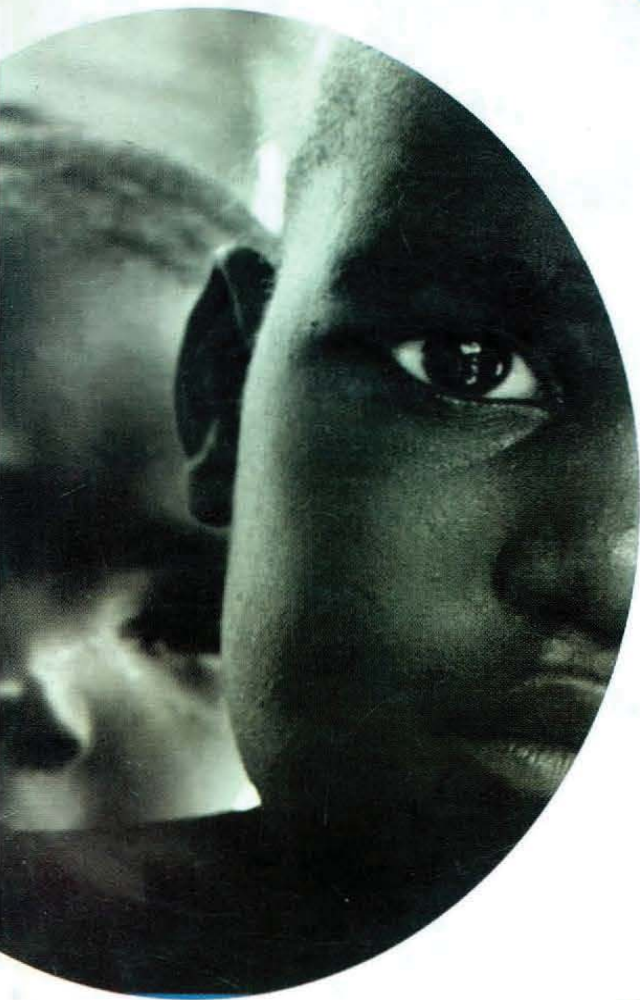


ANNUAL REPORT





Commission On Human Rights &
Administrative Justice
Ghana

06
Annual Report

2006 Annual Report

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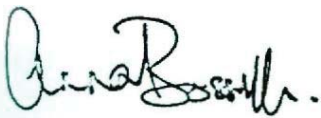


The Speaker of Parliament
Parliament House
Accra

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 Ninth Annual Report of the commission for the period January 1, 2006 to December 31, 2006.

Yours sincerely,



Anna Bossman
Acting Commissioner



Commission Members



Emile Francis Short

Commissioner (currently serving as Ad Litem Judge,
ICTR, Arusha)



Anna Bossman

Deputy Commissioner, Legal & Investigation
(Acting Commissioner)

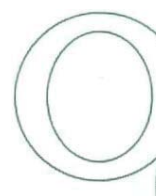


Richard Ackom Quayson

Deputy Commissioner
Public Education & Anticorruption

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Acting Commissioner's Message

Promoting Human Rights and Improving Governance in Ghana

It has been a very significant year for us at the Commission on Human Rights and Administrative Justice, a year not without its own challenges, successes, difficulties and accomplishments. But, overall, we believe that the commission continued to make significant strides in its mission of promoting and protecting fundamental human rights and freedoms.

This year, with the newly strengthened Anti-Corruption Department, the commission investigated a number of corruption related cases, two of which were very high profile cases, one involving the President of the Republic and the second the Minister of Transport. Both cases put our commission in the limelight and tested not only our mettle but also the will of our people to fight corruption. Highlights of these cases are reported in this report.

The commission continued its very aggressive anti-corruption campaign with the launching of our Guidelines on Conflict of Interest intended to help public officials to manage and resolve conflict of interest situations.

Commissioners and members of staff took part in international conferences, workshops and meetings in Malaysia, the USA, Kenya, South Africa, Singapore, Poland, Bolivia and other countries, while the commission also received distinguished visitors from other institutions who were desirous of understudying our constitutional model. Notable among these was a delegation from Zimbabwe's Ministry of Justice which had come as a result of that country's commitment to set up an independent national human rights institution.

The commission continues to handle an average of about ten thousand complaints a year. This year, 13,931 complaints were recorded. According to our statistics, the bulk of these complaints are maintenance related issues involving lack of parental care for children. There were a number of cases, mainly from the north, on forced marriages. This raises our concern over negative cultural practices that are still prevalent in our country.

As a member of the Domestic Violence Coalition, our commission urges Parliament to pass the Domestic Violence Bill into law, without further delay.

In Part 3 of this Annual Report, we give an executive summary of the State of Human Rights in Ghana in 2006 and I will, therefore, not delve into details in my remarks, except to reiterate that though we are advancing in democracy and good governance, there is still a great deal more that needs to be done to instil respect for human rights in our country.



