



The Commission on Human Rights  
And Administrative Justice  
CHRAJ  
Ghana

**Twenty-Second Annual Report**

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2015



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-Second Annual Report of the Commission for the period January 1 to December 31, 2015.

Yours sincerely,

Acting Commissioner



## Commission Members



Richard A. Quayson, Acting Commissioner



Joseph Whittal, Deputy Commissioner



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## LIST OF ACRONYMS AND ABBREVIATIONS

AAACA	African Association of Anti -Corruption Agencies
AC	Anti-Corruption
AMA	Accra Metropolitan Assembly
APR	Annual Progress Report
AUABC	African Union Advisory Board on Corruption
C&AGD	Controller and Accountant-General's Department
CBOs	Community Based Organisations
CESCR	Committee on Economic, Social and Cultural Rights
CHRAJ	Commission on Human Rights and Administrative Justice
CSO/NGO	Civil Society Organisation/ Non-Governmental Organisation
EPA	Environmental Protection Agency
ESCRs	Economic, Social and Cultural Rights
FBOs	Faith Based Organisations
FM	Frequency Modulation
FSW	Female Sex Workers
GIFMIS	Ghana Integrated Financial Management Information System
GYEEDA	Ghana Youth Employment and Entrepreneurial Development Agency
HRE	Human Rights Education

HiLIC	High Level Implementation Committee
HPP	Health Policy Project
IAACA	International Association of Anti-Corruption Authorities
IAC	International Anti-Corruption
ICC	International Coordinating Committee
ICT	Information Communication Technology
NACAP	National Anti-Corruption Action Plan
NAHRAP	National Human Rights Action Plan
NDPC	National Development Planning Commission
NEAC	National Ethics Advisory Committee
NHRI's	National Human Rights Institutions
NISU	NACAP Implementing Support Unit
NYEP	National Youth Employment Programme
MoF	Ministry of Finance
MONICOM	Monitoring and Evaluation Committee
MDA	Ministries, Departments and Agencies
MMDs	Metropolitan, Municipal and Districts
MSM	Men having Sex with Men
PLHIV	People living with HIV
PSC	Public Service Committee
RCCs	Regional Coordinating Councils

<u>UN</u>	United Nations
<u>UNDP</u>	United Nations Development Programme
<u>UNCAC</u>	United Nations Convention Against Corruption
<u>UNICEF</u>	United Nations Children's Emergency Fund
<u>WAAF</u>	West African Aids Foundation
<u>WB</u>	Whistle Blowers

## COMMISSIONER'S MESSAGE

It is with great humility that I present the 2015 Annual Report of the Commission on Human Rights and Administrative Justice (CHRAJ). It is the 22<sup>nd</sup> edition since the establishment of the Commission.

The year's report marks the end of the implementation of a five-year strategic plan 2011 - 2015 that provided a new framework for CHRAJ to identify and develop its strategic direction. This report is particularly significant within the context of a National Institution that executes a three-pronged mandate amidst limited resources.

The Commission went through a change of leadership during the year, albeit, not under the best circumstances. The Committee set up by the Chief Justice to investigate allegations of misconduct against the Commissioner for Human Rights and Administrative Justice, Ms Laretta Vivian Lamptey, submitted its report to the President, following which the Commissioner was removed from Office.

The above incident notwithstanding, the Commission worked diligently to improve on the previous year's performance, and for this I am personally grateful to the dedicated staff of the Commission across the country.

The Commission led the nation to commence implementation of the National Anti-Corruption Action Plan (NACAP). To this end, the Commission went round all the 10 regions of Ghana sensitising stakeholders and mobilising them to implement the NACAP. To the credit of the nation, NACAP was enthusiastically received, and corruption became a major focus of the national agenda.

The Commission also made great strides towards the advancement of human rights and administrative justice. The Commission continued to provide access to justice to many, particularly the vulnerable and marginalised. The Commission received 9,283 complaints in all its three mandate areas, representing a decrease of 8.3% of complaints received in



2014, and disposed of 10,355<sup>1</sup> cases. The Commission also organised 5,470 public education activities in all its three mandate areas.

Once again, I thank the hardworking staff of the Commission for going beyond the call of duty to pull the Commission through another difficult year. I am also grateful to the Government and people of Ghana for the confidence reposed in the Commission, and the Parliament of Ghana for its oversight and for rigorously holding the Commission accountable.

May God bless our Homeland Ghana, and make our nation great and strong.

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

Richard A. Quayson  
Acting Commissioner

<sup>1</sup> This includes cases carried over from 2014

## BRIEF SUMMARY OF 2015 PERFORMANCE

As required by the 1992 Constitution and the CHRAJ Act, (Act 456), the Annual Report of 2015 assesses activities/programmes implemented in the year. It presents the status of indicators, baselines, targets and status of implementation in line with the Commission's 2015 work plan which is geared towards fulfilling its mandates.

### 1. Human Rights

The Commission was able to meet 17 out of 24 targets set under its human rights mandate during the period, representing 71% of its planned activities.

#### Activities:

- A total of 8,882 human rights related complaints were received in the year and 9,768<sup>2</sup> closed.
- The Commission undertook 3,047 human rights educational activities nationwide, representing 21.9% more than the actual target of 2,500.
- The final draft report for NAHRAP was submitted by the Consultant for study and final approval/validation.
- 868 nursing trainees participated in the Basic Human Rights Course for Health Professionals in seven (7) out of ten (10) health training institutions targeted across the country.
- The Commission collaborated with UNICEF to map up organisations working in child protection in 131 selected Districts in the 10 regions of Ghana. In all, 1,287 child protection organisations were listed.
- CHRAJ in collaboration with WAAF and with technical support from HPP organised training programmes to generate demand for its Stigma and Discriminating Reporting System.
- The Commission enforced five human rights cases in Court.

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<sup>2</sup> This includes pending cases from the previous year

## 2. Administrative Justice

The Commission met 11 out of 17 indicators (65%) set for the period under its administrative justice mandate.

- A total of 343 administrative justice related cases were received whereas 520<sup>3</sup> were closed.
- The Commission enforced 6 administrative injustice cases in Court.
- The Commission organised 1,121 Educational programmes under its administrative justice mandate during the year.
- CHRAJ's draft Service Charter was developed awaiting finalization of the prototype Service Charter for MDAs.
- The Commission organised training programmes on its administrative justice mandate to build the capacity of its regional and district staff.

## 3. Anti-Corruption

The Commission met 18 out of 21 indicators under its anti-corruption mandate, representing 86% of indicators set during the period. During the year:

- The Commission received 58 corruption related cases and closed 66<sup>4</sup>, including cases carried over from previous year.
- The Commission carried out 1,302 anti-corruption public education programmes.
- The Commission organised a training workshop on the Code of Conduct for Public Officers for CHRAJ Investigators and Regional and District Directors.
- The Commission organised a Round-Table for Heads and representatives of Anti-Corruption Agencies and Law Enforcement Agencies to review the draft Witness Protection Bill.
- The Commission, in collaboration with the Office of the President, held consultative meetings with all the 10 RCCs and regional heads of MDAs at the 10 regional capitals on the NACAP.

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<sup>3</sup> This includes pending cases from the previous years

<sup>4</sup> This includes pending cases from previous year

- The Commission inaugurated the Monitoring and Evaluation Committee of NACAP (the MONICOM) during the year.
- The NACAP High Level Implementation Committee (HiLIC) was inaugurated during the year to provide leadership for the implementation of the NACAP.
- The Commission inaugurated the National Ethics Advisory Committee (NEAC).
- The Commission organised a 4-day workshop for the MONICOM to draft the NACAP 2015 APR.
- The Commission organised a Roundtable on the Whistleblower Act, 2006 (Act 720) for selected public service staff, including CHRAJ staff.
- The Commission organised a joint meeting of the HiLIC and MONICOM to approve the NACAP 2015 progress report at Aqua Safari Resort, Ada.
- The Commission organised a High Level National Anti-Corruption Conference to commemorate IAC Day (9th December) at La Palm Royal Beach Hotel.
- The Commission issued the first annual progress report of the NACAP (the 2015 NACAP APR).

### Challenges

As a result of some challenges, including lack of finance, CHRAJ could not achieve its entire set target for the year in all its three mandate areas. The greatest success of achieving the Commission's target was made under its anti-corruption mandate, where 80% of activities were successfully carried out. Some of the activities the Commission could not carry out included:

- Stakeholders' joint meeting on the UN Standard and Minimum rules and Luanda Guidelines for security personnel.
- Specialized research into exploitative child labour in fishing.

- Specialised research on the Implementation of Minimum Wage in Ghana.
- The annual human rights and integrity camp for schools' programme.
- Workshops to clarify the administrative justice oversight role over actions and decisions of public officials and public services
- Development of fact sheets leaflets, fliers on all aspects of CHRAJ's administrative justice functions and expected standards applicable in Public Services
- International training for selected staff at the Public Administration Institute
- Benchmarking Programmes with other Anti-Corruption agencies.
- Development of fact sheets leaflets, fliers and others on NACAP to build capacity of the public to resist and report corruption.



# 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 Articles 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 stakeholders early warning signals of human rights abuses.

The Commission also conducts research on how bills and policies impact human rights and freedoms and makes appropriate recommendations for strengthening the 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 function 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; (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 Sections 7(1) (a), (e) & (f) of Act 456.

#### **a. Enforcement**

The Commission is mandated, by Articles 218(a) and (e), to investigate abuse of power and “all instances of alleged or suspected corruption and the misappropriation of public monies by public officials”. 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 complaints of victimization by whistleblowers, and generally protect whistleblowers from victimisation. The Commission conducts training and public education on whistleblowers disclosures and the protection available under the Whistleblowers Act to stimulate greater public confidence to report 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 organisation; 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

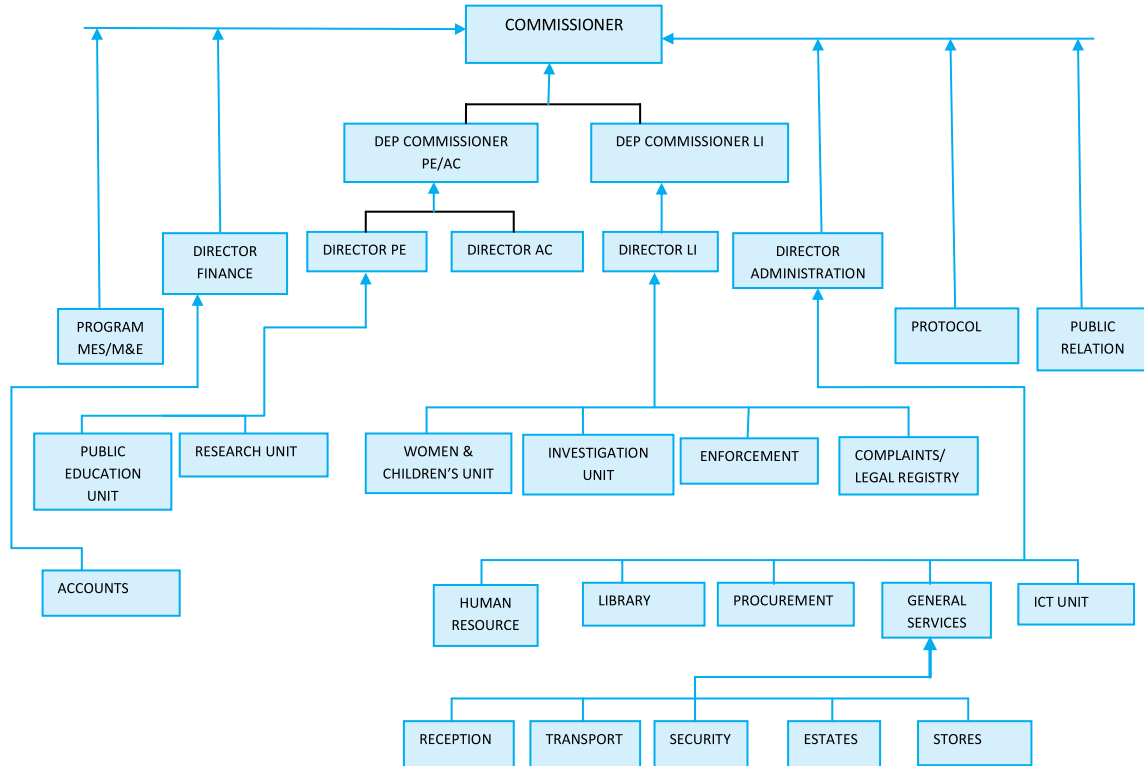
- Anti-Corruption
- Public Education
- Finance and Administration

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.

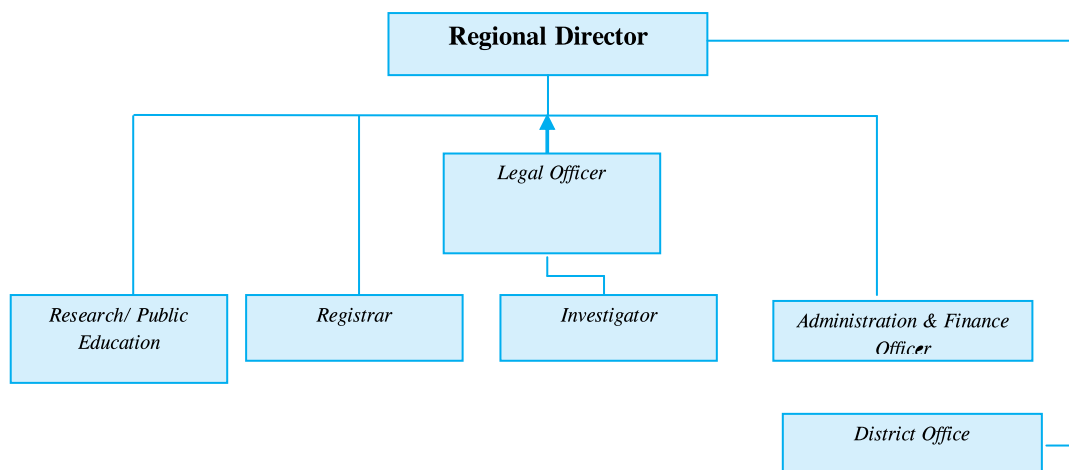
# ORGANISATIONAL STRUCTURE

## iii. HEAD OFFICE

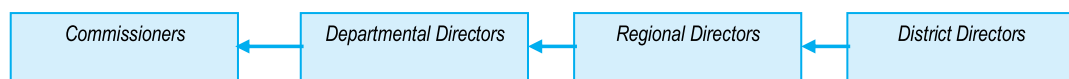
### CHRAJ ORGANOGRAM



## B. REGION



## Summary





### Introduction

As required by the 1992 Constitution and the CHRAJ Act, (Act 456), this Annual Report assesses activities/projects implemented in the year 2015. It presents the status of indicators, baselines, targets and status of implementation in line with the Commission's 2015 work plan which is geared towards fulfilling its mandates.

The Commission linked its programmes and sub-programmes with the national development programme, that is, Ghana Shared Growth and Development Agenda II (GSGDAII). This was adopted from the section on Transparent and Accountable Governance, and the Strategic Direction and Priorities of Government, under the theme *“empower both state and non-state actors to fully appreciate and participate in the governance process”*.

The Commission's four (4) major programmes and four (4) sub-programmes are categorized as:

- (1) Human rights
- (2) Administrative justice
- (3) Anti-corruption
- (4) Management and administration
  - General Administration
  - Finance
  - Human Resource
  - Policy, Planning, Budgeting, Co-ordination, Monitoring and Evaluation

The report is mainly structured along the four (4) main programmes outlined above.

## **2.1 Human Rights Mandate**

The Commission developed 24 indicators under its human rights mandate, which included: to receive 9,240 human rights cases; monitor State's obligations in implementation of Economic, Social and Cultural Rights (ESCRs); develop NAHRAP; organize sensitization programmes on stigma and discrimination reporting system as well as conduct Human Rights Education (HRE) in schools and communities across the country. The Commission was, however, able to achieve 17 of these indicators during the period representing 71% of its planned activities under this programme.

These were carried out either through promotion or enforcement.

### **A. Promotion**

#### **i. National Human Rights Action Plan (NAHRAP)**

The Consultant engaged to conduct a baseline survey leading to the development of NAHRAP, during the year, submitted a draft report to the Commission for study and approval/validation by the Commission.

#### **ii. Public Education and Outreach**

Under its public education and outreach activities, the Commission planned a number of activities in its efforts at promoting and protecting human rights. The programmes include:

##### **a) Basic Human Rights Course for Health Professionals**

The Commission trained a total of 868 nursing trainees during the period in the Basic Human Rights Course for Health Professionals in seven (7) out of the ten (10) health training institutions it targeted across the country.

The year marked the 10<sup>th</sup> anniversary of the introduction of the Course, and the Commission used the occasion to review the Course structure to make it more responsive.



## **b) Human rights education for personnel of the security services**

To intensify HRE for personnel of the Prisons, Police and Immigration Services as well as the Armed Forces in Ghana, the Commission in 2015 organised a stakeholders' joint meeting at Miklin Hotel, Accra, on 8<sup>th</sup> July 2015. This was in line with the UN Standard and Minimum Rules and Luanda Guidelines for security personnel. The theme was: "UN Standard Minimum Rules on Implementing the Guidelines on Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa and Combating Torture."

## **c) Promotion of Gender Equality**

### **▪ International Women's Day**

This year's celebration of United Nations (UN) International Women's Day was under the UN theme: *"Empowering women, empowering humanity: picture it!"* CHRAJ teamed up with Ghanaians and the International Community to celebrate the occasion with a symposium under the local theme: *"Breaking Barriers towards Gender Equality and Women's Empowerment"*.

The objective of the symposium was to create a platform for stakeholders to discuss the progress, so far, in achieving Gender Equality. The event gave participants the platform to review Ghana's progress and the challenges the country faces in promoting gender equality. Participants called on government and stakeholders to strengthen legislative and institutional frameworks to promote gender equality. Participants were drawn from among women's rights advocates, key governance institutions and CSOs.

#### d) Promotion of Children's rights

**Child labour:** The Commission continued to collaborate with stakeholders, particularly the Ministry of Employment and Labour Relations, in the effort at eliminating child labour. It actively participated in all the Ministry's activities, especially in the organisation and commemoration of World Day against Child Labour held in June, 2015.

**Specialised research into worst forms of child labour:** CHRAJ in 2015 planned to continue its specialized research into exploitative child labour in fishing it began in 2014. As part of the process, questionnaires were reviewed and concept notes as well as budget were developed. The project, however, could not be executed for lack of funds.

**CHRAJ-UNICEF project on mapping names and profiles of organisations working in child protection:** The Commission completed mapping of institutions involved in child protection work in Ghana. In all, 1,287 institutions were identified to be involved in child protection related interventions in 131 selected Metropolis, Municipalities and Districts (MMDs) in the 10 regions of Ghana.

The relevance of this mapping exercise was to produce an index that would contribute to coordination and collaboration, and more efficient strategic investment and engagement in child protection work in Ghana.

