

COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE



2014 ANNUAL REPORT



The Commission on Human Rights And Administrative Justice CHRAJ Ghana

Twenty-First Annual Report

2014



The Speaker of Parliament Parliament House Accra

Mr. Speaker,

In accordance with the provisions of Article 218 (g) of the 1992 Constitution, and Section 7 (1) (h) of the Commission on Human Rights and Administrative Justice Act, 1993 (Act 456), I am pleased to present the Twenty-First Annual Report of the Commission for the period January 1 to December 31, 2014.

Yours sincerely,

Richard A. Quayson

Deputy Commissioner

Commission Members



Lauretta Vivian Lamptey, Commissioner



Richard A. Quayson, Deputy Commissioner



Joseph Whittal, Deputy Commissioner

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LIST OF ACRONYMS AND ABBREVIATIONS

ADB Agricultural Development Bank

AIDS Acquired Immune Deficiency Syndrome

AMA Accra Metropolitan Assembly

APCOF African Policing Civilian Oversight Forum

CEOs Chief Executive Officers

CEPS Customs Exercise and Preventive Service

CHRAJ Commission on Human Rights and Administrative

Justice

CSIR Council for Scientific and Industrial Research

CSO Civil Society Organisation

DANIDA Danish International Development Agency

DCOP Deputy Commissioner of Police

ECG Electricity Company of Ghana

GACC Ghana Anti-Corruption Coalition

GBC Ghana Broadcasting Corporation

GII Ghana Integrity Initiative

GYEEDA Ghana Youth Employment and Entrepreneurial

Development Agency

HIV Human Immune Virus

ICC International Coordinating Committee

IEA Institute of Economic Affairs

ILO International Labour Organization

IPCC Independent Police Complaint Commission

IPEC International Programme on the Elimination of Child

Labour

LEAP Livelihood Empowerment against Poverty

MARP Most At Risk Populations

MDAs Ministries, Departments and Agencies

MMDAs Metropolitan, Municipal and District Assemblies

MONICOM Monitoring & Evaluation Committee

NACAP National Anti-Corruption Action Plan

NADMO National Disaster Management Organisation

NAHRAP National Human Rights Action Plan

NANHRI Network of African National Human Rights

Institutions

NBSSI National Board for Small Scale Industries

NCCE National Commission for Civic Education

NDPC National Development Planning Commission

NFED Non-Formal Education Division

NGO Non-Governmental Organisation

NHIS National Health Insurance Scheme

NPA National Plan of Action

NSEP National School Feeding Programme

PE Public Education

PEF Private Enterprises Federation

PMTCT Prevention of Mother-To-Child Transmission

SADA Savannah Accelerated Development Authority

SOHR State Of Human Rights

UN United Nation

UNCAC United Nations Convention against Corruption

UNCAT United Nations Convention against Torture

UNGPS United Nations Guiding Principles

COMMISSIONER'S MESSAGE

It is with great humility that I present the 2014 Annual Report of the Commission on Human Rights and Administrative Justice, the 21st edition since the Commission was established.

2014 will go down in the history of the Commission as an epochal year for two main reasons, one of them very positive, and the other not so positive.

In 2014, the Commission was embroiled in very bad publicity that threatened to take the shine out of all the good work the Commission had done, not only in the year, but over the years. Allegations of misconduct had been made against the Commissioner, but before investigations could commence in accordance with law, all manner of conclusions had been drawn by key stakeholders damning the entire institution. Some development partners even withdrew support in spite of assurances that the matter was being dealt with in accordance with law. The Commission had to struggle in the second part of the year against the negative publicity it was enmeshed in to achieve the results captured in this report.

On the other hand, the Commission made significant progress toward laying a strong foundation for fighting corruption in Ghana. On 03 July 2014, Parliament, in a bi-partisan approach, adopted the National Anti-Corruption Action Plan (NACAP) submitted by the Commission as the national strategy and plan of action for fighting corruption which has indeed become endemic in Ghana and gotten out of control. The NACAP was developed by the Commission working in collaboration with key stakeholders. The Plan is to be implemented over a ten-year period.

NACAP is Ghana's strategic response to corruption. It envisions a sustainable democratic society founded on good governance and imbued with high ethics and integrity, and seeks to contextualize and mobilize efforts and resources of stakeholders to prevent and fight

corruption through the promotion of high ethics and integrity and the vigorous enforcement of applicable laws. It adopts a three-pronged approach to combatting corruption, i.e. Education/Capacity Building, Prevention and Deterrence/Prosecution.

NACAP has four Strategic Objectives, namely:

- Build public capacity to condemn and fight corruption and make its practice a high-risk, low-gain activity
- Institutionalize efficiency, accountability and transparency in the public, private and not-for profit sectors
- Engage individuals, media and civil society organisations in the report and combat of corruption
- Conduct effective investigations and prosecution of corrupt conduct.

It has 135 key actions to be implemented over a period of 10 years, whose successful implementation is expected to lay a strong foundation for bringing the pervasive corruption in Ghana under control.

During the year, the Commission also continued to facilitate the review of Ghana under the First Phase of the Review Mechanism of the UN Convention Against Corruption (UNCAC).

Other Major Achievements

The Commission continued to enforce rights and hold power accountable, and to provide remedy to many through its complaint resolution mechanism. During the year, the Commission received 10,124 cases, representing 8.25% decline over the 2013 figure [made up of 9674 human rights cases, 401 administrative justice cases, and 49 corruption cases], and investigating 9921 cases, representing 8.23% decline over the 2013 figure [made up of 9562 human rights cases, 401 administrative justice cases, and 18 corruption cases].

Most of the cases that engaged the Commission's attention in 2014 were cases that made little or no news, but which were of immense importance to the ordinary persons who were at the receiving end of

unfair treatment and human rights violations. In the end, about 10,000 individuals, and by extension their families, had redress under the law through our case handling mechanism that otherwise would not be available. By this the Commission provided access to justice to many, through processes that are free, fair, just and empowering, user friendly and accessible to all.

I will like to cite for mention one case in particular, where the Commission found the admission criterion for Midwifery training and practice of Ministry of Health (MOH) to be discriminatory and unfair, and an abridgement of the fundamental rights of males who desire to acquire training in Midwifery and practice in the field. The Commission accordingly directed that the MOH should take steps to open its future midwifery programmes to both males and females, who should have equal opportunities to access the Midwifery training and practice.

The Commission will like Parliament to take steps to seriously address practices, especially in public institutions, which are arbitrary and discriminatory, and which only end up abridging the fundamental rights of the persons subjected to such practices.

The Commission also stepped up its public education and sensitization activities during the year, organizing 5,892 educational programmes across the country, an increase of 74% over the 2013 figure [made up 3030 on human rights, 898 on administrative justice and 1892 on corruption].

Challenges

The greatest single challenge the Commission had to contend with in the year was bad publicity and attacks on the Commission that sought to impugn its integrity. The Commission was hurt needlessly by the negative publicity, and we are working very hard to rebuild public confidence in the institution.

Our already weak finances were further compounded when a key development partner suspended funding support, thereby withholding critical budgetary allocation for Goods and Services for 2014, to mention only a few.

In spite of the many challenges the Commission had to grapple with in the year, the Commission managed to chalk significant successes in the year, thanks to the unique sacrifices made by its loyal staff.

I would like to thank the hardworking staff of the Commission for pulling through in a very difficult year. My sincere gratitude also goes to the government and people of Ghana for continuing to keep faith with us and encouraging us to rise above the storms that assailed us during the year.

Once again, it's an honour to be entrusted with the responsibility of protecting rights, holding power accountable, and making governance more transparent in Ghana.

Richard Quayson

Deputy Commissioner

BRIEF SUMMARY OF 2014 PERFORMANCE

Below is a summary of significant achievements for the year 2014.

The Commission received a total of 10,124 complaints in the year, whilst it completed investigation into 9,921¹ cases as part of efforts to protect human rights, enforce administrative justice and hold public officers accountable. For the same period, the Commission organized 5,820 public education activities as part of efforts to promote and deepen understanding of human rights, administrative justice and anti-corruption and integrity in Ghana.

1. Human Rights

The Commission:

- Received 9,674 human rights related cases in the year and completed investigations in 9,562 cases.
- Carried out 3030 human rights education activities nationwide.
- Organised three workshops on the "UN Guiding Principles on Business and Human Rights" for Civil Society Organisations, Businesses and State Institutions in Ghana. This was done in collaboration with SHIFT and SOMO 40, international NGOs.
- Conducted specialised research into exploitative child labour in the fishing industry in two districts in Ghana.
- Undertook monitoring exercise at the Nsawam Prisons.
- Organized round-table on 8 March 2014 to commemorate International Women's Day on the theme: "Inspiring Change through Affirmative Action and Women Representation in Governance".
- Organized a seminar for security personnel on the theme "Eliminating Torture: A Crime against Humanity" to commemorate the United Nations Day in Support of Torture Victims on 26June.
- Trained 775 nursing trainees in Basic Human Rights for Health Professionals.

¹ This includes pending cases brought from previous years

- Organised Annual Human Rights and Integrity Camp for 112 students and 20 chaperons from 57 schools.
- Participated in stakeholder meetings organised by the Ministry of Employment and Social Welfare (MESW) aimed at eliminating child labour in Ghana.

2. Administrative Justice Activities

The Commission:

- Received 401administrative justice related cases and completed investigations in 341² cases.
- Carried out 898 educational programmes under its administrative justice mandate.
- Held round-table discussions with Heads of Departments of MDAs, MMDAs and CEOs in the Public Sector on its oversight role.
- Commenced consultations to reintroduce Client Service Charters in MDAs.

3. Anti-Corruption

The Commission:

- Received 49 corruption related cases and completed investigations in 18 cases.
- Undertook 1892 anti-corruption public education activities.
- Printed and distributed 800 copies of the National Anti-Corruption Action Plan (NACAP) to Members of Parliament and MDAs.
- Worked with Parliament to have the NACAP adopted by Parliament as the national strategy and blueprint for fighting corruption in Ghana over a ten-year period.
- Facilitated the review of Ghana under the United Nations Convention Against Corruption (UNCAC)
- Participated in the 5th Session of Implementation Review Group of the UNCAC in Vienna, Austria.

² This includes pending cases brought from previous years.

- Organized a number of integrity programmes for heads of public sector institutions.
- Developed fact sheets (leaflets) and fliers to build capacity of the public to resist and report corruption in the regions.

PART I: OVERVIEW OF CHRAJ

1.1 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 as well as administrative justice for all persons in Ghana.

1.2 Vision

The Commission envisions 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.

1.3 Mandate

The Commission on Human Rights and Administrative Justice exists to protect fundamental human rights and to promote good governance in Ghana. The Commission has a broad mandate under Chapter 18 of the 1992 Constitution of Ghana and the CHRAJ Act, 1993 [Act 456]. This mandate is threefold, namely, human rights, administrative justice, and combating corruption. The Commission is therefore:

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

The Commission reports to the Parliament of Ghana.

1.3.1 Human Rights Mandate

The Commission has a broad mandate to protect universal human rights and freedoms, especially those recognized under the 1992 Constitution of Ghana, which include 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:

- a. Enforcement of Rights
- b. Promotion of Rights

a. Enforcement

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, cultural or are otherwise deemed matters of public interest. The Commission conducts research, field investigations, and public hearings in the course of these investigations.

b. **Promotion**

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 employs 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. It organizes monitoring visits to detention facilities, hospitals, schools, communities among others to

assess the degree to which human rights are being respected. Reports on monitoring visits constitute a good resource of primary data as well as provide the Commission and other stakeholders early warning signals of human rights abuses.

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

1.3.2 Administrative Justice

This mandate relates to the Ombudsman function 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.

a. Enforcement

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

The Commission also investigates complaints concerning the functioning of the Public Services Commission, the administrative organs of the State, the Armed Forces, the Police Service and the Prisons Service, in so far as the complaints pertain to (i) a failure to achieve balanced structuring of those services; or (ii) equal access by all to the recruitment of those services; or (iii) fair administration in relation to those services.

b. Promotion

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 assist public officials to avoid arbitrariness

and discrimination thereby enabling such officials to uphold propriety, fairness, openness and impartiality in their decisions and actions.

1.3.3 Anti-Corruption

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

a. Enforcement

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 moneys by public officials". The Commission 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 investigates complaints that relate to the failure to uphold work discipline and professional ethics in the public service.

b. Promotion

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

As the Ethics Office, the Commission works to foster sound ethical standards and accountability in the public service. It promotes integrity and encourages compliance with the ethical standards contained in the Code of Conduct for Public Officials.

The Whistleblower Act, 2006 (Act 720) confers 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.

1.3.4 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.

1.3.5 Structure

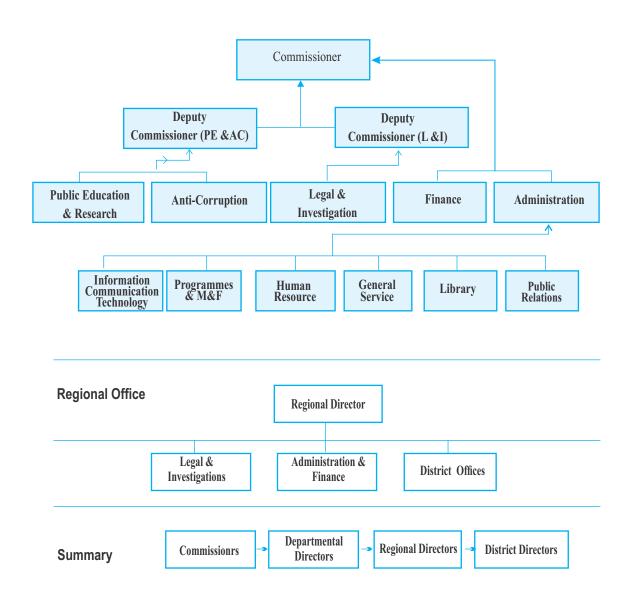
The Commission is made up of a Commissioner, who is the chair, and two deputies. The three (3) Commissioners at the Head Office constitute the governing body of the Commission. The Commissioners are supported by Departmental Directors who have direct responsibility for the departments of the Commission, 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 ten (10) administrative regions of Ghana. In addition, it has two (2) Sub-Regional and ninety-nine (99) District Offices across the country that ensure that the work of the Commission is brought to the doorstep of the ordinary person in Ghana.

ORGANISATIONAL STRUCTURE

iii. HEAD OFFICE



2.1 Human Rights Mandate

The Commission undertook various activities either through promotion or enforcement to fulfil its human rights mandate during the year.

A. Promotion

i. National Human Rights Action Plan (NAHRAP)

During the year under review the Commission set up a six member Working Group to review the draft report on the baseline study of the human rights situation in Ghana conducted by Senanu, Amuzu and Associates, the consultants engaged by the Commission, and submit recommendations to the Commission.

The NAHRAP when completed and dutifully implemented will assist Ghana to mainstream fundamental human rights into national development in a more systematic fashion.

ii. Human Rights and Business

The Commission, in collaboration with SHIFT and SOMO 40, international NGOs, organised 3 workshops from 7th – 8thJuly, 2014 in Accra on the "UN Guiding Principles on Business and Human Rights: Practical Approaches for Civil Society Organisations, Businesses and Government Institutions in Ghana". The workshops were held at the Central Hotel, the Institute of Economic Affairs (IEA), and the Alisa Hotel, Ridge.

The workshops formed part of efforts to engage with stakeholders during a visit by the Working Group of the UN Human Rights Council on human rights and transnational corporations and other business enterprises to Ghana from 8th to 17th July, 2014.

The workshops provided an overview of UNGPs and other relevant corporate accountability standards for a broad section of Ghanaian Civil Society Organizations, Businesses as well as Government and Stakeholders. They were also aimed at sharing practical experience with the target groups, introduce and raise awareness on Business and Human Rights, explore its significance as well as unearth approaches and strategies to be employed in Business and Human Rights in Ghana.

Participants were sensitized to the United Nations Guiding Principles (UNGPs) on Business and Human Rights, emphasizing the need for businesses entities to respect human rights, and not to hide under corporate social responsibility to undermine human rights of people.

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

Specialised Research into Exploitative Child Labour in the Fishing Industry: Livelihood and Survival versus Human Rights

The research study was commissioned by the Commission on Human Rights and Administrative Justice (CHRAJ) on the basis of the CHRAJ's mandate to protect the fundamental human rights of persons in Ghana including children engaged in labour and its worst forms. This study commences one of a series of similar research initiatives as regards children's involvement in fishing activities that the Commission intends to embark upon over a period of time.

The key objective of this research study was to unearth children's own views, as well as those of other formal and informal actors, in terms of their actual realization of human rights, relative to normative human rights provisions and principles.

The study was undertaken in 2 fishing districts³ along the Volta Lake in 2 regions: Three (3) communities in the Dangbe East district (Ada) in the Greater Accra region and three (3) communities in Kpando district (Kpando) in the Volta region. In all, the views of 176 respondents in both districts were sought. This number comprised 129 participants from 10 different focus groups and 47 respondents from one-on-one interviews.

³ These two fishing districts were selected because i) the Commission in 2009 visited them as part of ILO/IPEC-CHRAJ project monitoring activities implemented between 2007 and 2009, ii) due to proximity and the amount of funds available for the project.

Out of the 176 respondents, 31 were working children and 145 were adults.

(See Part V of this Report for the detailed information)

iv. Monitoring of detention facilities

As part of measures to protect the rights of detained persons, the Commission has inspected the nation's prisons since 1995. These prison inspections form part of the annual State of Human Rights Reports issued by the Commission.

Nsawam Medium Security Prison facility became operational in February 1961. Generally, it holds convicts, trial prisoners as well as persons on remand. The facility comprises male and female sections, with separate Officers-in-Charge (OICs). The authorized (expected) capacity of the male section is 717 inmates, but the actual number of inmates detained, at the time of the visit, was 3,725 inmates, out of which 621 were persons on remand. With personnel of 456, the inmate-prison officer ratio in the male section was 1:8 (one prison officer to eight inmates).

(See Part V of this Report for detailed information)

v. Public Education and Outreach

A number of educational programmes were carried out in 2014 by the Commission in efforts to promote and protect human rights. They include:

a) Commemoration of International Days

International Women's Day: On the 8th of March, the Commission joined the international community to commemorate the International Women's Day with a roundtable on the theme "Inspiring Change through Affirmative Action and Women Representation in Governance".

The roundtable celebrated the tremendous contributions of women to the socio-economic development of humanity, and created a platform for stakeholders to dispassionately review some of the barriers that prevent women from assuming leadership roles in society, particularly political office. It also explored opportunities to improve upon women's participation in governance, including an Affirmative Action Policy on women representation.

Participants were drawn from key governance institutions such as Parliament, Judicial Service, women's rights advocates and other civil society groups.

United Nations Day in Support of Torture Victims: As part of activities to commemorate the United Nations Day in Support of Torture Victims, the Commission organized a seminar on the 26th June, 2014 for 50 personnel from the security services. The theme was "Eliminating Torture: A Crime against Humanity", derived from the UN theme, "Fighting Impunity". The participants were drawn from the Ghana Prisons Service, Ghana Police Service and Ghana Immigration Service.

The seminar was aimed at deepening the participants' appreciation of the UN Standard Minimum Rules for the Treatment of Prisoners and Detainees as the basis for fighting impunity and ultimately eliminating torture in all manifestations. It also provided opportunity for participants to explore and share experiences on more humane approaches for handling suspects, including arrest and gathering of information during investigations. The seminar firmly validated Ghana's obligation, as a signatory to the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment (UNCAT), to ensure that this human rights instrument is implemented to the fullest.

b) Basic Human Rights Course for Health Professionals

Seven hundred and seventy-five (775) 3rd Year nursing students received training in the Basic Human Rights Course for Health Professionals. The training was conducted in 7 Nurses Training Colleges in 7 out of the 10 regions in the country. Thirty-nine tutors of the Kumasi Nurses and Midwifery Training College also participated in the course.

The course, introduced in 2004, is designed to train and equip health professionals with human rights principles and professional integrity to enhance quality health care delivery in the country. The 25-hour co-curricular course is run over a period of 12–18 weeks, with participants awarded certificates after successful completion.



Maiden graduation ceremony at the Ho Nurses & Midwifery Training College



Graduates from the Nurses Training College, Kumasi, and CHRAJ officials in a group picture

c) Human Rights and Integrity Camp

The Commission held the 4th Human Rights and Integrity Camp for a total of 112 students and 22 chaperons from 57 schools as against a target of 120 students and 20 chaperons from 60 schools. The week long programme under the theme "Ambassadors for Social Change" was held from 3rd-8th August, 2014 at the Valley View University, Accra.