The commission still has major budgetary constraints , poor logistics, inadequate infrastructure, unsatisfactory conditions of service, high attrition of legal officers and low morale within our staff. In spite of this, for the most part our staff continue to work with dedication and commitment .

The promises made by successive governments to improve our overall conditions remain promises only and no serious effort has been made to fund us adequately as three institutions under one umbrella.

I take the opportunity to thank my fellow commissioners, our directors and all our staff for the role that each is playing by working for the advancement of human rights in our country.

I also take the opportunity to thank our donors who continue to partner us by assisting in the funding of our activities. These donors include DANIDA, UNDP, ILO, ACTION AID, World Vision and others. We would also like to recognize all NGOs who are part of our NGO forum, as well as CSOs that support and collaborate with us, and the media which remain an ally in the fight against corruption.

Thanks to the people of Ghana who have reposed their trust and confidence in this commission and whom we are trying to serve in the best way that we can.

I do hope that through our annual reports, you may all gain a deeper understanding of human rights which, in itself, will help in enforcing the Constitution of Ghana.



Anna Bossman
Acting Commissioner



List of Acronyms

ACA	Anti-Corruption Agency
ADR	Alternative Dispute Resolution
APT	Association for the Prevention of Torture
APRM	African Peer Review Mechanism
AAIG	Action Aid International, Ghana
AWHCL	Airport West Africa Hospitality Company Limited
CAT	Convention Against Torture
CRC	Convention on the Rights of the Child
CBA	Collective Bargaining Agreement
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CCL	Consumer Credit Limited
CDD	Centre for Democratic Development
CEPS	Customs, Excise and Preventive Service
COI	Conflict Of Interest
CPIB	Corrupt Practices investigation Bureau
CERD	Convention on the Elimination of Racial Discrimination
DOVVSU	Domestic Violence and Victims Support Unit
DANIDA	Danish International Development Agency
ECOWAS	Economic Commission for West African States
ERIB	ECOWAS Regional Investment Bank
E-CMS	Electronic Case Management System
FCUBE	Free Compulsory Universal Basic Education
GII	Ghana Integrity Initiative
GCB	Ghana Commercial Bank
GES	Ghana Education Service
GLR	Ghana Law Reports
ILO	International Labour Organization
ICAC	Independent Commission Against Corruption
IHRTIP	International Human Rights Training Programme
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
KMA	Kumasi Metropolitan Assembly
MOWAC	Ministry of Women and Children's Affairs
MDA	Ministries, Departments and Agencies
NGO	Non Governmental Organization
NCCE	National Commission on Civic Education
NHIS	National Health Insurance Scheme
NIB	National Investment Bank
NLCD	National Liberation Council Decree

OPP	Office of the Public Protector
OPCAT	Optional Protocol to the UN Convention Against Torture
PE & AC	Public Education and Anti Corruption
PBL	Prudential Bank Limited
SFO	Serious Fraud Office
SOHR	State of Human Rights Report
SSNIT	Social Security and National Insurance Trust
SRC	Students Representative Council
TOT	Training of Trainers
UNHCR	United Nations High Commissioner for Refugees
WHMP	World Health Monitor Programme



Executive Summary

Legal and Investigations

The commission received 13,931 complaints nationwide which represented a decrease of 11.5% over those for the previous year, 2005 (15,749).

A total of 12,238 complaints, or 87.8% of the total number of cases received during the year, were resolved.

The Women's and Children's Unit was reorganized and a senior investigator was assigned to take charge of that unit. That reorganization is in line with the commission's determination to strengthen its mandate regarding the promotion and protection of women and children's rights. In this regard, the commission intends to focus more on the promotion of gender equity and gender mainstreaming.

Anticorruption

Anticorruption activities in the commission mainly targeted on strengthening the capacity of the staff of the Anticorruption Department (AC) through training, including:

- The development and production of appropriate training modules;
- The organization of two training programmes on investigation skills for investigators;
- Attachment programme for the Deputy Director at the Office of the Public Protector of South Africa;
- Undertaking a training tour (best practices study & benchmarking) in corruption and ethics in the USA and Hong Kong, Malaysia and Singapore.

Three hundred and eighty six (386) corruption-related cases were handled in the year, including investigations into allegations of corruption, conflict of interest and abuse of power levelled against the President of the Republic of Ghana and the Minister for Transport, respectively, which were both completed in 2006.

The commission launched its Guidelines on (Preventing & Managing) Conflict of Interest for Public Officials.

Public Education

The Public Education Department coordinated over 1,600 educational programmes throughout the regions. 75% of these programmes were organized in rural communities and remote areas of the country.