The report commissioned by UNICEF was submitted in December, 2015.

### **e) Promotion of Rights of the Vulnerable**

#### **▪ WAAF/CHRAJ Training on Demand Generation for the Discrimination Reporting System**

The issue of stigma and discrimination against People Living with HIV (PLHIV) and key populations adversely affects their access to public services and raises serious human rights concerns. Most of these cases remain unreported for fear of stigmatization and public ridicule.

In view of this and in line with its target for 2015, the Commission developed the Discrimination Reporting System to provide an online platform for CSOs and individual victims to report cases to CHRAJ. In tracking progress of cases, after a year of introduction of the Discrimination Reporting System, it became obvious that PLHIV and Key populations still lacked knowledge of the types of cases to report to CHRAJ arising from lack of understanding of their basic human rights and responsibilities.

To address this knowledge gap, CHRAJ, through its Public Education Department, in collaboration with the WAAF and with technical assistance from HPP, developed training modules and organized training programmes aimed at generating demand for the reporting system. The training which targeted PLHIV, key populations and service providers was carried out in five regions: Ashanti, Eastern, Greater Accra, Central and Western. There was comprehensive education on fundamental freedoms and rights for key populations and PLWHIV as well as the usefulness of the online reporting system made available by CHRAJ.

### **f) Human Rights Education in Schools and Rural Communities**

In relation to HRE in schools and rural communities, CHRAJ planned to organise 2,500 educational programmes during the year. The number of educational activities carried out during the period was 3,047 representing 21.9% more than the target set.

Below is a table outlining statistics of human rights educational activities carried out nationwide.

**Table 1: National Distribution of 2015 Human Rights Public Education Programmes**

Region	Number of Offices <sup>3</sup>	Number of Human Rights PE Activities	Average No. of Activities Per Office	Rankings
Greater Accra	5	136	27.2	7 <sup>th</sup>
Eastern	14	302	21.6	9 <sup>th</sup>
Volta	12	273	22.8	8 <sup>th</sup>
Ashanti	16	632	39.5	4 <sup>th</sup>
Brong Ahafo	13	259	19.9	10 <sup>th</sup>
Central	12	172	14.3	12 <sup>th</sup>
Western	11	203	18.5	11 <sup>th</sup>
Northern	13	428	32.9	5 <sup>th</sup>
Upper East	6	337	56.5	2 <sup>nd</sup>
Upper West	5	148	29.6	6 <sup>th</sup>
Tema Sub	1	48	48	3 <sup>rd</sup>
Obuasi Sub	1	109	109	1 <sup>st</sup>
<b>Total</b>	<b>109</b>	<b>3,047</b>		

(See Part V of this Report for detailed information)

<sup>4</sup>This number comprises both regional and district offices

## **B) Enforcement/Investigation of Cases**

### **i) Investigation of cases**

The Commission set targets of 9,240 for Cases Received under Human Rights, and 9,500 for Cases Closed for the year. Actual Cases Received in the year under Human Rights totalled 8,882 (representing 95.7% of year's target), and 9,768 for Cases Closed (including carried over from previous year). About 63.2% of the cases closed were resolved through Mediation.

Majority of the cases (96.4%), were lodged against private individuals.

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.

### **ii) Enforcement of cases**

The Commission successfully enforced five (5) of the human rights cases in Court during the year .

## **2.2 Administrative Justice Mandate**

### **Introduction**

Under its administrative justice mandate, the Commission was able to make significant achievement by delivering or partly delivering on 11 out of 17 indicators (65%) set as targets for the period. Some of these targets included to receive 450 cases and to successfully investigate 343; organise two (2) round table discussions for 25 heads of the security agencies and MDAs; develop, validate and launch a Prototype Service Charter; develop and print 10,000 fact sheets leaflets and fliers on CHRAJ's mandate; conduct ten (10) sensitization programmes through mass media on the Administrative Justice mandate; participate in AOMA, IOI and Regional Ombudsman activities, conferences and workshops; as well as build capacity of staff in regions and districts in

CHRAJ's 4-module training programmes on administrative justice mandates.

These activities were carried out either through promotion or enforcement and the details are as follow:

## **A. Promotion**

### **i. Client Service Charter**

As part of efforts to enhance transparency in public service delivery and institutional accountability, the Commission recommended the re-introduction of client/service charters by public service providers. To this end, the Commission brought together key stakeholders to develop a prototype service charter for MDAs. The Commission engaged a consultant to assist it with this exercise who submitted an inception report for the Commission's consideration.

### **ii. CHRAJ Service Charter**

The Commission's target in 2015 was to validate its draft service charter and publish same. During the year, however, the Commission had to stay finalization of its draft Service Charter awaiting completion of the prototype service charter.

### **iii. Public Education and Outreach**

#### **a) Administrative Justice Public Education**

A total of 1,121 public education programmes was organised on CHRAJ's Ombudsman mandate as against 800 planned during the period under review. These programmes which were aimed at empowering the public to demand quality service delivery from public officials exceeded its target of about 40%.

**Table 2: National Distribution of 2015 Administrative Justice Public Education Programmes**

Region	Number of Offices <sup>4</sup>	Number of Admin Justice PE Activities	Average No. of Activities Per Office	Rankings
Greater Accra	5	21	4.2	10 <sup>th</sup>
Eastern	14	38	4.7	9 <sup>th</sup>
Volta	12	77	6.4	8 <sup>th</sup>
Ashanti	16	265	16.6	3 <sup>rd</sup>
Brong Ahafo	13	147	11.3	6 <sup>th</sup>
Central	12	34	2.8	11 <sup>th</sup>
Western	11	102	9.3	7 <sup>th</sup>
Northern	13	180	13.8	4 <sup>th</sup>
Upper East	6	135	22.5	2 <sup>nd</sup>
Upper West	5	58	11.6	5 <sup>th</sup>
Tema Sub	1	1	1	12 <sup>th</sup>
Obuasi Sub	1	63	63	1 <sup>st</sup>
<b>Total</b>	<b>109</b>	<b>1,121</b>		

(See Part V of this Report for detailed information)

## **B. Enforcement/Investigation of Cases**

### **i) Enforcement of recommendations**

During the period under review, the Commission enforced 6 administrative injustice cases.

<sup>5</sup>This number comprises both regional and district offices

## ii) Investigation of cases

Administrative justice related cases targeted for closure in 2015 were 450. However, during the year, 520<sup>6</sup> administrative justice cases were closed, with 44.4% resolved through mediation. Complaints were predominantly on abuse of office and unfair treatment by public officers. Cases relating to payment of salaries, social security benefit and failure to act on complaints were also relatively high.

### 2.3 Anti-Corruption Mandate

#### Introduction

The Commission continued to pursue its anti-corruption mandate using the three-pronged approach for fighting corruption, namely education, prevention and enforcement during the year under review.

The Commission delivered on 18 out of 21 indicators representing 86% of indicators set during the period. These indicators include: benchmarking programmes with other AC agencies; organise Whistle Blowers (WB) training and education for the public and stakeholders; build capacity for NACAP's implementation; publish and disseminate State of Corruption report; strengthen Anti-Corruption mandate in the regions and districts. They also include the organisation of NACAP Conference/IAC Day; integrity sensitization programmes for heads of selected public sector organisations; training of ethics officers from selected MDAs on conflict of interest and code of conduct; roundtable discussion on the Whistleblower Act; educate the public on NACAP and build capacity of public to report corruption; participate in UNCAC Implementation Review Group meetings; participate in activities of AC institutions, including AAACA, NACIWA, AUABC, IAACA; as well as organise training and sensitization programmes on integrity for selected staff.

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<sup>6</sup>This includes pending cases brought forward from the previous years



## A. Prevention

### i. National Anti-Corruption Action Plan (NACAP)

Four (4) coordination meetings of HiLIC were held in the year. Six planning and working meetings towards implementation of NACAP were also organised for both MONICOM and HiLIC members.

The following NACAP activities were also undertaken:

- The Commission, in collaboration with the Office of the President, held consultative meetings with all the 10 RCCs and regional heads of MDAs at the 10 regional capitals on the NACAP.
- The Commission constituted and inaugurated the Monitoring and Evaluation Committee of NACAP (the MONICOM) during the year. The MONICOM is made up of representatives from CHRAJ, NDPC, PSC, SEC, GACC and PEF.
- The NACAP High Level Implementation Committee (HiLIC) was inaugurated during the year to provide leadership for the implementation of the NACAP. The HiLIC is chaired by the Chief of Staff at the Office of the President.
- NACAP's M & E Plan was approved in a 2-day workshop at M-Plaza Hotel, Accra, during the period.
- The Commission inaugurated the National Ethics Advisory Committee (NEAC), and had an induction for the members.
- A 4-day workshop was organised by MONICOM to at the Aqua Safari Resort, Ada, to draft the NACAP 2015 APR.
- Roundtable discussions on the Whistleblower Act, 2006 (Act 720) were held with selected public service staff, including CHRAJ staff.

- A training workshop was also organised for the NACAP Implementing Support Unit (NISU) members (selected staff of CHRAJ) at Hephzibah Hotel, Aburi, in the Eastern Region.
- A joint meeting of the HiLIC and MONICOM was organised to consider and approve the NACAP 2015 progress report at Aqua Safari Resort, Ada.
- The Commission organised a High Level National Anti-Corruption Conference to commemorate IAC Day (9th December) at La Palm Royal Beach Hotel.
- The first annual progress report of the NACAP (the 2015 NACAP APR) was published and disseminated among relevant stakeholders.

## **ii. Code of Conduct**

CHRAJ, in collaboration with the Public Services Commission (PSC), organised a training programme on the Code of Conduct for Public Officers for Ethics and Compliance Officers of MDAs at Capital View Hotel, Koforidua. In all, 35 institutions participated in the training.

## **iii. The Whistleblower Act**

The Commission organised a roundtable discussion on the Whistleblower Act, 2006 (Act 720) for selected public service institutions, including CHRAJ staff.

## **iv. Witness Protection Bill**

A roundtable was organised for Heads and representatives of investigative institutions to review the draft Witness Protection Bill.

## v. Public Education and Outreach

### a) Anti-Corruption Education at the regional and district levels

A total of 1,302 anti-corruption public education programmes were carried out nationwide. The discussions covered what corruption is, causes, forms and negative effects of corruption; the Whistleblower Act, Conflict of Interest and Code of Conduct for Public Officers.

**Table 3: National Distribution of 2015 Anti-Corruption Public Education Programmes**

Region	Number of Offices <sup>6</sup>	Number of Anti-Corruption PE Activities	Average No. of Activities Per Office	Rankings
<b>Greater Accra</b>	5	37	7.4	9 <sup>th</sup>
<b>Eastern</b>	14	66	4.7	11 <sup>th</sup>
<b>Volta</b>	12	92	7.7	8 <sup>th</sup>
<b>Ashanti</b>	16	302	18.9	3 <sup>rd</sup>
<b>Brong Ahafo</b>	13	136	10.5	7 <sup>th</sup>
<b>Western</b>	11	117	10.6	6 <sup>th</sup>
<b>Northern</b>	13	200	15.4	5 <sup>th</sup>
<b>Upper East</b>	6	120	20	2 <sup>nd</sup>
<b>Upper West</b>	5	79	15.8	4 <sup>th</sup>
<b>Tema Sub</b>	1	2	2	12 <sup>th</sup>
<b>Obuasi Sub</b>	1	78	78	1 <sup>st</sup>
<b>Total</b>	<b>109</b>	<b>1,302</b>		

(See Part V of this Report for detailed information)

<sup>7</sup>This number comprises both regional and district offices

## B. Enforcement/Investigation of Cases

In all, 58 cases were taken up for investigation in the reporting year, which was one case short of the 2015 target of 59 cases. Five (5) of the cases were made under the *Whistleblower Act*. Sixty-six (66<sup>8</sup>) cases were closed during the period.

(See IV of this Report for detailed information)

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<sup>8</sup> This includes cases brought forward from the previous years.

### 3.1 Administration

#### a. Administration

##### Staff Strength

CHRAJ's total staff strength at the beginning of 2015 stood at seven hundred and forty-seven (747). By the close of the year number had decreased to seven hundred and twenty-nine (729). This was as a result of resignation, termination, retirement and death. Out of the total number of 729 staff, 503 were males and 226 were females.

#### A. Staff Training

In 2015, the Commission continued to build the capacity of its staff with the aim of improving the skills and knowledge of staff to deliver on the Commission's mandates.

##### i) National training of key officers in human rights, administrative justice and anti-corruption

- Ten (10) Regional Directors and ninety-nine (99) District Directors from across the country received training in human rights protection mechanisms. The training impacted positively on the Commission's work as staff were equipped to competently protect the rights of individuals and groups in Ghana.
- The Commission organised four workshops on its Administrative Justice mandate for its lawyers and investigators.

- The Commission organised two training programmes on investigating breaches of Code of Conduct for Public Officers and strategies for enforcing compliance for ten (10) Regional and sixty (60) District Directors. The programmes were held at Stevens' Hotel, Ho, and Capital View Hotel, Koforidua, respectively.
- Staff of the Accounts Dept were also trained on the Ghana Integrated Financial Management Information System (GIFMIS) under the auspices of the Controller and Accountant-General's Department (C&AGD) and the Ministry of Finance (MOF).
- Staff from the Confidential Registry and ICT were trained on the CHRAJ Human Resource Information Management software installed by CHRAJ to improve human resource management.

#### **ii) Regional training of key officers in Human Rights, Administrative Justice and Anti-Corruption**

The CHRAJ worked closely with institutions with similar mandates to promote regional co-operation for sustainable peace.

- CHRAJ participated in a training workshop organized by NANHRI for member institutions on the theme: "Reducing the overuse of Pre-Trial Detention" held in Kigali, Rwanda.

## B. Others

### i) Office Environment in the Regions

- The Commission identified a number of district offices that needed urgent renovation:
  - **Western region:** Sefwi Wiawso and Juabeso offices
  - **Eastern region:** Asuogyaman office needed rewiring to enable the office use electricity to facilitate work.
  - **Ashanti region:** The Regional Director's official residence allocated by RCC needed to be renovated.
  - Bekwai office had to relocate due to the bad state of the office building.

Unfortunately, the Commission could not carry out the works due to resource constraints.

### ii) Opening New Offices:

Article 220 of the Constitution and Section 10 of the CHRAJ Act, 1993 (Act 456) provide for the establishing of CHRAJ Offices in all regions and districts of Ghana.

To comply with the above provisions and make its services more accessible, the Commission needed to establish a number of offices in the newly-created Municipal/District capitals to render services to people in out-of-reach communities. For example, Ashanti Region alone required fifteen (15) new district offices.

The Commission commenced engagement with the Ministry of Finance for provision for the new offices.

### **3.2 Performance Monitoring of Regional and District Offices**

The Commission restructured its M&E Unit, and took steps to build the capacity of the Unit with two main objectives in mind: improving service delivery and meeting its reporting obligations.

During the year, the Unit carried out clients' satisfaction survey to assess the responsiveness of services delivery.

It was also able to fulfil all standard reporting responsibilities to external stakeholders, in particular, the NDPC and Ministry of Finance.

### **3.3. PUBLIC/MEDIA RELATIONS**

The Commission maintained good relationships with its diverse external public, among them State institutions, CSOs and media partners.

During the year, a number of public speaking engagements, radio and television programmes, as well as educational activities were carried out by the Commission.

The Commission also monitored media reports, on daily basis, for issues bordering on its threefold mandate for action.

The media were invited to cover numerous activities of the Commission and offered the opportunity to interview the Commissioners and staff on various issues of public interest.



### 3.3.1 PRESS RELEASES

- **REJOINDER – CHRAJ IS BROKE!**

The Commission issued a rejoinder on May 7, 2015, after its attention had been drawn to a publication in the Today Newspaper of Tuesday, May 5, 2015, and carried by a number of media houses, to the effect that “the Commission was broke and may not be able to effectively carry out its constitutional mandate.”

The rejoinder affirmed that, by constitutional design, the Commission was not an income generating institution, noting that under Article 227 of the 1992 Constitution, “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.”

While admitting that the Commission had not yet received funds from government, and that had posed challenges to the running of the office, the rejoinder noted that efforts were underway to have the Ministry of Finance release the needed funds to run the office. The funding challenges notwithstanding, the rejoinder indicated that all the offices of the Commission remained operational across the country and were actively handling complaints as well as educating the public on the Commission’s mandate.

The Commission assured the good people of Ghana that it remained committed to discharging its constitutional mandate and would always count on their invaluable support in this regard.

## • WORLD DAY AGAINST CHILD LABOUR

The Commission issued a statement on June 12, 2015, in commemoration of World Day Against Child Labour with a call on government and all stakeholders to work assiduously to ensure free, compulsory and quality education for all children of school-going age.

The statement observed that the theme: “**No to child labour, Yes to quality education,**” underscored the urgent need for national policies on child labour and education to be consistent and effective in order to nip the practice in the bud. It also called for the introduction of policies that would ensure access to quality education and investment in the teaching profession.

Although the Commission took cognizance of government’s efforts at ensuring quality education through interventions such as the provision of free uniforms and exercise books, free sandals, and the capitation grant, among others, it also urged government to double efforts to address challenges which dogged the smooth operation of some of the programmes, especially the School Feeding Programme and the Capitation Grant.

Finally, the press statement called on all Ghanaians to actively support the fight against child labour in order to promote the rights of all children in the country.

## • DEMOLITION OF SODOM AND GOMORRAH

In pursuance of its human rights promotion and protection mandate, the Commission issued a press statement on June 24, 2015, following the demolition of dwelling places at Agbogbloshie, popularly called Sodom and Gomorrah, undertaken by a combined team of security personnel under the auspices of the Accra Metropolitan Assembly (AMA).

The Commission, through the statement, drew the attention of the AMA and the general public to the international human rights standards which should be observed in relation to forced evictions. In particular, the Commission drew the AMA's attention to its obligation as an agent of the State of Ghana to respect the human rights standards, especially per General Comments 4 (1991) and 7 (1997) by the Committee on Economic, Social and Cultural Rights (CESCR) as reinforced under the United Nations' (UN) Basic Principles and Guidelines on Development-Based Evictions and Displacement, and the Principles on Housing and Property Restitution for Internally Displaced Persons.

The Commission was of the view that eviction should not result in people being rendered homeless or detract from their basic rights to human existence, especially access to essential food, potable water, medical services and education for children displaced by the eviction, and the protection of persons exposed to greater risk of other human rights violations such as sexual assault.

Therefore, the Commission called on the Government to ensure that no groups of persons in Ghana were arbitrarily deprived of their property or possessions, as a result of a demolition exercise, since the right to adequate housing included the right to protection against arbitrary or unlawful interference of privacy, family and home, and the right to the peaceful enjoyment of possessions.