Deputy Commissioner, Mr. Richard Quayson, making a presentation at the Camp



Dignitaries and Participants after the opening ceremony

The annual event, which is a collaboration between the Commission and the Ghana Education Service, is designed to inculcate sound leadership values premised on respect for human rights, integrity, accountability and good governance. The Camp also provides a platform for members of Human Rights Clubs in Senior High Schools to exchange knowledge and share experiences. The overarching objective is to equip participants to become agents of social change in their respective schools and communities.

In a very participatory manner, participants were taken through a catalogue of human rights and integrity issues that will enable them carry out effective human rights and integrity campaigns. Participants were also taken through quiz competitions to assess whether learning had indeed taken place. In the end, all participants were awarded certificates of participation. In addition, participants who excelled in the quiz competitions were given cash and book prizes.

d) Promotion of Gender Equality

As part of efforts to mainstream gender equality in CHRAJ, the Commission organised training on gender for a section of its staff.

The Commission also engaged a consulting firm to conduct a gender assessment of the Commission, identify existing gender gaps and make recommendations for implementation. One of the key recommendations of the consultant, was the formulation of a new comprehensive gender policy for the Commission.

e) Promotion of Children's rights - Child Labour:

The Commission participated in various stakeholder meetings organised by the Ministry of Employment and Social Welfare (MESW) towards eliminating child labour in Ghana. Discussions at these meetings focused on ways to implement the National Plan of Action on the Elimination of Worst Forms of Child Labour. Participants at these meetings drafted a communiqué for onward transmission to relevant authorities to expedite action on the implementation of the plan. The Commission also joined the international community to commemorate

International Day Against Child Labour which falls on 12th June each year.

f) Promotion of Rights of the Vulnerable

During the year, CHRAJ organized a one-day workshop for 40 representatives of Human Rights NGOs in the Greater Accra region on the topic "Combating Discrimination and Stigma Reduction". The workshop enhanced the knowledge of participants regarding the rights of Most at Risk Populations (MARP), and created awareness on how to report such cases to CHRAJ. It also highlighted the negative impact of discrimination and stigmatization on people living with HIV.

g) Human Rights Education in Schools and Rural Communities

The Commission carried out 3030 educational programmes under its human rights mandate during the year, a decrease of 10.4% over the 2013 figure.

Table 1: 2014 Human Rights Education Programmes

Region	Number Of Offices	Number Of Human Rights PE Activities
Western	11	223
Upper West	5	254
Upper East	6	186
Northern	13	506
Ashanti	16	581
BrongAhafo	13	142
Volta	12	210
Greater Accra	5	137
Eastern	14	358
Central	12	279
Tema	1	91
Obuasi	1	63
Total	109	3030

(See Part IV of this Report for detailed information)

⁴These numbers comprise both regional and district offices

B) Enforcement/Investigation of Cases

i)Enforcement of cases

During the year, the Commission made applications to the High Court for the release of remand prisoners who had been kept in custody for unreasonable periods without trial.

About fifteen (15) other actions were brought before the High Courts in the Northern, Volta and Ashanti Regions to enforce the Commission's decisions.

ii) Investigation of Cases

In all, 95.5% of complaints received in the year, totalling 9,674, were human rights related cases. About 9,562⁵ human rights related cases were disposed of in the year. The complaints were categorized into Children's rights, Women's rights, Property rights, Economic, Social and Cultural rights as well as Civil and Political rights related. 9,303 of the complaints were lodged against private individuals, whilst 6,066, representing 62.7% of these complaints received, were lodged by females. (See Part IV of this Report for detailed information)

2.2 Administrative Justice Mandate

The administrative justice mandate of the Commission received further boost in 2014. The activities under this mandate were carried out either through promotion or enforcement of these rights.

A. Promotion

i. Round Table discussions with Heads of Departments of MDAs, MMDAs and CEOs in the Public Sector

Based on section 7 (1) (b) of the CHRAJ Act 456, the Commission organized sensitization workshop for 25 heads from the security agencies and some selected institutions to clarify its administrative justice oversight function over public services for public service staff.

⁵ This figure includes pending cases brought from previous years

The workshop was against the backdrop of lack of understanding of some officials in the Ministries, Departments and Agencies (MDAs) on CHRAJ's oversight role in public administration. During the workshop, CHRAJ's administrative justice mandate and oversight role in public administration were clarified.

ii. Client Service Charters for MDAs

To improve service delivery by public services to members of the public and also enhance transparency and accountability in their services rendered to the public, CHRAJ in partnership with the Public Services Commission and the Public Sector Reforms Secretariat, organized consultative meetings with selected officials of MDAs across the ten regions of the country on Client/Service Charters.



Participants at group levels validating the draft questionnaire

The workshops also reviewed existing Client/Service Charters of MDAs with a view to develop a prototype/generic Service Charter to serve as a guide for all the public services. Participants also validated the questionnaire to be used to collect data for the development of the generic Charter.

iii. Fact sheets (leaflets), fliers on CHRAJ's Administrative Justice functions

The Commission developed fact-sheets and fliers on its administrative justice oversight role over public administrative bodies to be used for public education on its administrative justice mandate, and to build public capacity to demand greater accountability from public service providers.

iv. Review of CHRAJ administrative justice cases

The Commission undertook a review of administrative justice complaints against MDAs between 2009 and 2013, looking for patterns in recurrent practices to enable the Commission design targeted interventions to assist MDAs adopt and adhere to some of the best practices that can reduce incidents that provoke or result in those complaints.

v. Public Education on Administrative Justice

The Commission carried out 898 educational programmes on its administrative justice mandate during the year, an increase of 18.7% over the 2013 figure.

Table 2: Administrative Justice Education Programmes in 2014

Region	Number Of	Number Of Admin
	Offices	Justice PE Activities
Western	11	81
Upper West	5	37
Upper East	6	90
Northern	13	171
Ashanti	16	182
Brong Ahafo	13	73
Volta	12	72
Greater Accra	5	14
Eastern	14	74
Central	12	78
Tema	1	0
Obuasi	1	26
Total	109	898

(See Part V of this Report for detailed information)

B. Investigation/Enforcement

The Commission received 401 administrative justice related cases during the year, whilst 3416 cases were disposed of, with 15 of them enforced in court.

Out of the complaints received, 313, representing 78% complaints, were made by male complainants. The complaints were mainly on actions being unreasonable and contrary to law, such as failure to pay legitimate entitlements, failure to give adequate opportunity to be heard, oppressive conduct and excessive use of power. (See Part IV of this Report for detailed information)

2.3 Anti-Corruption Mandate

The Commission continued to pursue its anti-corruption mandate through prevention, public education/capacity building and enforcement during the year under review.

A. Prevention

- i. The National Anti-Corruption Action Plan (NACAP)
- Engagement with Parliament on NACAP: The Commission had special engagement with the Parliamentary Service in a four day-residential meeting to facilitate discussions on the consideration and adoption of NACAP. The MPs were taken through the draft Plan and came to appreciate the need for Ghana to adopt NACAP as the national strategy for combating corruption. The MPs were also taken through the role of Parliament in the implementation of NACAP. NACAP has since been adopted by Parliament.
- Adoption of NACAP by Parliament: Parliament unanimously approved and adopted for implementation the NACAP as the national strategy for combating corruption in Ghana over the next 10 years on the 3rd of July 2014. NACAP adopts a transformational and Human Rights based approach to fighting corruption,

⁶ This figure includes pending cases brought from previous years

employing the 3-pronged approach – Education/Capacity Building, Prevention and Deterrence – to fight corruption in a more systematic and consistent manner.

- Printing and dissemination of NACAP document: The Commission printed and disseminated 800 copies of the NACAP document among key Stakeholders.
- The Commission convened two meetings of the National Monitoring Committee (MONICOM) during the year. Member institutions made up of CHRAJ, National Development Planning Commission (NDPC), Ghana Anti-Corruption Coalition (GACC), Ghana Integrity Initiative (GII), and the Private Enterprises Foundation (PEF) were represented at the meetings. The first meeting introduced the MONICOM members to their role in the implementation of the NACAP.
- Workshop to develop an M & E Plan and Tools on NACAP: A oneday workshop was organized for the MONICOM to develop a Monitoring and Evaluation Plan for the implementation of the NACAP.
- Engage Faith-based Organizations on their role in implementation of NACAP: The Commission after the adoption and implementation of the NACAP engaged Faith Based Organizations nationwide to discuss their role in the implementation of the NACAP. The exercise which covered all 10 regions of the country educated Christian and Moslem leaders on the NACAP and corruption generally. The engagement gave the leaders a better understanding of their role in the implementation of the NACAP and the fight against corruption.





Sensitization workshops for Faith Based Organizations in Sunyani (left) and Accra

• **High-level Conference on NACAP:** On 8-9 December 2014, the Commission convened a high-level anti-corruption conference to kick-start implementation of NACAP. The conference, which also commemorated the International Anti-Corruption Day, brought together key stakeholders who had been assigned roles in the implementation of the NACAP.

A High-Level Committee on the Implementation of the NACAP (HiLIC) was inaugurated on the 9thof December, 2014 to assist CHRAJ in coordinating the smooth implementation of the NACAP.

ii. Implementation of United Nations Convention against Corruption (UNCAC)

UNCAC Review Meetings: The Deputy Commissioner (who is also the Chair of the Ghana UNCAC Steering Committee) and Director incharge of Anti-Corruption (who is also the Ghana UNCAC Focal Point), together with representatives of the Judiciary and Office of the President represented the State at the 5th Session of the Implementation Review Group of the UN Convention against Corruption in Vienna, Austria. The session was held as part of the UNCAC Review process.

iii. Public Education and Outreach

• Dissemination of Fact sheets and Fliers on Corruption

As part of effort to build capacity of the public to resist and report corruption, the Commission developed fliers and fact-sheets on corruption and NACAP for distribution to regional and district offices to be used for public education programmes.

• Anti-Corruption Education at the regional and district levels

The Commission carried out 1892 educational programmes under its anti-corruption mandate during the year, an increase of 155% over the 2013 figure. (See Table 3 below for summary)

Table 3: 2014 Anti-Corruption Public Education Programmes by Regions

Region	Number Of Offices	Number Of Anti-Corruption PE Activities
Western	11	129
Upper West	5	60
Upper East	6	98
Northern	13	200
Ashanti	16	226
Brong Ahafo	13	243
Volta	12	88
Greater Accra	5	189
Eastern	14	498
Central	12	99
Obuasi	1	62
Total	109	1892

(See Part V of this Report for detailed information)

B. Enforcement/Investigation of Cases

Corruption related cases received during the year were 49, an increase of 16.7% over the 2013 figure, out of which 18 were fully investigated, a drop by 10% over the previous year's figure. The complaints received ranged from misappropriation, embezzlement, extortion, abuse of power to conflict of interest. (See Part IV of this Report for detailed information)

PART III:

OTHER PROGRAMMES

3.1 Administration

A. Capacity Building for Staff

The Commission continued to build the capacity of its staff with the aim of improving the skills and knowledge of staff in order to deliver on the Commission's mandates. Significant among them were:

Training on administrative justice investigation and education for staff in the Regions/Districts

The Commission organized Capacity Building and Training programme in "Ombudsman Investigations" for relevant staff. The training was aimed at improving skills of participants in conducting effective investigations and producing quality investigation reports and decisions in the regions and districts.

Regional training of key officers in Human Rights, Administrative Justice and Anti- Corruption

Some selected staff of the Commission received training in South Africa, Tanzania, Botswana, Uganda, etc in various courses including Advance Human Rights Course, Organizational Change Management: Effecting/Addressing Transitional Processes phase 2, Roles of Civil Society in aid Effectiveness, Strategic Communication for Development and Advocacy, Effective Capacity Building for Senior Officials, and Promoting Government Interest & Anti-Corruption in Denmark and Malaysia. These were training of trainer's courses for the officers acquire knowledge and share with other staff.

B. Others

i) Renovation and Refurbishment

 Renovation and Refurbishment of Head Office: Renovation and refurbishment work commenced on the West wing of the Head Office of the Commission to accommodate staff whose offices were destroyed by the fire outbreak that gutted the Commission's Office in 2013. The 48 Regiment of the Ghana Armed Forces completed the first phase of work to enable staff who had been displaced to move in.

 Renovation of official residence of the Commissioner: The renovation works on the official residence for the Commissioner resumed in the year after work had come to a stop for about five months.

ii) Performance monitoring of regions

The Commission embarked on a nationwide monitoring of its offices during the year. The exercise was led by the Deputy Commissioners. The exercise gave the Commission a fair assessment of the performance of its regional and district offices. Based on the exercise, vehicles which were originally meant for certain districts were reassigned to well performing districts after the visit. A detailed performance monitoring report with recommendations has been compiled to inform management decisions in the future.

3.2. Media Relations

The Commission during the year engaged the media on various activities, including press statements, to inform the public and enhance its visibility.

They include:

• World Day Against Child Labour – June 12, 2014

On the occasion to mark World Day Against Child Labour on June 12, 2014, the Commission issued a statement, urging stakeholders to renew commitment to national action to end child labour and related activities which prevented children from realising their fullest potential.

The Commission noted that the theme: "Combating Child Labour in Ghana through Effective Social Protection," was very apt as it shed the spotlight on the need for urgent steps to be taken to protect children and their families by giving all children an equal opportunity to fulfil their potential and live healthy, happy and productive lives.

Although the Commission recognised the gains in global efforts at reducing child labour, it also described as quite alarming the fact that about 85 million children were still engaged in hazardous work. The statement observed that it was a sad indication that the 2016 global target for the elimination of the worst forms of child labour will not be met.

The statement called on stakeholders across the board to accelerate and intensify efforts substantially in order to eradicate child labour. Again, since the 2013 World Report on Child Labour emphasised the importance of addressing the underlying economic and social vulnerabilities that force families to resort to child labour, the Commission welcomed Government's efforts at extending the Livelihood Empowerment Against Poverty (LEAP) programme to cover the many households which fell below the poverty line.

The Commission also commended the efforts by the Ministry of Gender, Children and Social Protection to provide shelter and other forms of social protection for the vulnerable, especially street children. It, however, urged the Ministry to do more by strengthening synergies with stakeholders to carry through the National Plan of Action for the Elimination of the Worst Forms of Child Labour in Ghana (NPA 2009-2015).

World AIDS Day – December 1, 2014

In a statement to commemorate World AIDS day on December 1, the Commission called on all Ghanaians to eschew all forms of discrimination and stigmatisation against persons living with HIV/AIDS, noting such behaviours thwarted the country's efforts at dealing with the AIDS pandemic effectively.

The statement noted that, the Commission had introduced an online Discrimination Reporting System to facilitate better tracking of discrimination experienced by people living with HIV and key populations at higher risk of HIV. The Commission, therefore, urged victims who suffered stigma and discrimination to make use of this facility to have their rights fully protected and respected at all times.

The Commission further stated that it has developed a new Privacy and Confidentiality Policy to set the standards for the required attitudinal and behavioural change for protecting the privacy and confidentiality of all the Commission's clients, more especially persons living with HIV and AIDS. The Policy was launched as part of activities marking the occasion.

The theme adopted for the celebration was "Ghana towards an HIV free generation through PMTCT, Safe Sex and Stigma Reduction." In furtherance of this objective, the Commission admonished the youth to endeavour to abstain from pre-marital sex and/or practice safe sex in order to protect themselves from the deadly HIV virus.

The Commission recognized Government's provision of free antiretroviral drugs to victims and other interventions, which had contributed immensely to the reduction in the country's infection rates by more than 50%. It, however, noted the urgent need to do more to sustain the current momentum, especially as Ghana aimed towards reducing mother-to-child-transmission by over 95% by the end of 2015.

The statement urged all Ghanaians to work together to ensure maximum respect for the dignity and rights of all persons living with HIV/AIDS, as well as promote equity as regards access to healthcare services and social justice for all.

National Farmers' Day – December 5, 2014

The Commission joined the entire Ghanaian community to congratulate Ghanaian farmers for their hard work and the immeasurable contribution they continued to make towards national development. The Commission observed that farmers had been pivotal in ensuring the abundance of food to feed Ghana's rapidly growing population, while they continued to contribute meaningfully to the country's export earnings.

The Commission was hopeful the theme 'Eat what we grow' would go a long way to boost food production in the country and also help sustain

Ghana's economy. The theme, the statement noted, also reinforced the Government's call on Ghanaians to cultivate the habit of 'buying, eating and selling' made in Ghana goods to help catapult the country's economic growth.

The Commissioned observed that it was important urgent steps were taken to address some of the challenges confronting the Ghanaian farmer as we urged farmers to produce more. It noted that farmers in the country continued to watch on helplessly as their produce rot due to non-availability of motorable roads to link them to major market centers. Also, lack of good storage facilities as well as recurrent fluctuation in food prices continued to stymie the efforts of farmers and prevented them from reaping the full benefit of their toils.

The Commission further called on government to address the problems, which militated against the smooth implementation of the Fertilizer Subsidy Programme in order to cushion the Ghanaian farmer and serve as an incentive to others, especially the youth, to enter into farming.

Finally, the Commission's statement urged Government and all relevant stakeholders not to relent in doing more to support farmers to ginger them up to continue their hard work to ensure the country maintained its food security.

3.4 Regional, International Relations and Cooperation

• 2014 annual conferences, workshops of NHRIs, ICC & NANHRI:

The Commission participated in the Annual Strategic Planning and Steering Committee meetings of NANHRI as well as meetings organized by the ICC. The Commissioner was elected Chairperson of NANHRI and a member of the International Coordinating Committee (ICC).

Collaboration with African Policing Civilian Oversight Forum (APCOF)

The Commission in collaboration with the African Policing Civilian Oversight Forum (APCOF) trained CHRAJ staff and security officers drawn from the police, prisons and immigration. The aim of the program was to deepen the culture of respect for human rights and transparency and to develop good working relationship between the police and the public. The officers were equipped with the necessary skills to investigate complaints against the police regarding torture, inhuman and degrading treatment and the security personnel were also equipped with international rules regarding torture.

The Commission also collaborated with APCOF and the African Commission on Human and People's Rights to host a high-level strategic meeting with State agencies, non-governmental organizations and Donor Partners on the Luanda Guidelines on the conditions of Arrest, Police Custody and Pre-Trial Detention in Africa ('The Luanda Guidelines').

African Ombudsman Summit

The Commission participated in the African Ombudsman summit held in South Africa.

3.5 Collaboration with CSOs/NGOs

The Commission continued its collaboration with civil society in advancing human rights, accountability and anti-corruption efforts in Ghana, key among them, the Human Rights NGOs Forum, Amnesty International, Ghana Anti-Corruption Coalition and Ghana Integrity Initiative.

PART IV: CASES AND STATISTICS

4.1. Summary of Selected Cases

CHRAJ/HDO/2014/353 – HUMAN RIGHTS [RIGHT TO **EDUCATION] & ADMINISTRATIVE JUSTICE [UNLAWFUL DISMISSAL**

The Complainants, students at the Tamale Nurses & Midwives Training College, were expelled from College for failing to maintain the minimum GPA grades. As a result, their studies were brought to an end They lodged this complaint with the and the students sent home. Commission alleging that the action by the College was arbitrary, discriminatory and unfair, and that as a result their right to education has been violated.

According to the Complainants, even though some students had GPAs lower than what they had, they were only issued with warning letters, whilst they (Complainants) were dismissed. They also alleged that a student who had previously left the College was awarded marks even though he had not taken part in 4th Semester Examinations.

According to the Respondent, the expulsion of the Complainants was in accordance with the regulations of the College, which require the withdrawal of a student who failed to obtain a GPA of 1.5 in two (2) Semesters. The Respondent also drew the attention of the Commission to paragraph 3 of the Admission Letters of the Complainants which states:

"This admission is liable to be terminated in the event of misconduct, unsatisfactory progress in your studies or failing to pass a prescribed examination."

The Respondent denied that some students were allowed to continue their studies despite having GPAs below 1.5 and challenged the Complainants to provide evidence to back their allegations.

In the course of the investigation, the Commission found as a fact that the Complainants failed to meet the requirements of regulation viii of the Academic Regulations, which provides that:

"(viii) a student shall maintain a minimum CGPA of 1.5 to proceed to the next level of the programme".

However, the Commission also found that there were indeed students at the College whose GPA fell below the required 1.5 minimum, and who had performed lower than the Complainants, yet those students were not dismissed and were issued warning letters dated 28th June, 2013. The Respondent's explanation was that although those students did not obtain the required CGPA, the College had discretionary power to either dismiss or issue warning letter.

The Commission drew the attention of the Respondent to the inconsistency with which the School rules had been applied to the Complainants and the other students who had performed less than the Complainants.

Article 296 of the 1992 Constitution provides that "discretionary power shall be deemed to imply a duty to be fair and candid...and shall not be arbitrary, capricious or biased". The Respondent is a public institution, and therefore bound to comply with this constitutional obligation. The Respondent had no other explanation or reason for treating the two groups differently, except exercising discretionary power.

