa and mining industries. Quiet corruption is leaking revenue from the cocoa industry at the rate that should make us all sit up.

We take this opportunity to commend Anas Aremeyaw Anas and the *New Crusading Guide* for the work done in exposing quiet corruption and abuses in the cocoa industry, psychiatric hospital and the Osu Children's Home.

Corruption in Public Procurement

Distinguished guests, ladies and gentlemen, despite the coming into force of a procurement law in 2003, there is still a lot to be done to ensure transparency in the award of public contracts.

CHRAJ's monitoring revealed that some public institutions and officials are still demanding kick-backs and other considerations before, during, and after contracts have been awarded.

As a result, a number of State contracts have gone to unqualified contractors or suppliers thereby denying the State of value for money.

A new trend that is developing is that, contractors somehow, because they pay kick-backs and share proceeds with awarding institutions, they think that they are not expected to execute the contract, if any. Other reports also showed that many businesses make unofficial payments as a condition to secure contracts.

Petty Corruption

Reports continue to show that many public officers are still demanding illegal payment for services that they are paid by the State out of the taxpayers' money to perform. Some use all manner of tricks to pressurize their clients to make these illegal

payments. In some instances, services are delayed inordinately in anticipation of payment. This type of corruption is causing delays and losses to the State and must be checked.

For every service, there is a fee or service charge. Ghanaians pay (extra) for services that are supposed to be either free or subsidized.

Patronage and State Capture

Patronage is still rife in Ghana because of our relatively young democracy. Over the years, we have seen assignment of government positions to political supporters.

We have also seen investment and development agonisingly dissipated in a manner that undermines the development of Ghana's growth and development.

In Ghana, persons elected into public office never fail to take their eyes off votes even when elections are well over. They directly or indirectly employ State resources for political advantage at every opportunity. This also has contributed to the high cost of doing politics in Ghana.

Reports from other State Agencies

- **Public Procurement Authority**

The Public Procurement Authority also reviewed complaints from suppliers and found that some Procurement Entities disregarded some provisions of the Public Procurement Act, particularly those relating to selection of procurement methods, preference for selective and restricted tendering, split tendering, and inappropriate advertisements (e.g. on Entity Notice Board instead of in national dailies).

- **Public Accounts Committee of Parliament**

Reports from the Public Accounts Committee of Parliament also indicated instances of corruption in the management of State resources, including failure to bank

revenue, understatement of revenue and non-tendering of contracts.

Corruption Related Studies and Surveys

- **Revenue Watch Index**

A report released by Revenue Watch Institute titled “2010 Revenue Watch Index-Transparency: Governments and the Oil and Mining Industries,” disclosed weak transparency in our extractive industries. The report, which measured and compared information disclosure about oil, gas, and mining industries by governments in mineral-producing countries, indicated that Ghana performed poorly in terms of providing public information on its extractive industries, as she obtained a score of 32.3 out of 100 in the index. This score placed Ghana in the category of countries with “Scant Revenue Transparency”, alongside Tanzania, Algeria, Democratic Republic of Congo, Equatorial Guinea, Saudi Arabia, Kuwait and Turkmenistan.²

This low level of transparency undermined the ability of citizens to hold their government and the industry accountable for their performances in managing these resources.

With the discovery of oil and the expectations of Ghanaians in the oil revenue, it is recommended that Government improves on its information disclosure in the oil and gas sector.

We note that in the Revenue Management Bill, 2010, elaborate provisions on transparency, accountability and public oversight mechanisms have been made. We urge Government and Parliament to ensure that these provisions remain to help create the right environment to prevent rent-seeking conduct and ensure transparency and accountability in the management of petroleum revenue in Ghana.

² Revenue Watch Institute/Transparency International (2010). 2010 Revenue Watch Index-Transparency: Governments and the Oil, Gas and Mining Industries”, NY, USA

Other reports received by the Commission and other investigative agencies during the year indicate that the Capitation Grant, the School Feeding Programme, and other interventions on the FCUBE also continue to be vulnerable to corrupt manipulations.

Corruption Perceptions Index

Ghana's efforts to curb corruption may have paid some dividends. For the first time since 1999, when Ghana was included in the Transparency International Corruption Perception Index (CPI), Ghana scored 4.1.

Though Ghana is yet to obtain the "pass mark" of 5.0., it became the seventh least corrupt country among 47 African countries surveyed and the 62nd among a total of 178 countries surveyed this year. Botswana, Mauritius and Cape Verde crossed the 5.0. point, whilst South Africa and Namibia obtained 4.5 and 4.4 respectively.