The Commission recommended that, where forced eviction or a demolition exercise becomes necessary and inevitable, the relevant authorities should first and foremost consult adequately (including public hearings) with the affected persons in advance with a view to eliciting critical comments on the adverse impact of the demolition, provide adequate information on the proposed demolition (in local languages of affected persons and wide circulation in the media), give reasonable notice of the planned demolition, provide an alternative

location for settlement, and inform victims of access to legal aid and/or other forms of support to protect the general welfare of affected persons after the demolition exercise.

As the national human rights institution, the Commission gave assurance of its preparedness to collaborate with Government, and particularly the AMA, to find ways of dealing with the challenges emanating from the forced eviction. The Commission also assured all stakeholders and Ghanaians that it would take up the responsibility of monitoring the aftermath of the demolition to ensure that the necessary human rights standards were adhered to, while admonishing the AMA and all state agencies to strictly adhere to internationally accepted principles and standards undergirding forced evictions and demolitions.

- **INTERNATIONAL DAY OF PERSONS WITH DISABILITIES**

On December 3, 2015, the Commission issued a press statement in commemoration of International Day of Persons with Disabilities, calling on the Ghanaian society to shun negative attitudes towards persons with disabilities.

The statement noted that negative attitude towards persons with disabilities was one of the key barriers to their active participation in all aspects of daily living, thus negatively affecting their health situation, education and employment opportunities, among others.

According to the statement, as the theme aptly captured, “**Inclusion matters: access and empowerment for people of all abilities**”, persons with disabilities had an equal stake in national development, but that would remain untapped if the enabling environment was not created for them to bring their contributions to bear.

The statement noted that everyone had a duty to provide safe, affordable, accessible and sustainable systems and facilities to allow persons with disabilities contribute their quota to personal as well as national development.

### **3.4 NATIONAL, REGIONAL, INTERNATIONAL RELATIONS AND COOPERATION**

#### **a) Study Tour by A Delegation from Niger**

A three-member delegation from the National Commission of Human Rights of Niger paid a three-day working visit to the Commission from March 30 to April 2, 2015.

The Commission, which started as a Human Rights Observatory Institution, was in the country to familiarise themselves with the work of the CHRAJ as regards the latter's constitutional mandate of promoting and protecting human rights. It was also to share experience and incorporate best practices into its newly established Commission.

The delegation met the Commissioners and Heads of Departments. They were briefed on activities of the various Departments and the progress made by the Commission in executing its threefold mandate.

#### **b) Courtesy Call by Human Rights Ambassador of The Netherlands**

The Human Rights Ambassador of the Netherlands, Mr Kees Van Baar, paid a courtesy call on the Acting Commissioner, Mr Richard Quayson, in September.

In a discussion with Mr Quayson, Mr Van Baar, who declared his awareness of the human rights situation in Ghana, expressed his passion for human rights which makes him travel around the globe to share ideas and also to acquaint himself with best practices in other countries.

The Human Rights Ambassador spelt out three top priorities of his tour, that is the state of human rights defenders, the state of human rights and women, as well as human rights and businesses in the countries he

toured. He also mentioned freedom of expression and freedom of religion as additional priorities.

Mr. Quayson, on his part, gave an overview of CHRAJ's mandate, and took the Human Rights Ambassador through highlights of the Commission's successes and challenges since its establishment and how the Commission was working hard in its determination to protect rights and freedoms in Ghana.

### **c) Benchmarking Mission by Botswana Ombudsman**

The Commission hosted an eight-member delegation from the Office of the Ombudsman of the Republic of Botswana from September 24 to October 4, 2015. The working visit was to share experiences and best practices.

The delegation, comprising very senior members of the government of Botswana, was led by Advocate Abraham Keetshabe, Legal Advisor to the President of Botswana.

The Commission shared experiences in its work in human rights monitoring and reporting, relationship with governmental and non-governmental organisations, carrying out impartial investigations of human rights violations, complaints handling mechanisms and protection of the rights of disadvantaged and marginalised members of the society.

- d)** In February, 2015, Mr. Joseph Whittal (Deputy Commissioner) participated in a conference on Statelessness held in Abidjan, La Cote d'Ivoire.
- e)** The Commission participated in the 12<sup>th</sup> International Conference of NHRIs and the International Coordinating Committee (ICC) Bureau Meeting in Geneva, Switzerland.
- f)** The Commission also participated in the ICC conference on the Agenda 2030 which focused on the Sustainable Development Goals in Mexico in October, 2015.

- g) The Commission was part of a delegation that represented Ghana at the Sixth Session of the Conference of State Parties to UNCAC and the Eighth Annual Conference and General Meeting of IAACA in St. Petersburg, Russia.

### **3.5 COLLABORATION WITH CIVIL SOCIETY ORGANISATIONS/NON-GOVERNMENTAL ORGANISATIONS (CSOS/NGOS)**

Under the year of review, CHRAJ continued to work closely with Civil Society partners, among them, GACC, GII, CDD, IEA, CHRI and GIJ. The Commission also continued to host the human rights NGOs' Forum as part of efforts to encourage and support CSOs to actively participate in human rights defense.

CHRAJ, in collaboration with the West African Aids Foundation (WAAF) and with technical assistance from Health Policy Project (HPP), organised training programmes on stigma & discrimination reporting system targeted at People Living with HIV (PLHIV) and key populations to improve access to justice for them. The trainings were carried out in five (5) regions: Ashanti, Eastern, Greater Accra, Central and Western regions.





#### 4.1. Summary of Selected Cases

##### CHRAJ/142/2013 – ADMINISTRATIVE JUSTICE [UNDUE DELAY]

On 10<sup>th</sup> April, 2013, the Complainant *filed* a complaint *at the Commission against* the Respondent *for failure* to release his medical records to him. The Complainant sought the Commission's assistance to compel the Respondent to release his medical records to enable him process his invalidity pension from the Social Security and National Insurance Trust (SSINT).

In reaction to the complaint, the Respondent indicated that the Complainant reported to the Respondent's hospital with a form from SSNIT requesting that he be declared invalid. The Complainant was directed by the Respondent to provide his medical history which he alleged was with another hospital where he had been treated. However, the Complainant was unable to provide any medical history from the hospital where he claimed he had been treated.

The Complainant subsequently returned after two months requesting the Respondent to sign the SSNIT forms. The Respondent declined the request on the ground that the Complainant had not been able to provide his medical history.

The Commission's investigations revealed that the Complainant was not injured in any way when he visited the Respondent's hospital to be given a medical report to assist him in filing for an invalidity pension. The Commission concluded that the Respondent acted reasonably and in accordance with the requirement of the law requiring who can fill and sign that form. The medical form states as follows:

*"the medical doctor should have been involved in the medical management of the member. Therefore, a doctor who has never engaged in the medical management of the member or who doesn't have any medical history or*

*background of a member of the scheme cannot issue a comprehensive report of the member's medical condition".*

The Commission did not find the doctor's refusal to sign the form as unjust since the Complainant asked the Respondent to commit an illegality, contrary to the express words of the relevant rules of the SSNIT Act which state that:

*"If a member of the social security scheme is incapable of earning a living through work, he must be assessed by a medical doctor as being an invalid and based on the report by the doctor, he will subsequently be certified by a medical board set up as being incapable of any normal gainful employment due to the permanent physical or mental disability".*

Accordingly, the Commission dismissed the complaint as being without merit after strong advice to the Complainant.

#### **CHRAJ/2011/HQ/02615/8 – ADMINISTRATIVE JUSTICE** **[WRONGFUL DISMISSAL]**

The Complainant was suspended by the Agricultural Development Bank (the Respondent) for allegedly granting an unauthorized overdraft. The Complainant alleged that the financial loss was as a result of an error in the Respondent's clearing house. The Respondent set up a Disciplinary Committee to investigate the alleged unauthorized overdraft but failed to communicate the Committee's findings to the Complainant. The Complainant petitioned Respondent's Governing Board. However, the Respondent through its Governing Board did not respond to Complainant's petition yet went ahead to dismiss him. The Complainant petitioned the Commission to reduce his dismissal to termination.

The Respondent confirmed that the Complainant was dismissed for granting unauthorized overdraft to a number of customers, but denied Complainant's allegations that there was an error in the clearing house.

The Respondent explained that the Complainant gave instant value to the cheques against un-cleared effects and credited the customer's account contrary to banking practice.

The Commission's investigations revealed that the action of the Complainant in granting unauthorized overdraft facilities to five customers of the bank amounted to a serious act of omission leading to great financial loss to the Respondent.

Secondly, the Commission's investigations on allegations of unfair dismissal could not be authenticated. The Commission referred to section 30 of the Labour Act, 2003 (Act 651) which states as follows:

- "1. Where the employment of a worker is terminated, the worker is entitled to annual leave in proportion to the period of service in the calendar year.*
- 2. The worker shall not be deprived of any other grants or awards to which the worker is entitled, including payment in lieu of notice of termination.*
- 3. Subsections (1) and (2) do not apply to cases where the employer has the right to dismiss a worker without notice."*

The complaint was, therefore, dismissed.

### **CHRAJ/267/12 – HUMAN RIGHTS [FREEDOM OF ASSOCIATION AND ILLEGAL DEDUCTIONS]**

The Commission received a complaint from Innovative Teachers against the Ghana Education Service (1<sup>st</sup> Respondent), Controller and Accountant-General's Department (2<sup>nd</sup> Respondent), and Ghana National Association of Teachers (3<sup>rd</sup> Respondent).

The Complainants alleged that the 1<sup>st</sup> and 2<sup>nd</sup> Respondents unlawfully deducted monies from their salaries for the 3<sup>rd</sup> Respondent. The Complainants contended further that such deductions made them automatic members of the 3<sup>rd</sup> Respondent instead of giving them the right to belong to any association they wanted. The Complainants want

the Commission to investigate and recommend that no further money should be deducted from their salaries.

The Commission conducted preliminary investigations into the allegations and recommended that no amount should be deducted from their salaries. The Commission also came to the conclusion that the Complainants' allegations could not be substantiated against the 3<sup>rd</sup> Respondent. This is because the 3<sup>rd</sup> Respondent had not violated any law since it only deals with members who have duly filled forms to belong to the 3<sup>rd</sup> Respondent Association.

The Complainants were advised to write individually to the Commission withdrawing their membership from the 3<sup>rd</sup> Respondent, which correspondence the Commission would in turn forward to the Respondent Association. However, no feedback was received from the Complainants.

The Commission, in the light of the above, ceased investigations under section 13 (1)(b) of Act 456 which states that:

“Where in the course of the investigation of any complaint it appears to the Commission–

*that having regard to all the circumstances of the case, any further investigation is unnecessary it may refuse to investigate the matter further.”*

#### CHRAJ/07/2013/27 – ADMINISTRATIVE JUSTICE [UNLAWFUL TERMINATION OF APPOINTMENT]

On 24<sup>th</sup> January, 2013, the Complainant complained to the Commission about the termination of his employment by the Ghana Armed Forces (the Respondent). The Complainant's relief was for a reversal of the termination.

The Respondent's position was that the Complainant was employed as a labourer attached to Respondent's Armour Recce Regiment. Respondent said on 21<sup>st</sup> August, 2012, the Complainant was granted 42 days leave expiring on 1<sup>st</sup> October, 2012. However, the Complainant refused to return to work after the leave. The Respondent stated that the Complainant acted contrary to *Article 306.04 of the Ghana Armed Forces Regulation* which states that:

*"A civilian employee who holds an established post may retire from the service at any time after he has reached the voluntary retiring age.*

*(a) In the case of men fifty-five years, and  
(b) In the case of women, forty-five years or earlier  
with the consent of the ministry."*

Article 305.10 of the Ghana Armed Forces Regulation also states that:

*"A civilian employee who absents himself from duty without reasonable cause for ten or more consecutive working days shall be regarded as having vacated his post and accordingly his post shall be declared vacant".*

Another provision in Article 306.02 states further that:

*"Where a civilian employee who holds an established post is dismissed he shall forfeit all retirement benefits; but where such an employee is removed, he shall incur such reduction, if any, in his retirement benefits as the Chief of Defence Staff may direct."*

The Commission's investigations established that the Complainant failed to resume work at the stipulated time. In accordance with section 13(2)(b)(i) of Act 456, the Commission ceased further investigations into the complaint. Section 13(2)(b)(i) of Act 456 states as follows:

*"13(2) The Commission may refuse to investigate or cease to investigate any complaint—  
(b) if the Commission considers that—  
(i) the subject matter of the complaint is trivial".*

### CHRAJ/264/12 – HUMAN RIGHTS [UNLAWFUL TRANSFER]

The Complainant alleged that his transfer by the Respondent from Tema Metropolitan Assembly to the Northern Regional Coordinating Council was as a result of an adverse audit report submitted by the Complainant concerning fuel management in the Assembly. The Complainant alleged that as a result of the report which led to drastic reduction of monthly corruption, he has been victimized leading to his transfer.

In its comments to the Commission, the Respondent justified the transfer of the Complainant by explaining that the Complainant whilst in employment with the Respondent adopted an attitude of vindictiveness and was fond of issuing threats to the Heads of Departments for no justifiable reasons.

The Respondent challenged the Complainant's assertion that his audit report led to a drastic reduction in fuel management. According to the Respondent, this is because an external audit revealed a reduction of Ghc450.00 instead of an amount of Ghc77,293.00 as alleged by the Complainant.

The Commission's investigations revealed that the Complainant's transfer was unlawful and therefore void, and accordingly directed that the transfer be reversed.

### CHRAJ/3283/2002 -ADMINISTRATIVE JUSTICE [DENIAL OF PROMOTION]

The Complainant was interdicted by the Respondent in 2001, demoted and subsequently denied promotion. The Complainant retired and complained to the Commission for promotion after a contempt case was brought against him by the Respondent.

According to the Complainant, even though a High Court had ordered his rank to be restored to him, the Complainant's name was left out for promotion interview. When the Complainant enquired why his name was left out, but the Respondent referred him to *S.2:12(1) (a) (IV) of the Prison's Scheme*, which bars promotion for officers who have less than a year to go on retirement.

In response to the complaint, the Respondent alleged that the Complainant refused to answer a query directed to him. A Board of Enquiry was subsequently set up to investigate allegations of misconduct by the Complainant, but the Complainant refused to appear before the Board. The Complainant was, therefore, tried in absentia. The Respondent explained that the Complainant could not have been promoted because of *S.2:12(1) (a) (IV) of the Prison's Scheme*, and because to do so would encourage impunity.

The Commission's investigation revealed that the Respondent acted in accordance with the *S.2:12(11) (2) (IV) of the Scheme of Service*, which states that "*officers with less than 12 months to retire, cannot be considered for promotion*".

## 4.2. SUMMARY OF 2015 CASE STATISTICS

### 1. Cases Received, Closed and Pending

In the year 2015, the Commission received nine thousand, two hundred and eighty-three (9,283) complaints. This represents 8.3% decrease in complaints received in 2014. Three thousand, three hundred and fifty-nine (3,359) complaints were carried over from the previous year to the year 2015, bringing the total complaints available for investigation to twelve thousand, six hundred and forty-two (12,642).

Out of the twelve thousand, six hundred and forty-two (12,642) cases available, the Commission was able to close ten thousand, three hundred and fifty-five (10,355) (82%) leaving two thousand, two hundred and eighty-seven (2,287) (18.1%) cases pending investigation at

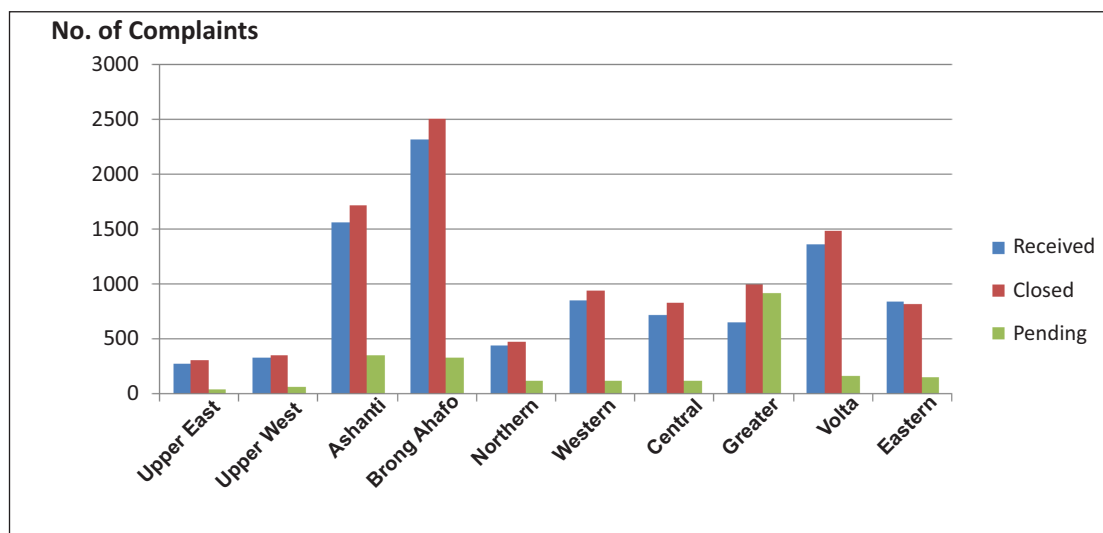
the end of the reporting period. See table 1 below for regional breakdown.

**Table 1: Cases Received, Closed and Pending**

Regions	Number of Cases Received in 2015	Number of Cases Carried from previous year	Number of Cases Available for Investigation	Total Number of Cases Closed	Total Number of Cases Pending Investigation
Upper East	272	61	333	304	29
Upper West	318	76	394	344	50
Ashanti	1561	487	2048	1,709	339
Brong Ahafo	2312	511	2823	2499	324
Northern	438	145	583	471	112
Western	842	201	1043	937	106
Central	713	221	934	822	112
Greater	643	1,251	1894	984	910
Volta	1351	285	1636	1,475	161
Eastern	833	121	954	810	144
<b>Totals</b>	<b>9,283</b>	<b>3,359</b>	<b>12,642</b>	<b>10,355</b>	<b>2,287</b>



**Figure 1: Cases Received, Closed and Pending in 2015**



## **2. Classification of Complaints Received, Closed and Pending in 2015**

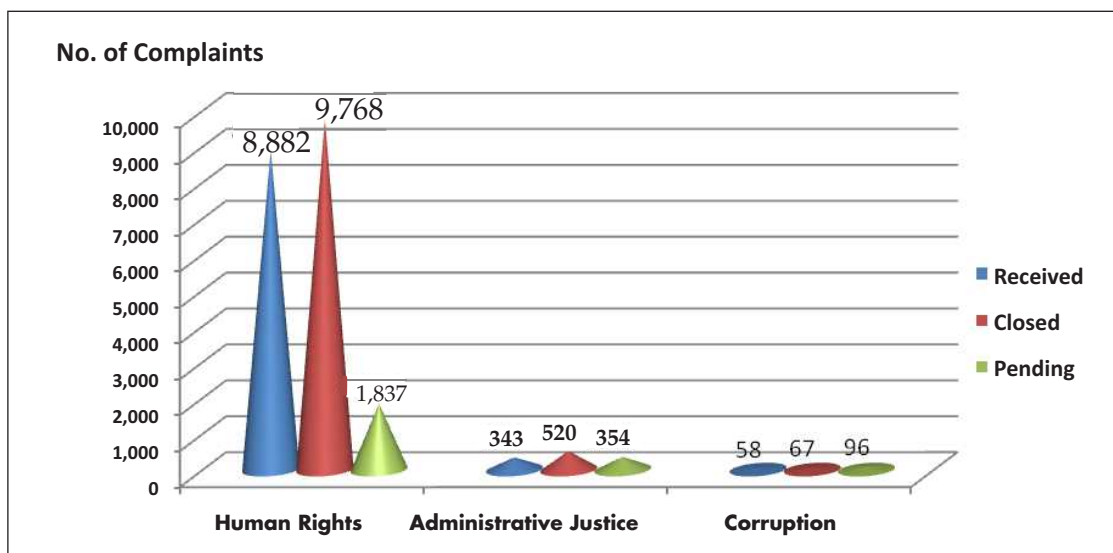
The nine thousand, two hundred and eighty-three (9,283) complaints received in the year 2015 were classified into “Human Rights”, “Administrative Justice” and “Corruption” related cases. A total of eight thousand, eight hundred and eighty-two (8,882) complaints, representing (95.7%) of all complaints received, were Human Rights related complaints; three hundred and forty-three (343) (3.7%) were Administrative Justice related cases; and fifty-eight (58) (0.6%) were Corruption related cases.