Having failed to comply with the law in the exercise of the discretion, and having failed to give reason for the exercise of the said discretion, the Commission concluded that decision of the Responded is caught under Section 18(b) and (f) of the CHRAJ Act 1993 (Act 456), and accordingly exercised its power under Section 7(1) (d) to reverse the decision to expel the Complainants.

In the course of investigation, two other issues came up for investigation. The Complainants alleged that some students were allowed to mark their own scripts and awarded themselves good marks they did not deserve. The Commission did not find sufficient evidence to substantiate those claims. The Respondent provided evidence to show that no one individual marks the scripts, and to ensure clean results, an Audit Committee has been put in place to vet them.

Regarding the issue that some past students were awarded marks even though they did not take part in the 4^{th} Semester Examinations, the Commission found the allegation to be substantiated.

At the end of the investigation, the Commission directed that the 1st and 2nd Complainants should be re-instated as students at the College, but with caution to improve on their performance just as was done in the case of the students who were given warning letters.

The integrity examination results in an academic institution cannot be over-emphasised, both for the educational development of the students and the integrity of the institution. Consequently, the Commission directed the Respondent to review the entire results of the 4th Semester Examination and expunge grades awarded to any past student who did not sit the exams.

Finally, as the Complainants had missed the 1st Semester, the Commission decided that the 1st Semester course for the Complainants should be treated as having been deferred to the following year, and the Complainants given opportunity to take it the following year.

The Commission also invited the Nurses and Midwives Council to strengthen its supervisory role over the Respondent and other training institutions under its jurisdiction to enhance the integrity of such institutions.

CHRAJ/2012/HD.OA/173 - HUMAN RIGHTS [UNFAIR TREATMENT]

The Complainant is a former employee of the Ghana Police Service and the Respondent herein.

The Complainant alleged that he was enlisted into the Ghana Police Service in 1993. In 2003 the Respondent granted him study leave to pursue studies at the Institute of Professional Studies (now the University of Professional Studies). In 2005, he was granted permission to travel to the United Kingdom for further studies. According to the Complainant, while in the UK he fell ill and had to defer his course, so he wrote to the Respondent requesting for an extension of his study leave period, to which he received no response. He returned to post in 2009, and was posted to Agona Swedru in March 2009. However, a year later he was dismissed for misconduct without being invited to appear before any disciplinary committee.

The Respondent confirmed that the Complainant was granted study leave with pay in 2003. In 2005 the Complainant requested to continue his studies in the UK. The Respondent approved the request and even facilitated his travel to the UK. When the Complainant was scheduled to resume duty he failed to do so and all efforts to contact him through his given address and school yielded no results. However, in 2006, the Respondent received letters from Temple Security Limited (a UK based company) asking for confirmation that the Respondent was a former employee of the Police Service, ostensibly following up on representations the Complainant had made.

According to the Respondent, in December 2007 when the Complainant had still failed to report, it had the Complainant's name published as a

deserter and issued a warrant for his arrest. Subsequently, the Respondent received a letter dated 23rd February, 2008 from the Complainant requesting to resume his police duty, but he did not report until 2009. He was consequently charged with misconduct and dismissed from the Service.

The Commission found that the Complainant indeed travelled to the UK to study which was approved by the Respondent. His study leave expired in October, 2006 but the Complainant remained in the UK until January 2009 without proper authorisation. There was no evidence to support his claim that he had written to his employers for extension of study leave, and between October 2006 and December 2007, the Complainant had failed to contact the Respondent, his employer, even though the Respondent's address was known to him and had not changed during the period.

Regarding the Complainant's claims of ill-health which allegedly forced him to withdraw from his course, the Commission found that the Complainant had been screened for sexually transmitted diseases, but no case of illness that should force him to withdraw from the approved course of study. His claim of having contracted chicken pox was not substantiated by the medical reports he submitted.

The Commission found that the Complainant's actions amounted to desertion under Section 24 (2) and (3) of the Police Service Act, as he continued to stay in the UK without the approval of his employers.

The Commission also found that when the Complainant failed to resume duty after the expiration of his study leave, in December 2007, he was declared a deserter and tried in absentia.

The Commission found the Complainants conduct wholly unsatisfactory. The complaint was accordingly dismissed as unmeritorious.

CHRAJ 192/2012 - HUMAN RIGHTS [UNLAWFUL ARREST & DETENTION]

In this case, the Complainant alleged that he was arrested and detained by the Respondent, the Ghana Police Service, for a period far beyond the constitutional 48-hour limit.

The Complainant alleged that all efforts to procure his bail proved futile and he was only rushed to court on 9th January, 2012 upon the intervention of the Human Rights Advocacy Centre (HRAC). After his ordeal, the Complainant petitioned the Police Council in April, 2012 and waited four months for a response which never came.

The Respondent maintained that the Complainant was arrested lawfully and stated that the Police Service had previously received a complaint from the Coordinator of La Pleasure Beach Resort, alleging that the Complainant and others had taken over management of the resort from 26th to 27th November, 2011. Consequently, on that 4th January, 2012 officers were deployed to arrest the Complainant and companions for being at the beach for unlawful purpose and obstruction contrary to Section 155(1) of the Criminal Offences Act, 1960 (Act 29). Those arrested (9 in total) were arraigned before Circuit Court 9 at the 28th February Road, but because the court was not sitting that day they were deferred until the substantive judge was available to sit, at which point they all pleaded not guilty and were granted bail in the sum of GHC 500.00. The case was adjourned to 18th January, 2012 initially, and eventually struck out after a number of adjournments.

The evidence showed that the Complainant's first appearance in court was not until 9th January 2012 at the Circuit Court 9 and that after 8 appearances at the court over a period of 4 months his case was struck out for want of prosecution.

The Commission found that while the Complainant was lawfully arrested by the Respondent, the Respondent did not comply with the Constitutional provision for a person detained.

Article 14 (3) (a) and (b) and (5) of the 1992 Constitution provides that: 14(3). A person who is arrested, restricted or detained –

- (a) for the purpose of bringing him before a court in the execution of an order of a court; or
- (b) upon reasonable suspicion of having committed or being about to commit a criminal offence under the laws of Ghana, and who is not released,

shall be brought before a court within forty-eight hours after the arrest, restriction or detention.

By this constitutional provision, the Respondent was under a duty to grant the Complainant bail within 48 hours or arraign him before Court. Given that the Court normally would not defer the detention of accused persons without seeing the accused persons and examining their case, and that the Respondent did not provide any proof of the deferment, the Commission found that the Respondent did not seek any order from a court for the deferment of the Complainant and others. In the circumstances, the Commission found that the fundamental right of the Complainant had been violated.

Article 14(5) of the 1992 Constitution provides that:

(5) A person who is unlawfully arrested, restricted or detained by any other person shall be entitled to compensation from that other person.

Having, found that the fundamental right of the Complainant under Article 14(3) of the 1992 Constitution of Ghana had been violated by the Respondent, the Commission directed that the Respondent compensates the Complainant in the sum of GHC 2,000.00. The Commission also advised the Respondent to hold its agents more accountable when it comes to upholding the fundamental rights of the individual.

CHRAJ/HD.OA/162/258 – HUMAN RIGHTS [DISCRIMINATION/WRONGFUL PLACEMENT]

The Complainant is an employee of the Ghana News Agency (GNA), the Respondent in this case. The Complainant alleged that the Respondent had denied her promotion to the position of Director at the GNA due to discrimination.

According to the Complainant, she began working with the GNA in 1976. Whilst working, she obtained post-graduate certificate and diploma in her field but only received verbal assurances that she would be promoted. In 2000, she was granted a one (1)-year study leave to pursue a Master's Programme at Cardiff University. She subsequently applied to extend her study leave for one (1) year until 2002, which was granted. After completing her approved course of study, the Complainant wrote again to the Respondent and asked for a further extension of her study leave (but without pay) to pursue a PhD and, according to her, she was informed that she had been dismissed.

In 2009, the Complainant returned to Ghana and applied for reengagement at the GNA, and after six (6) months she was re-engaged as Editor (the entry position for Master Degree holders). She claimed that this was to avoid paying her compensation for the period that she was unlawfully dismissed. She said she desired to hold the position of Director, which she believed she qualified for by virtue of her PhD, and wrote to the GNA Management for review of her position, and claimed that Management threatened her with warning letters, queries, and verbal warning. She additionally challenged the basis for which she was required to serve a five (5)-year bond upon completion of her initial course of study and claimed that she was treated with contempt by the Respondents. She referred to Article 36 (b) (i) (ii) & (iii) of the Collective Agreement (CA) which makes provision on Disciplinary Procedure and added that all queries were to be copied to the Union but the Respondent failed to do so, and questioned the Respondent for their actions. The Respondent confirmed that the Complainant was indeed employed at the GNA in 1976, and that she was granted study leave in 2001 to pursue a Master's programme in the UK, and she asked for and

was granted extension of her study leave. From this point the parties virtually disagreed on every material particular.

According to the Respondent, in 2003 the Complainant wrote to them claiming she had completed her M.A. in Journalism and requested another extension of her study leave for additional two years, but the same was declined. That she was advised to return home and serve a bond of five (5) years after her studies but she refused, whereupon she was informed that Management had no choice but to delete her name from the payroll following her failure to serve her five (5)-year bond. However, in 2009, the Complainant re-applied to the Respondent and she was re-engaged at the GNA as Editor, and a condition to serve her bond.

In 2011, the Complainant applied for the position of General Manager twice but was unsuccessful at the mandatory interview. Subsequently, she petitioned the Respondent to promote her to the position of Director solely on the basis of her academic qualification, but was informed that she would not be eligible for consideration for the position until she has served her bond.

Regarding the queries, verbal and warning letters, the Respondent explained that they were issued because of Complainant's attitude to work (attending work at her own convenience, habitual lateness and leaving early). On the issue of promotion between 1976 and 2001, the Respondent claimed that the Complainant was promoted during the period.

The Commission found that the Complainant had never been given a promotion letter by the Respondent since 1976, even though she had progressed from the position of Reporter, Senior Reporter, and Editor. The problem was therefore not with promotion during the period, but formal notification of the promotion. The Commission directed the Respondent to put into writing all promotions that the Complainant had earned during the period and formally serve her, with copies on the Complainant's file.

On the issue of dismissal in 2003, Commission found that the Complainant's name was lawfully deleted from the payroll by the Respondent after her request to extend her study leave was denied. The Complainant was clearly in violation of the conditions of her study leave. Not only did she fail to resume work after the approved course of study for which the study leave with pay was given, she also violated the terms of her bond. Removing her name from the payroll was therefore lawful.

On the issue of queries and warning letters, the Commission found that the queries and warning letters issued to the Complainant were justified as her work output had not been satisfactory. The Commission also found that the Complainant often clocked into work late, and left early, sometimes putting in barely couple of hours in the office.

On the issue of discrimination, the Commission found that holding a Doctorate degree alone did not warrant promotion to the position of Director as promotions were subject to the availability of vacancy and a successful interview. The Commission found that while the Complainant met the years of employment criteria as she had worked for the GNA for 29 years and 4 months and thus qualified for the highest level of service as per Article 55 (d) of the CA – long service, she was also required to pass a mandatory interview, which she had not been successful.

Finally, the Commission also found that the five-year bond was in accordance with existing government policy on study leave for public officers. The Collective Agreement (CA) of GNA provides that "staff should be bonded to serve the Agency in accordance with existing government policy". The current Government Policy provided for by the Public Services Commission provides for two and a half times the number of years of study leave abroad. The Complainant enjoyed two years study leave with pay in the UK. The Commission accordingly upheld the decision of the Respondent requiring the Complainant to serve a five-year bond.

CHRAJ/HD.OA/131/189 – HUMAN RIGHTS [RIGHT TO PROMOTION]

The Complainant stated that she joined the Respondent, the Ghana Armed Forces, at the age of 20 years and served for about 40 years until her retirement. She claimed that she would have risen to the position of Chief Accountant had the Respondent not arbitrarily introduced the position of Assistant Chief Accountant at which position she retired. She said had risen through the ranks and was never found wanting in respect of competence, diligence and honesty. Her prayer therefore was to be retired at the position of Chief Accountant, which she believed she would have earned had the Respondent not introduced the Assistant Chief Accountant position, or in the alternative, to promote her to that position on humanitarian grounds, so that she would enjoy better retirement benefits.

According to the Complainant, she qualified to be promoted to Chief Accountant, but prior to the position becoming vacant, the Respondent introduced a new circular which created the position of Assistant Chief Accountant. She claimed that the position of Assistant Chief Accountant did not exist in the Employees Salary Structure of the Ghana Armed Forces Civilian Staff Regulations, 1955, under which she was employed.

The Respondent confirmed that the Complainant was indeed a retired Assistant Chief Accountant, but refuted the Complainant's claim that the position was not validly created. The Respondent alleged that the position of Assistant Chief Accountant was created in accordance with law and approved by the government as part of the salary with effect from 1st June 1997 but was not implemented until 2006. The Respondent concluded that the Complainant was not entitled to her claim to retire as Chief Accountant, and they are also unable to consider her request on humanitarian grounds.

The Commission's investigations confirmed that the Complainant was employed under the Civilian Staff Regulations, 1955 and the Armed Forces Act, 1962. The Commission also found that the position of

Assistant Chief Accountant was created by the "Ministry of Defence Civilian Staff Orders (CSO)", and therefore validly established under law. The Commission established that the position of Asst. Chief Accountant was not created in anticipation of the Complainant, nor was it created to deny her from becoming Chief Accountant. About six members of staff had occupied that position since its creation, including the Complainant who was only promoted to that position in 2009, before she retired in November 2010.

While commending the Complainant for over 40 years of dedicated service to the nation, the Commission was satisfied that the Respondent had been fair to her.

CHRAJ/2012/HD.OA/144/380 – HUMAN RIGHTS [DISCRIMINATION ON GROUND OF GENDER]

The Complainant is a Medical Superintendent in charge of the Gushegu District Hospital and an employee of the Ministry of Health (MOH), the Respondent herein. He lodged the instant complaint requesting the Commission to compel the MOH to discontinue the discriminatory practice of excluding males from the midwifery programme, as the current programme limited admission to only females.

The Complainant argued that the nursing profession and gynaecologists included females and males, and described the similarities that exists between these two groups and Midwives. He argued that there is no scientific or other cogent reason for excluding males from the programme except discrimination on ground of gender. He added that in the course of his practice he observed that female Midwives and health professionals in general have often turned down postings to rural communities whereas their male counterparts often accepted the posting. The Complainant asked the Commission to direct the Respondent to amend its regulations to allow males to enter the Midwifery training institutions to end the current discriminatory practice.

The Respondent consulted the Nurses and Midwives Council of Ghana (the Council) for its comments on the matter, and the Respondent therefore submitted a copy of the Council's opinion which served as its comments to the Commission. The Council stated that it was aware of the issue of the non-inclusion of males in the midwifery profession and cited reports on how other West African countries have begun to include males into midwifery programs with positive results. Conversely, the Council also cited instances where some pregnant women expressed discomfort at male midwives attending to them and cited the low numbers of male midwives (less than 1%) in the United Kingdom and the United States of America.

Midwifery training institutions in Ghana are classified as higher educational institutions, and the Commission found that the Ministry of Health Application and Brochure Form, the only document used to offer admissions for midwifery training contains a provision that the "application for admission into Diploma in Registered Midwifery programmes is limited to females only."

Article 25 (1) of the 1992 Constitution states that:

(1) All persons shall have the right to equal educational opportunities and facilities and with a view of achieving the full realisation of that right, higher education shall be equally accessible to all..."

Article 17(2) of the 1992 Constitution also provides that:

(2) A person shall not be discriminated against on grounds of gender, race, colour, ethnic origin, religion, creed or social or economic status.

Article 17 (3) of the 1992 Constitution defines discrimination in the above clause in the following words:

(3) For the purposes of this article, discriminate means to give different treatment to different persons attributable only or mainly to their respective descriptions by race, place of origin, political opinions, colour, gender, occupation, religion or creed, whereby persons of one description are subjected to disabilities or restrictions to which persons of another description are not made subject to or are granted privileges or advantages which are not granted to persons of another description."

The Commission could not find any legal or policy reason or any other acceptable ground why the Respondent restricted admission into Midwifery training to only female candidates. It therefore found Respondent's Midwifery admission criterion to be discriminatory and unfair, and an abridgement of the fundamental rights of males who desire to acquire training in Midwifery and practice in the field. Men and women should have equal opportunities to access the Midwifery training and practice same just like the other programmes open to both males and females.

As to the argument that some patients are not comfortable with male midwives, the Commission concluded that patients should have the right to choose the health professional that they are comfortable with or would prefer, instead of the Respondent pre-determining that only females are suitable midwives.

The Commission accordingly directed that the Respondent should open its future midwifery programmes to both males and females. In addition, the Respondent must create the required facilities to accommodate male applicants, ensure that after training male and female midwives have equal opportunities to practice Midwifery in its health institutions, and offer support for males to be assimilated into the profession.

CHRAJ/ 2010/HD/02384/352 – HUMAN RIGHTS [UNFAIR DEMOTION]

The Complainant is a former staff of the National Theatre of Ghana, the Respondent herein. In July 2009, he was interdicted pending investigations into an allegation of insubordination made against him by the then Acting Director of Administration, as a result of which he petitioned the Minister of Chieftaincy and Culture to investigate the issues surrounding the interdiction. Subsequently, a committee was formed to investigate the matter, and the Complainant claimed that the committee made recommendations which the Respondent failed to implement. He claimed that in October 2009, he noticed that his job title on his pay slip had changed from Coordinator of Education/Research to Principal Performer. He described the change in job title as a demotion, although he had not received any letter informing him of such, and called upon the Respondent to restore him to his former position.

The Respondent confirmed that the Complainant had been working as the Coordinator of Education Programmes at its institution since 2002. The Respondent explained that the Complainant was asked to redo a report he had submitted but which was found to be inadequate, but he refused to redo it. Consequently, he was suspended pending investigations into the matter. However, he petitioned the Minister of Chieftaincy and Culture who directed the Respondent to suspend action against the Complainant until investigations were concluded, and the Complainant was then recalled from suspension.

The Respondent further explained that the Complainant had not been demoted. Rather in the last quarter of 2009, all salary payments were moved onto the Controller and Accountant-General's salary payment scheme, and this required the Respondent to re-align its salary structure to that of the Ministry of Finance and Economic Planning (MOFEP) resulting in changes of some of the staff titles and ranks. The new salary structure did not affect jobs description, but rather occasioned increases in the salary of the staff.

The Commission found that the change in the Complainant's pay slip from the position of Coordinator for Education/Research to Principal Performer was not a demotion. The Respondent had indeed implemented a new salary structure in October, 2009 which had been approved by the MOFEP, at which point the Complainant's job title changed from Theatre Development and Education to Principal Performer without a change in the job description/content. Apart from the Complainant, other staff in the same job category went through similar change in job title, but none of them experienced demotion or reduction in salary. On the contrary, the gross salary increased from GHC3,277.00 to GHC4,619.12 after the change. Furthermore, the Commission found that the Accountant and Management at the Respondent's institution held a number of meetings with the Complainant and other affected staff to explain the new approved salary structure after implementation. Additionally, as stated by the Respondent, Commission found that the Complainant's job description remained the same.

The Commission therefore concluded that the Respondent's action did not occasion any injustice or human right violation.

4.2. 2014 CASE STATISTICS

4.2.1. <u>Complaints Received, Closed and Pending in the Reporting Period</u>

In the year 2014, the Commission received 10,124 complaints which were lower than the previous year's cases of 11,035 by 8.3%. About 3,156 complaints were carried from the Previous Year to the year 2014, bringing the total complaints available for investigation to 13,280.

Out of the 13,280 cases available, the Commission was able to close 9,921 (74.7%) leaving 3,359(25.3%) cases pending at the end of the reporting period. The closure figure for the reporting period was lower than the previous year's figure of 10,694 by 7.2%.

Table 1: Summary of Cases Received, Closed and Pending by Regions

Regions	Number of Complaints Received in 2014	Number of Cases Carried from <u>Previous</u> <u>Year</u>	Number of Cases Available for Investigation in 2014	Total Number of Cases Closed	Total Number of Cases Pending
Upper East	291	37	328	267	61
Upper West	373	84	457	381	76
Ashanti	1,716	369	2,085	1,598	487
Brong Ahafo	2,752	579	3,331	2,820	511
Northern	504	132	636	491	145
Western	802	202	1004	803	201
Central	726	235	961	740	221
Greater	669	1,207	1876	625	1,251
Volta	1,459	191	1,650	1,365	285
Eastern	832	120	952	831	121
Totals	10,124	3,156	13,280	9,921	3,359

4.2.2 Classification of Complaints Received in 2014

The total complaints (10,124) received in the year 2014 were classified into "Human Rights", "Administrative Justice" and "Corruption" to reflect the triple mandates of the Commission. A total of 9,674 complaints, representing 95.5% of all complaints received, were Human Rights related cases; 401(4%) were Administrative Justice related cases, whilst 49 (0.5%) were Corruption related cases.