Although Ghana's improvement on the CPI is welcome, it is important to note that we still have to do more to improve integrity and enhance transparency in public offices and the private sector, especially in the face of our high expectation in the coming oil wealth.

3. NATIONAL EFFORTS AT COMBATING CORRUPTION

Distinguished ladies and gentlemen, the fight against corruption did not relent in 2010. The Government, Parliament, the Commission, the Judiciary, the Auditor-General, the Police, the SFO (now EOCO), the media, and other stakeholders, including civil society organisations, all made significant contributions to the fight against corruption. We commend them for the good work they are doing and we encourage them to do more.

Legal Framework

The Government continued work on the legal and institutional framework to improve the legal and institutional regime for fighting corruption. The EOCO Act, 2010 (Act 804) establishing the Economic and Organised Crime Office was passed to

replace the Serious Fraud Office. The new Office is described “as a specialised agency to monitor, investigate economic and organised crime and on the authority of the Attorney-General, prosecute these offences to recover the proceeds of crime....”

During the period under review, a total of 15 Bills and 100 Papers, including Legislative Instruments, were laid before Parliament. Eight of the Bills were passed by Parliament.³ Of the bills and Instruments passed in the period, the following relate to corruption: The Economic and Organised Crime Office Act, 2010 (Act 804); the Mutual Legal Assistance Act, 2010, and the Commission on Human Rights and Administrative Justice (Investigations Procedure) Regulations (C.I. 67.)⁴

More Bills and Instruments were expected to be considered by Parliament in the last quarter of 2010, including:

- The Public Officers (Code of Conduct) Bill, 2010;
- The Anti-Money Laundering Regulations, 2010;
- The Audit Service Regulations, 2010;
- The Police Service Regulations, 2010; and
- The Internal Audit Regulations, 2010 (L.I. 1966.)⁵

The Public Officers (Code of Conduct) Bill, 2010 seeks to codify the Code of Conduct for Public Offices and the Guidelines on Conflict of Interest for Public Officers issued by the Commission. Conspicuously missing, however, is the Whistleblower (Amendment) Bill.

Unfortunately, Parliament could not also pass a Legislative Instrument proposed by the Auditor-General, to enable him implement the Public Office Holders (Declaration of Assets and Disqualification) Act, 1998 (Act 550), which has been noted as a weak piece of legislation.

³ Republic of Ghana: The Budget Statement and Economic Policy of the Government of Ghana for the 2011 Financial Year, 18 November 2010

⁴ Parliament of Ghana: Record of Bills, First Session, 2009

⁵ In the Second Session of the Fifth Parliament of the Fourth Republic of Ghana: Agenda for the Third Meeting of Parliament Commencing on Tuesday, 19th October, 2010.

Governance Roundtable

The Ministry of Finance and Economic Planning, and the Ministry of Justice and Attorney General's Department, with the support of the EU Delegation, convened a two-day governance roundtable (the Roundtable) in Accra.

The roundtable, which was attended by senior executives of key accountability institutions in the country, as well as civil society organisations and development partners, provided a platform for a collective determination of the major governance priorities that Ghana must focus on in order to build a strong policy framework for transparent, coordinated and accountable governance, among others.

It also helped identify weaknesses in the fight against corruption and made significant recommendations to Government and stakeholders on how to deal with the weaknesses, including revising the definition of corruption to conform to the two international conventions Ghana has ratified, namely: UNCAC and AU Convention.

Equally significant was the recommendation that Government should adequately resource the development and implementation of the National Action Plan Against Corruption.

Strengthening Anti-Corruption Agencies

On the issue of strengthening anti-corruption agencies, the Commission notes the general tendency of Government to increase public spending on anti-corruption agencies, including the Audit Service, the Ministry of Justice, the CHRAJ and the Ministry of the Interior.

In the 2010 Budget, the allocations to these agencies represented an average increase of between 25 per cent and 80 per cent. Same cannot be said of the 2011 Budget. CHRAJ's allocation increased of 15 per cent points, Interior 18 per cent point, Attorney-General-9.8 per cent point, AuG, minus 1.7 per cent point and Parliament-minus 14 per cent point.

Coordination of Anti-Corruption Efforts

In 2010, this issue received further push by the execution of a Memorandum of Understanding (MoU) by the anti-corruption agencies.