Human rights related complaints and Administrative Justice complaints showed a decrease of 8.2% and 14.5% respectively as compared to the previous year. However, Corruption related complaints received saw 18.4% increase over the previous year.

The Commission disposed of 9,768, 520, and 67 cases under Human Rights, Administrative Justice and Anti-Corruption mandates respectively.

1,837 cases Pending Investigations were related to Human Right, whilst 354 and 96 cases were related to Administrative Justice and Corruption respectively. See figure 2 below.

**Figure 2: Classification of Cases in the Reporting Year**



\*Note: The number of cases closed includes cases carried from previous years.

### 3 Mode of Closure of Cases

The Commission closed a total of ten thousand, three hundred and fifty-five (10,355) cases as declined/referred, discontinued or resolved.

- **Declined Cases:** seven hundred and fifty-six (756) cases representing 7.3% of the total closed cases were declined or not investigated. 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.
- **Cases Discontinued:** The Commission exercised its discretionary powers to cease investigation into two thousand, nine hundred and eighty-five (2,985) complaints due to some circumstances which made further investigations unnecessary. These cases represented 28.8% of total closed cases. See table 2 for details. **Cases Resolved:** Six thousand, six hundred and fourteen (6,614) cases representing 63.9 % of total

closed cases in the reporting year were successfully resolved through mediation and decided by merit after preliminary and full investigation.

- **Significant role of mediation in case resolution**

The Commission resolved 96.8% of the total resolved cases through mediation. Complaints decided on merit after preliminary and full investigation accounted for only 3.2%.

- **Length of Time Spent on Resolved Cases:** Average time spent on mediated cases varied from one week to three months while that of cases decided on merit after full investigation was one month to one and half years.

**Table 2: Classification of Mode of Closure of Complaints in the Reporting Year.**

Mode of Closure	Human Rights	Admin Justice	Corruption	Total Closed
<b>1. Declined/Refused to Investigate/Referred</b>				
• Declined for Lack of Mandate	706	45	5	756
<b>2. Ceases to Investigate (Discretionary)</b>				
• Withdrawn by Complainant	547	25	0	572
• Loss of Interest in Pursuing Complaints	1,667	91	0	1,758
• Other Circumstances	567	76	12	655
<b>Sub-Total</b>	<b>2,781</b>	<b>192</b>	<b>12</b>	<b>2,985</b>
<b>3. Resolved</b>				
• Settled Through Mediation	6,171	231	0	6,402
• Decided After Preliminary Investigation	95	23	32	150
• Decided After Full Investigation	15	29	18	62
<b>Sub-Total</b>	<b>6,281</b>	<b>283</b>	<b>50</b>	<b>6,614</b>
<b>GRAND TOTAL</b>	<b>9,768</b>	<b>520</b>	<b>67</b>	<b>10,355</b>

## 4. TREND OF CASES

### Trend of Cases Received and Closed over the Last 10 years

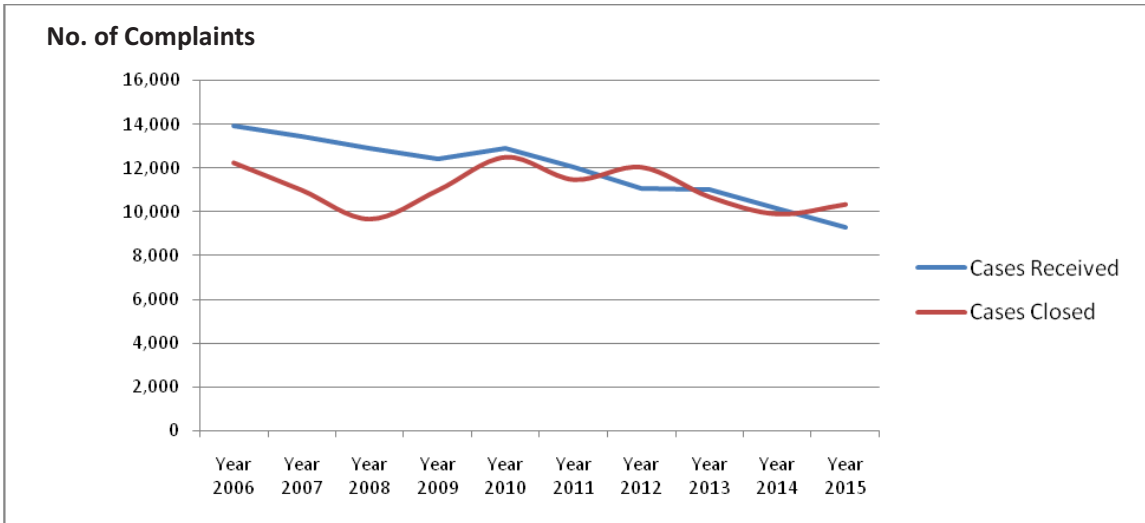
Complaint received has decreased over the past 10 years at an average rate of 4.3%. See table 3 and figure 3.

**Table 3: Cases Received, Closed and Pending for the Last 10 Years**

Years	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
<b>Cases Received</b>	13,931	13,455	12,919	12,443	12,900	12,018	11,049	11,035	10,124	9,283
<b>Cases Closed</b>	12,238	11,003	9,693	10,987	12,491	11,477	12,038	10,694	9,921	10,355
<b>Cases Pending</b>	*	*	*	*	3,263	3,804	2,815	3,156	3,359	2,287
<b>Percentage Closure</b>	87.8%	81.8%	75%	88.3%	79.3%	*75.1%	81%	77.20%	74.7%	82%

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

Figure 3: Trend of Cases Received and Closed (2006-2015)

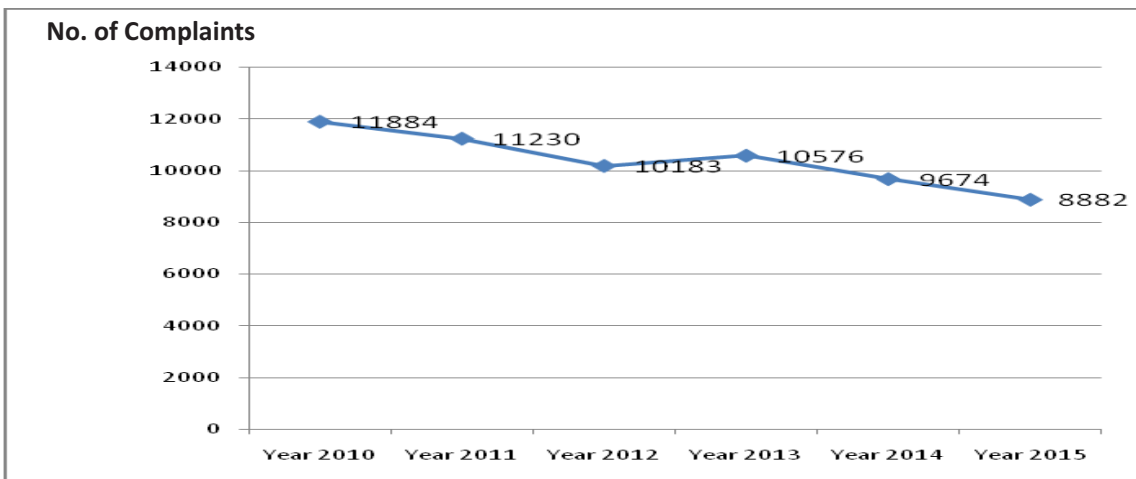


## 5. HUMAN RIGHTS COMPLAINTS

### 5.1. Trend of Human Rights Complaints

A total of eight thousand, eight hundred and eighty-two (8,882) complaints representing 95.7% of the total complaints received in the reporting year were human rights related. This figure was lower than the previous year's complaints by 8.2%. Complaints received started reducing in 2010 but increased slightly in 2013 and then started reducing again. See figure 4 below.

Figure 4: Trend of Human Rights Complaints over the Last 6 Years.



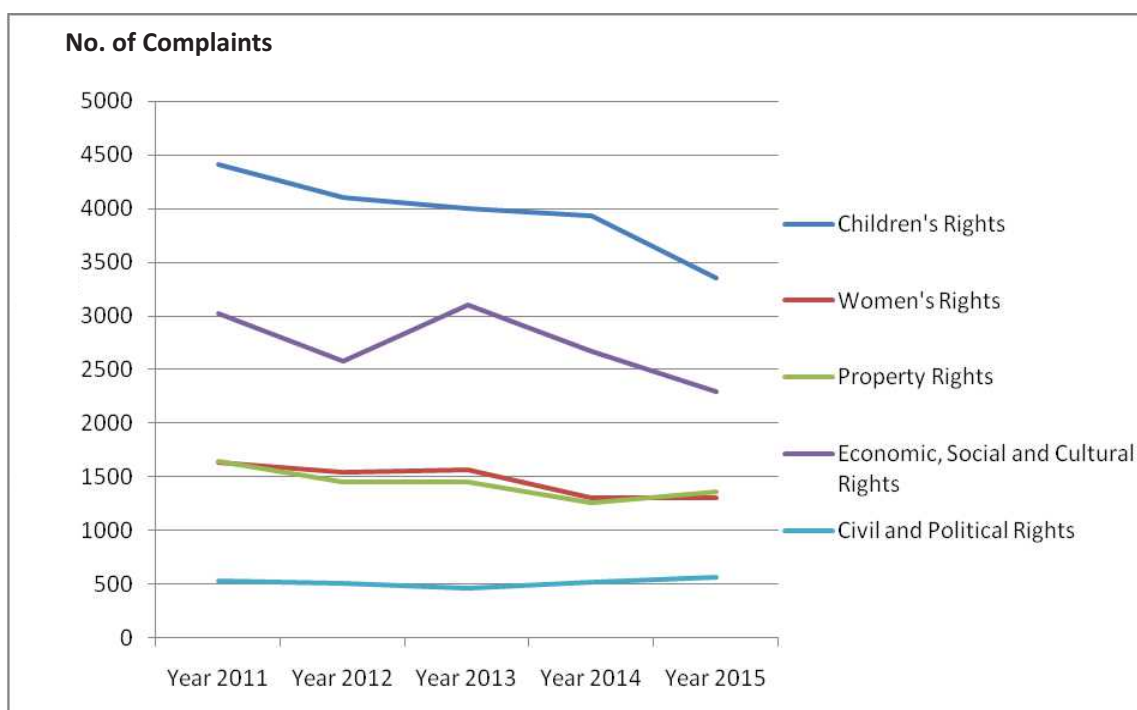
## 5.2. Nature of Human Rights Complaints

The eight thousand, eight hundred and eighty-two (8,882) human rights violations complaints received were categorized into Children's Rights, Women's Rights, Property Rights, Economic, Social and Cultural Rights and Civil & Political Rights related. See table 4 and figure 5 below and refer to table B for details.

**Table 4: Types of Human Rights Complaints from 2011 to 2015**

Types	2011	2012	2013	2014	2015	Totals
Children's Rights	4411	4110	4002	3929	3,356	19,808
Women's Rights	1631	1536	1569	1305	1,308	7,349
Property Rights	1640	1445	1442	1254	1,359	7,140
Economic, Social and Cultural Rights	3025	2585	3104	2671	2,296	13,681
Civil and Political Rights	523	507	459	515	563	2,567
<b>Totals</b>	<b>11,230</b>	<b>10,183</b>	<b>10,576</b>	<b>9,674</b>	<b>8,882</b>	<b>50,545</b>

**Figure 5: Trend of Types of Human Rights Complaints from 2011 to 2015**



- Children's Rights Related Cases:** - Out of eight thousand. eight hundred and eighty-two (8,882) Human Rights complaints received, three thousand, three hundred and fifty-six (3,356) representing 37.8% were related to children's rights. Issues on child care and maintenance in the area of Education, Health, Food, Shelter, Clothing and Paternity dominated the cases. Thirty-six (36) cases of Early and Forced Marriages were reported, 4 on child labour, 6 on defilement and 4 on trafficking. Refer to table B for detailed statistics.
- Women's Rights Related Cases:** - Complaints were mainly on Domestic violence and maintenance – access to basic necessities of life such as food, clothing and shelter due to spousal neglect.
- Economic, Social and Cultural Rights Related Cases:** - Total complaints received during the reporting year were 2,296. Cases were mainly on landlord-tenant and labour relations and breaches of agreements, most of which were referred to other fora for redress.

Few cases on right to health and molestation of people accused of witchcraft were received.

- **Civil and Political Rights Related Cases:** - Violations of personal liberty and human dignity dominated the cases under this category. 7 complaints on harmful and degrading cultural practices such as banishment were received.

### **5.3. Respondent Bodies in Human Rights Complaints**

About 8,559 (representing 96.4%) of the total number of Human Rights complaints were lodged against Private Individuals, whereas 323 (representing 3.6%) were against Private Institutions and Organisations. See table E for full list of respondent bodies.

### **5.4. Mode of Closure of Human Rights Cases**

A total of 9,768 cases were disposed of. Of that number, 6,281 cases representing 64.3% of the total closure figure were successfully resolved. Out of the number resolved, 6,171 representing 98.2% were through mediation. Refer to table two (2) for details.

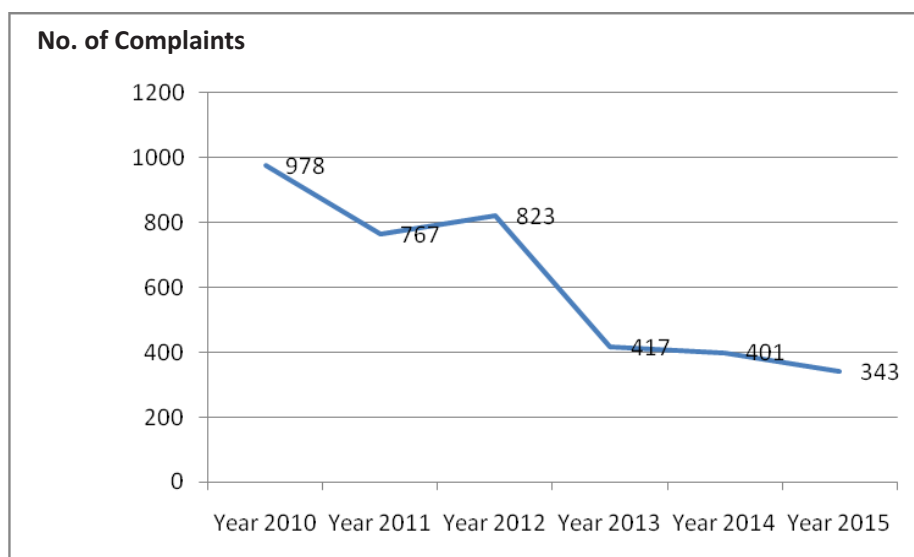
## **6. ADMINISTRATIVE JUSTICE COMPLAINTS**

### **6.1. Trend of Administrative Justice Complaints**

Three hundred and forty-three (343) administrative justice complaints were received in 2015 compared to four hundred and one (401) in the previous year. It showed a decrease of 14.5%. See figure 6 below for the trend.



**Figure 6: Trend of Administrative Justice Complaints**



## **6.2. Nature of Administrative Justice Complaints:**

Complaints were predominantly on abuse of office and unfair treatment by public officers. Issues on payment of salaries, social security benefits and failure to act on complaints were also relatively high. Refer to table C for full details.

## **6.3. Respondent Bodies in Administrative Justice Complaints**

The highest numbers of complaints were received against Organisations under Ministries of Education, Interior, Finance and Local Government and Rural Development. See Table F for the detailed list of the organisations.

## **6.4. Mode of Closure of Administrative Justice Cases**

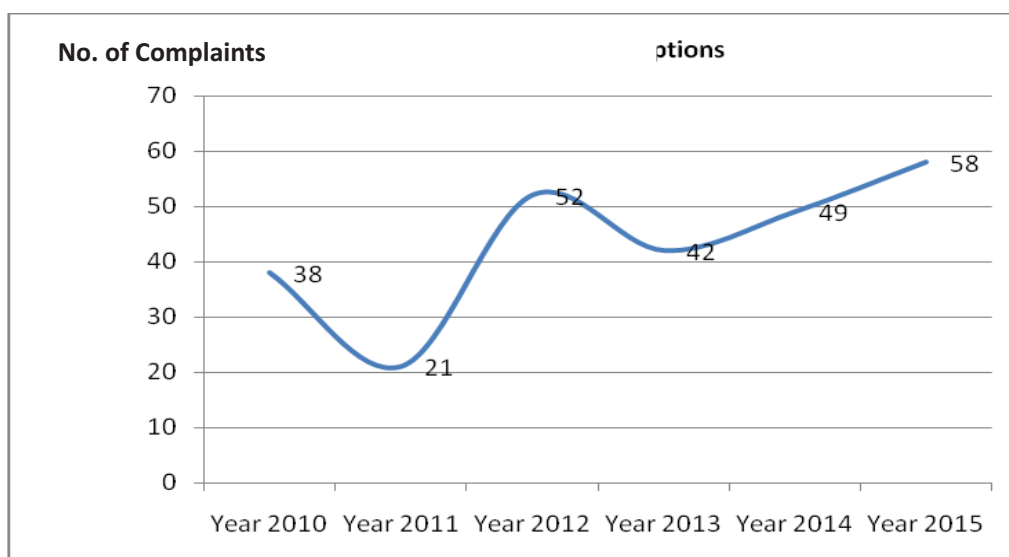
Out of 520 administrative justice cases closed, 231 (representing 44.4%) were resolved through mediation while 52 (representing 10%) were decided after either preliminary or full investigation. Refer to table two (2) for more details.