The PE Department also organized a number of workshops/conferences, among them:

- A workshop on International Human Rights Instrument. This workshop was aimed at introducing participants to the United Nations system and how it worked to promote and protect human rights globally.
- A roundtable conference on the Optional Protocol to the UN Convention against Torture (OPCAT), in collaboration with the Association for the Prevention of Torture (APT) of Switzerland.

Child Labour Interventions by the Commission.

The PE Department advanced efforts at strengthening the promotion and protection of the rights of children by collaborating with the ILO/IPEC in the planning and implementation of measures to protect children from worst forms of child labour and enhance child labour interventions in the operations of the commission.

The commission continued to monitor the state of human rights in Ghana and issued the State of Human Rights Report for 2006 on December 10.

Relations with other institutions, such as the Ministry of Women and Children's Affairs [MOWAC], the Judicial Service (courts), the Department of Children (Ghana National Commission on Children), the National Commission on Civic Education [NCCE], the Department of Social Welfare, the Domestic Violence and Victims Support Unit [DOVVSU], District Assemblies, WILDAF and other Human Rights NGOs, improved tremendously.

Administration

The commission continued to pursue an aggressive capacity-building programme to bridge the yawning gap created by the high attrition of key professional staff.

It facilitated a workshop on Non-Custodial Sentencing, with technical support from CDD, with the objective of mainstreaming Non-Custodial Sentencing in our criminal justice system. Other collaborators at the workshop included the Judiciary, the Department of Social Welfare, Attorney-General's Department, the Ministry of Interior and the Prisons Service.



Part 1

Introduction to CHRAJ

- i. Vision
- ii. Mission Statement
- iii. Mandate
- iv. Structure
- v. Organisational Chart

i. Vision

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.

ii. Mission Statement

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

These objectives will be achieved by:

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

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

iii. Mandate

The Commission on Human Rights and Administrative Justice exists to protect fundamental human rights and ensure good governance for every person in Ghana. The commission was given a broad mandate to achieve this mission by the 1992 Constitution of Ghana and by its enabling Act, Act 456, 1993. The Commission's mandate is threefold. It is:

1. the National Human Rights Institution
2. the Ombudsman, an agency which ensures administrative justice
3. An anticorruption Agency for the public sector

The commission was vested with this broad and inclusive mandate for several reasons. International standards for National Human Rights Institutions, including the Paris Principles,



recommend that National Human Rights Institutions in developing countries be given a broad mandate within the constitution, so they can use their limited resources to the greatest possible effect. Additionally, issues of administrative injustice and corruption often occur along with human rights abuses and one body can more effectively address all three situations.

The commission reports to Parliament annually on the performance of its functions.

a. Human Rights:

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

1. Protection and Enforcement
2. Promotion and Prevention

In order to protect and enforce fundamental rights and freedoms, the commission investigates individual complaints of human rights violations by persons and institutions. The Commission is mandated to resolve these complaints through various methods, including mediation, negotiation and formal hearings. Under the CHRAJ Act, the Commission has the power to issue subpoena and to go to court to ensure compliance with its recommendations.

The commission also carries out special investigations into human rights abuses that are systemic, cultural or in other areas of public interest. It conducts research, field investigations and public hearings in the course of these investigations. It also conducts research into the human rights consequences of bills and policies and advocates for laws that will strengthen the human rights situation of the country.

To promote human rights awareness, the commission is mandated by Article 218 (f) of the Constitution to sponsor public education programs. It has the discretion to use a wide variety of methods to achieve this goal, including use of mass media, publications, lectures and symposia.

In order to prevent human rights abuses, the commission monitors the human rights situation across the country. It organizes monitoring visits to detention facilities, hospitals, schools, communities, etc, to ensure that human rights are being respected. These monitoring visits ensure that the commission can detect early warning signs of human rights abuses to prevent violations from taking place.

b. Administrative Justice:

The commission is mandated to protect and promote administrative justice to ensure that the government and its officers are accountable and transparent. It ensures that the administrative organs of the State provide equal access to employment and services and that they are administered fairly. In particular, this function of the commission is to ensure that public officials avoid arbitrariness or bias in their actions. The administrative functions of the commission replace the office of the Ombudsman, created by the Ombudsman Act of 1970. This mandate is contained in Articles 218 (a), (b) of the 1992 Constitution and Section 7(1) (a), (b) of Act 456.

The commission is mandated to investigate complaints concerning injustice and unfair treatment of any person by a public officer and to:

"investigate complaints concerning the functioning of the Public Services Commission, the administrative organs of the State, the Armed Forces, the Police Service and the Prisons Service in so far as the complaints relate to the failure to achieve a balanced structuring of those services or equal access by all to the recruitment of those services or fair administration in relation to those services" - Article 218(b).

c. Anticorruption:

The commission also serves as an anti-corruption agency. Its anti-corruption powers stem from Articles 218 (a) & (e); 284-288 of the 1992 Constitution and Section 7(1) (a), (e) & (f) of Act 456. The commission both investigates and works to prevent corruption.