The MoU, among other things, provided for the establishment of a platform to be known as Information Exchange Forum (the Forum), which would, among other objectives, foster better understanding and cooperation among the agencies and facilitate information exchange and coordination of activities.

The Forum is expected to reduce duplication of efforts that may arise, minimize inter institutional turf battles and promote efficient use of human and material resources. It is hoped that the coordination will go beyond the Forum stage and develop strong working relationship between the various agencies.

Civil Society Organisations

Civil society organisations continued to make tremendous contributions in the fight against corruption in the year. Prominent among them were the Ghana Anti-Corruption Coalition (GACC), Ghana Integrity Initiative (GII), Send Foundation, Revenue Watch Institute, the ISODEC, Civil Society Platform on Oil and Gas, and Publish What You Pay, among others.

We particularly note the collaboration between the Commission and Advocacy & Legal Advice Centre (ALAC) of the Ghana Integrity Initiative (GII) in organising community outreach programmes on corruption for ten (10) communities in the regions.

The programmes, apart from raising public awareness about corruption, sought to empower the citizenry to report corruption and sensitise them about available mechanisms for redress.

Role of Media

The media continued to play its watchdog role by highlighting issues of corruption in the country. Their reports helped to

put corruption issues in the public domain. They also served as sources of information for consideration by investigative agencies and Government, which pursued a number of such reports.

4. CHRAJ's ANTI-CORRUPTION EFFORTS

As an Anti-Corruption Agency and Ethics Office for the Public Service of Ghana, CHRAJ undertook the following to combat corruption and contribute to the promotion of high integrity in Ghana:

National Anti-Corruption Action Plan (NACAP)

During the year, together with the NACAP Working Group, we engaged in broad consultations with relevant stakeholders for the development of a National Anti-Corruption Action Plan (NACAP) for Ghana.

The NACAP, a key strategic response to the lack of holistic approach to combating corruption in Ghana, poor coordination and institutional weaknesses, received further impetus in 2010. An assessment of the situation of corruption in both the private and public sectors is in progress.

Since 2000, when the first national survey on corruption was made, no other survey of such magnitude has been conducted. The assessment being undertaken will assist us to better understand the actual level of corruption, its reasons and trends.

It will also help identify gaps and challenges on the approaches adopted over the years to combat corruption in the country and provide the basis for the development of the Plan.

The processes for engaging a consultant have also been completed, and the contract has been awarded. We expect the first draft of the baseline survey to be ready for further action by the end of the first quarter of 2011. The NACAP when completed will assist Ghana to systematically fight and reduce opportunities for corruption.

In view of its strategic importance, the Plan was submitted as a target to the MDBS process, to be achieved by March 2011. The Government of Ghana provided GH¢35,400 budgetary support to CHRAJ to commence the process. In addition, DANIDA provided GH¢300,000 to assist in the development of the Plan. The Plan is actually owned by the Government and the people of Ghana. CHRAJ is only providing leadership and coordinating the efforts of all the stakeholders in the development of the Plan. It is expected that, when the Plan is completed, it will assist Ghana to systematically combat corruption and achieve high integrity in both public and private sectors.

Distinguished invited guests, ladies and gentlemen, the Commission is extremely grateful for the support of our development partners, especially DANIDA for providing financial and technical support for the NACAP and other anti-corruption programmes of the Commission in the year.

National Integrity Programme (NIP)

Under our National Integrity programme, we stepped up our preventative and educational activities mainly to reduce opportunities for corruption, create awareness of the evils of corruption, and enlist public support for combating corruption.

We organised workshops on the Code of Conduct and the Guidelines on Conflict of Interest for Public Officers and Heads of Department in the three (3) regional capitals, namely: Cape Coast, Takoradi, and Ho. We also completed our training programme on the Code of Conduct and the Guidelines on Conflict of Interest for Members of Parliament.

We printed and disseminated 50,000 copies of the Code of Conduct for Public Officers and the Guidelines on Conflict of Interest throughout the country.

We also organised workshops on the Whistleblower Act in three regional capitals, and trained investigators on how to conduct investigations under the Act.

The Commission also extended its education and awareness programmes on corruption and integrity to basic and second cycle schools in almost all the 98 districts where the Commission has offices.

Collaboration with AC Agencies of ECOWAS Member States

As part of efforts to ensure inter-state cooperation in the fight against corruption, anti-corruption agencies within the ECOWAS sub-region, have established a network to exchange experiences, techniques, information and approaches in the fight against corruption in the region.