## 7. COMPLAINTS ALLEGING CORRUPT PRACTICES

### 7.1. Trend of Complaints Alleging Corrupt Practices

In all, 58 cases were taken up for investigation as a result of complaints or allegations of corrupt conduct or impropriety during the reporting period. This figure was higher than the previous year's figure of 49 by 18.4%. See figure 7 below for the trend.

**Figure 7: Trend of Allegations of Corruption**



### 7.2 Nature of Corruption Allegations

In all, 58 complaints were received in the reporting year, out of which five (5) were made under the *Whistleblower Act*. The allegations of misappropriation and embezzlement were 31 accounting for 53.4% of the total cases received. Others include Abuse of Office, Fraud, Conflict of Interest, Bribery and Extortion. Refer to table D for details on figures.

### 7.3 Respondents Bodies of Corruption Cases

Complaints under this category were mostly against individuals who were holding official positions in public offices. Table G contains detailed list of respondents and the corresponding number of complaints against them.

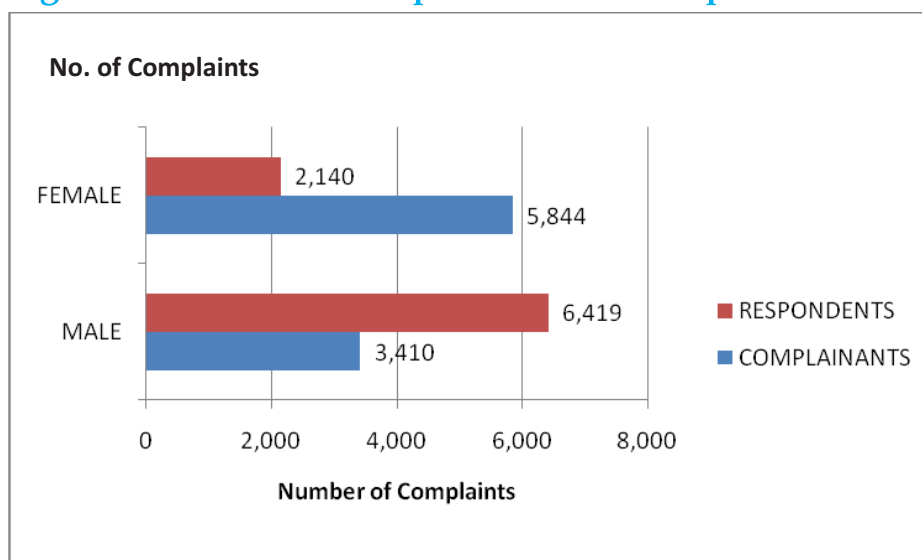
## 7.4 Mode of Closure of Corruption Cases

In all, sixty-six (66) cases were closed. Five (5) cases were declined for lack of mandate, eleven (11) discontinued, whilst fifty (50) were decided on merit after either preliminary or full investigation. Refer to table two (2) for other details.

### 7.4.1 Classification of Complainants and Respondents According to Gender

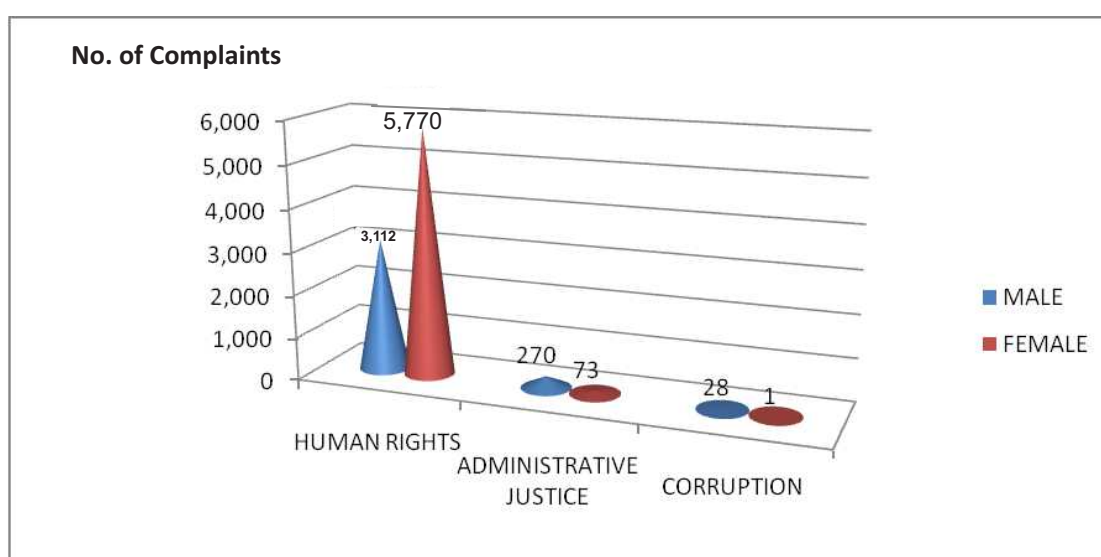
- In all, 9,254 private individuals lodged complaints with the Commission. Out of this number, 3,410 representing 37% were *males* while 5,844 (63%) were *females*. On the other hand, out of eight thousand, five hundred and fifty-nine (8,559) complaints which were lodged against private individuals, six thousand, four hundred and nineteen (6,419) (75%) were males whereas two thousand, one hundred and forty (2,140) (25%) were females. See figure 8 below.

**Figure 8: Gender of Complainants and Respondents**



- Gender classification of complainants according to the three (3) mandates of the Commission revealed that 65% of Human Rights complaints were reported by females while 35% were males. 79% of Administrative Justice complaints were reported by males while 96% of allegations of corrupt practices were also made by males. See figure 9 below.

**Figure 9: Gender Classification of Complainants in 2015**



# DETAILED STATISTICAL TABLES

**Table A: Regional Breakdown of Cases Received, Closed and Pending**

Regions	Cases Received in 2015				Total Cases Closed (Including Cases Carried from Previous Years)				Cases Pending			
	HR	AJ	C	TOT	HR	AJ	C	TOT	HR	AJ	C	TOT
Upper East	258	14	0	272	290	13	1	304	24	5	0	29
Upper West	301	15	2	318	324	18	2	344	37	12	1	50
Ashanti	1,488	60	13	1,561	1,608	77	24	1,709	310	27	2	339
Brong Ahafo	2,290	18	4	2,312	2474	20	5	2,499	309	13	2	324
Northern	407	29	2	438	442	26	3	471	84	25	3	112
Western	816	23	3	842	921	15	1	937	93	10	3	106
Central	680	33	0	713	759	59	4	822	87	24	1	112
Greater	512	101	30	643	732	240	12	984	611	217	82	910
Volta	1,312	36	3	1,351	1,428	37	10	1,475	150	9	2	161
Eastern	818	14	1	833	790	15	5	810	132	12	0	144
<b>TOTALS</b>	<b>8,882</b>	<b>343</b>	<b>58</b>	<b>9,283</b>	<b>9,768</b>	<b>520</b>	<b>67</b>	<b>10,355</b>	<b>1,837</b>	<b>354</b>	<b>96</b>	<b>2,287</b>

**Table B: Nature of Human Rights Complaints Received in 2015 According To Regional Distribution**

NATURE OF ABUSES	H.O	U/E	U/W	A/R	B/A	N/R	W/R	C/R	G/R	V/R	E/R	TOTAL
<b><u>CHILDREN RIGHTS RELATED COMPLAINTS</u></b>												
Maintenance of Children	26	100	50	339	455	71	204	171	171	410	294	2,291
Deprivation of Education	1	11	17	12	40	34	11	79	10	48	16	279
Improper Care of Child		1	0	6	6	0	3	7	0	5	0	28
Child Custody	1	10	10	27	115	20	28	14	22	75	47	369
Defilement	0	0	0	1	0	1	0	0	1	3	0	6
Child Labour	1	0	0	0	0	0	0	0	1	2	0	4
Early & Forced Marriage	1	0	3	0	3	22	3	0	0	1	3	36
Maltreatment	0	0	1	1	5	3	4	3	1	1	0	19
Paternity	1	4	2	52	30	9	6	2	7	19	5	137
Right to name	0	2	0	3	0	0	1	23	0	0	1	30
Trafficking	1	0	0	0	0	0	1	1	0	1	0	4
Incest	0	0	0	2	0	0	0	0	0	0	0	2
Illegal Adoption	0	0	0	0	1	0	0	0	0	0	0	1
Access to Child		13	2	13	17	2	11	36	10	11	8	123
Abduction	0	0	0	0	3	6	0	0	0	0	0	9
<b>TOTAL</b>	<b>32</b>	<b>141</b>	<b>85</b>	<b>474</b>	<b>675</b>	<b>168</b>	<b>272</b>	<b>336</b>	<b>223</b>	<b>576</b>	<b>374</b>	<b>3,356</b>

<b><u>WOMEN'S RIGHTS RELATED COMPLAINTS</u></b>												
Maintenance of Spouse	2	27	13	117	243	11	73	29	20	88	77	<b>700</b>
Spousal Battery	0	0	1	0	60	3	9	4	3	8	0	<b>88</b>
Marital Causes	0	0	15	1	125	2	26	6	15	13	6	<b>209</b>
Sexual Harassment	2	0	0	0	0	3	0	0	0	1	2	<b>8</b>
Rape	0	0	0	0	0	2	2	0	0	1		<b>5</b>
Reproductive Rights	1	5	15	8	59	47	55	23	5	43	26	<b>287</b>
Others	0	0	0	3	0	2	0	0	0	6	0	<b>11</b>
<b>TOTAL</b>	<b>5</b>	<b>32</b>	<b>44</b>	<b>129</b>	<b>487</b>	<b>70</b>	<b>165</b>	<b>62</b>	<b>43</b>	<b>160</b>	<b>111</b>	<b>1,308</b>
<b><u>PROPERTY RIGHTS RELATED COMPLAINTS</u></b>												
Destruction	0	0	2	23	30	2	17	8	2	15	15	<b>114</b>
Access to self Acquired Property	3	23	5	106	146	22	43	37	14	67	43	<b>509</b>
Jointly Acquired Property	0	2	9	153	28	3	62	55	9	14	0	<b>320</b>
Inheritance	5	2	0	0	55	0	37	23	2	1	37	<b>152</b>
Intestate Succession	3	0	0	9	36	0	47	17	0	12	0	<b>114</b>
Trespass/Encroachment	1	1	0	27	26	0	6	5	3	13	8	<b>90</b>
Title	0	0	0	8	2	0	6	9	0	0	0	<b>20</b>
<b>TOTAL</b>	<b>12</b>	<b>28</b>	<b>16</b>	<b>326</b>	<b>323</b>	<b>27</b>	<b>218</b>	<b>154</b>	<b>30</b>	<b>122</b>	<b>103</b>	<b>1,359</b>

<b><u>ECONOMIC, SOCIAL AND CULTURAL RIGHTS</u></b>												
Non-Payment of Wages	0	0	21	31	12	14	9	11	17	22	0	137
Right to Work	1	0	0	0	0	0	0	0	0	0	4	5
Environmental Hazards	0	1	1	4	0	2	3	0	3	9	0	23
Noise Pollution	1	0	0	0	4	0	1	2	0	0	9	17
Breach of Agreement	4	4	20	299	259	18	38	30	11	179	79	941
Landlord/Tenant Causes	2	7	10	39	219	5	42	17	4	0	39	384
Right to marriage	0	0	0	0	0	0	0	0	0	1	0	1
Nuisance	0	0	0	26	0	0	0	0	0	0	0	26
Witchcraft Accusations	0	0	0	0	0	0	0	0	0	1	0	1
Right to Health	1	4	1	6	6	0	5	5	3	17	2	50
Labour Related Abuses	8	7	8	29	31	7	13	27	15	17	25	187
Discrimination	0	0	0	0	0	0	0	0	2	0	0	2
Others	23	9	50	32	177	74	37	0	19	56	45	522
<b>TOTAL</b>	<b>40</b>	<b>32</b>	<b>111</b>	<b>466</b>	<b>708</b>	<b>120</b>	<b>148</b>	<b>92</b>	<b>74</b>	<b>302</b>	<b>203</b>	<b>2,296</b>



<b><u>CIVIL AND POLITICAL RIGHTS RELATED COMPLAINTS</u></b>												
Banishment	0	0	1	2	0	0	1	0	0	3	0	7
Threat to Life	1	0	0	0	0	0	0	0	0	0	0	1
Human Dignity	0	7	12	19	23	3	4	9	7	46	0	130
Personal Liberty	3	17	21	44	73	3	6	12	18	46	27	270
Inhuman Treatment	0	0	0	9	1	0	0	0	0	4	0	14
Right to Freedom of	2	0	0	0	0	0	0	0	0	7	0	9
Worship												
Others	9	1	11	19		16	2	15	13	46	0	131
<b>TOTAL</b>	<b>15</b>	<b>25</b>	<b>45</b>	<b>93</b>	<b>97</b>	<b>22</b>	<b>13</b>	<b>36</b>	<b>38</b>	<b>152</b>	<b>27</b>	<b>563</b>

**Table C: Nature of Administrative Justice Complaints Received in 2015 According to Regions**

<b>ADMINISTRATIVE JUSTICE COMPLAINTS</b>	<b>H.O</b>	<b>U/E</b>	<b>U/W</b>	<b>A/R</b>	<b>B/A</b>	<b>N/R</b>	<b>W/R</b>	<b>C/R</b>	<b>G/R</b>	<b>V/R</b>	<b>E/R</b>	<b>TOTAL</b>
Unlawful Dismissal	8	0	0	2	1	2	1	1	0	2	0	17
Termination of Appointment	1	2	2	2	0	0	0	0	2	0	0	9
Pension	4	0	0	1	0	0	0	1	0	1	0	7
Payment of Salaries	1	2	4	5	6	3	5	4	1	4	4	39
Denial/Delay of Promotions	2	0	0	0	0	0	1	0	1	0	0	4
Undue Delay	0	0	0	2	0	0	0	1	1	0	0	4
Suspension/Interdiction	1	0	0	1	0	0	0	0	1	0	0	3
Non-Payment of Social Security Benefit	0	0	0	9	6	1	0	1	0	1	1	19
Failure to Act on Complaints	8	0	0	2	0	0	1	2	2	0	0	15
Delay in Dispensing Justice	0	0	2	1	0	2	0	0	3	0	0	8
(Police)												
Delay in Dispensing Justice (Judiciary)	1	0	0	0	0	0	0	0	0	0	0	1
Arbitrary Transfer	1	0	0	0	0	0	0	2	0	0	2	5
Payment of End-of-Service	6	1	1	1	1	0	3	2	0	0	0	15
Payment of Allowance	0	1	0	0	0	2	0	2	0	0	0	5
Wrongful Placement	0	0	0	0	0	0	0	1	0	0	1	2

Premature Retirement	1	0	0	1	0	1	0	0	0	0	0	3
Withholding of Document	1	0	0	0	0	0	0	2	0	0	1	4
Non-payment of Insurance Claim	0	0	0	0	0	0	1	0	0	0	0	1
Abuse of Office	12	0	0	23	0	1	0	2	0	5	1	44
Unfair Ruling	1	0	0	0	0	0	0	0	0	0	0	1
Non-Payment of Transfer Grants	1	0	0	0	0	0	0	0	0	1	0	2
Breach of Agreement	0	0	0	5	0	0	0	0	0	2	0	7
Unfair Treatment	5	0	1	0	0	5		3	1	8	0	23
Education	1	1	0	1	0	2	0	0	0	0	0	5
Denial of Bail	0	1	0	0	0	2	0	0	0	0	0	3
unlawful Arrest/Detention	8	1	2	0	1	1	3	1		3	0	20
Inhuman Treatment by Police	0	0	0	1	2	1	1	0	1	0	1	7
Destruction of Property without Compensation	1	0	0	1	0	0	0	0	0	1	1	4
Non Payment for Work done	0	0	0	0	0	0	2	0	0	1	0	3
Harassment	1	0	0	1	0	0	0	0	0	1	0	3
Compulsory Acquisition of Property	0	0	0	0	0	0	1	0	0	0	0	1
Demolition of Property	1	0	0	0	1	0	3	0	0	0	1	6
Discrimination	1	0	0	0	0	1	0	0	0	0	1	3
Withholding of Certificates	0	2	0	0	0	2	0	1	0	0	0	5
Others	16	3	3	1	0	3	1	7	5	6	0	45
<b>TOTAL</b>	<b>83</b>	<b>14</b>	<b>15</b>	<b>60</b>	<b>18</b>	<b>29</b>	<b>23</b>	<b>33</b>	<b>18</b>	<b>36</b>	<b>14</b>	<b>343</b>

**Table D: Nature of Allegations of Corruption**

<b><u>CORRUPTION</u></b>	<b>H.O</b>	<b>U/E</b>	<b>U/W</b>	<b>A/R</b>	<b>B/A</b>	<b>N/R</b>	<b>W/R</b>	<b>C/R</b>	<b>G/R</b>	<b>V/R</b>	<b>E/R</b>	<b>TOTAL</b>
Abuse of Office/Power	5	0	0	1	1	0	0	0	0	2	0	9
Misappropriation/Embezzlement	14	0	1	8	3	2	1	0	0	1	1	31
Fraud	0	0	0	1	0	0	0	0	0	0	0	1
Conflict of Interest	2	0	0	0	0	0	0	0	0	0	0	2
Bribery	0	0	0	0	0	0	1	0	0	0	0	1
Extortion of Money	4	0	1	3	0	0	1	0	0	0	0	9
<b>TOTAL</b>	<b>25</b>	<b>0</b>	<b>2</b>	<b>13</b>	<b>4</b>	<b>2</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>1</b>	<b>53</b>
<b>WHISTLE BLOWER</b>												
Misuse Of Public Funds	1	0	0	0	0	0	0	0	0	0	0	1
Abuse Of Office	2	0	0	0	0	0	0	0	0	0	0	2
Misappropriation	1	0	0	0	0	0	0	0	0	0	0	1
Victimization	1	0	0	0	0	0	0	0	0	0	0	1
<b>Total</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5</b>
<b>GRAND TOTAL</b>	<b>28</b>	<b>0</b>	<b>2</b>	<b>13</b>	<b>4</b>	<b>2</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>1</b>	<b>58</b>

**Table E: Respondent Bodies in Human Rights Complaints Received in 2015**

<b>Respondent Bodies</b>	<b>Number of Complaints</b>
Private Individuals	8559
Private Companies	158
Insurance Companies	9
Associations/Unions	30
Hotels	2
Banks/Financial Institutions	40
Security Companies	21
Private Schools	31
Micro Finance Companies	4
Churches	14
Private Enterprises or Organisations	5
Private Hospitals	5
Chieftaincy Institution	2
Colleges	2
<b>TOTALS</b>	<b>8,882</b>