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

It promotes ethics and integrity in the public service, and conducts training and public education to sensitize public officials and the general public to corruption.

The Whistleblower Act 2006 (Act 720) confers additional mandate on commission to investigate disclosures of impropriety (economic crime, waste, mismanagement, misappropriation of public resources, environmental degradation) and complaints of victimization of whistleblowers.



d. Limitations on the Commission's Mandate:

While no institution, body or person is excluded from the commission's mandate, it has no mandate to investigate under the following conditions. It cannot investigate a matter:

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

The commission is not a judicial body and cannot review decisions that have previously been decided by a competent court, as the courts have their own systems of review and appeal.

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

iv. Structure of the Commission

The commission is made up of a commissioner, who is the chair, and two deputies. The three (3) commissioners constitute the governing body of the commission.

The commissioners are supported by departmental directors who have direct responsibility for the departments of the commission, namely:

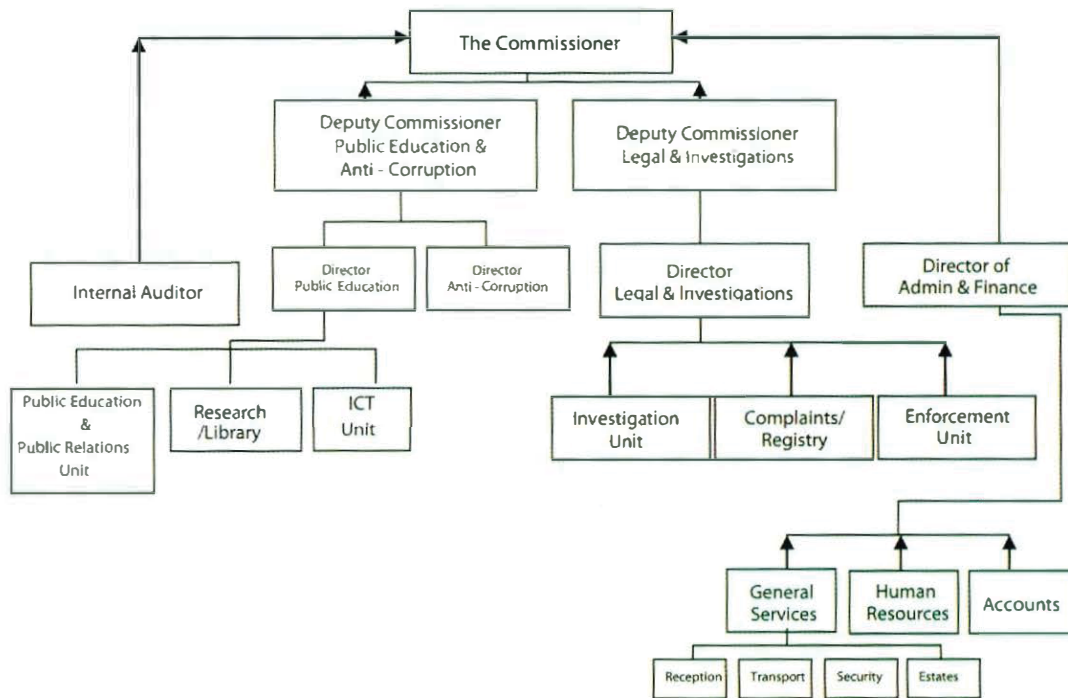
- Legal And Investigations
- Anti-Corruption
- Public Education
- Finance And Administration

The commission has 10 regional offices that co-ordinate its work in the 10 administrative regions of Ghana. In addition, it has 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.



v. Organizational Chart

Head Office



Region



Summary



Part 2

Review of 2006 Performance

- i. Promotion of International Relations and Cooperation
- ii. Legal and Investigation
- iii. Anti Corruption
- iv. Public Education
- v. Administration & Finance
- vi. Regional Offices
- vii. Statistics

Promotion of International Relations and Cooperation

This part of the report gives an overview of international relations and cooperation enjoyed by the Commission and also contains a review of the performance of the commission in all four critical areas of its work, namely, human rights, administrative justice, anticorruption and public education for the year 2006 as implemented by its various departments and units. It also gives some highlights of work done in the regions and districts and gives statistics regarding the cases that are dealt with by the commission.

In the course of the year under review, commissioners and staff benefited from various courses, conferences and workshops that members and staff attended and also received visits from members and staff of human rights and governance institutions, including,

- External programmes of other officers and departments
- Foreign and external training

Expert Meeting in Geneva on OPCAT, February 2-3 2006

The Acting Commissioner participated in a roundtable meeting in Geneva at the invitation of the Association for the Prevention of Torture. Areas discussed at this meeting included looking at the experiences of domestic mechanisms in preventing torture and ill-treatment and also discussing experiences of international institutions in delivering advice to national institutions and authorities.