Cases closed were 9,562 for human rights, 341 for administrative justice, and 18 for Corruption. See table 2 below

Table 2: Classification of Complaints Received and Closed

Classification	Complaints Received	Percentage to Total Received	Complaints Closed	Percentage to Total Closed
Human Rights	9,674	95.5%	9,562	96.4%
Admin justice	401	4%	341	3.4%
Corruption	49	0.5%	18	0.2%
Total	10,124	100%	9,921	100%

4.2.3 Classification of Complainants and Respondents According to Gender.

• In all 10,116 private individuals lodged complaints with the Commission. 3,914 representing 38.7% were *male* whiles 6,202 (61.3%) were *female*. On the other hand, out of 9,303 complaints which were lodged against private individuals, 7,340(78.9%) were male whereas 1,963(21.1%) were female. See figure 1 below

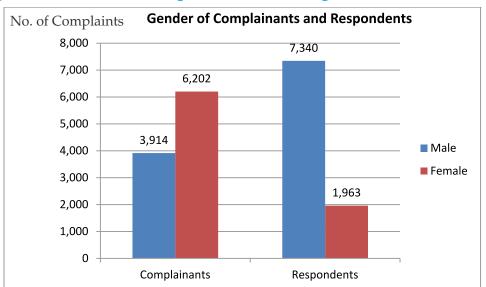
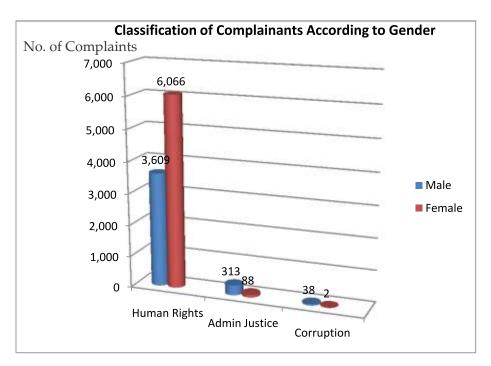


Figure 1: Gender of Complainants and Respondents

• About 62.7% of Human Rights related complaints were reported by females. On the contrary, about 78% of Administrative Justice complaints were made by males, whereas only 2% of corruption complaints were reported by females. See figure 2 below





4.2.4 MODE OR REASONS FOR CLOSURE OF CASES

The Commission disposed of 9,921 cases. The detailed breakdown of the mode of disposal is as follows:

- Declined/Refused to Investigate/Referred: About 809 complaints representing 8.2% of the total closed cases were declined or not investigated due to lack of mandate. However, the Commission referred these complaints to appropriate forum of institutions like Courts, Department of Social Welfare, Police, Labour Commission, Rent Office, etc. for redress.
- **Discontinued/Ceased to Investigate**: -The Commission exercised its discretionary powers to cease investigation into 2,912 cases due to some circumstances which rendered further investigations unnecessary. These cases constitute 29.3% of total closed cases. See table 3 below for details.
- Cases Resolved: -About 6,200 cases representing 62.5% of total closed cases in the reporting year were successfully resolved through mediation and decided by merit after preliminary and full investigation.
- Length of Time Spent on Resolved Cases: -Average time spent on mediated cases varied from one week to three months whiles that of cases decided on merit after full investigation was between one month to one and half years.
- The Significant Role of Mediation in Case Resolution: -The Commission over the past 4 years has resolved most of its cases through mediation while deciding on cases after full investigation had continually decreased. Out of 6,200 cases resolved during the reporting period, the Commission successfully mediated 6,085 which represent 98.1% of all cases resolved. See Table 3 below.

Table 3: Mode of Closure According to the Triple Mandate of the Commission

Mode of Closure	Human Rights	Admin Justice	Corruption	Total Closed
1. Declined/Refused to	765	44	0	809
Investigate/Referred				
2. Ceased to Investigate (Discretional)				
Withdrawn	579	27	3	609
Loss of Interest in Pursuing	435	27	1	463
Complaints				
Other Circumstances	1,764	72	4	1,840
Sub-Total	2,778	126	8	2,912
3. Resolved				
Settled Through Mediation	5,951	134	0	6,085
Decided After Preliminary	63	14	5	82
Investigation				
Decided After Full Investigation	5	23	5	33
Sub-Total	6,019	171	10	6,200
GRAND TOTAL	9,562	341	18	9,921

4.2.5 TREND OF CASES

4.2.5.1Trend of Cases Received Over the Last 10 Years

The 10,124 cases received in 2014 were lower than the previous year's figure of 11,035 by 8.3% and also lowest within the last 10-year period. The average number of cases received over the last 10-year and 5-year periods were 12,562 and 11,425 respectively. Over the last 5-years period the number of complaints received had declined at the rate of 5.8%. See table 4 and figure 3 for the graphical representation of the trend.

4.2.5.2 Trend of Cases Closed Over the Last 10 Years

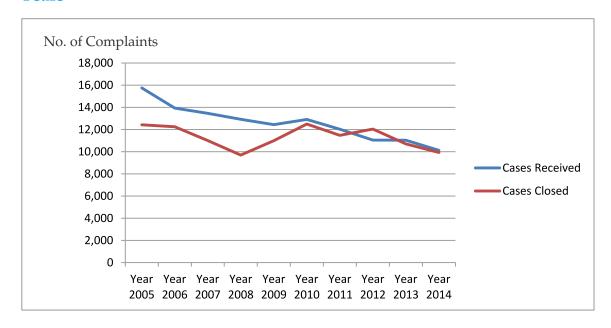
In all, 9,921 cases representing 74.7% of cases available in the year were closed,7.2% lower than the previous year's figure of 10,694. The yearly mean (average) closure figures for the last 10 and 5 years were 11,296 and 11,324 respectively. The closure figure for the reporting period was

the lowest within the last six (6) years. This low figure could be attributed to the lower number of complaints received in the reporting period as compared to the previous years. See table 4 and figure 3 for the graphical representation of the trend.

Years	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Cases Received	15,749	13,931	13,455	12,919	12,443	12,900	12,018	11,049	11,035	10,124
Cases Closed	12,422	12,238	11,003	9,693	10,987	12,491	11,477	12,038	10,694	9,921
Cases Pending	*	*	*	*	*	3,263	3,804	2,815	3,156	3,359
Percentage Closure	79%	87.8%	81.8%	75%	88.3%	79.3%	*75.1%	81%	77.20%	74.7%

Table 4: Cases Received, Closed and Pending for the Last 10 Years

Figure 3: Trend of Cases Received and Closed Over the Past Ten (10) Years



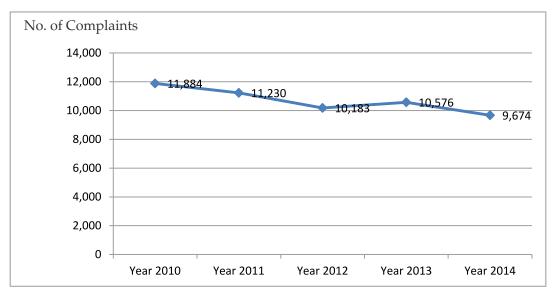
^{*}The percentage closure was expressed on the total available cases in the year which included the cases carried from the previous year.

4.2.5.3 <u>Trend of Complaints Classified According to the Three (3)</u> Mandates

• Trend of Human Rights Complaints

A total of 9,674 complaints, representing 95.5% of the total complaints received in the year, were Human Rights related. This figure is 8.5% lower than the previous year's figure of 10,576. See figure 4 for the trend.

Figure 4: Trend of Human Rights Complaints Over the Last 5 Years



• Trend of Administrative Justice Complaints

In all, 401 Administrative Justice Complaints were received as compared to the previous year's figure of 417. See figure 5 below.

No. of Complaints 1200 1000 978 823 800 600 400 401 200 0 Year 2010 Year 2011 Year 2012 Year 2013 Year 2014

Figure 5: Trend of Administrative Justice Complaints

• Trend of Complaints Alleging Corrupt Practices

In all, 49 cases on corruption were received during the reporting period as compared to 42 received in the previous year. See figure 6 below for the trend.

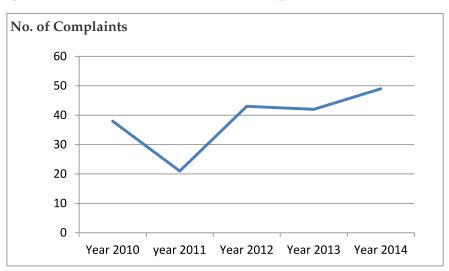


Figure 6: Trend of Cases on Corrupt Practices

4.3. HUMAN RIGHTS COMPLAINTS

4.3.1. Nature of Human Rights Complaints in the Reporting Period

The 9,674 human rights complaints received were categorized into Children's Rights, Women's Rights, Property Rights, Economic, Social & Cultural Rights and Civil & Political Rights related. See figure 7 below and Annex C for details.

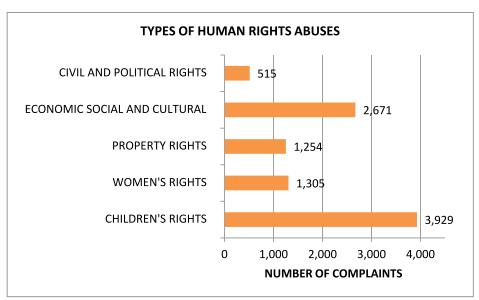


Fig 7: Types of Human Rights Complaints

- <u>Children's Rights Related Abuses</u>: -Out of 9,674 Human Rights complaints received, 3,929 representing 40.6% related to children. The complaints included child care and maintenance, education, health, food, shelter, clothing and paternity. Refer to annex C.
- <u>Women's Rights Related Abuses</u>: About 79.9% of the cases reported under this category were mainly on domestic violence, access to basic necessities of life such as food, clothing and shelter, neglect and maltreatment, sexual harassment and discrimination.

- <u>Property Related Abuses</u>: Complaints were mainly on denial of access to self-acquired or inherited properties and share of jointly acquired properties.
- Economic and Social Rights Related Abuses: Total complaints received during the reporting year were 2,681. The complaints were basically labour related in the private sector, tenancy and breach of agreement in economic related matters, environmental issues and maltreatment of persons accused of witchcraft.
- <u>Civil and Political Rights Related Abuses</u>: -About 92.2% of complaints under this category involved harassment, personal liberty, respect and dignity, with 6 complaints on inhuman treatment and 8 on dehumanizing cultural practices.

4.3.2. Respondent Bodies in Human Rights Complaints Received in 2014

In all 9,303 (96.2%) of the total number of Human Rights complaints were lodged against Private Individuals whereas the remaining were mostly against private institutions and organizations.

4.3.3. Nature of Closure of Human Rights Cases

A total of 9,562 cases were disposed of, out of which 5,951 constituting 62.2% were through mediation. Refer to table 3 for details.

4.4. ADMINISTRATIVE JUSTICE COMPLAINTS

4.4.1. Nature of Administrative Justice Complaints

Total number of Administrative Justice related complaints was 401. Significant among the complaints received were cases of non- payment of salaries, pension, social security benefit, failure to act, dismissals, termination of appointment, delay in dispensing justice and unlawful arrest and detention.

4.4.2. Respondent Bodies in Administrative Justice Complaints

The highest numbers of complaints received were against Organizations under Ministry of Education, Finance, Health and Interior. The complaints were mostly on actions being unreasonable and contrary to law such as failure to pay legitimate entitlements, failure to give adequate opportunity to be heard (unfair hearing), delay in Justice, failure to investigate or act, improper attention and oppressive conduct like intimidation, harassment and excessive use of power of arrest (manhandling). See Annex G for the detailed organizations.

4.4.3. Nature of Closure of Administrative Justice Cases

Out of 341 Administrative Justice Cases closed, 134 (39.3%) were resolved through mediation whiles 37(10.6%), were decided after preliminary and full investigation. Refer to table 3 for more details.

4.5. COMPLAINTS ALLEGING CORRUPT PRACTICES

4.5.1. Nature of Corruption Allegations

In all, 49 complaints were received in the reporting year. The nature of the allegations includes; Misappropriation/Embezzlement of Money, Bribery and Extortion.

4.5. 2. Respondent Bodies in Allegations of Corrupt Practices

Complaints under this category were mostly received against private individuals who were holding official positions in public offices. For detail list of respondent bodies and the corresponding number of complaints against them, see Annex H.

4.5.3. Mode of Closure of Allegations of Corruption

Investigations into 8 cases were discontinued in exercise of discretion, whilst 10 were decided on merit after full investigation. Refer to table 3 for other details.

ANNEXES: DETAILED CASE STATISTICS

Annex A: Classification of Number of Cases Received and Closed by CHRAJ offices in the Year 2014

Offices	CASES RECEIVED				CASES CLOSED			
	Human Rights	Admin Justice	Corruption	Total Received	Human Rights	Admin Justice	Corruption	Total Closed
Upper East Region								
BOLGA. REG. OFFICE	42	9	0	51	40	7	0	47
ZEBILLA	42	1	0	43	39	1	0	40
BAWKU	38	1	0	39	37	0	0	37
BONGO	30	2	0	32	26	1	0	27
NAVRONGO	74	2	0	76	66	7	0	73
SANDEMA	47	2	1	50	41	2	0	43
SUB- TOTAL	273	17	1	291	249	18	0	267
Upper West Region								
WA REGIONAL OFFICE	101	17	1	119	106	15	0	12 1
NADOWLI	58	0	0	58	62	0	0	62
JIRAPA	84	3	0	87	87	2	0	89
TUMU	52	0	0	52	51	0	0	51
LAWRA	53	3	1	57	54	3	1	58
TOTAL	348	23	2	373	360	20	1	381
Ashanti Region								
KUMASI	153	24	3	180	123	12	1	136

DENTIN (OFFINSO)	217	1	0	218	218	0	0	218
DEIZIALA I						-		
BEKWAI	141	0	0	141	130	0	0	130
MAMPONG	48	6	0	54	47	5	0	52
EFFIDUASE	27	2	0	29	20	0	0	20
NEW EDUBIASE	112	2	4	118	100	2	4	106
EJURA	131	0	0	131	143	0	0	143
KUNTANASE	80	5	1	86	84	3	0	87
MANKRANSO	88	0	0	88	86	2	1	89
NKAWIE	121	0	0	121	125	0	0	125
MANSO NKWANTA	105	3	2	110	100	2	0	102
AGONA	76	1	0	77	62	1	0	63
KONONGO	39	2	0	41	37	2	0	39
JUASO	43	0	0	43	46	0	0	46
TEPA	42	0	0	42	5	0	0	5
MANPONTENG	72	2	0	74	78	2	0	80
OBUASI	155	7	1	163	149	7	1	157
SUBTOTAL	1650	55	11	1716	1553	38	7	1598
Brong Ahafo Region								
SUNYANI	242	17	1	260	276	17	3	29 6
BEREKUM	138	0	0	138	146	0	0	146
DORMAA	171	0	0	171	173	0	0	173
ВЕСНЕМ	138	0	0	138	146	0	0	14

								6
WENCHI	420	3	0	423	401	1	0	402
DROBO	82	0	0	82	106	0	0	106
ATEBUBU	309	2	0	311	306	2	0	308
KINTAMPO	171	0	1	172	171	0	1	172
TECHIMAN	412	0	0	412	411	0	0	411
KENYASE	232	0	0	232	231	0	0	231
GOASO	160	2	0	162	165	0	0	165
NKORANZA	133	1	0	134	145	0	0	145
K DANSO	117	0	0	117	119	0	0	119
SUB-TOTAL	2,725	25	2	2,752	2,796	20	4	2,820
Northern Region								
TAMALE	63	12	0	75	55	25	1	81
DAMONGO	18	0	0	18	17	2	0	19
ZABZUGU	11	0	0	11	11	0	0	11
GUSHEGU	8	0	0	8	10	0	0	10
TOLON	12	2	1	15	15	2	1	18
WALEWALE	49	0	0	49	41	0	0	41
SALAGA	32	3	0	35	33	2	0	35
YENDI	46	2	0	48	46	1	0	47
BOLE	42	5	0	47	41	6	0	47
SABOBA	81	0	0	81	71	0	0	71

BIMBILLA	67	0	0	67	64	0	0	64
SAVELUGU	23	1	0	24	21	3	0	24
GAMBAGA	26	0	0	26	23	0	0	23
SUB-TOTAL	478	25	1	504	448	41	2	491
Western Region								
TAKORADI	75	13	0	88	67	15	0	82
TARKWA	63	1	0	64	60	2	0	62
ENCHI	125	1	0	126	111	1	0	11 2
JUABOSO	44	0	0	44	44	0	0	44
AXIM	90	0	0	90	92	1	0	93
ASANKRWA	64	1	1	66	69	1	0	70
WIAWSO	86	0	0	86	80	1	1	82
BIBIANI	130	1	0	131	151	1	0	15 2
AGONA	46	1	1	48	52	1	1	54
HALF ASSINI	31	1	0	32	29	1	0	30
DABOASE	27	0	0	27	22	0	0	22
SUB-TOTAL	781	19	2	802	777	24	2	803
Central Region								
CAPE COAST	74	13	0	87	78	11	0	89
DUNKWA-ON- OFFIN	58	0	1	59	54	0	0	54
AGONA SWEDRU	127	3	0	130	130	2	0	13 2
ABORA DUNKWA	66	0	0	66	64	0	0	64
WINNEBA	33	3	0	36	39	1	0	40
TWIFO PRASO	49	0	0	49	45	0	0	45
ASSIN FOSU	56	4	0	60	55	2	0	57

ELMINA	56	0	1	57	53	0	1	54
APAM	25	0	0	25	25	0	0	25
BREMAN ASIKUMA	36	0	0	36	38	0	0	38
AJUMAKO	46	1	0	47	55	2	0	57
SALTPOND	72	0	2	74	85	0	0	85
SUB-TOTAL	698	24	4	726	721	18	1	740
Greater Accra								
HEAD OFFICE	84	112	20	216	68	62	0	130
ACCRA REG OFFICE	23	14	0	37	25	13	0	38
ADAFOAH	62	0	0	62	59	0	0	59
DODOWA	42	0	0	42	43	0	0	43
AMASAMAN	186	1	0	187	257	5	0	26 2
WEIJA	82	3	0	85	41	6	0	47
TEMA	40	0	0	40	43	3	0	46
SUB-TOTAL	519	130	20	669	536	89	0	625
Volta Region								
НОНОЕ	67	4	0	71	68	3	0	71
KADJEBI	88	0	0	88	58	0	0	58
HO REG. OFFICE	122	30	3	155	113	29	1	143
SAGAKOPE	165	5	0	170	148	4	0	152
AKATSI	299	10	0	309	277	8	0	285
NKWANTA	96	3	0	99	99	1	0	10 0
ADIDOME	55	3	0	58	46	2	0	48

DENU	153	1	2	156	154	1	0	155
KPANDO	119	2	0	121	106	2	0	108
JASIKAN	55	0	0	55	62	0	0	62
KETE KRACHI	40	0	0	40	45	0	0	45
КЕТА	137	0	0	137	138	0	0	138
SUB-TOTAL	1396	58	5	1459	1314	50	1	1365
Eastern Region								
KOFORIDUA REG OFFI	14	9	0	23	18	8	0	26
NKAWKAW	44	3	0	47	47	4	0	51
KADE	99	1	0	100	104	0	0	104
NEW ABIREM	108	0	1	109	114	1	0	115
BEGORO	77	0	0	77	80	0	0	80
KIBI	25	0	0	25	31	0	0	31
NSAWAM	77	0	0	77	80	0	0	80
SUHUM	27	3	0	30	25	2	0	27
AKIM ODA	38	3	0	41	35	4	0	39
AKROPONG	30	2	0	32	42	2	0	44
ODUMASE KROBO	74	2	0	76	68	1	0	69
DONKORKROM	35	0	0	35	36	0	0	36
AKOSOMBO	30	0	0	30	31	0	0	31
ASAMANKESE	128	2	0	130	97	1	0	98
SUB-TOTAL	806	25	1	832	808	23	0	831
Grand Total	9,674	401	49	10,124	9,562	341	18	9,921

Annex B: Classification of Regional Distribution of Cases Received, Closed and Pending

Regions	Cases	Receiv	ed in	2014	(Inclu	tal Case Iding Ca n Previo	ses C	arried	(Cases P	ending	3
	HR	AJ	С	ТОТ	HR	AJ	С	ТОТ	HR	AJ	С	TOT
Upper East	273	17	1	291	249	18	0	267	56	4	1	61
Upper West	348	23	2	373	360	20	1	381	60	15	1	76
Ashanti	1,650	55	11	1,716	1,553	38	7	1,598	430	44	13	487
Brong Ahafo	2,725	25	2	2,752	2,796	20	4	2,820	493	15	3	511
Northern	478	25	1	504	448	41	2	491	119	22	4	145
Western	781	19	2	802	777	24	2	803	198	2	1	201
Central	698	24	4	726	721	18	1	740	166	50	5	221
Greater	519	130	20	669	536	89	0	625	831	356	64	1251
Volta	1,396	58	5	1,459	1314	50	1	1365	266	10	9	285
Eastern	806	25	1	832	808	23	0	831	104	13	4	121
TOTALS	9,674	401	49	10,124	9,562	341	18	9,921	2,723	531	105	3,359