**Table F: Respondent Bodies in Administrative Justice Complaints Received in 2015**

<b>RESPONDENT BODIES</b>	<b>Number of Complaints</b>
<b>ORGANISATION UNDER MINISTRY OF EDUCATION (79 CASES)</b>	
Universities	11
Polytechnics	10
Schools/Colleges/Technical Institutions	18
Ghana Education Service	37
MINISTRY	3
<b>ORGANISATION UNDER MINISTRY OF FINANCE AND ECONOMIC PLANNING (28 CASES)</b>	
Controller & Accountant General	5
SSNIT	17
Ghana Revenue Authority	
Bank of Ghana	4
CEPS	1
Ministry	1
<b>ORGANISATION UNDER LOCAL GOVERNMENT &amp; RURAL DEVELOPMENT (40 CASES)</b>	
Regional Coordinating Councils	7

Metropolitan, Municipal and District Assemblies (MMDAs)	33
<b>ORGANISATIONS UNDER MINISTRY OF INFORMATION (9 CASES)</b>	
GHANA BROADCASTING CORPORATION (BBC)	8
Ghana News Agency (GNA)	1
<b>ORGANISATION UNDER MINISTRY OF JUSTICE &amp; ATTORNEY-GENERAL (6 CASES)</b>	
LEGAL AID	6
<b>MINISTRY OF HEALTH (22 CASES)</b>	
Ghana Health Service	21
MINISTRY	1
<b>MINISTRY OF INTERIOR (97 CASES)</b>	
Ghana Police Service	88
National Disaster Management Organisation (NADMO)	1
Ghana Immigration Service	3
Ghana Prisons Service	1
Ghana National Fire Service	4
<b>MINISTRY OF WATER RESOURCES, WORKS AND HOUSING (1 CASE)</b>	1
<b>MINISTRY OF ENERGY (10 CASES)</b>	
Ghana River Authority (VRA)	2

Electricity Company of Ghana(ECG)	7
GHANA NATIONAL PETROLEUM CORPORATION (GNPC)	1
<b>MINISTRY OF ROADS AND HIGHWAYS (5 CASES)</b>	
Ghana Highway Authority	2
Dept of Feeder Roads	1
Ghana Railways Cooperation	2
<b>MINISTRY OF LANDS AND NATURAL RESOURCES (5 CASES)</b>	
Lands Commission	2
Forestry Commission	3
<b>MINISTRY OF EMPLOYMENT AND SOCIAL WELFARE (3 CASES)</b>	
Labour Commission	1
MINISTRY	2
<b>MINISTRY OF DEFENCE (8 CASES)</b>	
Army	6
NAVY	1
Ministry	1
<b>ORGANISATION UNDER MINISTRY OF YOUTH &amp; EMPLOYMENT (1 CASE)</b>	
National Youth Employment Programme (NYEP)	1
<b>MINISTRY OF FOOD AND AGRICULTURE (2</b>	2



<b>CASES)</b>	
<b>ORGANISATIONS UNDER MINISTRY OF FOREIGN AFFAIRS (3 CASES)</b>	
Passport Office	3
<b>EXTRA MINISTERIAL ORGANISATION (24 CASES)</b>	
CHRAJ	1
Electoral Commission	2
National Service Secretariat	6
National Identification Authority	1
COCOBOD	2
State Insurance Company	3
Rent Office	1
Ghana Post	1
NCCE	2
<b>OTHER RESPONDENT BODIES</b>	5
<b>TOTALS</b>	343

**Table G: Institutions of Officers against whom Allegations of Corrupt Practices were made**

<b>RESPONDENT BODIES</b>	<b>Number of Complaints</b>
Ghana Health Service	1
Ghana Water Company	1
Unit Committee	1
National Youth Employment Programme	2
Private Hospital	1
Ghana Education Service	2
Metropolitan, Municipal and District Assemblies (MMDAs)	15
Schools and Colleges	7
Ghana Police Service	4
Private Companies	1
Ministry of Energy	1
COCBOD	1
GYEEDA	1
Ghana Highways Authority	1
EPA	1
Private Companies	1
Nursing Training	1
CHRAJ	1
Universities	1

National Service Secretariat	1
Ghana Ports & Harbours Authority	1
Others	12
<b>TOTALS</b>	<b>58</b>

**TABLE H: Nature of Human Rights Cases and Mode of Closure**

<b>HUMAN RIGHTS ABUSES</b>	<b>MEDIATION</b>	<b>DECIDED AFTER PRELIMINARY INVESTIGATION</b>	<b>DECIDED AFTER FULL INVESTIGATION</b>	<b>CEASES INVESTIGATION</b>	<b>WITHDRAWN</b>	<b>DECLINE TO INVESTIGATE</b>	<b>LOST OF INTEREST</b>	<b>TOTAL</b>
<b><u>CHILDREN RIGHTS RELATED COMPLAINTS</u></b>								
Maintenance of Children	1,659	19	1	182	127	55	511	<b>2,554</b>
Child Education	200	6	0	17	23	4	51	<b>301</b>
Medical Care	0	0	0	1	0	0	0	<b>1</b>
Improper Care of Child	18	0	0	1	3	1	7	<b>30</b>
Child Custody	282	1	0	14	14	71	95	<b>477</b>
Defilement	1	0	0	0	0	5	0	<b>6</b>

Child Labour	1	0	0	0	0	2	0	3
Early & Forced Marriage	32	0	0	2	5	0	4	43
Maltreatment	15	0	0	1	1	2	3	22
Paternity	106	2	0	5	13	8	36	170
Right to name	24	0	0	1	3	1	7	36
Trafficking	0	0	0	0	0	4	0	4
Incest	0	0	0	0	0	2	0	2
Illegal Adoption	2	0	0	0	0	0	0	2
Access to Child	125	5	0	20	8	6	32	196
Abduction	0	0	0	0	0	9	0	9
<b>TOTAL</b>	<b>2,465</b>	<b>33</b>	<b>1</b>	<b>244</b>	<b>197</b>	<b>170</b>	<b>746</b>	<b>3,856</b>
<b><u>WOMEN'S RIGHTS RELATED COMPLAINTS</u></b>								
Maintenance of Spouse	540	0	2	41	72	14	156	825
Spousal Battery	75	0	0	3	7	5	28	118
Marital Causes	181	0	0	27	10	31	32	281
Sexual Harassment	4	0	0	0	1	1	0	6
Rape	0	0	0	0	0	5	0	5
Reproductive Rights	264	1	1	13	27	16	73	395
Others	5	1	0	0	0	1	1	8
<b>TOTAL</b>	<b>1,069</b>	<b>2</b>	<b>3</b>	<b>84</b>	<b>117</b>	<b>73</b>	<b>290</b>	<b>1,638</b>

	9							8
<b><u>PROPERTY RIGHTS RELATED COMPLAINTS</u></b>								
Destruction	62	1	1	11	11	24	20	130
Access to Self-Acquired Property	308	9	1	28	28	36	81	491
Jointly Acquired Property	207	6	0	26	22	33	93	387
Inheritance	89	0	0	10	6	25	15	145
Intestate Succession (PNDCL111)	89	5	0	11	10	10	26	151
Trespass/Encroachment	31	1	0	11	11	10	11	75
Title	7	0	0	3	1	18	2	31
<b>TOTAL</b>	<b>793</b>	<b>22</b>	<b>2</b>	<b>100</b>	<b>89</b>	<b>156</b>	<b>248</b>	<b>1,410</b>
<b><u>ECONOMIC, SOCIAL AND CULTURAL RIGHTS RELATED</u></b>								
Non-Payment of Wages	88	1	0	14	8	7	26	144
Right to Work	2	0	0	1	0	1	0	4
Environmental Hazards	8	0	0	0	3	5	5	21
Noise Pollution	7	0	0	2	2	2	3	16
Breach of Agreement	602	8	1	35	39	68	112	865
Landlord/Tenancy	312	0	0	25	8	67	36	448

Causes								
Right to marriage	0	0	0	0	0	0	1	1
Nuisance	12	1	0	1	3	0	7	24
Witchcraft Accusations	5	0	0	2	0	0	0	7
Right to Health	33	2	0	2	5	1	6	49
Debts Collection	42	1	0	3	3	7	8	64
Labour Related Abuses	97	9	3	11	10	24	32	186
Discrimination	3	0	0	0	0	0	1	4
Others	267	5		13	8	54	51	398
<b>TOTAL</b>	<b>1,478</b>	<b>27</b>	<b>4</b>	<b>109</b>	<b>89</b>	<b>236</b>	<b>288</b>	<b>2,231</b>
<b><u>CIVIL AND POLITICAL RIGHTS RELATED</u></b>								
Banishment	6	0	0	0	0	0	1	7
Human Dignity	50	1	1	8	10	38	21	129
Personal Liberty	244	4	0	12	27	14	56	357
Inhuman Treatments	5	0	0	2	1	0	3	11
Rights to Freedom of Worship	1	3	0	1	2	0	1	8
Others	60	3	4	7	15	19	13	121
<b>TOTAL</b>	<b>366</b>	<b>11</b>	<b>5</b>	<b>30</b>	<b>55</b>	<b>71</b>	<b>95</b>	<b>633</b>

**TABLE I: Nature of Administrative Justice Cases and Mode of Closure**

NATURE OF INJUSTICE	MEDIATION	DECIDED AFTER PRELIMINARY INVESTIGATION	DECIDED AFTER FULL INVESTIGATION	CEASES INVESTIGATION	WITHDRAWN	DECLINE TO INVESTIGATE	LOST OF INTEREST	TOTAL
Unlawful Dismissal	31	2	1	10	1	3	15	63
Termination of Appointment	23	2	1	3	3	0	8	40
Pension	9	1	5	7	0	2	3	27
Salary	51	2	5	4	3	5	9	79
Redundancy/Redeployment	0	0	4	0	1	0	2	7
Denial/Delay of Promotions	6	0	3		0	0	0	9
Suspension/Interdiction	1	0	0	0	0	0	0	1
Non-Payment of Social Security Contribution	9	0	0	0	0	0	4	13
Non-Payment of Social Security Benefit	9	1	0	1	0	1	1	13
Failure to Act on Complaints	7	1	3	1		2	7	21

Delay in Dispensing Justice	6	0	0	0	0	3	4	13
Arbitrary Transfer	2	0	0	0	2	0	0	4
End-of-Service Benefit	3	1	0	0	1	6	0	11
Workmanship Compensation	2	0	0	0	0	0	2	4
Payment of Allowance	2	0	0	0	1	1	0	4
Wrongful Placement	0	0	0	0	0	0	1	1
Premature Retirement	0	0	0	1	0	2	0	3
Withholding of Document	0	0	0	0	2	1	1	4
Non-payment of Insurance Claim	1	0	0	0	0	0	0	1
Abuse of Office	21	6	0	18	3	0	12	60
Unfair Ruling	0	0	0	0	0	1	0	1
Breach of Agreement	7	0	5	12	0	2	0	26
Unfair Treatment	11	4	0	2	1	2	5	25
Education	2	0	0	0	1	0	0	3
Denial of Bail	0	0	0	0	1	2	0	3
Unlawful Arrest/Detention	6	0	0	0	2	2	0	10
Inhuman Treatment by Police	2	0	0	1	0	0	2	5
Destruction of Property	1	0	0	1	0	1	1	4



without Compensation								
Non Payment for Work done	2	0	0	0	1	0	0	3
Harassment	1	0	0	0	0	0	1	2
Demolition of Property	0	0	0	2	0	0	1	3
Discrimination	0	0	0	0	0	1	0	1
Withholding of Certificates	6	0	0	2	0	2	1	11
Others	10	3	2	11	2	6	11	45
<b>TOTAL</b>	<b>231</b>	<b>23</b>	<b>29</b>	<b>76</b>	<b>25</b>	<b>45</b>	<b>91</b>	<b>520</b>

**TABLE J: Nature of Corruption Cases and Mode of Closure**

NATURE OF CORRUPTION	MEDIATION	DECIDED AFTER PRELIMINARY INVESTIGATION	DECIDED AFTER FULL INVESTIGATION	CEASES INVESTIGATION	WITHDRAWN	DECLINE TO INVESTIGATE	LOST OF INTEREST	TOTAL
Abuse of Office	0	4	5	1	0	0	0	10
Misappropriation/Embezzlement	0	8	5	0	0	3	0	16
Fraud	0	1	1	0	0	1	0	3
Conflict of Interest	0	0	1	1	0	0	0	2
Bribery	0	1	0	1	0	0	0	2
Extortion of Money	0	18	6	8	0	0	0	32
Tax Evasion	0	0	0	0	0	1	0	1
<b>TOTAL</b>	<b>0</b>	<b>32</b>	<b>18</b>	<b>11</b>	<b>0</b>	<b>5</b>	<b>0</b>	<b>66</b>
<b>WHISTLE BLOWER</b>								
Abuse of Office	0	0	0	1	0	0	0	1
<b>GRAND TOTAL</b>	<b>0</b>	<b>32</b>	<b>18</b>	<b>12</b>	<b>0</b>	<b>5</b>	<b>0</b>	<b>67</b>

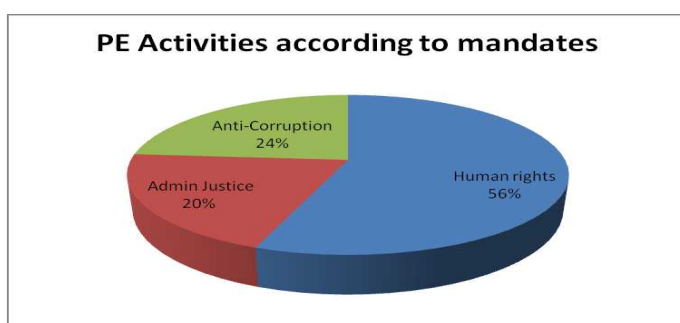


## 5. DETAILED STATISTICS ON PUBLIC EDUCATION FOR 2015

### 5.1 PUBLIC EDUCATION IN THE REGIONS AND DISTRICTS

During the year, the Commission through its regional and district offices accomplished a total of 5,470 public education programmes. The educational activities were guided by the three mandates of the Commission. A large number of communities and schools across the nation benefited from these activities. Quite a sizeable number of these activities were also carried out on local FM stations for the benefit of a wider catchment area.

Below is the graphical illustration of PE activities according to the three mandates of the Commission.



*Figure 1: Public education (PE) activities according to mandates*

**Table 2: National Distribution of 2015 Public Education Activities on the**

**Three mandates**

<b>Region</b>	<b>Human Rights</b>	<b>Admin Justice</b>	<b>Anti Corruption</b>	<b>Total</b>	<b>%</b>
<b>Greater Accra</b>	136	21	37	194	3.5
<b>Eastern</b>	302	38	66	406	7.4
<b>Volta</b>	273	77	92	442	8.1
<b>Ashanti</b>	632	265	302	1,199	21.9
<b>Brong Ahafo</b>	259	147	136	542	9.9
<b>Central</b>	172	34	73	279	5.1
<b>Western</b>	203	102	117	422	7.7
<b>Northern</b>	428	180	200	808	14.8
<b>Upper West</b>	148	58	79	285	5.2
<b>Upper East</b>	337	135	120	592	10.8
<b>Tema Sub</b>	48	1	2	51	0.9
<b>Obuasi</b>	109	63	78	250	4.6
<b>Total</b>	<b>3,047</b>	<b>1,121</b>	<b>1,302</b>	<b>5,470</b>	<b>99.8</b>

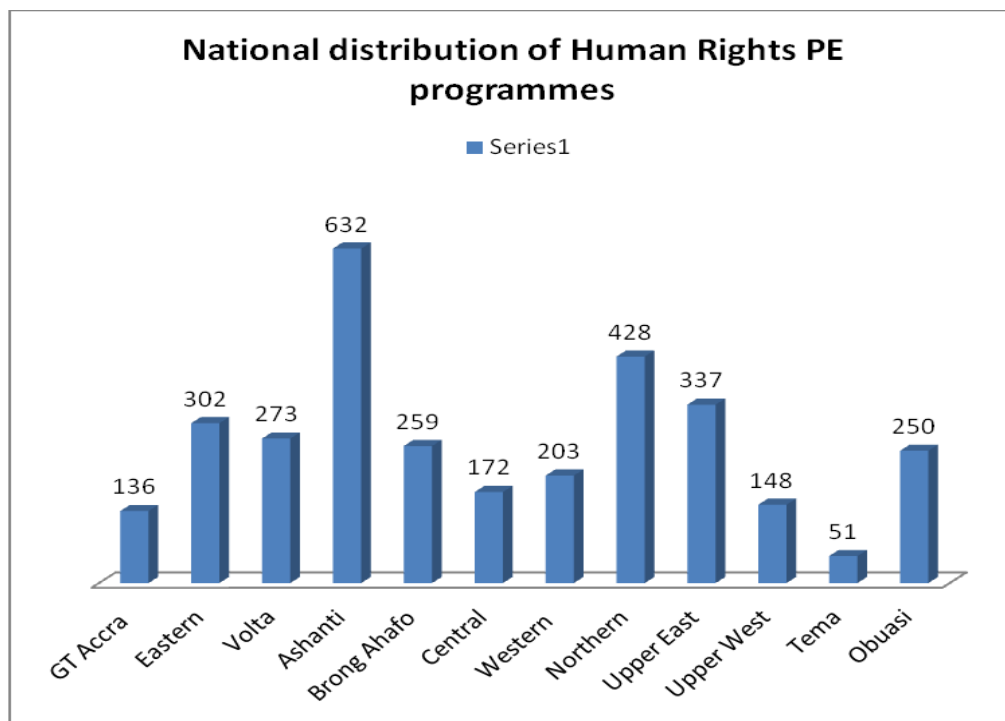
## 2.1 Human Rights

There were 3,047 human rights education activities in rural communities, schools and on local FM stations nationwide. The various activities were organised to broaden the human rights awareness of the Ghanaian populace. Topics ranged from women and children's rights, inheritance, children's rights and responsibilities, rights of Persons Living with Disabilities, corporal punishment and bullying in schools,

domestic violence, forced and early marriages, child labour, harmful widowhood rites to the human rights functions of the Commission.

Figure 2 below depicts the national distribution of these activities.