In 2010, the Commission participated in activities of this Network in Senegal and Mali to finalise and approve a Constitution and a five-year work plan, as well as electing officers of the Network for a two-year term.

Investigations

On its part, the Commission continued to receive and investigate allegations of corruption, create awareness of the evils of corruption, strengthen a robust ethics infrastructure, and generally build public capacity to combat corruption.

By the end of November 2010, the Commission had received 38 new complaints on corruption, which are at various stages of investigation. The cases included bribery, misappropriation of public funds, embezzlement, whistleblower complaints and conflict of interest.

During the year, we also commenced investigations into some high profile cases including:

- a. The Mabey & Johnson Case;
- b. The Muntaka Case;
- c. The complaint involving the disposal of State Lands; and
- d. The allegation of misappropriation of public funds against some officials of the Ministry of Information.

The Commission also initiated, on its own, investigations into four (4) cases of corruption reported in the media this year.

Integrity Award

I am pleased to announce that at a most recent event on December 7, 2010 at the International Corruption Hunters Alliance Conference at the World Bank in Washington DC in the USA, the Acting Commissioner of CHRAJ, Ms. Anna Bossman, was honoured with an integrity award. The citation read:

“In recognition for her courage and dedication to the fight against corruption.”

For us, this means that we have to succeed in our fight on corruption.

Focus for 2011

In the year 2011, the Commission intends to focus on these areas in the fight against corruption:

- a. Facilitating the development and implementation of a National Anti-Corruption Action Plan (NACAP) to assist Ghana systematically fight corruption and reduce opportunities for corruption;
- b. Establishing an Oil and Gas Unit and training of investigators and lawyers to deal more aggressively with human rights abuses, injustice and corruption in the oil and gas industry;
- c. Promoting and enhancing national integrity through our National Integrity Programme, including the setting up of Ethics Desks and Ethics Advisory Committees in MDAs, training of Ethics Officers and the Ethics Advisory Committees and implementing the Code of Conduct for Public Officers, as well as the Code of Conduct and Ethics Bill when passed into law.

5. CONCLUDING REMARKS

The Commission has tried to present to you an overview of corruption in the year 2010 and how the country responded to it.

In the coming year, efforts to combat corruption must be holistic, combining prevention, enforcement and awareness creation. It must also commit adequate resources to this venture.

One of the greatest challenges we have had this year, is the politicisation of crime and corruption, which does not help in the fight against corruption.

Distinguished ladies and gentlemen, last year we expressed grave concern about the level of corruption that has characterized our politics after post mortem of the 2008 election. We were all troubled by the vote buying, and all manner of corrupt practices the political parties perpetrated to gain political advantage over each other. Concern was also expressed about the impunity demonstrated by virtually all the parties in open defiance of the Political Parties Law and election laws, especially in the area of funding and accountability. Unfortunately, we all went to sleep, and very little has been done to clean the stable.

In less than a year we will witness vigorous political campaigning, and unless something is done pretty soon to inject transparency and accountability and tame corruption in our politics, we will come back in 2013 to rehash the same frustrations, except that it may be worse next time, given that oil wealth has raised the stakes.

We should not continue to delude ourselves by pretending that Ghana is insulated from political violence. Who thought that our neighbouring countries would find themselves in the type of political violence that is threatening their society today? The least we can do as a nation is to learn from the mistakes of our neighbours and put our house in order.

A government that is born out of corruption cannot fight corruption. The Commission hereby serves notice that it will

wage a ferocious campaign on political corruption and election fraud as we enter the next political season.

The fight against corruption is a shared responsibility. The nation needs all of us to stop corruption. Your No Counts.

Thank you all for coming and merry Christmas and a prosperous New Year in advance.

A handwritten signature in black ink, appearing to read 'Richard A. Quayson', with a stylized flourish at the end.

Richard A. Quayson
Deputy Commissioner

PART VI: FINANCIAL REPORT

Brief Report on Commission's Financial Disbursement for 2010

The Commission's bank balances as at January 1, 2010 were as follows:

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

Budget Estimate for 2010 fiscal year

In 2010, the Government of Ghana approved a budget estimate of Gh¢7,579,504.00 for the Commission's programme of activities for 2010 in the Government's fiscal policy statement.

Below is a table of the amounts approved and released for the period 2009 and 2010.