Annex C: Regional Breakdowns of Nature of Human Rights Complaints Received in 2014

NATURE OF ABUSES	н.о	U/E	U/W	A/R	B/A	N/R	W/R	C/R	G/R	V/R	E/R	TOTAL
CHILDREN'S RIGHTS RELATED COMPLAINTS												
Maintenance of Children	16	102	68	368	533	96	261	262	153	518	315	2,692
Child Education	2	11	18	33	47	22	12	27	15	68	18	273
Medical Care	0	0	0	4	0	5	2	3	2	13	7	36
Improper Care of Child	0	1	0	15	11	3	2	2	4	18	0	56
Custody	2	17	8	46	131	29	13	24	43	77	61	451
Defilement	0	1	0	3	0	0	0	1	2	6	0	13
Child Labour	0	0	0	2	5	0	0	6	1	2	1	17
Forced & Early Marriage	0	7	1	3	9	35	0	1	0	3	1	60
Maltreatment	0	0	0	0	3	0	1	1	0	6	1	12
Paternity	0	2	1	35	55	25	1	10	7	15	6	157
Right to Name	0	0	0	1	0	2	0	8	5	0	0	16
Trafficking	0	0	0	0	0	0	0	5	0	4	0	9
Illegal Adoption	0	0	0	0	0	0	0	1	0	0	0	1
Access to Child	1	13	6	23	15	4	8	22	14	19	7	132
Abduction/kidnapping	0	0	0	0	0	2	0	0	1	1	0	4
TOTAL	21	154	102	533	809	223	300	373	247	750	417	3,929

WOMEN'S RIGHTS												
RELATED COMPLAINTS												
<u>COMPLAINTS</u>												
Maintenance of Spouse	0	13	2	119	218	11	59	30	14	27	70	563
Spousal Battery	0	2	4	9	79	12	11	6	1	19	0	143
Sexual Harassment	0	0	0	4	2	1	0	0	0	1	0	8
Rape	0	0	0	0	0	2	0	0	0	0	0	2
Marital Causes	0	9	28	20	234	2	9	11	19	2	3	337
Reproductive Rights	3	19	17	21	0	37	40	23	10	56	26	252
TOTAL	3	43	51	173	533	65	119	70	44	105	99	1,305
PROPERTY RIGHTS RELATED COMPLAINTS												
Destruction	2	0	3	21	33	4	13	3	4	24	10	117
Self-Acquired Property	2	15	36	60	103	24	30	20	9	51	28	378
Jointly Acquired												
Property	0	0	0	58	42	0	66	31	3	1	26	227
Inheritance	1	3	1	88	63	0	39	14	4	14	9	236
Intestate Succession												
(PNDC111)	0	3	7	46	41	2	42	11	4	18	2	176
Trespass/Encroachment	0	0	3	25	31	0	8	3	0	6	9	85
Title	0	0	0	9	2	0	10	12	0	1	1	35
TOTAL	5	21	50	307	315	30	208	94	24	115	85	1,254
ECONOMIC, SOCIAL AND CULTURAL RIGHTS												
Non-Payment of Wages	2	7	17	36	31	16	7	21	16	40	10	203
Environmental Hazards	0	0	0	6	0	1	3	2	0	3	1	16
Noise Pollution	0	0	0	5	3	0	1	0	0	0	12	21

Breach of Agreement	1	0	10	408	166	31	30	50	15	145	65	921
Landlord/Tenant Related Abuses	0	5	7	21	335	8	34	7	14	29	25	485
Nuisance	0	0	0	16	5	2	0	2	5	8	0	38
Witchcraft Accusations	0	1	0	1	2	13	0	0	0	0	1	18
Rights to Freedom of Worship	0	0	0	1	0	0	0	0	0	0	0	1
Medical Care	0	4	2	0	6	0	0	0	0	0	0	12
Labour Related Abuses	5	1	12	37	33	24	21	19	12	26	11	201
Others	32	13	66	37	373	42	45	32	24	60	31	755
TOTAL	40	31	114	568	954	137	141	133	86	311	156	2,671
CIVIL AND POLITICAL RIGHTS RELATED												
Banishment	0	0	0	0	0	4	0	1	0	3	0	8
Human Dignity	3	6	14	27	31	4	1	10	13	44	9	162
Personal Liberty	7	14	17	37	80	11	10	17	20	60	40	313
Inhuman Treatments	0	0	0	1	3	0	2	0	0	0	0	6
Others	5	4	0	4	0	4	0	0	1	8	0	26
TOTAL	15	24	31	69	114	23	13	28	34	115	49	515
Grand Total	84	273	348	1,650	2,725	478	781	698	435	1,396	806	9,674

Annex D: Nature of Administrative Justice Complaints Received in 2014

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	6	3	1	6	5	0	0	2	0	1	6	30
Termination of												
Appointment	1	0	0	7	1	0	1	2	0	2	0	14
Pension	4	1	0	0	0	0	0	2	1	0	1	9
Salaries	16	1	8	5	6	4	5	0	2	7	2	56
Demotions	0	0	0	0	0	0	0	0	0	0	1	1
Denial/Delay of												
Promotions	2	0	0	0	0	0	0	1	1	0	0	4
Abuse of Power	0	0	0	1	0	0	0	0	0	1	0	2
Suspension/Interdicti												
on	1	2	0	0	0	0	0	0	0	0	0	3
Non-Payment of												
Social Security												
Contribution	0	0	0	0	1	0	0	1	0	0	0	2
Non-Payment of												
Social Security												
Benefit	0	0	0	5	0	0	0	2		3	0	10
Failure to Act on												
Complaints	16	1	1	1	0	0	0	0	2	0	1	22
Delay in Dispensing												
Justice	1	0	0	0	3	0	0	2	4	5	3	18
Arbitrary Transfer	1	0	0	0	0	0	0	0	0	2	0	3
Payment of End-of-												
Service	4	0	0	0	0	2	0	0	0	0	0	6

Workmanship												
Compensation	3	0	0	0	0	0	1	0	0	0	0	4
Non-Payment of												
Allowance	3	2	4	0	0	3	0	0	0	2	0	14
Wrongful Placement	1	0	0	1	0	0	0	0	0	0	0	2
Premature												
Retirement	3	1	0	0	2	0	0	0	0	0	0	6
Withholding of												
Documents	4	0	0	0	0	0	0	0	0	0	0	4
Non-payment of												
Insurance Claim	0	0	0	1	0	0	0	0	0	0	0	1
Abuse of Office	16	1	0	9	0	1	0	1	0	3	0	31
Negligence	0	0	0	0	2	1	0	0	0	0	0	3
Unfair Ruling	0	0	0	1	0	0	0	0	0	0	0	1
Payment of Transfer												
Grants	0	0	0	0	0	0	0	0	0	2	1	3
Breach of Agreement	0	0	0	0	0	0	0	0	0	1	0	1
Unfair Treatment	5	1	1	1	2	5	1	1	3	14	0	34
Right to Education	2	0	1	0	0	2	2	0	0	3	0	10
Denial of Bail	0	0	0	1	0	0	0	0	0	0	0	1
Unlawful												
Arrest/Detention	0	0	2	2	2	1	1	0	2	4	3	17
Manhandling by												
Police	0	0	0	2	1	0	0	0	0	1	0	4
Destruction of												
Property without												
Compensation	1	0	0	0	0	1	1	0	0	2	0	5
Non Payment for	0	1	0	0	0	0	1	0	0	0	0	2

Work done												
Harassment by Police	1	1	0	0	0	1	1	0	1	0	0	5
Compulsory Acquisition of Property	0	0	0	0	0	0	1	1	0	0	0	2
Misconduct	1	0	0	0	0	0	0	0	0	0	0	1
Others	20	2	5	12	0	4	4	9	2	5	7	70
TOTAL	112	17	23	55	25	25	19	24	18	58	25	401

Annex E: Nature of Allegations of Corruption

NATURE OF CORRUPTION	Н.О	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	2	1	0	0	1	0	0	3	0	0	0	7
Misappropriation/Embezzlement	10	0	0	3	0	1	1	0	0	3	1	19
Fraud	0	0	0	1	0	0	0	0	0	0	0	1
Conflict of Interest	3	0	0	0	0	0	0	0	0	0	0	3
Bribery	1	0	0	1	0	0	1	1	0	0	0	4
Extortion of Money	2	0	2	4	1	0	0	0	0	2	0	11
Mismanagement	1	0	0	0	0	0	0	0	0	0	0	1
Tax Evasion	1	0	0	0	0	0	0	0	0	0	0	1
Others	0	0	0	2	0	0	0	0	0	0	0	2
TOTAL	20	1	2	11	2	1	2	4	0	5	1	49

Annex F: Respondent Bodies in Human Rights Complaints Received in 2014

Respondent Bodies	Number of Complaints
Private Individuals	9,303
Private Companies/Organizations	358
Churches	5
Chiefs	8
Totals	9,674

Annex G: Respondent Bodies in Administrative Justice Complaints Received in 2014

RESPONDENT BODIES	Number of Complaints
ORGANIZATIONS UNDER MINISTRY OF EDUCATION (99 CASES)	
Universities	3
Polytechnics	1
Schools/Colleges/technical Institutions	6
Ghana Education Service	89
ORGANIZATIONS UNDER MINISTRY OF FINANCE AND ECONOMIC PLANNING (41 CASES)	
Controller & Accountant General	23
SSNIT	8
State Insurance Company	1
Ghana Revenue Authority	1
National Insurance Company	1
Bank of Ghana	1
Ghana post	4

CEPS	1
ADB	1
ORGANIZATIONS UNDER LOCAL GOVERNMENT & RURAL DEVELOPMENT (52 CASES)	
Regional Coordinating Councils	8
Regional Service Secretariat	1
Community Development	1
Town Council	1
Metropolitan, Municipal and District Assemblies (MMDAs)	41
ORGANISATIONS UNDER MINISTRY OF INFORMATION (5 CASES)	
GHANA BROADCASTING CORPORATION (BBC)	3
Ministry of Information	1
Department of Communication development	1
MINISTRY OF TOURISM (2 CASES)	
Kalakpa Resource Reserve	1
Parks and Gardens	1
MINISTRY OF HEALTH (24 CASES)	
National Health Insurance Authority	20
Ghana Health Service	4
MINISTRY OF INTERIOR (93 CASES)	
Ghana Police Service	78
National Disaster Management Organization (NADMO)	6
Ghana National Fire Service	5
National Security	3
Ghana Prison Service	1
MINISTR Y OF WATER RESOURCES, WORKS AND	

HOUSING (6 CASES)	
Public Works Department	1
State Housing Company	2
Ghana water company	3
MINISTRY OF ENERGY (1 CASE)	
Electricity Company of Ghana(ECG)	1
MINISTRY OF ROADS AND HIGHWAYS (6 CASES)	
Ghana Highway Authority	2
Dept of Feeder Roads	1
Ministry	3
MINISTRY OF LANDS AND NATURAL RESOURCES (7 CASES)	
Lands Commission	3
Forestry Commission	2
Ministry	2
MINISTRY OF EMPLOYMENT AND SOCIAL WELFARE (18) CASES)	
Department of Social Welfare	5
Labour Commission	6
GYEEDA	4
Ministry	3
MINISTRY OF TRANSPORT (8 CASES)	
Metro Mass Transit Ltd	1
Ghana Railway Company	1
Driver Vehicle and Licensing Authority	1
Ministry	5
MINISTRY OF DEFENCE (5 CASES)	

Army	2
Ministry	3
ORGANIZATION UNDER MINISTRY OF YOUTH & EMPLOYMENT (3 CASES)	
National Youth Employment Programme (NYEP)	3
MINISTRY OF YOUTH AND SPORTS (1 CASE)	
National Sports Authority	1
MINISTRY OF GENDER AND SOCIAL PROTECTION (2 CASES)	
Ministry of Gender and Children	1
Department of Women	1
EXTRA MINISTERIAL ORGANISATIONS (26 CASES)	
Judicial Service	3
CHRAJ	1
AMA	2
NCCE	2
Ghana Harbour Authority	4
National Service Secretariat	2
Ghana Refugee Board	1
Rent Control Department	1
Ghana Statistical Service	2
CSIR	1
Ghana Law School	1
Birth and Death	5
NBSSI	1
OTHER RESPONDENT BODIES (6 CASES)	2
GRAND TOTAL	401

Annex H: Respondent Bodies in Allegation of Corrupt Practices

RESPONDENT BODIES	Number of Complaints
Ghana Health Service	3
Ghana Education Service	6
Metropolitan, Municipal and District Assemblies (MMDAs)	14
Dept of Parks and Gardens	1
Ghana Police Service	8
Scholarship Sector	1
Private Companies	2
CHRAJ	1
Technical Institutions	1
Second Cycle Schools	2
National Service Secretariat	3
Nursing Training college	1
Ghana Law School	1
Parliament	1
Environment and Sanitation	1
SADA	1
NFED	1
Others	1
TOTAL	49

Annex I: Nature and Mode of Human Rights Cases Closed

	MEDIATION	DECIDED AFTER PRELIMINARY INVESTIGATION	DECIDED AFTER FULL INVESTIGATION	CASE INVESTIGATION	WITHDRAWN	DECLINE TO INVESTIGATE	LOSS OF INTEREST	TOTAL
CHILDREN RIGHTS RELATED COMPLAINTS								
Maintenance of Children	1849	10	0	299	159	74	312	2,703
Child Education	162	3	0	47	15	9	30	266
Medical Care	17	0	0	1	0	7	2	27
Improper Care of Child	33	0	0	6	1	10	3	53
Custody	256	2	0	77	19	59	49	462
Defilement	0	0	0	0	0	14	0	14
Child Labour	14	0	0	1	0	0	0	15
Forced & Early Marriage	41	0	0	6	3	5	1	56
Maltreatment	11	0	0	3	1	0	1	16
Paternity	98	1	0	23	15	9	20	166
Right to Name	7	1	0	2	1	0	1	12
Trafficking	0	0	0	0	0	10	0	10
Access to Child	82	0	0	15	10	8	13	128
Abduction/Kidnapping	1	0	0	1	0	3	0	5
TOTAL	2,571	17	0	481	224	208	432	3,933

WOMEN'S RIGHTS RELATED COMPLAINTS								
Maintenance of								
Spouse	369	0	0	75	33	33	64	574
Spousal Battery	70	1	0	22	16	14	19	142
Sexual Harassment	6	0	0	3	1	1	1	12
Rape	0	0	0	0	0	2	0	2
Marital Causes	192	0	0	47	18	13	22	292
Reproductive Rights	204	2	0	37	50	35	23	351
TOTAL	841	3	0	184	118	98	129	1373
PROPERTY RIGHTS RELATED COMPLAINTS								
Destruction	65	0	0	10	7	8	9	99
Self-Acquired Property	211	7	0	72	25	46	31	392
Jointly Acquired Property	129	1	0	63	14	14	24	245
Inheritance	118	3	0	31	22	22	26	222
Intestate Succession (PNDL111)	87	0	0	30	11	15	14	157
Confiscation by State	0	0	1	0	0	0	0	1
Trespass/Encroachme nt	31	1	0	16	10	8	20	86
Title	13	1	0	0	2	18	2	36
TOTAL	654	13	1	222	91	131	126	1238

ECONOMIC, SOCIAL AND								
CULTURAL RIGHTS								
Non-Payment of								
Wages	106	2	0	21	9	20	15	173
Environmental								
Hazards	12	1	0	3	0	2	0	18
Noise Pollution	14	0	0	3	0	1	0	18
Breach of Agreement	548	3	0	88	38	99	84	860
Landlord/ Tenant								
Related Abuses	313	1	0	57	8	63	55	497
Nuisance	20	0	0	3	6	2	6	37
Witchcraft								
Accusations	16	0	0	0	2	3	1	22
Rights to Freedom of								
Worship	1	0	0	1	0	0	0	2
Medical Care	9	1	0	4	1	1	2	18
Labour Related								
Abuses	102	13	2	56	9	27	14	223
others	476	2	2	80	34	45	34	673
TOTAL	1611	23	4	316	107	263	211	2535
CIVIL AND								
POLITICAL RIGHTS RELATED								
Human Dignity	72	5	0	19	20	27	9	152
Personal Liberty	190	2	0	38	18	24	28	300
Inhuman Treatments	0	0	0	1	1	1	0	3
Others	6	0	0	3	0	13	0	22
TOTAL	274	7	0	61	39	65	37	483
GRAND TOTAL	5951	63	5	1264	579	765	935	9562

Annex J: Nature and Mode of Administrative Justice Complaints Closed

Nature of Administrative Injustice	MEDIATION	DECIDED AFTER PRELIMINARY INVESTIGATION	DECIDED AFTER FULL INVESTIGATION	CEASES INVESTIGATION	CEASES INVESTIGATION	DECLINE TO INVESTIGATE	LOSS OF INTEREST	TOTAL
Unlawful Dismissal	17	0	0	6	1	3	0	2 7
Termination of Appointment	4	0	1	3	1	1	1	1 1
Pension	4	3	3	1	0	1	1	1 3
Salaries	25	3	1	16	8	5	4	6 2
Redundancy/Redeployment	0	0	1	0	0	0	0	1
Demotions	1	0	0	0	0	0	0	1
Denial/Delay of Promotions	1	0	1	0	0	0	0	2
Abuse of Power	0	0	2	1	0	0	0	3
Suspension/Interdiction	0	0		1	0	0	0	1
Non-Payment of Social Security Contribution	0	0	0	1	0	0	0	1

Non-Payment of Social Security Benefit	10	0	0	2	1	0	0	1 3
								1
Failure to Act on Complaints	6	0	1	3	0	5	3	8
Delay in Dispensing Justice	5	1	0	6	2	4	1	1 9
Arbitrary Transfer	1	0	0	0	1	0	0	2
Non-Payment of End-of- Service	1	0	0	0	0	0	0	1
Workmanship Compensation	0	1	1	0	0	0	0	2
Non-Payment of Allowance	4	0	0	0	1	0	2	7
Wrongful Placement	0	0	0	0	1	1	0	2
Premature Retirement	1	0	0	3	0	0	0	4
Withholding of Document	1	0	0	0	0	0	0	1
Non-payment of Insurance Claim	0	0	0	0	0	1	0	1
Abuse of Office	4	2	0	4	0	0	2	1 2
Negligence	0	0	0	1	1	1	0	3
Unfair Ruling	0	0	0	1	0	0	0	1
Non-Payment of Transfer Grants	1	0	0	0	0	1	0	2
Breach of Agreement	0	1	1	0	0	0	0	2
Unfair Treatment	4	1	0	2	1	5	5	1 8
Rights to Education	6	1	5	4	1	0	1	1 8
Denial of Bail	1	0	0	0	0	0	0	1
		1	1	1	1		1	

unlawful Arrest/Detention	2	1	0	5	3	1	2	1 4
Manhandling by Police	1	0	0	1	1	0	0	3
Destruction of Property								
without Compensation	1	0	0	0	0	1	0	2
Non Payment for Work done	0	0	1	0	0	1	0	2
Harassment by Police	3	0	0	0	0	1	1	5
Compulsory Acquisition of								
Property	1	0	0	0	0	1	0	2
								6
Others	29	0	1	11	4	11	4	0
								3
								4
TOTAL	134	14	23	72	27	44	27	1

Annex K: Nature and Mode of Closure of Allegations of Corrupt Practices

NATURE OF CORRUPTION	DECIDED AFTER PRELIMINARY INVESTIGATION	DECIDED AFTER FULL INVESTIGATION	CEASES INVESTIGATION	WITHDRAWN	DECLINE TO INVESTIGATE	LOSS OF INTEREST	TOTAL
Abuse of Office/Power	0	0	1	0	0	0	1
Misappropriation/Embezzleme nt	2	3	0	2	0	0	7
Fraud	1	0	0	0	0	0	1
Conflict of Interest	0	0	1	0	0	0	1
Extortion of Money	2	1	1	1	0	1	6
Over Estimation of Contract	0	1	0	0	0	0	1
Overbilling	0	0	1	0	0	0	1
Total	5	5	4	3	0	1	18

PART V: PUBLIC EDUCATION AND SPECIAL **REPORTS**

5.1 DETAILED STATISTICS ON PUBLIC EDUCATION FOR 2014

5.1.1 PUBLIC EDUCATION IN THE REGIONS AND DISTRICTS

The Commission through its regional and district offices conducted a total of 5,022 public education activities for the period January to December. The activities which were mainly on the three mandates of the Commission covered 3,030 (60%) human rights, 898 (18%) administrative justice and 1,094 (22%) anti-corruption. They were mainly community and school based activities. There were also radio and TV activities where officers took time to educate the public. Below is the breakdown.