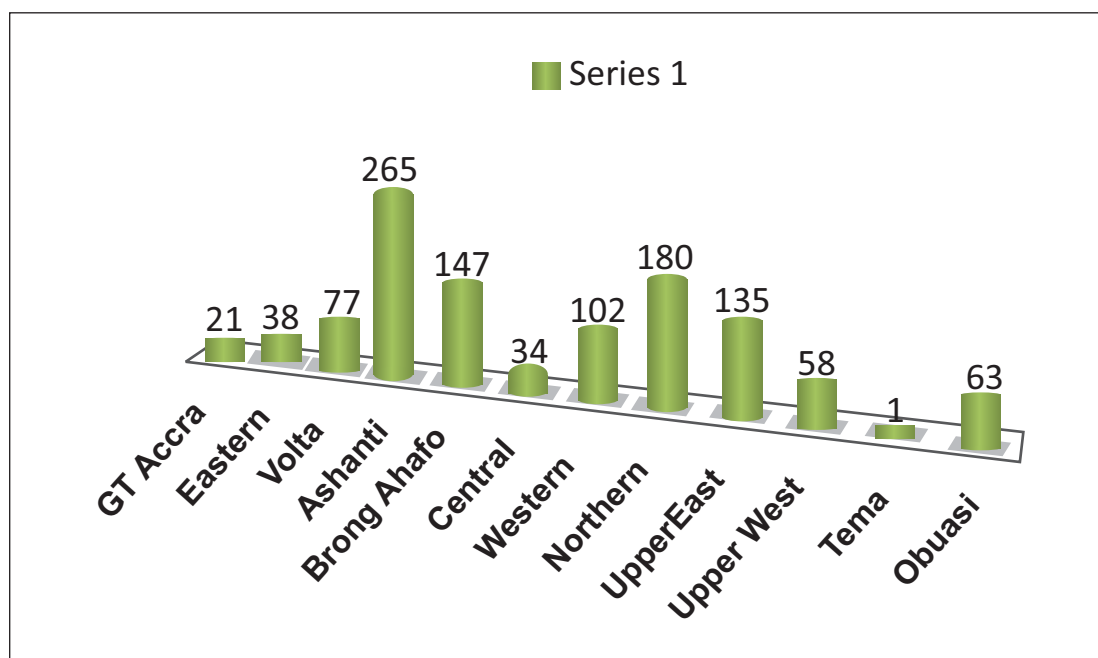
*Figure 2: National distribution of Human Rights programmes*



## 2.2 Administrative Justice

The Commission organised a total of 1,121 public education programmes on its Ombudsman mandate during the period under review. These programmes aimed at empowering the public to demand quality service delivery from public officials. Areas covered include: maladministration and CHRAJ's oversight responsibilities over administrative bodies and administrative officials. Figure 3 shows the national distribution of Administrative Justice programmes.

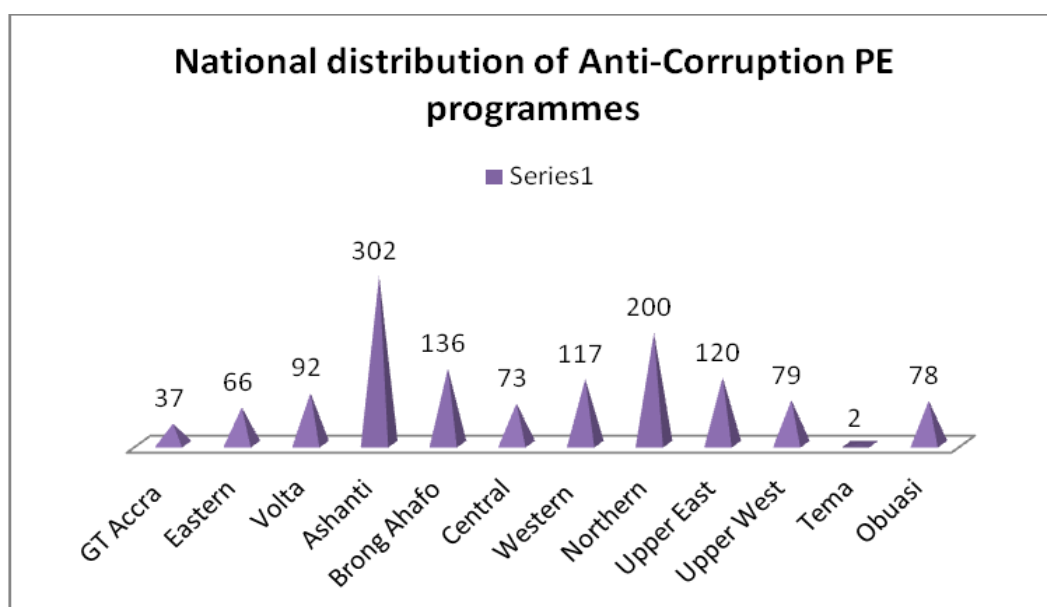
*Figure 3: National distribution of Administrative Justice programmes*



### 2.3 Anti-Corruption

A total of 1,302 public education campaigns were carried out on corruption and its related issues during the period. These activities covered what constitutes corruption, causes of corruption, forms of corruption and negative effects of corruption. There were similar programmes on the Whistleblower Act, Conflict of Interest and Code of Conduct for Public Officers. The educational activities aimed at empowering the public to identify, resist and report corruption occurring in the public service. Generally, the programmes were to enable the public to hold public officials accountable. Figure 4 represents the national distribution of Anti-Corruption programmes.

**Figure 4: National distribution of Anti-Corruption programmes**



## 5.5 Overall Performance by the Regional/Sub-Regional Offices

*Table 2: Performance of regional/sub-regional offices*

Regional Offices	No. of Activities	Percentage -%
Accra	10	0.8
Cape Coast	53	4.3
Koforidua	90	7.2
Sekondi-Takoradi	68	5.5
Kumasi	205	16.5
Tamale	173	13.9
Bolgatanga	168	13.5
Wa	91	7.3
Ho	28	2.3
Sunyani	58	4.7
Tema	48	3.9
Obuasi	250	20.1
<b>TOTAL</b>	<b>1,242</b>	<b>100</b>





STATE OF HUMAN RIGHTS IN GHANA, 2015

Presented on the Occasion of International Human Rights Day: 10<sup>Th</sup>  
December, 2015

By Richard Quayson, Acting Commissioner, CHRAJ

Introduction

The Commission on Human Rights and Administrative Justice (CHRAJ/the Commission) joins the international human rights community and, indeed, the United Nations (UN) and its systems, to mark the annual Human Rights Day, which is observed worldwide, on December 10 every year.

The Commission notes that this year's theme, '**Our Rights, Our Freedoms. Always**', which has been further elaborated to include the four fundamental freedoms namely: freedom from fear; freedom from want; freedom of worship; and freedom of speech, re-emphasises the universality, indivisibility, inter-dependence and inter-relatedness of all human rights as espoused per the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

On the occasion of this auspicious Day commemorating the promotion and protection of human rights worldwide, the Commission wishes to draw attention to its extra-jurisdictional competency and responsibilities in relation to the broad mandate of national human rights institutions (NHRIs) as specified under the Principles Relating to the Status of National Institutions (Paris Principles).

Specifically, the Paris Principles require NHRIs, among others, to proffer opinions, recommendations, proposals, etc. for legislative amendments and reform of administrative measures, facilitate ratification of human rights treaties and to contribute towards state reporting obligation to UN bodies and regional mechanisms regarding domestic compliance with its human rights obligations.

It is against the backdrop of the above that CHRAJ highlights activities it has carried out within the year under review (i.e. 2015) in the context of achieving what is termed 'the bridge' function of NHRIs as envisaged under the Paris Principles. This function of NHRIs, including CHRAJ, basically underscores the mutuality of roles between NHRIs and the international human rights system on the one hand, and the state institutions responsible for protecting human rights domestically represented by the Executive, Parliament and the Judiciary as well as non-state actors, pre-eminently civil society organisations (CSOs), on the other hand.

Over the years, CHRAJ's state of human rights reports (SOHRs) have tended to focus on monitoring reports relating to particular thematic issues in the areas of health, education, adequate housing/shelter (especially slum dwellings). In this regard, the SOHRs reports dealt with the extent to which implementation of social intervention programmes such as livelihood empowerment against poverty (LEAP), national health insurance scheme (NHIS), free universal basic education (FCUBE) – e.g. capitation grant, free textbooks, etc., have contributed to the promotion and protection of rights of the most marginalised and vulnerable in the Ghanaian society.

### Follow up on 2013 recommendations

In 2013, in its state of human rights report (SOHR), CHRAJ took a remarkable step in ensuring state compliance with its recommendations as contained in that year's SOHR. Consequently, relevant sector institutions identified by CHRAJ as responsible for implementation of the recommendations contained in the 2013 SOHR were requested by CHRAJ to provide the necessary information regarding steps they have so far taken to implement those recommendations.

The recommendations include payment of outstanding arrears pertaining to capitation grants, national health insurance, school feeding, ensuring easy communication between children with speech and hearing impairment, implementation of minimum standards for operating orphanages and the provision of decent sanitation in prisons and police cells.

The above approach, which is a departure from the previous approaches in seeking compliance with recommendations of SOHRs, is seen by CHRAJ as more effective in ensuring Ghana's compliance with its treaty obligations both at the international and regional levels.

CHRAJ regrets to report that at the time of reporting, the responsible state institutions have not satisfactorily implemented all the 2013 SOHR recommendations. These institutions ascribe the lapse to lack of funds due to inadequate and late releases of funds from the Ministry of Finance.

CHRAJ intends to intensify its follow-up responsibility to ensure that the state meets its obligation by providing the necessary resources, including release of statutory funds to facilitate the protection of particularly the rights to health, education and a clean environment and the eradication of torture.

## Human rights and the MDGs

The 2000 UN Millennium Declaration heralded the Millennium Development Goals (MDGs), which were fundamental values denominated into goals and targets geared towards confronting the global developmental challenges that plague the twenty-first century. The values undergirding the MDGs were predicated on core human rights values, notably: freedom from want (eradication of extreme poverty); equal access to basic services particularly health, education and adequate housing; gender equality; healthy and secure environment; and a development paradigm based on shared responsibility as basis for engendering tolerance and enhancement of global peace for attainment of human progress.

Ghana joined 189 UN member states to endorse the MDGs at the General Assembly in September, 2001. This endorsement was consistent with the economic and developmental tenets of Ghana as articulated under Article 36(1) (2) (e) of the 1992 Constitution to the effect that:

**The State shall take all necessary action to ensure that the national economy is managed in such a manner as to maximise the rate of economic development and to secure the maximum welfare, freedom and happiness of every person in Ghana and to provide adequate means of livelihood and suitable employment and public assistance to the needy**

Implementation of the MDGs in Ghana has been reckoned to be mixed (GoG/UNDP, 2010 Millennium Development Goals Report, November 2012; GoG/UNDP, 2015 Ghana Millennium Development Goals Report, September 2015). Nonetheless, Ghana was able to achieve MDG 1 (eradication of extreme poverty and hunger) despite the developmental challenges that continue to stunt economic growth and development of developing countries, especially sub-Saharan Africa. Extreme poverty was eradicated in Ghana ahead of the 2015 target date. In addition to MDG1, the human rights-related MDGs so far achieved

are MDG 2A (achieving universal primary education), MDG 3 (promoting gender equality and empowerment of women, particularly focusing on MDG 3A in terms of eliminating gender disparity in primary and secondary education) and MDG 6 (combating HIV/AIDS) (*ibid*).

### The Post-2015 Agenda – the SDGs and Human Rights

The overarching goal of the Sustainable Development Goals (Goals) is 'leaving no one behind'. This ultimate goal of the SDGs resonates with the theme of this year's anniversary, especially the indivisibility of human rights as articulated in the two international human rights instruments – i.e. the ICESCR and the ICCPR).

It can be said that the SDGs, like the MDGs, seek to confront the conditions that foster inequity and inequality and, as a result, deny the marginalised and the most vulnerable access to basic human rights. Essentially, in terms of its human rights content, the SDGs target:

- **eradication of poverty;**
- **access to food and nutrition (impacts the right to health);**
- **access to water and a clean environment;**
- **income inequality;**
- **exclusion (economic, social and political);**
- **accountable and inclusive institutions; and**
- **access to justice for all.**

Taking a cue from the shortcomings regarding implementation of the MDGs, NHRIs have been identified as crucial partners/stakeholders for effective implementation of the SDGs. Hence, NHRIs have been assigned stronger monitoring responsibilities under the SDGs.

Pursuant to this, CHRAJ was privileged to be part of an international working group conference on SDGs, which was held under the auspices of the International Coordinating Committee (ICC) in Mexico in October, 2015. CHRAJ was represented by Mr. Joseph Whittal, Deputy

Commissioner. The conference came out with the Merida Declaration on SDGs. This conference also elected Mr. Joseph Whittal to serve on a 5-member Working Group on Sustainable Development Agenda set up by the ICC to be responsible for harnessing NHRIs' contribution towards implementation of the SDGs globally.

In recognition of the role of NHRIs in monitoring the implementation of the SDGs, CHRAJ will, as from 2016, harmonize its human rights mandate, agenda and programmes with the SDGs' goals and targets. In addition, CHRAJ will collaborate with the NDPC and the international development community (both multilateral and bilateral), particularly the UNDP, European Union (EU) and other bilateral donors, who have traditionally been supportive of CHRAJ over the years, in order to ensure implementation of the SDGs is done in line with the rights-based approach to development.

## **2015 Activities in Perspective**

### **Protection/enforcement of human rights**

The Commission, during the year under review, received a total of 7,219 complaints (as at October) out of which 6,932 represented human rights (96% of all complaints). Human rights complaints, therefore, formed the bulk of complaints that were investigated in 2015.

- **Access to fair administration**

Access to fair and just public service administration is critical to the promotion of efficient and effective public service delivery.

The Commission believes that access to public service is not government largesse and is inextricably linked to the enjoyment of other fundamental rights and freedoms. Access to public service enhances good governance.

It must be noted that, article 23 of Ghana's 1992 Constitution has recognised the right to administrative justice as a human right. In its bid to promote and protect this right, the Commission, with support from the United Nations Development Programme (UNDP), is collaborating with the Public Sector Reform Secretariat (PSRS) to develop and re-introduce Service/Client Charters for all public service institutions. These Service/Client Charters would serve as benchmarks for improving transparency in public service delivery as well as serve as a mechanism for promoting accountability within the public service.

### Protecting the Rights of the Vulnerable

- **Protection of the Right to Adequate Housing**

The Commission took note of the demolition exercise which was carried out at Agbogbloshie (popularly called Sodom and Gomorrah) in Accra by a combined team of security personnel (military and police) and officials of the Accra Metropolitan Assembly (AMA) on 20<sup>th</sup> June, 2015. The Commission, in expressing its concern about the method, the way and manner the demolition was carried out, drew the AMA's attention to Ghana's responsibility to ensure compliance with international human rights standards and norms regarding forced evictions and demolitions. Essentially, the Commission made reference to the UN Basic Principles and Guidelines on Development-Based Evictions and Displacement and, indeed, requested the AMA and the Ministry of Local Government and Rural Development to provide evidence of the extent of compliance with such international standards in terms of the procedures leading to the demolition, particularly the nature of consultation and notice(s) given to the displaced persons.

### **Protecting the Right to Health – Discrimination Reporting System**

The Commission, in collaboration with the Ghana AIDS Commission (GAC) and the Health Policy Project (HPP), a non-governmental organisation based in the USA, and with funding support from the



government of Ghana (GoG) and the United States Agency for International Development (USAID), set up a Health Rights Unit (HRU) within CHRAJ. This Unit is dedicated to the protection of the rights of vulnerable people, particularly Persons Living with HIV and AIDS (PLHIV). As a result of the CHRAJ-GAC/HPP collaboration, an online reporting system called the Discrimination Reporting System (DRS) was launched in December, 2013 to protect the rights of PLHIV, especially human rights violations bordering on stigma and discrimination in relation to access to services – e.g. health, education and employment opportunities. The reporting system has provided the necessary platform for PLHIV and civil society organisations (CSOs) to report cases/complaints of human rights violations. So far, the system has received 59 complaints.

This Commission is pleased to report that the DRS has been lauded as an example of best practice in terms of protecting the rights of vulnerable groups, particularly PLHIV and KPs.

### Collaboration with State Institutions/Agencies

#### **Attorney-General's Department**

The Commission has, over the years, recognised significant weakness in Ghana's reporting obligation regarding human rights treaties it has ratified as a critical factor undermining effective protection of human rights in Ghana.

During the reporting period, CHRAJ collaborated with the Attorney-General and Minister for Justice to set up an Inter-Ministerial Committee on Human Rights (the Committee) as formal structural arrangement dedicated to the task of ensuring Ghana's compliance with treaty obligations.

As part of its collaboration with the state institutions to promote and protect human rights, CHRAJ, during the year under review, proffered



advisory opinions to a number of MDAs, the Attorney-General and Justice Ministry, on thematic human rights issues, among them:

- Ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR) which was adopted by the UN on 10 December 2008 (see **A/RES/63/117**). [This Optional Protocol establishes the Committee on Economic, Social and Cultural Rights and provides a communication (complaint) mechanism for effective implementation of the ICESCR.]
- Ghana's legislative and policy infrastructure for implementation of the ICESCR.

CHRAJ also collaborated with the Attorney-General's Department for ratification of the Optional Protocol to the Convention against Torture (OPCAT). The ratification process is at its final stage (i.e. submitted to Parliament for ratification).

- **Ministry of the Interior**

As part of effort to protect the rights of the vulnerable, particularly stateless persons, CHRAJ collaborated extensively with the Ministries of Interior and Foreign Affairs, Ghana Refugee Board, and the Office of the United Nations High Commissioner for Refugees (UNCHR).

CHRAJ also advocated for Ghana's accession to the international conventions on statelessness, namely, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. Furthermore, CHRAJ is one of the key institutions actively involved in the development of a National Plan of Action for implementation of the Global Plan of Action and the 2015 Abidjan Declaration on Statelessness.

- **Ministry of Gender, Children and Social Protection**

Regarding the protection of the rights of special groups and the vulnerable generally, the Commission had a number of stakeholder-engagements with the Ministry of Gender, Children and Social Protection and allied agencies/bodies, particularly the Ghana Police Service, Ghana Federation of the Disabled and the United Nations International Children's Emergency Fund (UNICEF).

Through these engagements, the Commission, for instance, made inputs into the draft National Strategic Framework to end child marriage in Ghana; Child and Family Welfare Policy; Justice for Children Policy; the draft amendment bill to the Persons with Disability Act and the draft Affirmative Action bill; and also provided necessary input (cost of investigating child abuse) to assist UNICEF's survey in tackling the issue of child protection in Ghana.

- **Parliament**

Regarding the relationship of CHRAJ with Parliament, CHRAJ has consistently contributed to enrich bills having implications for human rights and governance. In the reporting period, CHRAJ made inputs into the Conduct of Public Officers, Affirmative Action and the Whistleblower [Amendment] Bills.

One bill that has been in Parliament for a record time is the Right to Information Bill. We take this opportunity to urge Parliament to give urgent attention to this important piece of legislation to advance the frontiers of human rights and good governance.

- **External collaboration**

Ghana has signed unto the 2015 Kigali Declaration to Prevent and Eliminate Child and Early Forced Marriage. At the Commonwealth Heads of Government Meeting (CHOGM) in Malta, 2015, CHRAJ was

invited to share the role it has been playing in protecting children from early marriages in Ghana. CHRAJ signed a memorandum of understanding (MOU) with the Human Rights Unit of Commonwealth Secretariat regarding Action Points (commitments) under the Kigali Declaration aimed at protecting affected people in endemic regions of Ghana.