	2009				2010		
	Approved	Released	Outstanding		Approved	Released	Outstanding
P.E.	3,888,579.34	3,888,579.94	0		4,126,915.00	4,836,254.75	709,339.75 TM
Administration	1,063,291.00	1,063,291.00	0		1,100,000.00	1,100,000.00	0
Service	68,818.00	50,466.44	18,351.56		655,409.00	505,631.95	749,777.05
investment	142,635.00	0	142,635.00		1,697,180.00	29,571.27	1,667,608.73
Total	5,163,323.34	5,002,337.38	160,986.56		7,579,504.00	6,471,462.97	1,108,041.03

TM Represents extra funds for payment of staff salaries.

Support from Development Partners

In year under review, the Commission received support from DANIDA to the tune of GH¢1,506,473.00.

Donor Fund (DANIDA)

Status	Amount
Opening Balance	319,636.28
Amount Received	1,506,473.00
Total Amount Available	1,826,109.28
Amount Disbursed	1,198,596.81
Closing Balance	627,512.47

The closing balances in respect of Commission's account as at December, 2010.

Salaries Account	-	Gh¢833,972.64 ⁶
Treasury Account	-	Gh¢14,283.99
Donor Account	-	Gh¢627,512.47

⁶ Includes salaries for December and salary arrears.

PART VII: LEGISLATIVE FRAMEWORK

I. CHAPTER EIGHTEEN OF THE 1992 CONSTITUTION OF GHANA

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
- c. 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;
 - iii. bringing proceedings in a competent Court for a remedy to secure the termination of the offending action or conduct, or the abandonment or alteration of the offending procedures; and
 - iv. bringing proceedings to restrain the enforcement of such legislation or regulation by challenging its validity if the offending action or conduct is sought to be justified by subordinate legislation or regulation which is unreasonable or otherwise *ultra vires*;
- e. to investigate all instances of alleged or suspected corruption and the misappropriation of public moneys by officials and to take appropriate steps, including reports to the Attorney-General and the Auditor-General, resulting from such investigations;
- f. to educate the public as to human rights and freedoms by such means as the Commissioner may decide, including publications, lectures and symposia; and

- g. to report annually to Parliament on the performance of its functions.

219. (1) The powers of the Commission shall be defined by Act of Parliament and shall include the power-

- a. to issue subpoenas requiring the attendance of any person before the Commission and the production of any document or record relevant to any investigation by the Commission;
- b. to cause any person contemptuous of any such subpoena to be prosecuted before a competent Court;
- c. to question any person in respect of any subject matter under investigation before the Commission;
- d. to require any person to disclose truthfully and frankly any information within his knowledge relevant to any investigation by the Commissioner.

(2) The Commissioner shall not investigate-

- a. a matter which is pending before a court or judicial tribunal; or
- b. a matter involving the relations or dealings between the Government and any other Government or an international 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

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, the Commissioner for Human Rights and Administrative Justice and his Deputies and all judicial officers;
 - f. Ambassador or High Commissioner;
 - g. Secretary to the Cabinet;
 - h. Head of Ministry or government department or equivalent office in the Civil Service;
 - i. chairman, managing director, general manager and departmental head of a public corporation or company in which the State has a controlling interest; and
 - j. 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 Human 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 otherwise requires, “public officer” means a person who holds a public office.

III ACT OF THE PARLIAMENT OF THE REPUBLIC OF GHANA ENTITLED

THE COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE ACT, 1993

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.

Section 1—Establishment of the Commission.

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”.

Section 2—Composition of the Commission.

1. The Commission shall consist of-
 - a. a Commissioner for Human Rights and Administrative Justice in this Act referred to as “the Commissioner”; and
 - b. two Deputy Commissioners for Human Rights and Administrative Justice, in this Act referred to as “the Deputy Commissioners”.
2. The President shall, acting in consultation with the Council of State appoint the Commissioner and the Deputy Commissioners.

Section 3 - Qualification of Commissioners.

1. 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 the Commissioner, qualified for appointment as a Justice of the Court of Appeal; and
 - b. in the case of a Deputy Commissioner, qualified for appointment as a Justice of the High Court.
2. The Commissioner and Deputy Commissioners shall not while holding office as Commissioners hold any other public office.

Section 4 - Terms and Conditions of Service of Commissioners.

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 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 or Deputy Commissioner to perform those functions until the appointment of a new Commissioner or Deputy Commissioner.

Section 5 - Removal of Commissioners.

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 article 146 of the Constitution.

Section 6 - Independence of Commission and Commissioners.