Table 1: Number of activities in terms of mandates

Mandate	Human Rights	Admin. Justice	Anti-Corruption	Total
No. of	3,030	898	1,094	5,022
Activities				

Table 2: National Distribution of 2014 Public Education Activities

Region	Human Rights	Admin Justice	Anti- Corruption	Total	%
Western	223	81	129	433	9%
Upper West	254	37	60	351	7%
Upper East	186	90	98	374	7.4%
Northern	506	171	200	877	17%
Ashanti	581	182	226	989	20%
Brong Ahafo	142	73	28	243	5%
Volta	210	72	88	370	7.4%
Greater Accra	134	14	38	189	3.4%
Eastern	358	74	66	498	10%
Central	279	78	99	456	9.1%
Tema	91	0	0	91	2%
Obuasi	63	26	62	151	3%
Total	3030	898	1094	5022	

5.1.2 Human Rights

In terms of human rights, the 12 regional and sub-regional offices carried out 580 activities, representing 19% while the 97 district offices accomplished 2,450, and accounting for 81%. Tamale regional office topped the regional list with 128 programmes whilst Ejura led the districts with 98 activities.

5.1.3 Administrative Justice

Out of the 898 programmes relating to the administrative justice mandate, 149 (17%) were conducted by the 12 regional/sub-regional offices while the remaining 749 (83%) were carried out by the 97 districts. Among the regional/sub-regional offices, Obuasi had the highest number of activities (26). Kuntenanse in the Ashanti region came first among the districts with 44 programmes.

5.1.4 Anti-Corruption

In the area of corruption, the 12 regional/sub-regional offices accounted 195 (18%) activities whereas the 97 districts achieved 899 (82%). Obuasi sub-regional office took the lead with 62 activities in respect of regional offices while Asankragwa in the Western region topped the districts' list with 35 programmes.

5.1.5 Overall Performance

On the whole, Tamale regional office stood out of the regional/sub-regional list with 170 programmes. Kuntenase district excelled among the districts with a total of 150 programmes. The tables below show the breakdown of activities by the 12 regional/sub-regional offices and the 25 top district offices.

Table 2: Performance of regional/sub-regional offices

Regional Offices	No. of Activities	Percentage -%
Accra	15	1.62
Cape Coast	45	4.87
Koforidua	66	7.14
Sekondi Takoradi	31	3.35
Kumasi	132	14.29
Tamale	170	18.4
Bolgatanga	94	10.17
Wa	67	7.25
Но	35	3.8
Sunyani	27	2.92
Tema	91	9.85
Obuasi	151	16.34
TOTAL	924	100

Table 3: Performance of the top 25 district offices

District Offices	No. of Activities	Percentage - %
Kuntenase	150	8.04
Ejura	133	7.14
Bole	118	6.33
Sissala (Tumu)	94	5.04
Bawku	89	4.77
South Tongu	79	4.24
Akatsi	78	4.18
Salaga	71	3.81
Nkawie	69	3.7
Ada Foah	68	3.65
Bimbila	66	3.54
Nadowli	66	3.54
Lawra	65	3.49
Savelugu	64	3.43
Sefiwi-Wiawso	63	3.38

Saboba	63	3.38
Zebilla	62	3.33
MansoNkwanta	61	3.27
Zabzugu	60	3.22
Dodowa	59	3.17
AburaDunkwa	59	3.17
Jirapa	59	3.17
Tolon	58	3.11
Yendi	56	3
Walewale	54	2.9
Total	1864	100

ANNEX: DETAILS OF PUBLIC EDUCATION STATISTICS FOR 2014

Month/ Region	J	F	M	FQ	A	M	J	SQ	MID YR	J	A	s	TQ	О	N	D	FQ	GRAND TOTAL
Greater Accra	9	22	11	42	16	8	22	46	88	17	21	13	51	22	20	8	50	189
Breakdown																		
Regional office	0	0	0	0	1	2	4	7	6	3	3	1	7	1	0	0	1	15
Amasaman	4	7	3	14	3	0	3	6	20	4	2	0	6	2	2	3	7	33
Ada Foah	2	8	5	15	5	1	11	17	32	8	2	5	15	10	8	3	21	68
Weija	0	1	0	1	5	3	1	9	10	0	2	0	2	2	0	0	2	14
Dodowa	3	6	3	12	2	2	3	7	19	2	12	7	21	7	10	2	19	59
Eastern	50	42	56	148	44	48	60	152	300	47	35	49	131	30	34	3	67	498
Breakdo	wn																	
Regional Office	7	7	6	13	9	7	6	22	35	5	5	4	14	4	4	2	10	66
Suhum	5	6	7	18	8	5	4	17	35	4	3	5	12	0	0	0	0	47
Nsawam	2	2	2	6	2	2	2	6	12	3	2	6	11	0	0	0	0	23
Asama_ nkese	3	3	3	9	4	4	6	14	23	5	5	5	15	2	5	0	7	45
Kibi	4	0	5	9	5	5	5	15	24	7	5	5	17	5	5	0	10	51
Oda	2	1	5	8	0	0	6	6	14	2	1	1	4	2	0	0	2	20

Aktopone 3 3 2 2 2 7 0 0 4 4 8 8 15 2 0 0 5 7 0 0 0 0 0 0 22 Assugaram 2 0 0 4 6 5 5 5 5 15 15 2 1 5 0 6 6 11 3 0 0 6 9 11 Neiven 4 3 3 4 11 2 2 4 6 6 12 23 2 2 2 1 1 5 5 5 2 1 1 8 36 Manya 3 3 3 4 10 0 0 0 3 3 3 13 2 0 6 2 10 2 2 0 4 2 5 6 2 10 2 2 0 4 2 7 Donkor 6 6 7 5 18 4 12 0 4 4 8 8 20 5 3 3 5 13 5 13 5 5 0 1 10 4 2 3 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8																			
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Marya North Marken Marya North	Akropong	3	2	2	7	0	4	4	8	15	2	0	5	7	0	0	0	0	22
Abirem 4 3 4 11 2 4 6 12 23 2 2 1 5 5 2 1 8 36 Manya 3 3 4 10 0 0 0 3 3 3 13 2 6 0 2 10 2 2 0 0 4 27 Donkor 6 7 5 18 4 33 3 10 28 2 1 0 0 3 1 1 0 0 2 33 Begoro 3 5 4 1 12 0 4 4 4 8 20 5 3 5 13 5 5 0 0 10 13 29 Volta 34 34 35 103 43 43 30 116 219 33 29 24 86 33 23 9 65 370 Breakdown Neredkown Regional Office 3 8 7 18 7 5 0 12 30 0 3 3 0 3 10 3 2 2 0 0 0 2 35 Keta 2 1 2 2 8 2 4 2 8 2 3 3 2 7 15 5 5 2 3 3 10 3 2 2 0 0 2 3 3 Regord 4 1 2 2 8 2 3 3 2 7 5 11 23 3 3 2 2 2 3 3 10 3 2 2 2 7 3 32 Ketu 4 1 1 2 2 7 2 3 3 3 8 8 15 3 3 3 2 2 8 1 1 2 0 3 2 2 3 3 3 2 2 0 0 3 2 2 7 3 32 Ketu 4 1 1 2 2 7 2 3 3 3 8 8 15 3 3 3 2 2 8 1 1 2 0 3 2 3 3 2 3 2 3 2 3 2 3 2 3 2 3 2 3	Asuogyaman	2	0	4	6	5	5	5	15	21	5	0	6	11	3	0	6	9	41
Northangle Nor	New Abirem	4	3	4	11	2	4	6	12	23	2	2	1	5	5	2	1	8	36
Regional of the color of the	Manya Krobo	3	3	4	10	0	0	3	3	13	2	6	2	10	2	2	0	4	27
Kade 4 2 2 8 4 4 4 12 20 2 1 3 6 0 3 0 3 29 Volta 34 34 35 103 43 43 30 116 219 33 29 24 86 33 23 9 65 370 Regional Office 3 8 7 18 7 5 0 12 30 0 3 0 3 2 0 0 2 35 Keta 2 4 2 8 2 3 8 15 3 3 2 2 7 32 Ketu 4 1 2 7 2 3 8 15 3 3 2 2 7 32 Ketu 4 1 3 3 2 2 0 0 4 <	Donkor krom	6	7	5	18	4	3	3	10	28	2	1	0	3	1	1	0	2	33
Month Month Mark	Begoro	3	5	4	12	0	4	4	8	20	5	3	5	13	5	5	0	10	43
Regional Office 3	Kade	4	2		8	4	4	4		20	2		3	6	0	3	0	3	
Regional Office 3																			
Regional Office	Volta	34	34	35	103	43	43	30	116	219	33	29	24	86	33	23	9	65	370
Office 3 8 7 18 7 5 0 12 30 0 3 2 0 0 2 35 Keta 2 4 2 8 2 3 2 7 15 5 2 3 10 3 2 2 7 32 Ketu 4 1 2 7 2 3 3 8 15 3 2 8 1 2 0 3 2 8 1 2 0 3 2 2 0 4 7 9 6 8 23 4 6 0 10 0	Breakdown																		
Keta 2 4 2 8 2 3 2 7 15 5 2 3 10 3 2 2 7 32 Ketu 4 1 2 7 2 3 3 8 15 3 3 2 2 7 32 Akatsi 14 5 3 24 7 5 11 23 47 9 6 8 23 4 6 0 10 78 North Tongu 0 0 3 3 2 2 0 4 7 0 5 0 0 0 0 10 78 North Tongu 6 5 7 18 12 9 7 28 46 6 5 7 18 6 6 3 15 79 Kpando 4 5 4 13 3 3 <td< td=""><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></td<>																			
Ketu 4 1 2 7 2 3 3 8 15 3 3 2 8 1 2 0 3 26 Akatsi 14 5 3 24 7 5 11 23 47 9 6 8 23 4 6 0 10 78 North Tongu 0 0 3 3 2 2 0 4 7 0 5 0 5 0 0 0 0 12 South Tongu 6 5 7 18 12 9 7 28 46 6 5 7 18 0															1				
Akatsi 14 5 3 24 7 5 11 23 47 9 6 8 23 4 6 0 10 78 North Tongu 0 0 3 3 2 2 0 4 7 0 5 0 5 0 0 0 0 12 South Tongu 6 5 7 18 12 9 7 28 46 6 5 7 18 0 0 15 79 Kpando 4 5 4 13 3 3 9 22 3 4 4 11 3 0 0 3 36 Hohoe 0 3 2 5 0 0 1 1 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0															_				
North Tongu													_						
Tongu O O O O O O O O O O O O O O O O O O O		14	5	3	24	7	5	11	23	47	9	6	8	23	4	6	0	10	78
Tongu 6 5 7 18 12 9 7 28 46 6 5 7 18 6 6 3 15 79 Kpando 4 5 4 13 3 3 3 9 22 3 4 4 11 3 0 0 0 3 36 Hohoe 0 3 2 5 0 0 0 1 1 6 0 0 0 0 0 4 0 0 4 10 Jasikan 0 2 2 2 4 3 4 0 6 11 7 0 0 1 0 1 0 4 4 8 20 Kadjebi 1 1 3 3 5 2 4 0 6 11 7 0 0 0 7 10 3 0 13 31 Nkwanta 0 0 0 0 0 0 3 5 3 11 11 0 0 0 0 0 0 0 0 0 0 0 11 KeteKrachi 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0		0	0	3	3	2	2	0	4	7	0	5	0	5	0	0	0	0	12
Hohoe 0 3 2 5 0 0 1 1 1 6 0 0 0 0 0 0 0 4 0 0 0 4 10 Jasikan 0 2 2 2 4 3 4 0 7 11 0 1 0 1 0 1 0 4 4 8 20 Kadjebi 1 1 1 3 5 2 4 0 6 11 7 0 0 0 7 10 3 0 13 31 Nkwanta 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0		6	5	7	18	12	9	7	28	46	6	5	7	18	6	6	3	15	79
Saikam O 2 2 4 3 4 0 7 11 0 1 0 1 0 4 4 8 20	Kpando	4	5	4	13	3	3	3	9	22	3	4	4	11	3	0	0	3	36
Kadjebi 1 1 3 5 2 4 0 6 11 7 0 0 7 10 3 0 13 31 Nkwanta 0	Hohoe	0	3	2	5	0	0	1	1	6	0	0	0	0	4	0	0	4	10
Nkwanta 0 0 0 0 0 0 3 5 3 11 11 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	Jasikan	0	2	2	4	3	4	0	7	11	0	1	0	1	0	4	4	8	20
Month/ Region J F M FQ A M J SQ MI J A S TQ O N D FQ GRAND TOTAL	Kadjebi	1	1	3	5	2	4	0	6	11	7	0	0	7	10	3	0	13	31
Month/ Region J F M FQ A M J SQ MID- PYR J A S TQ O N D FQ GRAND TOTAL Ashanti Office Office 12 32 8 52 7 15 2 24 76 8 3 9 20 14 22 0 36 132 New Edubiase 2 5 3 10 0 3 2 5 15 8 3 14 6 3 3 12 41	Nkwanta	0	0	0	0	3	5	3	11	11	0	0	0	0	0	0	0	0	11
Month/Region J F M FQ A M J SQ D-YR J A S TQ O N D FQ GRAND TOTAL	KeteKrachi	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Month/Region J F M FQ A M J SQ D-YR J A S TQ O N D FQ GRAND TOTAL																			
Breakdown Image: Control of the control o		J	F	M	FQ	A	M	J	SQ	D-	J	A	S	TQ	0	N	D	FQ	GRAND TOTAL
Regional Office 12 32 8 52 7 15 2 24 76 8 3 9 20 14 22 0 36 132 New Edubiase 2 5 3 10 0 3 2 5 15 8 3 3 14 6 3 3 12 41	Ashanti	51	105	111	267	74	76	70	220	487	71	76	83	230	90	122	60	272	989
Office 12 32 8 52 7 15 2 24 76 8 3 9 20 14 22 0 36 132 New Edubiase 2 5 3 10 0 3 2 5 15 8 3 3 14 6 3 3 12 41	Breakdown																		
Edubiase 2 5 3 10 0 3 2 5 15 8 3 14 6 3 3 12 41		12	32	8	52	7	15	2	24	76	8	3	9	20	14	22	0	36	132
Offinso 3 5 4 12 5 4 3 12 24 2 0 5 7 6 6 0 12 43		2	5	3	10	0	3	2	5	15	8	3	3	14	6	3	3	12	41
	Offinso	3	5	4	12	5	4	3	12	24	2	0	5	7	6	6	0	12	43

Kuntenase																		
	3	10	20	33	10	9	9	28	61	10	10	10	30	10	20	29	59	150
Juaso	2	2	4	8	6	6	0	12	20	4	5	5	14	0	13	5	18	52
Manso Nkwanta	0	6	6	12	6	0	0	6	18	0	7	2	9	16	18	0	34	61
Konongo	2	3	3	8	3	5	2	10	18	3	2	1	6	4	5	5	14	38
Ejura	3	4	18	25	25	14	14	53	78	10	12	6	28	10	10	7	27	133
Тера	0	0	0	0	1	2	0	3	3	2	0	3	5	0	8	5	13	21
Mankranso	0	4	6	10	2	2	3	7	17	3	0	7	10	4	4	3	11	38
Mamponteng	0	4	6	10	4	3	2	9	19	3	3	3	9	2	2	0	4	32
Nkawie	12	11	11	34	1	4	5	10	44	11	6	1	18	2	5	0	7	69
Agona	4	3	5	12	0	0	6	6	18	0	8	14	22	0	0	0	0	40
Mampong	0	4	6	10	4	0	5	9	19	3	0	7	10	11	3	3	17	46
Effiduase	4	5	7	16	0	3	7	10	26	4	5	5	14	5	3	0	8	48
Bekwai	4	7	4	15	0	6	10	16	31	0	12	2	14	0	0	0	0	45
Brong- Ahafo	37	30	37	104	27	25	23	75	179	12	12	11	35	10	19	0	29	243
Breakdown	Ahato																	
Regional Office	4	4	4	12	4	2	2	8	20	1	1	3	5	0	2	0	2	27
Dormaa	5	2	2	9	2	2	2	6	15		1	1	3	1	_		4	22
Wenchi	2	3	3	8	2					1	1	1		1	3	0	4	
Jaman/ Drobo	2	_				1	2	5	13	0	1	1	2	1	2	0	3	18
		2	2	6	1	1	2	5 4	13 10				2					18 15
Nkoranza	3	2								0	1	1		1	2	0	3	
Techiman	3		2	6	1	1	2	4	10 12 10	0	1	1	3	1	2	0	3 2	15 17 12
		2	3	6 8	1 2	1	2	4	10 12	0 1 1	1 1 0	1 1 1	3 2	1 1 1	2 1 2	0 0	3 2 3	15 17
Techiman	3	2	2 3 2	6 8 7	1 2 1	1 1 1	2 1 1	4 4 3	10 12 10	0 1 1 0	1 1 0	1 1 1	3 2 0	1 1 1	2 1 2	0 0 0	3 2 3	15 17 12
Techiman Bechem Asunafo/Goaso Asutifi/	3 4	2 2 3	2 3 2 5	6 8 7 12	1 2 1 3	1 1 1 3	1 1 3	4 4 3 9	10 12 10 21	0 1 1 0 1	1 1 0 0 2	1 1 1 0 0	3 2 0 3	1 1 1 1 1	2 1 2 1 2	0 0 0 0 0	3 2 3 2 3	15 17 12 27
Techiman Bechem Asunafo/ Goaso	3 4	2 3 2	2 3 2 5 4	6 8 7 12 10	1 2 1 3	1 1 1 3 4	2 1 1 3 1	4 4 3 9 8	10 12 10 21 18	0 1 1 0 1	1 1 0 0 2	1 1 1 0 0	3 2 0 3 4	1 1 1 1 1	2 1 2 1 2	0 0 0 0 0	3 2 3 2 3 2	15 17 12 27 24
Techiman Bechem Asunafo/ Goaso Asutifi/ Kenyasi	3 4 4 2	2 3 2 4	2 3 2 5 4	6 8 7 12 10	1 2 1 3 3	1 1 1 3 4 3	2 1 1 3 1 2	4 4 3 9 8	10 12 10 21 18 19	0 1 1 0 1 2	1 1 0 0 2 1	1 1 0 0 1	3 2 0 3 4 5	1 1 1 1 1 1 2	2 1 2 1 2 1	0 0 0 0 0	3 2 3 2 3 2 4	15 17 12 27 24 28
Techiman Bechem Asunafo/ Goaso Asutifi/ Kenyasi Berekum	3 4 4 2	2 3 2 4	2 3 2 5 4 4	6 8 7 12 10 10	1 2 1 3 3 4 0	1 1 3 4 3	2 1 1 3 1 2	4 4 3 9 8 9	10 12 10 21 18 19	0 1 1 0 1 2 2	1 1 0 0 2 1 2 0	1 1 0 0 1 1	3 2 0 3 4 5	1 1 1 1 1 2	2 1 2 1 2 1 2	0 0 0 0 0	3 2 3 2 3 2 4 0	15 17 12 27 24 28 0

Month/ Region	J	F	М	FQ	A	М	J	SQ	MI D- YR	J	A	s	TQ	О	N	D	FQ	GRAND TOTAL
Central	30	46	61	137	39	44	27	110	247	25	21	56	102	50	35	22	107	456
Breakdown	50	10	01	137	37	11	21	110	247	20	21	30	102	50	33		107	400
Regional Office	4	1	5	10	5	4	0	9	19	4	0	0	4	13	6	3	22	45
Agona Swedru	3	6	3	12	3	4	5	12	24	4	3	4	11	1	1	0	2	37
Ajumako	8	0	5	13	2	0	0	2	15	0	0	22	22	6	2	1	9	46
Twifo Praso	0	4	2	6	3	2	4	9	15	0	0	5	5	6	5	2	13	33
Abura Dunkwa	4	4	4	12	5	6	5	16	28	3	6	8	17	7	7	0	14	59
Elmina	5	4	4	13	0	0	2	2	15	0	2	10	12	0	1	0	1	28
Mfantsiman	0	2	5	7	6	6	5	17	24	1	3	3	7	4	2	0	6	37
Gomoa	4	5	9	18	3	8	0	11	29	0	0	0	0	3	2	8	13	42
B. Asikuma	0	6	11	17	4	5	0	9	26	0	4	4	8	4	5	0	9	43
Winneba	2	4	7	13	4	9	6	19	32	10	0	0	10	3	0	4	7	49
Dunkwa Offin	0	0	6	6	4	0	0	4	10	3	3	0	6	3	0	0	3	19
Assin Fosu	0	10	0	10	0	0	0	0	10	0	0	0	0	0	4	4	8	18
Western	20	39	65	124	48	38	20	106	230	30	27	58	115	38	27	23	88	433
Breakdown																		
Regional Office	5	3	3	11	8	5	0	13	24	0	2	4	6	0	0	1	1	31
Tarkwa	3	3	5	11	2	5	0	7	18	3	6	6	15	6	0	1	7	40
Axim	2	6	8	16	1	2	1	4	20	2	0	5	7	1	0	5	6	33
Sefiwi- Wiawso	3	4	12	19	11	9	4	24	43	3	3	2	8	6	0	6	12	63
Asankragwa	0	0	11	11	0	3	0	3	14	3	0	24	27	0	1	0	1	42
Juaboso	2	2	10	14	6	0	2	8	22	4	5	3	12	8	3	2	13	47
Enchi Half	3	2	3	8	3	2	2	7	15	4	3	4	11	5	8	0	13	39
Assini	0	1	1	2	0	1	1	2	4	3	4	3	9	4	6	4	14	27
Bibiani	2	6	6	14	4	6	4	14	28	6	4	6	16	5	3	0	8	52