International Voluntary Visitor's Programme-USA

From 7-17 May, 2006, the Acting Commissioner, Ms Bossman, the Deputy Commissioner PE/AC, Mr. Quayson, and the Eastern Regional Director, Mr. Stephen Okpoti Mensah, were invited to take part in the International Visitor Leadership Program in the USA by the Public Affairs Section of the US Embassy in Ghana. The theme of the programme was, "Combating Corruption and Conflicts of Interest".

The programme was part of the general capacity building for staff and commissioners and it was aimed at giving the Ghanaian delegation the opportunity to observe and learn first hand from selected U.S institutions how conflict of interest issues are being managed.



The delegation commenced the visit in Washington, DC, from 8-10 May where it was given an official orientation to the International Visitor Leadership Program and introduced to the "English Language Officer", Mr. Tony Seabolt, who would accompany them on the various meetings.

In Washington, DC, the delegation visited the US Department of Justice, Office of Information and Privacy and was taken through how federal laws relate to the release of records and information to the public, including the Privacy Act and the Freedom of Information Act.

The delegation also met with the Assistant Director, Forensic Audits and Special Investigations Financial Management and Assurance Team of the United States Government Accountability Office and visited the Federal Bureau of Investigations (FBI) and given a briefing on how this top federal law enforcement agency investigates cases of corruption across all levels of government.

Before moving on to Philadelphia, the delegation had the opportunity to meet with the Executive Director of the American Society of Newspaper Editors to discuss freedom of information issues especially as they relate to press access to resources related to allegations of government corruption.



From 11-14 May, the delegation visited Philadelphia. There after an introductory visit with the Philadelphia City Council, the delegation met with the FBI. The highlight of the visit was the National Constitution Center which, it was informed, is the only museum in the world dedicated to honouring and explaining the United States Constitution.

Atlanta, Georgia (15 – 16 May) was the last leg of the visit. Organizations and institutes visited included the Southern

Institute for Business and Professional Ethics to discuss similarities in ethical standards between the government and the private sector; The Southern Center for International Studies where the delegation met with Judge Dorothy Beasley, a senior judge of the State of Georgia, and Mr. John Donaldson of the World Bank. The delegation also visited Common Cause, a lobby group whose main aim is to ensure that the political process serves the public interest, rather than self or special interest. The Atlanta visit ended with a visit to Georgia Power, the largest utility company of the Southern Company. This visit afforded the delegation the opportunity to discuss workplace ethics.

Association for the Prevention of Torture (APT) visit to Ghana May 29 – June 1, 2006

A two-member delegation composed of Mr. Philippe Tremblay, Campaign Coordinator of the APT to the Optional Protocol to the UN Convention against Torture, and Mr. Baptiste Niyizurugero, Africa Program Officer of the APT, paid a working visit to the commission in May 2006 to promote the ratification and implementation of the Optional Protocol to the UN Convention against Torture (OPCAT).

At a roundtable discussion organized jointly with the commission for stakeholders, Mr. Tremblay emphasized the need for Ghana to ratify the Optional Protocol, stating that it had already showed interest by ratifying the Convention against Torture and that Ghana needed to take the final step by joining the 20 countries that have already signed and ratified the Protocol.

Mr. Niyizurugero, for his part, emphasized that since CHRAJ had national expertise in visiting places of detention, the Commission was in a good position to advocate the ratification of the OPCAT in other African countries.

Human Rights Council, Geneva, 19- 23 June¹

The Acting Commissioner attended the session of the Human Rights Council in Geneva from June 19-23, representing Ghana's Human Rights Commission. Ghana had the highest number of votes to be member of the Council. Below is the list of the votes for the African states:

Algeria (168)
Cameroon (171)
Djibouti (172)
Gabon (175)
Ghana (183)
Mali (178)
Mauritius (178)
Morocco (178)
Nigeria (169)
Senegal (181)
South Africa (179)
Tunisia (171)
Zambia (182)

¹. The implications of the change from Human Rights Commission to Human Rights Council is found in the next section



Attachment at the office of the Public Protector of South Africa

The Deputy Director in charge of the Anti-Corruption Department [ACD], Mr. Charles Ayamdoo, undertook a 10-day attachment programme at the Office of the Public Protector (OPP) of the Republic of South Africa. The purpose of the programme was primarily to understudy how the OPP operates and to take note of the good practices for the consideration of the commission in the organisation of the newly established ACD, as well as in the other operations of the commission.