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

Section 7 - Functions of the Commission.

The functions of the Commission are-

- a. to investigate complaints of violations of fundamental rights and freedoms, injustice, corruption, abuse of power and unfair treatment of any person by a public officer in the exercise of his official duties;
- b. to investigate complaints concerning the functioning of the Public Services Commission, the administrative organs of the State, the offices of the Regional Coordinating Council and the District Assembly, the Armed Forces, the Police Service and the Prisons Service in so far as the complaints relate to the failure to achieve a balanced structuring of those services or 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 moneys 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.

Section 8—Special Powers of Investigation.

- 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.

Section 9 - Initiation of Legal Proceedings.

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.

Section 10 - Regional and District Branches of Commission.

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.

Section 11 - Functions of Regional and District Representative of Commission.

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

Section 12—Provisions Relating to Complaints.

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. (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.

Section 13 - Refusal to Investigate.

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 Commission 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.

Section 14 - Procedure in Respect of Investigations.

1. Where the Commission decides to conduct an investigation under this Act, it shall give the authority or person concerned and to any other person who is alleged in the complaint to have taken or authorized the act or omission complained of, an opportunity to comment on any allegations contained in the complaint and the representative of the authority or person concerned shall submit his comments within such time as the Commission may specify.
2. The public may be excluded from investigations conducted by the Commission.
3. Without prejudice to the generality of the provisions of this section, the Commission may obtain information from such persons and in such manner, and make such inquiries as it considers necessary.
4. The Commission may pay to a person by whom a complaint is made and to any other person who attends and furnishes information for the purposes of an investigation under this Act-
 - a. sums in respect of expenses properly incurred by them; and
 - b. allowances by way of compensation for the loss of their time, in accordance with such scales and subject to such conditions as may be determined by the Commission having regard to the rates for the time being applicable to the courts.

Section 15 - Evidence at Investigations.

1. Subject to this section, the Commission may require any person who, in its opinion, is able to give any information

relating to a matter being investigated by the Commission -

- a. to furnish the information to it;
 - b. to produce any document, paper or thing that in its opinion relates to the matter being investigated and which may be in the possession or control of that person.
2. The Commission may summon before it and examine on oath or affirmation:
 - a. a person required to give information or produce anything under subsection (1) of this section;
 - b. a complainant;
 - c. any other person who the Commission considers will be able to give information required under subsection (1) of this section.
3. Subject to subsection (4) of this section, a person who is bound by law to maintain secrecy in relation to, or not to disclose, any matter may not:
 - a. supply information to or answer a question put by the Commission in relation to that matter; or
 - b. produce to the Commission a document, paper or thing relating to it, if compliance with that requirement would be in breach of the obligation of secrecy or non-disclosure.
4. A person to whom subsection (3) of this section applies may be required by the Commission to supply information or answer a question or produce a document, paper or thing that relates to a matter under investigation; and subject to section 16 of this Act, it shall be the duty of that person to comply with the requirement.
5. A witness before the Commission shall be entitled to the same privileges to which he would have been entitled if he were a witness before the High Court.
6. No person shall be liable to prosecution for an offence under any enactment by reason of his compliance with a requirement of the Commission under this section.

Section 16 - Production of Official Documents.

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.

Section 17 - Maintenance of Secrecy.

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

PART IV - PROCEDURE AFTER INVESTIGATION BY THE COMMISSION

Section 18 - Procedure after Investigations.

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 person 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.

Section 19 - Reports of Commissioner.

1. The Commissioner shall, annually submit a report to Parliament which shall include a summary of the matters investigated, and the action taken 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

Section 20 - Appointment of Staff.

The appointment of officers and other employees of the Commission shall be made by the Commission acting in consultation with the Public Services Commission.

Section 21 - Expenses of Commission Charged on Consolidated Fund.

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.

Section 22 - Proceedings Privileged.

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.

Section 23 - Entry of Premises.

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.

Section 24 - Offences and Penalties.

Any person who -

- a. without lawful justification or excuse, wilfully obstruct, hinders or resists a member of the Commission or an officer authorized by the Commissioner 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. wilfully 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,
- d. commits an offence and is liable on summary conviction to a fine not exceeding \$500,000.00 and in default of payment to imprisonment for a term not exceeding six months or to both.

Section 25 - Provisions of this Act to be in Addition to Provisions of any other Law.

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.

Section 26 - Regulations.

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.

Section 27 - Interpretation.