Agona Nnkwanta	0	0	6	6	6	5	6	17	23	4	0	0	4	3	6	4	13	40
Daboase	0	12	0	12	0	7	0	7	19	0	0	0	0	0	0	0	0	19
Month/ Region	J	F	М	FQ	A	М	J	SQ	MI D- YR	J	A	S	TQ	О	N	D	FQ	GRAND TOTAL
Northern	35	58	103	196	91	88	80	259	455	61	73	70	204	74	71	73	218	877
Breakdown																		
Regional Office	1	6	24	31	31	8	20	59	90	4	15	28	47	10	8	25	33	170
Savelugu	5	6	8	19	8	6	7	21	40	6	6	6	18	3	3	0	6	64
Tolon	0	0	10	10	4	9	0	13	23	0	11	4	15	7	6	7	20	58
Walewale	0	6	5	11	4	15	7	26	37	5	2	2	9	2	2	4	8	54
Gambaga	0	0	5	5	0	0	0	0	5	0	0	0	0	5	0	0	5	10
Bole	6	12	10	28	5	9	5	19	47	8	8	6	22	12	19	18	49	118
Damango	0	4	0	4	5	5	4	14	18	4	4	5	13	4	6	4	14	45
Salaga	6	6	8	20	6	6	10	22	42	7	8	6	21	5	3	0	8	71
Bimblia	6	0	9	15	9	9	5	23	38	5	5	4	14	5	5	4	14	66
Yendi	0	5	4	9	5	5	3	13	22	4	4	6	14	8	8	4	20	56
Saboba	3	4	9	16	4	5	10	19	35	10	3	4	17	4	2	5	11	63
Zabzugu	5	6	6	17	5	6	6	17	34	5	5	4	14	6	6	0	12	60
Gushegu	3	3	5	11	5	5	3	13	24	3	2	5	10	3	3	2	8	42
Upper East	2	67	37	106	33	41	63	137	243	12	13	41	66	22	27	16	65	374
Breakdown																		
Regional Office	0	25	0	25	2	7	20	29	54	0	0	23	23	4	5	8	17	94
Bawku	0	19	18	37	4	16	8	28	65	4	4	6	14	4	4	2	10	89
Sandema	1	4	4	9	10	3	8	21	30	0	0	0	0	4	4	3	11	41
Zebilla	1	6	8	15	5	9	9	23	38	2	3	3	8	6	10	0	16	62
Navrongo	0	4	4	8	6	1	5	12	20	4	4	2	10	4	4	3	11	41
Bongo	0	9	3	12	6	5	13	24	36	2	2	7	11	0	0	0	0	47
Upper	47	32	42	121	25	25	46	96	217	33	7	21	61	16	29	28	73	351

West																		
Breakdown																		
Regional Office	3	3	8	14	5	7	3	15	29	12	2	3	17	13	5	3	21	67
Lawra	5	6	11	22	4	15	0	19	41	6	1	3	10	2	5	7	14	65
Nadowli	12	4	7	23	4	0	12	16	39	6	3	6	15	0	6	6	12	66
Jirapa	18	8	5	31	6	1	12	19	50	7	0	1	8	0	1	0	1	59
Sissala (Tumu)	9	11	11	31	6	2	19	27	58	2	1	8	11	1	12	12	25	94
Tema	9	15	12	36	4	14	9	27	63	5	6	9	20	7	1	0	8	91
Obuasi	10	30	10	50	8	16	13	37	87	10	10	10	30	7	11	16	34	151
TOTAL				1,434				1,381					1,131				1,076	5,022

5.2 SPECIALISED RESEARCH INTO EXPLOITATIVE CHILD LABOUR IN THE FISHING INDUSTRY: LIVELIHOOD AND SURVIVAL VERSUS HUMAN RIGHTS

Introduction

This research study was commissioned by the Commission on Human Rights and Administrative Justice (CHRAJ) on the basis of the CHRAJ's mandate to protect the fundamental human rights of persons in Ghana including children engaged in labour and its worst forms. Child labour is defined as any work that threatens the development of a child, 7whereas its worst forms8 constitute slave-like conditions, illicit activity or any work that is likely to harm the health, safety and morals of a child. Child labour and its worst forms violate the fundamental human rights of a child. This study commences one of a series of similar research initiatives as regards children's involvement in fishing activities in communities along the Volta lake, that the Commission intends to embark upon in the next couple of years.

ILO global child labour statistics⁹ estimate that the number of child labourers has declined by one third since 2000 (from 246 million to 168 million). The number of children in hazardous work stands at 85 million (down from 171 million in 2000). Most of these strides were chalked between 2008 and 2012, when the global number fell by 47 million (from 215 to 168 million), and the number of children in hazardous work fell by 30 million (from 115 to 85 million). Globally children are found to be working in the agriculture, industry and service sectors.

Despite the encouraging global statistics, a substantial number of children continue to engage in child labour and its worst forms; the informal economy being a significant employer¹⁰.

⁷ The Children's Act,1998 (Act 560)

⁸International Labour Organization (ILO) Convention 182

⁹Released in September, 2013

¹⁰ ILO 2010, Child Labour in Africa

risky and perilous conditions in fishing communities, and child trafficking is ubiquitous to such communities.

Child labour and its worst forms in the fishing sector therefore has critical human rights underpinnings, requiring that human rights-based approaches characterize any intervention that seeks the advancement of working children in fishing communities. Such perspectives must go beyond rhetoric and debates, to efforts supported by empirical grounding. Some useful studies have been carried out, with respect to the situation of children subjected to child labour and trafficking in fishing communities in Ghana¹⁹. Such studies span a wide range of thematic issues across a number of fishing communities in Ghana and Africa. However, specific socio-economic human rights violations and abuses of working children in particular communities do not constitute the preoccupation of such broad-based studies.

Supported by empirical evidence, this research study complements previous efforts, as well as contributes a practical and conceptual human rights perspective, to the understanding of the social, economic and cultural conditions encountered by working children in fishing communities, from the viewpoints of formal and informal actors. This objective is in line with the Commission's endeavors over the past years, to promote the social and economic rights of vulnerable populations.

Consequently, the main thrust of this research report is that the abuse and violation of the socio-economic rights of vulnerable populations, such as working children engaged in fishing, must engage all relevant state actors as well as civil society organizations. Failure to do so does not only result in the further marginalization of vulnerable groups such as child workers, but also undermines attempts to advance any reform, in terms of the governance and economy of small scale fishing industries in Ghana, since children constitute a substantial working force of such fishing communities.

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¹⁹Analytical study on child labour in lake Volta fishing in Ghana, ILO/IPEC, May 2013

Methodology and scope of research

A team of officers, in the month of September, 2014, interviewed formal and informal actors from both the district and municipality. Formal actors constituted officials from the respective District Assemblies, the Ghana Education Service, Department of Community Development and Social Welfare, the Media and Youth Clubs. Informal actors included parents and guardians of working children, fisherfolks, chiefs and opinion leaders as well as working children.

The methodology or the philosophy underpinning this research recognizes various interviewees including working children, as rights holders, as well as social actors who are capable of processing their everyday fishing activities and experiences differently at different times. Such actor perspectives give due regard to variations that are likely to arise from interview responses, on account of the varying working contexts of children. For instance, interviews with working children at the lakeside may reduce different responses, as compared to a child at home or in school. Such rich differences which connote the 'hows' of everyday analysis and processing by actors by themselves would have been lost if there was sole reliance on quantitative methods.

In the selection of interviewees, non-probability (non-random) sampling methods were employed. Convenience sampling was inevitable as the success of the research process depended on whether or not respondents were in easy reach or would be available. Prior arrangements were made through the requisite *gate keepers*, but not all actors were willing to participate in the research activity. The research targeted certain specific respondent groups such as state (formal) and non- state (informal) actors - primarily for the purposes of triangulation, thus purposive sampling was also employed.

Structured and semi-structured focus group discussions, as well as observations on specific conditions and situations were undertaken, so as to elicit requisite information regarding the subject matter of the research activity. Interviews with both formal and informal actors took a longer time than expected.

Working children who were interviewed were primarily pupils and students from primary and junior high schools. The children were assured of the confidentiality of their views and responses, in order to avoid victimization by their employers. The use of pseudonyms was employed for the various respondents in order to protect their identities. Interviews with formal actors were conducted primarily in the English language, whereas those with informal actors were conducted in the local languages of the various districts. In all, the views of 176 respondents in both districts were sought. This number comprised 129 participants from 10 different focus groups and 47 respondents from one-on-one interviews. Out of the 176 respondents, 31 were working children and 145 were adults.

Given the suitability of qualitative methods to the type of research embarked upon, triangulation was employed to guarantee reliability across various sources. The essence of such triangulation was not merely about reaching consistency across the requisite sources, on the contrary, the variedness and differences on the same or similar themes²⁰ provided in-depth information that enriched the data.

The key objective of this research study, from preceding discussions, is to unearth children's own views, as well as those of other formal and informal actors, in terms of their actual realization of human rights, relative to normative human rights provisions and principles. The study was undertaken in 2 fishing districts²¹ along the Volta Lake in 2 regions: Three (3) communities in the Dangbe East district (Ada) in the Greater Accra region and three (3) communities in Kpando district (Kpando) in the Volta region.

²⁰Patton, M.Q. (2002). **Qualitative Research and Evaluation Methods**. Thousand Oaks, CA: Sage Publications.

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 $^{^{21}}$ These two fishing districts were selected because i) the Commission in 2009 visited them as part of ILO/IPEC-CHRAJ project monitoring activities implemented between 2007 and 2009, ii) due to proximity and the amount of funds available for the project.

Findings

Socio economic background of families of working children

The local language of the people in the Dangbe East district is Dangbe, though Twi and Ewe are also widely spoken. The predominant occupation is fishing, supported by trading, crop and livestock farming. In the Kpando Municipality, the indigenous inhabitants are mainly Ewespeaking people. The main occupation of the people in the municipality is agriculture, animal husbandry, fishing, hunting and trading.

Principally, children who reside overbank or on island communities are catered for by their relatives who double as their employers. Parents sometimes offer their children to relatives or trade their children for money because they are unable to cater for them. Such children are usually sent to overbank or island communities, the only work that comes handy once children are in custody of relatives, is fishing.

Working children residing within inland communities are either orphaned, live with their parents (some of whom are polygamous) or are catered for by single parents or step parents. Some guardians are also grandparents who are physically frail, poor and are unable to care for their grandchildren.

Household sizes are very large with as many as 26 members residing in an average-sized single room. Interviews reveal that some children also live independent of adults, and rent their own rooms and fend for themselves; some of these children assume responsibility for their younger siblings. These children, found mostly in Torkor Tornu, migrate from island²² communities where there are either no schools or inadequate facilities and personnel in the few established schools available.

²² Islands are communities that are completely surrounded by river or lake

Working children in the Kpando Municipality reportedly migrated together with their families from communities along the Volta Lake and the beaches, including Winneba, Akatsi, Dambai, Mefe, Bator, Agave, Ningo, Sogakofe, and Gomoa, mainly to fish in the Kpando municipality. Working children in the Dangbe East District are mainly Ga Dangbes, Ningos, and Krobos, who migrated from other communities from within and outside the district to engage in fishing.

Nature of work and related hazards²³

Children of different ages and sexes do various kinds of work. Interviews reveal that boys who are aged between 6-7 years often scoop water from the canoe; 9-10 years often paddle and cast net for fish; those beyond 10 years operate boats and direct canoes to their destinations. Children who are ten years and above also dive into the lake to remove nets that are entangled with tree stumps. Others go on the lake in the evening to position their fish traps. The majority of working children are therefore involved in fishing related activities such as casting nets, disentangling nets, paddling canoes, diving, scooping water, mending nets, preparing bait and laying hooks. The average age of the oldest child on the lake according to a formal actor, is fifteen (15). Children above fifteen (15) years are usually self-employed, who fish by themselves.

On the average, working children spend more than 8 hours fishing. Children engage in fishing activity anytime of the day, morning, afternoon, evening or night. Primarily, children work before and after school, whilst others work overnight from 11 pm till the following day. Many of these children also work during weekends. Those who work on

Prohibition of exploitative child labour

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²³ Act 560 of 1998Section 87.

⁽¹⁾ No person shall engage a child in exploitative labour.

⁽²⁾ Labour is exploitative of a child if it deprives the child of its health, education or development.

Section 88. *Prohibition of child labour at night.* (1) No person shall engage a child in night work.

⁽²⁾ Night work constitutes work between the hours of eight o'clock in the evening and six o'clock in the morning. Section 89.

Minimum age for child labour. The minimum age for admission of a child to employment shall be fifteen years. Section 90.

Minimum age for light work. The minimum age for the engagement of a child in light work shall be thirteen years. (2) Light work constitutes work which is not likely to be harmful to the health or development of the child and does not affect the child's attendance at school or the capacity of the child to benefit from school work.

Saturdays work from six in the morning to six in the evening. Thus, the majority of working children interviewed combine fishing with schooling.

Working children often do not break or rest while working. Children either eat after work while others eat on the job. Children work under all kinds of weather conditions. They work in rainy, sunny, cold and windy weather conditions. The majority of children work bare-chested, naked or in just underpants, and they are not provided with life jackets or other safety gears.

Children usually dive into the Lake to remove entangled or trapped nets, and in the process, water enters their eyes, noses and ears predisposing them to infections and disorders such as hearing and sight problems. Children are also exposed to diseases such as bilharzia and others suffer headaches as a result of the long exposure to direct rays of the sun on the Lake. Some children are not good divers and so get drowned or suffocate in the process.

In the event of a windstorm, fishing becomes wearisome, demanding more energy to paddle and direct the boat. Boats do capsize during a windstorm and the lives of people on the boat are endangered when they are unable to paddle fast. During the dry season, children often loose bearing on the lake and cannot be traced; such children are later found dead or alive on the shores of the lake in other communities.

On the nature of payment, majority of children said they were paid daily by their masters and payment was dependent on the quantity of fish caught. Most children were dissatisfied with the amount received. Kwesi, a working child, commented on his meagre wages:

"There is no agreement. I fish with my senior brother who gives me GhC10.00 for a great catch and GhC5.00 for a lesser catch. However, I have to use this money for a number of days because we don't fish every day"

Torkor Tornu, 25th September, 2014.

Yaw, another working child shares a similar view:

"I get money upon fishing and selling. My father gives me 50p after every fishing activity. My dad cheats me because he only gives me 50p. It is not enough. Meanwhile when we obtain a great catch we get sales of about GhC50-GC60 but on very bad days, we don't get any catch"

Awatey Tornu, 26th September, 2014.

Gender-based discrimination²⁴

Pursuant to local cultural norms, girls engage in gender-type related work such as scaling and marketing of fish. Their source of cash income relative to boys is therefore generally scanty. Consequently, some girls are compelled to rely on fishermen for additional income and in the process tend to trade fish for sex in order to survive.

Families that migrate to island and overbank communities for fishing purposes, invest in large families, with sizes as large as 26, for the purposes of a good labour force. Reproduction plays a crucial role in this productive labour force and so, strategically, early marriages as well as large families could deliberately be promoted. Early marriages as well as large families also characterize families of inland communities. Whereas girls are seldom independent economically, given the scanty incomes they derive from fishing related activities, they contribute crucially, by virtue of their reproductive role to a productive force and also to the economy of such fishing communities. Domestic and sexual discrimination constitute a culturally accepted means of sustaining the economy of fishing communities as well as enforcing female subordination, where girls may seldom have a voice in any decision that concerns them.

Reasons for engaging children in fishing: Child labour is better and inexpensive According to interviews with informal actors, there is a preference for child labour as against adult labour. Children are easy to employ and

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²⁴ Discrimination on the basis of gender can render one susceptible to 'gender-based violence'.

offer cheap labour; they are smart, energetic, dutiful, malleable and seldom complain under bad working conditions. Besides, they are better skilled than adults at diving and paddling and can paddle for long distances.

Working children expressed ambivalent views about the fishing work. Most working children interviewed said they derived fulfilment from fishing activities when there is great catch. They state: "fishing is fun, particularly when we obtain a great catch" (Dafor Tornu. 24th September, 2014). Other working children thought otherwise. Kwesi, a working child, said:

"I do not like the job I do but I do it because I need money for school and my personal needs. My grandparents whom I live with farm to put food on the table whiles I also fish to support the family".

Dafor Tornu, 24th September, 2014.

Parents consider their children's engagement in fishing as a means of skills acquisition. They maintain that parents ought to pass on relevant skills to their children so they could grow up to become professional fishermen. Such parents considered it normal to employ children's assistance in whatever work they did, given that their livelihood was dependent on it.

Fisherfolk in the Dangbe East district were emphatic that fishing constituted their main source of livelihood; they therefore taught their children to swim and fish at a tender age. A child who failed to learn the trade was considered block–headed. Fishing, according to fishermen, constituted a source of pride and prestige for fishing communities as it fulfilled an ancestral and cultural obligation.

Other actors attributed children's engagement in fishing to the general poverty in the communities. They claim without the children's

involvement, they cannot pay the school fees of their children or take proper care of them.

Interviews reveal that parents also trade their children for money because they are simply unable to cater for them. The supposed relatives who 'buy' these children, reside on island and overbank communities. Given that virtually no schools are established on these Islands, the only work that comes handy, once children are in the custody of such relatives who are not parents, is fishing.

Families that migrate to other communities for fishing purposes have very little regard for education and do not promote the education of the children they employ in fishing. Such migrant families have very large household sizes and consider their numerical strength advantageous to their fishing vocation.

Formal educational provision in fishing communities²⁵

A number of factors influence adversely children's performance as well as their general interest in school. These factors include; proximity to school, school infrastructure, attendance, teaching and learning

The role of parents:

Act 560 of 1998, Section 47: Duty to maintain a child

²⁵ The right to education is a fundamental human right. This right is explicitly stated in the United Nations' Universal Declaration of Human Rights (UDHR), adopted in 1948:

[&]quot;Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit. ..." (Article 26)

The right to education imposes three levels of obligation on States. The obligation to respect (avoid measures that hinder or prevent the enjoyment of the right), protect (prevent third parties from interfering with the enjoyment of the right) and fulfil (take positive measures that enable and assist individuals and communities to enjoy the right). States must also ensure the right to education in respect of the following: Availability (FCUBE), Accessibility (Non-discrimination), Acceptability of Education (Quality), Adaptability (responds and adapts to the best interest of the child).

⁽¹⁾ A parent or any other person who is legally liable to maintain a child or contribute towards the maintenance of the child is under a duty to supply the necessaries of health, life, education and reasonable shelter for the child.

⁽²⁾ For the purpose of this section, education means basic education.

materials and implementation of relevant policies and programmes such as School Feeding, Capitation Grant etc.

Proximity of Schools to fishing communities

In the Dangbe East district, children on islands and overbank communities cover a distance of about 7 kilometers by foot to nearby schools. Pupils therefore become very exhausted and since the sea is closer to them, they rather would prefer to go fishing. Islands and overbank communities are not easily reachable and so are more deprived in terms of infrastructure as well as human and material resource than schools inland.

It was observed, on the other hand, that schools located very close to the lakeside or the sea also encounter regular disruptions while lessons were in progress. A formal actor stated that upon hearing the shout 'lobaooo', children run uncontrollably from the classrooms to the lake side to pull fishing nets.

School Infrastructure and other material resources

Interviews with relevant educational actors reveal at least one primary school has been established in each of the fishing communities visited. In some of the communities visited, schools do not have the full complement of all the stages at the basic level. For instance in the Kpando Municipality the only school at Awatey Tornu ends at primary five and those in Dafor Tornu and Awatey Tornu do not have any provision for a Junior High School (JHS). Pupils, on completion of their primary education, are compelled to migrate to other communities in order to further their education.