The Deputy Director had the opportunity to visit the South African Human Rights Commission, the Commission on Gender Equality, the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities, the Independent Complaints Directorate and the Public Services Commission.

Study Visits to Hong Kong, Malaysia and Singapore

The Deputy Commissioner PE&AC, Mr. Richard Quayson, led a team from the ACD, comprising the Deputy Director, Anti-corruption Department, Mr. Charles Ayamdoo, and Ms Elisabeth Kufuor, Senior Principal Investigator, on a study visit to three anticorruption institutions in Asia. The institutions were the Independent Commission Against Corruption (ICAC) of Hong Kong, the Anti-Corruption Agency (ACA) of Malaysia and the Corrupt Practices Investigation Bureau (CPIB) of Singapore. The study took place from 7-19 July, 2006 and it afforded the delegation the opportunity to benefit from the experiences of the three institutions.



In Malaysia, the delegation met the Director-General, his deputies and sectional heads. It also visited MACA, the Training Academy of the ACA.

On 14 July 2006, the delegation met the Director-General and his deputies and sectional heads of the ACA.

Independent Commission Against Corruption, Hong Kong:

In Hong Kong, the delegation had discussions with the various departments of the ICAC, including the Ethics Development Centre and the Community Relations Department.



Picture 2:

From Left: Ms. Elizabeth Kufuor, Mr. Richard Quayson, Mr. Raymond NG Kwok-Ming, Hong Kong Ethics Development Centre, and Charles Ayiamdoo

Corrupt Practices Investigation Bureau, Singapore

The delegation also visited the Corrupt Practices Investigation Bureau of Singapore, the smallest of the agencies visited but very effective. It is one of the oldest anticorruption agencies in the world (established in 1952). It has about 90 officers.



The visits were very successful. Apart from the very important aspect of sharing of experiences, the visits also provided the platform for exploring further opportunities for cooperation. One of the significant outcomes was the genesis of cooperation between the ACA and CHRAJ for benchmarking and training of the commission's officers in the Malaysia Anti Corruption Academy [MACA].

Picture 3: The Delegation in a briefing session with the Director and Senior Officers of CPIB

Zimbabwean Government Officials visit the Commission

A three-member delegation from the Government of Zimbabwe paid a working visit to Ghana from August 27 - September 1, 2006.

The Zimbabwean delegation intended to understudy the work of CHRAJ with a view to establishing a national human rights institution in their country.



The visit was very successful and the delegation had the opportunity to share its knowledge and experiences with some key government agencies such as the Attorney- Generals Department, the Serious Fraud Office (SFO) and Civil Society Organizations including the Centre for Democratic Development (CDD) and the Ghana Anti-Corruption Coalition (GACC).



Visiting 3 - member Fact-finding Mission from Zimbabwe - CHRAJ Conference Room

Malaysia Anti-Corruption Agency Delegation visits the Commission

A delegation from the Malaysia Anti-Corruption Agency led by Dato Hj Ahmand Said Hamdan paid a working visit to the commission on August 3, 2006.

In attendance at the meeting with the Commissioners was his Excellency Mahalil Daharam, Malaysia's High Commissioner to Ghana.



The visit afforded the delegation and members of the commission the opportunity to experiences on the measures being adopted to combat corruption in Ghana and Malaysia.

8th International Conference of National Human Rights Institutions, Santa Cruz , Bolivia - Migration : The Role of NHRIs, 24-28 October

The 8th International Conference of National Human Rights Institutions was held in Santa Cruz, Bolivia, from 24-28 October . The Theme of the conference was NHRIs' role in Migration Topics which were presented and discussed, included, "Migration, Human Rights and Development", " Inclusion of Migrants in Host societies, including the prevention of racism and Xenophobia".

It laid a special emphasis on the difficulties of integration that migrants face and particular attention was given to the rights of migrant women and children. In this regard, the Acting Commissioner delivered a paper on the issue of IDP(s) , unaccompanied children, indigenous people and minorities.



Opening ceremony, Santa Cruz



The Bolivian Ombudsman with some of the delegates

OHCHR Conference on Corruption, Good Governance and Human Rights, Warsaw, Poland, November 7-10

The Commission on Human Rights in 2005 requested the Office of the High Commissioner for Human Rights (OHCHR), "[t]o convene a seminar in 2006 ... on the role of anti corruption measures at the national and international levels in good governance practices for the promotion and protection of human rights".

Participants included state officials (including 50 LDC representatives), representatives from relevant organs and bodies of the United Nations, as well as civil society leaders, practitioners, private sector actors and academics, who are active in the fields of anti-corruption, human



rights, good governance and development. The Acting Commissioner was invited to make a presentation on the anti-corruption mandate of CHRAJ.