In this Act a reference to a member of a complainant's family means -

- a. in the case of a person belonging to a family based on the paternal system—mother, father, wife, son, daughter, brother, sister, father's brother, father's father, father's brother's son, and brother's son;
- b. in the case of a person belonging to a family based on the maternal system—mother, father, wife, son, daughter, brother, sister, mother's mother, mother's brother, mother's sister, sister's son, sister's daughter, mother's sister's son and mother's sister's daughter”.

Section 28 - Repeal and Saving.

1. The Ombudsman Act, 1980 (Act 400) is repealed.
2. Notwithstanding the repeal of the Ombudsman Act, 1980 (Act 400) -

- a. any regulation made under it and in force on the coming into force of this Act shall until altered, amended or revoked, continue in force and shall be applied with such modifications as may be necessary for giving effect to the provisions of this Act; and
- b. any complaint pending before the Ombudsman immediately before the coming into force of this Act may be proceeded with under, and shall be subject to the provisions of this Act.

PART IV. C.I.67 - COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE

(INVESTIGATIONS PROCEDURE) REGULATIONS, 2010

ARRANGEMENT OF REGULATIONS

Regulation

1. Lodging of complaints
2. Contents of complaint
3. Transmission of complaint
4. Mediation
5. Allegations of corruption
6. Full investigation
7. Investigation panels
8. Report to Commission
9. Institution of action
10. Employment of other persons
11. Interpretation
12. Revocation

COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE

(INVESTIGATIONS PROCEDURE) REGULATIONS, 2010

IN exercise of the powers conferred on the Commission on Human Rights and Administrative Justice by section 26 of the Commission on Human Rights and Administrative Justice Act, 1993 (Act 456) and pursuant to section 7(f) of the Commission

on Human Rights and Administrative Justice Act, 1993 (Act 456) and article 296 (c) of the 1992 Constitution of the Republic of Ghana, these Regulations are made this 22nd day of March, 2010.

1. Lodging of complaints

1. A complaint made to the Commission shall be submitted to
 - a. the national office of the Commission; or
 - b. a representative of the Commission at the regional and district branch of the Commission.
2. A complaint made to the Commission may be made
 - a. in writing,
 - b. orally,
 - c. by facsimile, or
 - d. by electronic mail.
3. A complaint made in writing may be addressed to the Commissioner or the Commissioner's regional or district representative and the complainant shall
 - a. Sign,
 - b. thumb print, or
 - c. authenticate,the written complaint.
4. Where a complaint is made orally or a complainant cannot read and write, the complaint shall be reduced into writing by
 - a. the officer to whom the complaint is made at the registry of the Commission, or
 - b. a person chosen by the complainant.
5. A person who reduces into writing an oral complaint of a complainant shall
 - a. read and explain the contents of the written complaint to the complainant;

- b. write on the document that the complainant has fully understood or appeared to understand and appreciate the contents of the complaint; and
- c. ensure that the complainant appends the complainant's signature or thumb print on the written complaint.

2. Contents of complaint

1. A person who lodges a complaint with the Commission shall include
 - 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 complaint together with copies of relevant documents;
 - d. the nature of injustice perpetrated as a result of the action, inaction or omission of the body, organisation or person against whom the complaint is made;
 - e. the relief sought by the complainant; and
 - f. any other information relevant to the complaint.
2. A person who lodges a complaint with the Commission on behalf of another person shall put into writing
 - a. the capacity in which the person lodges the complaint, and
 - b. the reason for lodging the complaint.
3. The Commission shall determine the time frame within which a complainant shall receive a response to a complaint lodged with the Commission.
4. A complainant shall provide additional information requested by the Commission in respect of a complaint within three months after receipt of the request in writing from the Commission.
5. Subject to sub-regulation (4), a complaint may lapse if information requested is not provided within the stipulated time.

6. Sub-regulation (5) shall not affect a complaint that is of public interest.

3. Transmission of Complaint

1. The Commission shall transmit a copy of the complaint to and request a response from
 - a. the person against whom the complaint is made, and
 - b. the head of the body or organisation of the person against whom the complaint is made after receiving a complaint that is within the mandate of the Commission.
2. A person against whom a complaint is made or the head of the body or organisation of the person against whom a complaint is made, shall submit a response to the Commission
 - a. ten days after the date of receipt of the complaint, or
 - b. within a period that the Commission shall determine.
3. The Commissioner or a representative of the Commissioner, may assign
 - a. an investigator, or
 - b. an officer of the Commissionto conduct preliminary investigations into a complaint lodged with the Commission.
4. The Commission may request
 - a. the services of a police officer,
 - b. a public institution, or
 - c. a person with expert knowledge relevant to the subject matter of the Commission's investigations in the performance of its functions.
5. The Commission may, without limiting sub-regulation (4), obtain information from a person in a manner that the Commission considers necessary.