Basic facilities in most schools in the communities visited in both districts are inadequate. Interviews with teachers reveal that some schools were overcrowded; it was observed that the sizes of classrooms are generally very small. For instance in Azizanya D/A Basic School, 437 pupils were enrolled last year and this was seen as a major challenge

confronting the schools, considering the limited number of buildings as well as class room sizes.

Teachers in Torkor Tornu lament about inadequacy of tables and chairs for the pupils. This was confirmed by Kwame, a pupil, during an interview:

"The school building is okay but there are only few tables and chairs. We sometimes have to stand or sit with someone on a single desk. This makes us feel uncomfortable".

Torkor Tornu, 25th September, 2014.

Teaching and learning materials are in short supply and this has made teaching less attractive for teachers. Most teachers resort to improvisation and do so at their own expense.

Also, textbooks for use by children are equally inadequate. The supply of textbook to children in some schools is in the ratio of 1:3 instead of 1:1. Pupils neither have access to textbooks in their homes.

In the Kpando Municipality, all schools in the communities visited with the exception of Torkor, are without toilet facilities. Teachers in Torkor Tornu lamented about inadequacy of tables and chairs for the pupils.

None of the schools had an infirmary. Children are often sent home when they fall sick. Neither did the schools have an ICT unit at the time of visit. In spite of that, pupils had to be taught and examined on ICT without access to computers. Some children interviewed, however, said the lack of amenities or otherwise did not affect their decision to go to school.

Implementation of relevant policies and programmes

None of the schools visited is a beneficiary of the National School Feeding Programme (NSFP) and the majority of parents do not provide their wards with feeding allowance during school hours. Some parents are made to believe that schools are beneficiaries of the NSFP and yet in practice they are not. Majority of the teachers indicated that hunger is a major problem that pupils encounter.

The majority of schools are expected to receive the Capitation Grant, but the grant which is woefully inadequate never arrives on time as the process for accessing it is too cumbersome. All the schools at the time of field visit had not received the grant for the 2013/2014 academic year. The Awatey Tornu primary school, for instance, has never accessed the capitation grant since its establishment.

The provision of free school uniforms in some schools has led to an increase in school enrolment. This increase, however, places high demands on an already feeble educational infrastructure.

School Attendance and Retention rates and Performance

Primarily, both formal and informal actors in all the communities visited indicated that working children combine schooling with fishing. These children fish at midnight through 3am until 10am. On return, such children prepare and attend school afterward. Since school starts at 8am and ends at 2pm each day, children miss out on some lessons and their attention span is also adversely affected. Some pupils are just too tired on arrival and skip school as a result. Some children for fear of punishment for being late, sometimes absent themselves from school.

Others also skip school on market days or when they happen to fish the whole day. Teachers lamented that children absent themselves from school for days, weeks, months and sometimes a whole term.

A child who lives with his stepfather and mother at Torkor Tornu, said he is sometimes asked by his parents to abandon school and go fishing against his will. Most educational actors complained about poor retention rates due to children's involvement in fishing. Rampant migration and movements are also contributive factors. Some children stop schooling so as to enter full time fishing. School dropout is mostly evident at the stage of primary three (3). The drop-out rate for girls is equally high, as a result of their involvement in fishing related activity. Girls who engage in fishing related activities get attracted to fishermen probably due to their social and economic status. Girls as young as 12 years are impregnated by adults in the community and consequently drop out of school because of the shame and stigma.

Performance of working children in schools according to most formal actors is often below average. Children are often tired, dizzy, sleepy, play truant and have low levels of concentration in class. They are unable to do school assignments that they take home.

In as much as teachers wish to see their pupils excel in their schools, an informal actor noted that some teachers are more concerned about obtaining certificates for themselves than teaching, thus contributing to the low performance of the children.

Health Challenges²⁶

The majority of working children interviewed are not registered under the NHIS. Children have little or no knowledge about National Health Insurance Scheme. Some children said they did not have money to register whereas others who are registered have had their registration expired.

Other children claimed they never needed to use NHIS cards because they were always fit and in good health. Further interviews revealed to the contrary that children were often taken ill as a result of the nature of work as well as the social context within which they operated. In fact, reportedly, children were often subjected to physical abuse and beaten frequently by their employers or parents. Such children when taken ill were offered herbal treatment or unwanted self-medication.

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²⁶ Ibid

A formal actor by name Kojo, at Lolonyakorpe / Ayigbo, in the Dangbe East district, commented on other health related hazards associated with children's freedom to complain when they are unwell:

"These children are subjected to verbal and physical attacks when they complain of ill health or show signs of tiredness".

Ayigbo, 26th September, 2014

Most children in the event of illness depend on herbal or traditional medicine which they prepare themselves or they buy drugs from nearby chemical shops. Hospitals are resorted to when their health condition becomes serious. A working child by name Kwesi said:

"They (the people I work for) use hot water and herbal medicine when I get injured"

DaforTornu,24th September, 2014.

The father of a working child at Awatey Tornu commented that often they have to plead with a returning boat to send a sick child home.

Child Trafficking ²	ld Tra <u>f</u>	ckin	g^{27}
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Human trafficking means the recruitment, transportation, transfer, harbouring, trading or receipt of persons within and across national borders by *the* use of threats, force or other forms of coercion, abduction, fraud, deception, the abuse of power or exploitation of vulnerability; or *giving* or receiving payments and benefits to achieve consent. Exploitation shall include at the minimum, induced prostitution and other forms of sexual exploitation, forced labour or services, salary or practices similar to slavery, servitude or the removal of organs. Placement for sale, bonded placement, temporary placement, placement as service where exploitation by someone else is the motivating factor shall also constitute trafficking.

Where children are trafficked, the consent of the child, parents or guardian of the child cannot be used as a defence in prosecution under this Act, regardless of whether or not there is evidence of abuse of power, fraud or deception on the part of the trafficker or whether the vulnerability of the child was taken advantage of.

Section 2: Prohibition of trafficking

A person shall not traffic another person within the meaning of section 1 or act as an intermediary for the trafficking of a person.

 $^{^{\}rm 27}$ Act 694 of 2005, Section 1:

Interviews reveal that fishermen usually travel to sending communities to negotiate with the families for the release of children to be engaged in fishing for a number of years. An agreed amount of money, cattle or other provision is made available to such agents to cater for the educational needs of children. Sometimes parents also use agents (middlemen) to bargain on their behalf. These children many a time do not return to their communities, but school or engage in fishing elsewhere. More boys are said to be trafficked into fishing than girls. About 80% of boys are trafficked as compared to 20% of girls. Reportedly, children are increasingly being sent to receiving communities to be used for fishing on the islands, as there are no established schools on the islands. In the Dangbe East district, these receiving communities are known an 'Akosombo'

A formal actor shared the following about his nephew, namely Kwaku who was sent to one of the receiving communities:

"Kwaku was taken to Akosombo²⁸ without my knowledge. While at Akosombo, the case was reported to the Social Welfare who reported the case to CHRAJ. The child was rescued within 3 weeks. The parents of the child were subsequently arrested and jailed for six weeks". Azizanya, 26th September, 2014

A person who contravenes the subsection commits an offence and is liable on summary conviction to imprisonment for a term of not less than five years.

For purposes of this section, an intermediary is someone who participates in or is concerned with any aspect of trafficking under this Act who may or may not be known to the family of the trafficked person.

To be concerned with an aspect of trafficking in this Act means

(a) to send to, take to, consent to the taking to or to receive at any place any person for the purposes of trafficking, or (b) to enter into an agreement whether written or oral, to subject any party to the agreement or subject any other person to trafficking

Section 3: Provision of trafficked person prohibited

A person who provides another person for purposes of trafficking commits an offence even where the person is a parent. A person who contravenes this subsection commits an offence and is liable on summary conviction to a term of imprisonment of not less than five years.

Section 4: Use of trafficked persons prohibited

A person who uses a trafficked person commits an offence and is liable on summary conviction to a term of imprisonment of not less than five years.

Section 5: Conveyance in trafficking

Means of conveyance in trafficking includes use of public transport and other forms of transport such as conveyance by land, water or air.

²⁸Akosombo is a term that refers to receiving communities or fishing communities that receive working children

It was noted during the interactions that because of fear of arrest, employers have moved to overbank²⁹ and island³⁰ communities to which children are usually trafficked. Such communities are virtually inaccessible by Community Child Protection Committees. On grounds that there are no schools established on island communities and given also that employers of working children are usually untracked and unmonitored, children are motivated to engage in full time fishing. Parents sometimes think that their children are sent to school by their masters but that is not often the case as there are no schools on these islands. Allegedly, some of the masters themselves were once trafficked children and so to them the tradition must continue.

Most parents lose their children once verbal agreements are reached and payments are done. Parents apparently have little idea what children are engaged in and can hardly trace their children as trafficking routes are seemingly altered and children as well as parents are unable to trace one another.

Sometimes agents take a lot of money from the fishermen and give very little to the parent without the knowledge of the child. They (agents) bargain with the fishermen to their own advantage. The amount of money to be paid to the parent is determined by the age, physique, and fishing experience of the child.

On the contrary, interviews with informal actors indicate that there exists a form of agreement between the parent and the fishermen. According to them, the agreement which is often verbal is between the fisherman and the parent of the child although written agreements also exist in the communities. A chief fisherman said an amount of GH¢200.00-GH¢400.00 is charged depending on the number of years the child is supposed to serve.

²⁹ Refer to pg 14 for explanation

³⁰ Refer to pg7 for explanation

Enforcement

Interviews reveal that whereas arrests are made by the police, perpetrators are often cautioned and released but not prosecuted. A formal actor indicated that prosecution of employers of children is dangerous because the lives of staff who work in the communities are often threatened. Prosecutions are carried out only when the community reports such cases. An informal actor at Torkor, however, expressed his misgivings about the way perpetrators are released by the police for reasons he could not understand.

Conclusion

The findings of this research study have highlighted disparities between relevant human rights laws³¹ and the reality as lived by poor working children in fishing communities. Working children located in remote areas such as island communities suffer extreme limitation and disadvantaged access to health, education and other social services. They work under unhealthy and unsafe working conditions characterized by forced labour, child labour and its worst forms as well as child trafficking. Climatic changes, natural and human-induced threats confront such working children, thereby rendering their voices invisible. Poverty exists on a multidimensional scale that is not attributable only to low incomes but as a result of factors that impede full enjoyment of the fundamental human rights including economic, social and cultural rights. Undoubtedly, this research report has established numerous rights abuses and violations by both state and non-state actors.

Rights-based approaches demand the entitlement of working children, without discrimination, to their fundamental human rights. Merely enforcing compliance with various human rights laws becomes problematic for such communities including children who seldom report or file cases of abuse for fear of reprisals. Further, seeking to

³¹Refer to relevant footnotes

remove children form hazardous activity when such endeavors constitute their key source of livelihood can be challenging. Consequently, such communities would choose survival and livelihood over inhumane conditions characterized by numerous human rights abuses including gender based discrimination. In fact, by denying the right to education particularly of children residing in overbank and island communities, the state itself becomes a violator of human rights. Even when efforts are made to rehabilitate rescued children, current state structures are too feeble to rehabilitate such children, let alone guarantee their right to a sustainable livelihood.

While we grabble with the everyday intricacies of survival and livelihood versus the human rights of the working child in fishing communities, the Commission is optimistic that these findings would motivate practical discussions amongst relevant state and non-state actors regarding:

- Holistic rights-based as well as livelihood approaches that take into account a wide range of important principles must be given serious consideration. Principles that seek to promote equality and non-discrimination, participation as well as efforts that seek to position working children as social actors, should be at the centre of any action or intervention;
- Realistic recommendations that would incite inter-sectoral initiatives aimed at addressing various rights deficiencies and subsequently promote regular monitoring of the social and economic rights of children engaged in fishing.

Below are some recommendations to kick-start the process:

Recommendations

1. The Ministry of Education in collaboration with the Ministry of Local Government and Rural development should facilitate the establishment of schools at the basic level in fishing communities, particularly island and overbank communities;

- 2. The Ministry of Education must ensure the effective implementation of the Capitation Grant; and all public schools in fishing communities should be enrolled unto the School Feeding Programme;
- 3. The Ministry of Education in collaboration with relevant ministries should consider flexible educational provisions that would promote the realization of rights to education as well as livelihood of working children;
- 4. The Ministry of Gender, Children & Social Protection should extend the Livelihood Empowerment against Poverty (LEAP) and other social intervention programmes to the fishing communities;
- 5. The Ministry for Fisheries and Aquaculture Development must extend appropriate technological support to the fisherfolk to aid fishing and reduce dependence on child labour;
- 6. The Dangbe East District Assembly should as a matter of urgency approve the Assembly's bye-laws to address child labour and child trafficking issues;
- 7. The relevant law enforcement institutions should enforce laws on child protection in the fishing communities;
- 8. The Commission on Human Rights and Administrative Justice should collaborate with the Ministry of Education and other relevant ministries to establish Human Rights and Integrity Clubs in inland fishing communities;
- 9. The Commission on Human Rights and Administrative Justice should collaborate with the District Assemblies, the Social Welfare Department as well as Child Panels, through public education campaigns, to encourage community members to report child labour and trafficking related abuses to the relevant institutions.

PART VI: FINANCIAL REPORT

6.1 Brief Report on Commission's Financial Disbursement for 2014

For the 2014 fiscal year, the Commission received financial support from Government of Ghana, DANIDA and UNDP totaling GHS15,140,542.30.

The Government of Ghana support amounted to GHS13,101,757.29, made up of votes for Compensation of Employees and Goods & Services. The support from DANIDA, representing support for capital expenditure and Goods & Services, amounted to GHS1,600,000, whilst the support from UNDP, representing support for Goods & Services activities only, amounted to GHS438,785.05.

6.2 GOG Budget Support for 2014 fiscal year

In 2014, the Government of Ghana approved a budget estimate of **GHS13,646,789.00** for the Commission's programme of activities for 2014 in the Government's fiscal policy statement for 2014. However, the amount released to the Commission for use was **GHS13,101,757.29**. Below is a breakdown of the GOG vote:

	2013		2014			
	Approved	Released	Difference	Approved	Released	Difference
Personnel Emolument	6,343,578.00	11,773,894.18	5,430,316.18	11,363,277.00	12,719,960.09	1,356,683.00
Goods/Serv ices	1,537,041.00	709,105.89	(827,935.11)	1,560,160.00	381,797.20	(1,178,362.80)
Investment	2,019,584.00	-	(2,019,584.00)	723,352.00	-	(723,352.00)
Total	9,900,203.00	12,483,000.07	2,582,797.07	13,646,789.00	13,101,757.29	(545,031.80)

6.3 Support from DANIDA

Status	Amount (GH¢)
Amount Received	1,600,000.00
Amount Disbursed	1,537,319.00
Closing Balance	62,681.00

6.3 Support from UNDP

Status	Amount (GH¢)
Total Amount Available	438,785.05
Amount Disbursed	420,482.01
Amount Returned to UNDP	18,303.04

PART VII: LEGISLATIVE FRAMEWORK

7.1 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
- (b) two Deputy Commissioners for Human Rights and Administrative Justice
- 217. The President shall appoint the members of the Commission under article 70 of this Constitution.
- 218. The functions of the Commission shall be defined and prescribed by Act of Parliament and shall include the duty –
- (a) to investigate complaints of violations of fundamental rights and freedoms, injustice, corruption, abuse of power and unfair treatment of any person by a public officer in the exercise of his official duties;
- (b) to investigate complaints concerning the functioning of the Public Services Commission, the administrative organs of the State, the Armed Forces, the Police Service and the Prisons Service in so far as complaints relate to the failure to achieve a balanced structuring of those services or equal access by all to the recruitment of those services or fair administration in relation to those services;
- (c) to investigate complaints concerning practices and actions by persons, private enterprises and other institutions where those complaints allege violations of fundamental rights and freedoms under this Constitution;

- (d) to take appropriate action to call for the remedying, correction and reversal of instances specified in paragraphs (a), (b) and (c) of this clause through such means as are fair, proper and effective, including –
- (i) negotiation and compromise between the parties concerned;
- (ii) causing the complaint and its finding on it to be reported to the superior of an offending person;
- (iii) bringing proceedings in a competent Court for a remedy to secure the termination of the offending action or conduct, or the abandonment or alteration of the offending procedures; and
- (iv) bringing proceedings to restrain the enforcement of such legislation or regulation by challenging its validity if the offending action or conduct is sought to be justified by subordinate legislation or regulation which is unreasonable or otherwise *ultra vires*;
- (e) to investigate all instances of alleged or suspected corruption and the misappropriation of public moneys by officials and to take appropriate steps, including reports to the Attorney-General and the Auditor-General, resulting from such investigations;
- (f) to educate the public as to human rights and freedoms by such means as the Commissioner may decide, including publications, lectures and symposia; and
- (g) to report annually to Parliament on the performance of its functions.
- 219. (1) The powers of the Commission shall be defined by Act of Parliament and shall include the power –
- (a) to issue subpoenas requiring the attendance of any person before the Commission and the production of any document or record relevant to any investigation by the Commission;
- (b) to cause any person contemptuous of any such subpoena to be prosecuted before a competent Court;
- (c) to question any person in respect of any subject matter under investigation before the Commission;

- (d) to require any person to disclose truthfully and frankly any information within his knowledge relevant to any investigation by the Commissioner.
- (2) The Commissioner shall not investigate –
- (a) a matter which is pending before a court or judicial tribunal; or
- (b) a matter involving the relations or dealings between the Government and any other Government or an international 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.

7.2 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.

7.3 THE FOUR HUNDRED AND FIFTY-SIXTH 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 Co-ordinating Council and the District Assembly, the Armed Forces, the Police Service and the Prisons Service in so far as the complaints relate to the failure to achieve a balanced structuring of those services or equal access by all to the recruitment of those services or fair administration in relation to those services;
- (c) to investigate complaints concerning practices and actions by persons, private enterprises and other institutions where those complaints allege violations of fundamental rights and freedoms under the Constitution;
- (d) to take appropriate action to call for the remedying, correction and reversal of instances specified in paragraphs (a), (b) and (c) of this subsection through such means as are fair, proper and effective, including –
- (i) negotiation and compromise between the parties concerned;
- (ii) causing the complaint and its finding on it to be reported to the superior of an offending person;
- (iii) bringing proceedings in a competent court for a remedy to secure the termination of the offending action or conduct, or the abandonment or alteration of the offending procedures; and
- (iv) bringing proceedings to restrain the enforcement of such legislation or regulation by challenging its validity if the offending action or

conduct is sought to be justified by subordinate legislation or regulation which is unreasonable or otherwise ultra vires.

- (e) to investigate allegations that a public officer has contravened or has not complied with a provision of Chapter Twenty-four (Code of Conduct for Public Officers) of the Constitution;
- (f) to investigate all instances of alleged or suspected corruption and the misappropriation of public monies by officials and to take appropriate steps, including reports to the Attorney-General and the Auditor-General, resulting from such investigation;
- (g) to educate the public as to human rights and freedoms by such means as the Commissioner may decide, including publications, lectures and symposia; and
- (h) to report annually to Parliament on the performance of its functions.
- (2) All costs and expenses related to investigations conducted by the Commission into a complaint shall be borne by the Commission.

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.

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) 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, reopen 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, willfully 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 willfully fails to comply with any lawful request of the Commissioner or a Deputy Commissioner or any other person under this Act; or
- (c) willfully makes any false statement to or misleads or attempts to mislead the Commissioner or any other person in the exercise of his functions under this Act,

commits an offence and is liable on summary conviction to a fine not exceeding ¢500,000.00 and in default of payment to imprisonment for a term not exceeding six months or to both.

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 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.

7.4 CONSTITUTIONAL INSTRUMENT (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 the 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.

Lodging of complaints

- 1. (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.

Contents of complaint

- 2. (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, organization 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-regulations (5) shall not affect a complaint that is of public interest.

Transmission of Complaint

- 3. (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 Commission,

to 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.

Mediation

- 4. (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.

Allegations of corruption

- 5. (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) the 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

Full investigation

- 6. (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 any witnesses.
 - (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.

Investigation panels

- 7. (1) The Commission may constitute a panel to investigate a complaint or allegation of corruption and 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 coopt 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.

Report to the Commission

- 8. (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.

Institution of Action

9. The Commission may for the purpose of sections 9 and 18(2) of the Act authorize a person in writing to institute an action in court in the name of the Commission.

Employment of other persons

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

Interpretation

11. 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.

Revocation

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

Date of Gazette notification: 30th April, 2010.

Entry into force: 12th July, 2010.

Dated at Accra this ...day of ... 2013

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COMMISSION ON HUMAN RIGHTS
AND ADMINISTRATIVE JUSTICE



COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE

Old Parliament House P. O. Box AC 489, Accra, Ghana email:info@chraj.gov.gh

www.chraj.gov.gh toll-free: 0800 330330

+233(0) 302 668839 +233(0) 302 662150 +233(0) 242 211534