It is important to state here categorically that CHRAJ is committed to the eradication of child and early forced marriage in Ghana. Between 2008 and 2015, the Commission has received a total of 691 complaints in respect of early child marriage and has resolved 611.

- **Special Procedures Mechanisms**

The Commission collaborated with the Office of the High Commissioner for Human Rights (OHCHR), the Human Rights Council (HRC) as well as Special Procedures Mechanisms (both regional and international) during the year by providing needed information on status of implementation of human rights in Ghana, including responding to questionnaires/enquiries on the right to adequate housing.

We also collaborated with the African Commission on Human and People's Rights (ACHPR) and the African Policing Civilian Oversight Forum (APCOF) to train selected personnel of the Ghana Police Service on techniques of investigating torture in the context of effective implementation of the ACHPR-adopted Guidelines on Eradicating Torture, Luanda Guidelines on the Conditions of Arrest, Police Custody and Pre-trial Detention in Africa, commonly called 'the Luanda Guidelines'. This training was facilitated by a Special Rapporteur on Prisons and Conditions of Detention for the ACHPR, Commissioner Med Kagwaa.

## Recommendations

The Commission recommends the following:

- Strengthening of the Inter-Ministerial Committee on Human Rights to effectively address the weakness identified in the State's treaty reporting obligation. We also ask the Ministries of Justice and Foreign Affairs to strengthen their coordinating role in this regard.
- Strengthening of follow-up mechanisms for implementing recommendations and comments from treaty obligations that have been accepted as valid to ensure that the country makes advances in human rights promotion. In this regard, CHRAJ, Ministries of Justice and Foreign Affairs, lead ministries/agencies and CSOs should take up the responsibility to follow up on implementation.
- The SDGs are here with us now. How we plan and prepare for implementation will make the difference between today and tomorrow. We recommend we mainstream the SDGs in all sectors of the society [public, private and not-for-profit] using the rights-based approach to development. In this regard, CHRAJ should engage Government, NDPC and other key implementing agencies, including private sector and civil society, and multilateral and bilateral development partners to draw up a strategy for implementation and monitoring of the SDGs.

In conclusion, Ladies and Gentlemen, although there are still significant challenges and weaknesses identified in the state of human rights in the country, Ghana continues to make progress in the promotion and protection of rights. We can confidently say that the future of human rights enjoyment is very bright.

Thank you for coming, and may God bless our Homeland Ghana.

### 7.1 Brief Report on Commission's Financial Disbursement for 2015

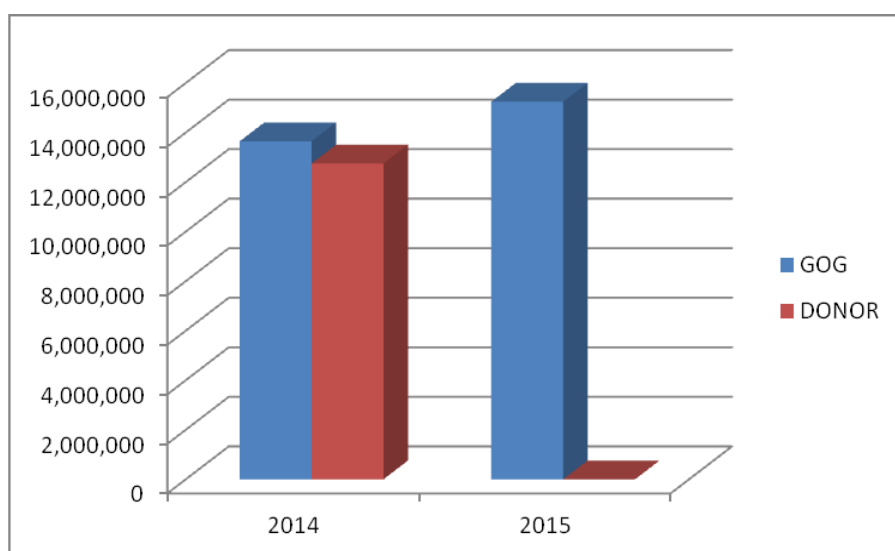
CHRAJ's principal source of funding is from the government of Ghana and its development partners. Table 1 and figure 1 illustrate the financial position of the Commission for 2015.

*Table 1: CHRAJ Budgets for 2014- 2015*

Total	2014 (Gh¢)		2015 (Appropriation) (Gh¢)	
	GOG	Donor	GOG	Donor
	13,646,788	12,750,063	15,244,537.56	-
	26,396,851		15,244,537.56	

In terms of funding from the central government, CHRAJ received more funds in 2015 than in 2014 as depicted in figure 1. However, the support received from its development partners dropped significantly in 2015.

**Figure 1: CHRAJ budgets for 2014-2015**



## 7.2 Budget Estimate for 2015 fiscal year

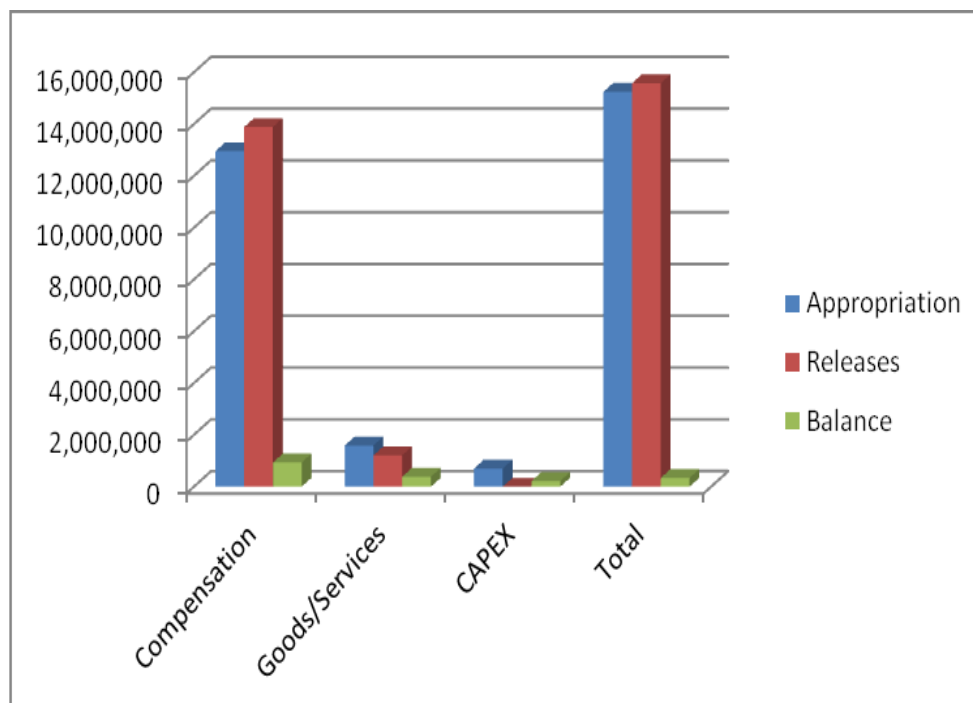
In 2015, the Government of Ghana approved a budget estimate of GH¢15,244,537.46 for the Commission's programmes of activities for 2015 in the Government's fiscal policy statement. The closing balance in respect of the Commission's account as at December, 2015 was GH¢ 41,640.49

Below is a table of the amounts approved and released in 2015 as compared to 2014.

**Table 2: Appropriation and Releases For 2015**

	2014(GH¢)			2015(GH¢)		
	Appropriation	Releases	Balance	Appropriation	Releases	balance
<b>Compensation</b>	11,363,277.00	12,719,960.09	1,356,683.00	12,954,457.56	13,888,999.02	(934,541.46)
<b>Goods/Services</b>	1,560,160.00	381,797.20	(1,178,362.80)	1,590,080.00	1,208,521.76	381,558.24
<b>CAPEX</b>	723,352.00	-	(723,352.00)	700,000.00	482,419.22	217,580.78
<b>Total</b>	<b>13,646,789.00</b>	<b>13,101,757.29</b>	<b>(545,031.80)</b>	<b>15,244,537.56</b>	<b>15,579,940</b>	<b>(335,402.44)</b>

**Figure: 2 Graphical Representations Of Appropriations and Releases For 2015**







The Commission in the period under review encountered many challenges which hindered the effective and efficient execution of its targets. Even though the lack of funds was the main challenge in the achievement of the Commission's targets for the year, logistics and high turnover of some of its essential staff were also contributing factors. As a result, CHRAJ could not achieve its entire set target for the year in the four (4) major programmes, that is Human rights, Administrative justice, Anti-corruption as well as Management and administration. Despite these, the Commission achieved its greatest success under its anti-corruption mandate by successfully carrying out 80% of its planned activities. Activities that the Commission could not carry out included:

- Acquisition of Library materials (Books, Journals, Publications, etc.);
- Acquisition of accommodation for regional and district offices;
- Acquisition of networking and ICT equipment;
- Two planned stakeholders' joint meeting on the UN Standard and Minimum Rules and Luanda Guidelines for security personnel;
- Specialized research into exploitative child labour in fishing;
- Specialised research on the Implementation of Minimum Wage in Ghana;
- The annual human rights and integrity camp for schools' programme due to lack of funds;

- Organise workshops to clarify the administrative justice oversight role over actions and decisions of public officials and public services;
- Develop fact sheets leaflets, fliers on all aspects of CHRAJ's administrative justice functions and expected standards applicable in public Services;
- Provide International training for selected staff at the Public Administration Institute;
- Undertake Benchmarking Programmes with other Anti-Corruption agencies; and
- Develop fact sheets leaflets, fliers and other materials on NACAP to build capacity of the public to resist and report corruption.

### 9.1 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.

## 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.

### 9.3

## **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.**

- (1) A representative of the Commission in a Regional or District office of the Commission shall –
- (a) receive complaints from the public in the Region or District;
  - (b) make such on-the-spot investigation as may be necessary; and
  - (c) discharge any other duties relating to the functions of the Commission that may be assigned to him by the Commissioner.

## **PART III- PROVISIONS RELATING TO COMPLAINTS AND INVESTIGATIONS**

### **Section 12—Provisions Relating to Complaints.**

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



(6) Where a person by whom a complaint might have been made under this Act has died or is for any sufficient reason unable to act for himself, the complaint may be made by his personal representative or by a member of his family or other individual suitable to represent him.

### Section 13—Refusal to Investigate.

(1) Where in the course of the investigation of any complaint it appears to the Commission-

(a) that under the law or existing administrative practice there is adequate remedy for the complaint, whether or not the complainant has availed himself of it; or

(b) that having regard to all the circumstances of the case, any further investigation is unnecessary,

it may refuse to investigate the matter further.

(2) The Commission may refuse to investigate or cease to investigate any complaint-

(a) if the complaint relates to a decision, recommendation, act or omission of which the complainant has had knowledge for more than twelve months before the complaint is received by the Commission; or

(b) if the Commission considers that:

(i) the subject matter of the complaint is trivial;

(ii) the complaint is frivolous or vexatious or is not made in good faith; or

(iii) the complainant does not have sufficient personal interest in the subject matter of the complaint.

(3) Notwithstanding subsection (2) of this section, if within six months after the Commission's refusal or ceasing to investigate any complaint

under this section, fresh evidence in favour of the complainant becomes available, the Commission shall, at the request of the complainant, re-open the case.

(4) Where the Commission decides not to investigate or to cease to investigate a complaint, it shall within 30 days of the decision inform the complainant of its decision and the reasons for so refusing.

### **Section 14—Procedure in Respect of Investigations.**

(1) Where the Commission decides to conduct an investigation under this Act, it shall give the authority or person concerned and to any other person who is alleged in the complaint to have taken or authorized the act or omission complained of, an opportunity to comment on any allegations contained in the complaint and the representative of the authority or person concerned shall submit his comments within such time as the Commission may specify.

(2) The public may be excluded from investigations conducted by the Commission.

(3) Without prejudice to the generality of the provisions of this section, the Commission may obtain information from such persons and in such manner, and make such inquiries as it considers necessary.

(4) The Commission may pay to a person by whom a complaint is made and to any other person who attends and furnishes information for the purposes of an investigation under this Act-

(a) sums in respect of expenses properly incurred by them; and

(b) allowances by way of compensation for the loss of their time, in accordance with such scales and subject to such conditions as may be determined by the Commission having regard to the rates for the time being applicable to the courts.

## Section 15—Evidence at Investigations.

(1) Subject to this section the Commission may require any person who, in its opinion, is able to give any information relating to a matter being investigated by the Commission-

(a) to furnish the information to it;

(b) to produce any document, paper or thing that in its opinion relates to the matter being investigated and which may be in the possession or control of that person.

(2) The Commission may summon before it and examine on oath or affirmation:

(a) a person required to give information or produce anything under subsection (1) of this section;

(b) a complainant;

(c) any other person who the Commission considers will be able to give information required under subsection (1) of this section.

(3) Subject to subsection (4) of this section, a person who is bound by law to maintain secrecy in relation to, or not to disclose, any matter may not:

(a) supply information to or answer a question put by the Commission in relation to that matter; or

(b) produce to the Commission a document, paper or thing relating to it, if compliance with that requirement would be in breach of the obligation of secrecy or non-disclosure.

(4) A person to whom subsection (3) of this section applies may be required by the Commission to supply information or answer a question or produce a document, paper or thing that relates to a matter under investigation; and subject to section 16 of this Act, it shall be the duty of that person to comply with the requirement.

(5) A witness before the Commission shall be entitled to the same privileges to which he would have been entitled if he were a witness before the High Court.

(6) No person shall be liable to prosecution for an offence under any enactment by reason of his compliance with a requirement of the Commission under this section.

### **Section 16—Production of Official Documents.**

Article 135 of the Constitution which relates to production of official documents in court shall apply to proceedings before the Commission as it applies to proceedings before a court.

### **Section 17—Maintenance of Secrecy.**

(1) The Commissioner or a Deputy Commissioner and every person holding an office or appointment under the Commission shall maintain secrecy in respect of all matters that come to their knowledge in the exercise of their functions.

(2) Every person holding office or appointment under the Commission who is likely to have access to confidential information of the Commission shall before proceeding to carry out his functions under this Act, take and subscribe to the Oath of Secrecy set out in the Second Schedule to the Constitution.

(3) The Commission shall determine the category of persons to whom subsection (2) of this section shall apply.

## **PART IV PROCEDURE AFTER INVESTIGATION BY THE COMMISSION**

### **Section 18—Procedure after Investigations.**

(1) Where after making an investigation under this Act, the Commission is of the view that the decision, recommendation, act or omission that was the subject matter of the investigation -

(a) amounts to a breach of any of the fundamental rights and freedoms provided in the Constitution; or

(b) appears to have been contrary to law; or

(c) was unreasonable, unjust, oppressive discriminatory or was in accordance with a rule of law or a provision of any Act or a practice that is unreasonable, unjust, oppressive, or discriminatory; or

(d) was based wholly or partly on a mistake of law or fact; or

(e) was based on irrelevant grounds or made for an improper purpose; or

(f) was made in the exercise of a discretionary power and reasons should have been given for the decision,

the Commission shall report its decision and the reasons for it to the appropriate person, Minister, department or authority concerned and shall make such recommendations as it thinks fit and the Commission shall submit a copy of its report and recommendations to the complainant.

(2) If within three months after the report is made no action is taken which seems to the Commission to be adequate and appropriate, the Commissioner, may after considering the comments, if any, made by or on behalf of the department, authority or person against whom the complaint was made, bring an action before any court and seek such

remedy as may be appropriate for the enforcement of the recommendations of the Commission.

### **Section 19—Reports of Commissioner.**

(1) The Commissioner shall, annually submit a report to Parliament which shall include a summary of the matters investigated, and the action taken on them by the Commission during the preceding year.

(2) Parliament may debate the report of the Commission and may pass such resolution as it considers fit.

(3) A resolution of Parliament shall not alter a decision made by a court on a matter instituted before the court by the Commissioner.

(4) The Commissioner may, in the public interest or in the interest of any person or department or any other authority, publish reports relating:

(a) generally to the exercise of the functions of the Commission under this Act; or

(b) to any particular case investigated by the Commission whether or not the matters in the report have been the subject of a report to Parliament.

## PART V: MISCELLANEOUS PROVISIONS

### Section 20—Appointment of Staff.

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

### Section 21—Expenses of Commission Charged on Consolidated Fund.

The administrative expenses of the Commission including all salaries, allowances and pensions payable to or in respect of, persons serving with the Commission are charged on the Consolidated Fund.

### Section 22—Proceedings Privileged.

(1) Subject to the supervisory jurisdiction of the Supreme Court, no proceedings shall lie against the Commission or against any person holding an office or appointment under the Commission for anything done, reported or said by him in the course of the exercise or intended exercise of his functions under this Act, unless it is shown that he acted in bad faith.

(2) Anything said, any information supplied, or any document, paper or thing produced by any person in the course of an inquiry by or proceedings before the Commission under this Act is privileged in the same manner as if the inquiry or proceedings were proceedings in a court.

(3) For the purposes of the rules of law relating to defamation any report made by the Commission under this Act shall be privileged, and a fair and accurate report on it in a newspaper or a broadcast shall also be privileged.

**Section 23—Entry of Premises.** For the purposes of this Act, the Commissioner or any public officer authorised by him, may at any time enter any premises occupied by a department, authority or a person to

whose act or omission this Act applies and inspect the premises and, subject to sections 16 and 17 of this Act carry out on the premises any investigation that is within the jurisdiction of the Commission.

### **Section 24—Offences and Penalties.**

Any person who -

(a) without lawful justification or excuse, willfully obstructs, 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 father, father's brother's son, and brother's son;

(b) in the case of a person belonging to a family based on the maternal system—mother, father, wife, son, daughter, brother, sister, mother's mother, mother's brother, mother's sister, sister's son, sister's daughter, mother's sister's son and mother's sister's daughter".

### **Section 28—Repeal and Saving.**

(1) The Ombudsman Act, 1980 (Act 400) is repealed.

(2) Notwithstanding the repeal of the Ombudsman Act, 1980 (Act 400)-

(a) any regulation made under it and in force on the coming into force of this Act shall until altered, amended or revoked, continue in force and shall be applied with such modifications as may be necessary for giving effect to the provisions of this Act; and

(b) any complaint pending before the Ombudsman immediately before the coming into force of this Act may be proceeded with under, and shall be subject to the provisions of, this Act.

## 9.4 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 22<sup>nd</sup> 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 co-opt a person to join an investigative panel constituted by the Commission.
- (4) A person appearing before an investigative panel may object to the membership of the panel to the Commission and the Commission shall rule in respect of the objection.

## 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

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

Date of Gazette notification: 30<sup>th</sup> April, 2010.

Entry into force: 12<sup>th</sup> July, 2010

Dated at Accra this ...day of ... 2015

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COMMISSION ON HUMAN RIGHTS

AND ADMINISTRATIVE JUSTICE