6. The Commission may forward a report of its preliminary investigations to the parties for their comments.

4. Mediation

1. The Commission may invite the parties concerned after receiving a response to a complaint and settle the matter by mediation.
2. The Commission is not precluded from inviting the parties for a settlement by mediation after receipt of a complaint
3. The Commission shall reduce into writing the terms of settlement of a complaint by mediation and ensure that the parties concerned and the mediator sign the written terms of settlement.
4. The Commission shall keep a copy of the signed terms of settlement.
5. The terms of settlement after mediation are binding on the parties.

5. Allegations of corruption

1. The Commission may receive or act on an allegation from any source in respect of
 - a. alleged or suspected corruption, and
 - b. misappropriation of public moneys by officials.
2. The Commission may conduct a preliminary investigation into the allegations.
3. Where the Commission is of the view that further investigation is required, the Commission shall transmit a copy of the allegation to and request a response from the
 - a. person against whom the allegation is made, and

- b. superior officer of the person against whom the allegation is made.
- 4. A person against whom an allegation is made or the superior officer of a person against whom an allegation is made shall submit a response to the Commission
 - a. ten days after the date of receipt of the allegation, or
 - b. within a period that the Commission shall determine.
- 5. The Commission may employ the services of another person to assist it in its investigations

6. Full investigation

- 1. Where the Commission decides to institute full investigation into a complaint or an allegation, the Commission shall invite
 - a. a person likely to be affected by the investigation, and
 - b. a person that the Commission may consider necessary to assist in the investigation.
- 2. The invitation from the Commission shall be in writing and shall state the date, time and place of the meeting.
- 3. The date for attendance shall not be less than seven days after the date of the notice.
- 4. The Commission shall inform a person who appears before the Commission in answer to a complaint or allegation
 - a. of the particulars of the complaint or allegation, and
 - b. of the opportunity to provide a response to the complaint or allegation and question witness.
- 5. A person to be investigated before the Commission may appear in person and may be represented by a lawyer of the person's choice.

6. The Commission shall give a person before the Commission in an investigation a fair hearing and shall conduct an investigation informally and expeditiously.
7. The Commission shall not be bound by a legal or technical rule of evidence applicable to proceedings before a court of law.
8. The Commission shall keep the record of the Commission's investigation in writing.

7. Investigation panels

1. The Commission may constitute a panel to investigate complaint or allegation of corruption an misappropriation of public moneys on the recommendation of
 - a. a member of the Commission,
 - b. an investigator of the Commission, or
 - c. an officer of the Commission.
2. A panel constituted under sub-regulation (1) shall comprise
 - a. a member of the Commission or a lawyer in the employment of the Commission who shall be the chairperson, and
 - b. not less than two officers of the Commission.
3. Without limiting sub-regulation (2), the Commission may co-opt a person to join an investigative panel constituted by the Commission.
4. A person appearing before an investigative panel may object to the membership of the panel to the Commission and the Commission shall rule in respect of the objection.

8. Report to the Commission

1. A panel constituted under these Regulations other than the three members of the Commission, shall

report on a matter the panel has investigated with recommendations to the Commission.

2. The Commission shall consider the report and may
 - a. accept the recommendations.
 - b. reject the recommendations, or
 - c. request further investigation to be conducted.

9. Institution of action

The Commission may for the purpose of section 9 and 18(3) of the Act authorize a person in writing to institute an action in court in the name of the Commission.

10. Employment of other persons

The Commission may employ the services of any person to assist the Commission during the Commission's investigations.

11. Interpretation

In these Regulations unless the context otherwise requires
“mediation” means a process under which the parties discuss their dispute with an impartial person who assists them to reach a resolution.”
“writing” includes letter, electronic mail and facsimile.

12. Revocation

The Commission on Human Rights and Administrative Justice (Complaint Procedures) Regulations, 1994 (C.I. 7) is hereby revoked.

Dated at Accra this 22nd day of March, 2010.

Emile Francis Short

Commissioner On Human Rights
And Administrative Justice