Members of Parliament of Ghana who attended the Warsaw Conference pose with Ms. Bossman



Closing ceremony by H. E. the Polish Minister of Foreign Affairs, Warsaw

Visit by Her Excellency Mary Robinson, former UN Commissioner for Human Rights

Her Excellency Mary Robinson, former UN Commissioner for Human Rights, paid a working visit to the commission on November 22, 2006.

Discussions during her visit centered on institutional strengthening of CHRAJ to meet the challenges of human rights promotion and the protection of rights and fundamental freedoms of people living in mining communities.

Accompanying the former UN Human Rights Commissioner were officials of the West African Regional Office of OXFAM, WACAM, CEPIL and alleged victims whose rights were said to have been violated by mining companies in the country.

Having listened to the Acting Commissioner on the role of the commission in protecting the rights of all persons, including those living in mining communities, the former Human Rights Commissioner expressed her satisfaction with the work of the commission and urged it to continue to be a staunch defender of the rights of all persons, especially the vulnerable groups in society.

Victims who had already lodged their petitions against various mining companies with the commission recounted incidents of violations of their fundamental rights and freedoms.



From the Commission on Human Rights to the Human Rights Council ²

- **What was the Commission on Human Rights?**

Basically, the United Nations Commission on Human Rights (CHR) was the UN body responsible for elaborating international human rights standards and monitoring their implementation. It was composed of 53 states, and met each year in regular session in March and April for six weeks in Geneva. Over 3,000 delegates from member and observer states and from non-governmental organisations used to participate.

During those annual sessions, the CHR used to examine reports from mandated individual experts and special representatives and adopt over 100 resolutions, decisions and chairperson's statements on specific matters of relevance to individuals in all regions and circumstances. It was assisted in this work by the Sub-Commission on the Promotion and Protection of Human Rights.

- **Why the change from the Commission on Human Rights to the Human Rights Council ?**

The main problem with the commission was the presence of some serious violators. That was highly damaging and much diminished the credibility of the commission

In his report to the General Assembly on the need for the restructuring, the Secretary General Kofi Annan said the 53-member commission "had been undermined by declining credibility and professionalism due to a practice in which autocratic states banded together to block scrutiny of their records".

For example, China regularly defeated efforts to even discuss its record. Moreover Libya—widely criticized for its poor human rights record—recently chaired the Commission. It should also be noted that in the spring of 2004, the commission declined to take tough action against Sudan, despite reports of rampant abuses by government-sponsored forces in the western province of Darfur. Sudan was elected to the commission soon after that session.



• The New Human Rights Council

In June 2006, the Human Rights Council replaced the Commission on Human Rights as the main UN body in charge of monitoring and protecting fundamental rights and freedoms.

• What has changed?

1. Composition: Instead of being elected by the Economic and Social Council, the membership of the Human Rights Council is to be elected by a two-thirds vote of the General Assembly - which will be similar to the election process for Charter bodies. This reflects the importance accorded to the body. Universality in voting will allow the body to be more accountable to the full membership of the organization.
2. The Human Rights Council will be based in Geneva and be established as a subsidiary organ to the General Assembly. The body will consist of 47 members, elected by secret ballot by an absolute majority, which translates into 96 out of the 191 votes at the General Assembly. [Previously, the commission consisted of 53 members and needed 28 votes out of the 54 members of the Economic and Social Council.]
3. Members of the new council will serve for a period of three years and will not be eligible for immediate re-election after two consecutive terms. A country sitting on the council can be suspended for gross and systematic violations of human rights with a two-thirds majority vote by present and voting states.
4. The selection of members will reflect equitable geographic distribution as follows: 13 seats for Africa, 13 for Asia, six for Eastern Europe, eight for Latin America and the Caribbean and seven for Western Europe and other countries. The geographic distribution of the new council reflects the geographic distribution of the world and is a fact of international life. The challenge is to encourage the election of Asian and African states which are truly leaders on human rights in their respective regions.
5. A council, which meets regularly throughout the year, will be by itself a substantial improvement. The commission meets just for six weeks in a year in Geneva and turns into shouting match. Countries make promises and do not keep them because there is no follow-up. When serious human rights situations arise, it might be as many as 11 months before there is another session to address the issue. The meeting schedule of the new council will allow for sustained attention to existing problems.



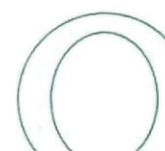
The Reform of the Commission:

The resolution establishing the Human Rights Council provides the framework for a significant improvement in the work of promoting and protecting human rights worldwide:

- The Council will hold more meetings throughout the year and for longer total duration than the Commission. It will also have a simplified and more efficient mechanism to convene special sessions to respond promptly to human rights crises.
- As the Council is elected directly by the General Assembly, the new body reflects the high level of importance given to human rights as something belonging to all people and, alongside development and security, one of the three pillars of the United Nations.
- Any Council member who commits gross and systematic violations of human rights can have their rights of membership suspended by a two-thirds majority of the General Assembly.
- The first election of members to the Council on 9 May was the first indication that the new Council was not "business as usual". Countries competed for seats in an open and fair election and, for the first time ever, candidates put forward voluntary pledges and comments to promote and uphold human rights to which they will be held accountable.

Universal Periodic Review (UPR)

The "Universal Periodic Review" is a new mechanism set up by the General Assembly resolution which created the HRC. It aims at ensuring that all 191 member states of the United Nations, starting with the members of the Council itself, will have their records examined in order to improve human rights conditions worldwide. All states will be held accountable for their shortcomings





Lawrence Lartey
(Deputy Director)

Legal and Investigations Department

Mandate of the Department

The Department is responsible for the investigation of complaints involving human rights violations and administrative injustice lodged with the commission. In addition, it carries out legal research and advises the commission on legal matters. The Enforcement Unit within the Department enforces the commission's decisions/recommendations in court.

Re-establishment of the Women and Children's Unit

The Women and Children's Unit was renewed to give women and children's rights a new focus. It is to serve as a specialized Unit driving the commission's programme for promoting gender equity, women and children's rights. In discharging its mandate, the Unit collaborates with other institutions, including the Department of Social Welfare, the Domestic Violence and Victims Support Unit (DOVVSU) of the Ghana Police Service, the Coalition of NGOs on Children's Rights.

Capacity Development

As part of the commission's capacity building programme to enhance competence and effectiveness, members of the Department benefited from a number of training programmes, both locally and outside Ghana:

Local programmes included:

- Identifying Human Rights Issues
- Alternative Dispute Resolution (ADR)
- Effective Supervisory Skills for Registrars
- Service Delivery for Administrative Officers and Registrars

The external training programmes included:

- Symposium on Law and Socio-Economic Development in Beijing, China, organized by the Chinese Government
- Human Rights and Conflict Resolution, Centre for Conflict Resolution, University of Cape Town

- Conflict Prevention in Abuja, Nigeria.

Discussion of Court Cases

The Department stepped up its internal training on court judgments on CHRAJ decisions, as well as interesting cases investigated by the Commission. This was to sensitize all case officers and relevant staff of the commission on pertinent legal issues and review practices in consonance with emerging case law. The programme was replicated in all the 10 regional offices.

The Department also developed two key documents, namely, CHRAJ Complaints Procedure and CHRAJ Hearing Procedure documents. The commissioners and case officers from the Head Office, the Greater Accra and Tema sub-regional offices, as well as officers from the Public Education and Anti-Corruption Departments, took turns to discuss the documents.

Complaints

The commission received 13,931 complaints nationwide, representing a decrease of 11.5% over the number for the previous year, 2005(15,749). During the same period, the commission also disposed of 12,238 cases, representing 87.8% of the total number of cases received during the year and an improvement upon last year's 79%.

Table 1: Cases pending at the beginning of 2006, received and disposed of in 2006

Regions	Cases Received	Cases Resolved
Headquarters	671	496
Ashanti Region	1756	1557
Western Region	1390	1326
Eastern Region	1830	1464
Central Region	1485	1264
Volta Region	1323	1266
Brong - Ahafo Region	3508	3237
Greater Accra	482	439
Northern Region	720	490
Upper East Region	417	382
Upper West Region	234	215
Tema	115	102
Total	13931	12238



Enforcement

During the year under review, the Department conclusively enforced several cases, including:

- D.D. Agyarkoo vs. G.C.B
- Victoria Agyekwena vs. S.G-SSB
- Freeman Azumah vs. C.E.P.S
- Horluku vs. G.E.S
- David Barchiereh vs. Bank of Ghana



Anticorruption Department

The AC Department, being the youngest department, had two main priorities for the reporting year, namely, capacity building and sensitization of the public. Below is an overview of the activities undertaken by the Department.



Charles Ayamdoo
Deputy Director

Capacity Building

Development and Utilization of Training Programs

The Department prepared a structured training program, "Anti-corruption Training Strategy" (the Strategy), for the systematic training of anti-corruption officers (investigators and legal officers), as well as members of management who directly supervise the officers.

The strategy contains eight training modules: Understanding Corruption: Concepts and Remedies; Legal and Constitutional Framework for Corruption; Organisation Aspects of Preventing Corrupt Conduct in the Public Service; Preventing Corruption in the Public Service: Ethics and Codes of Conduct; Investigating Corruption; Anti-Corruption Education and Research; International and Interagency Cooperation. The strategy was adopted for use by the commission at a roundtable of Heads of Department and Units of the Commission.

Within the year, the Department organized a two-day training session for anti corruption officers and investigators of the commission. The training programme was on Module 1 of the Strategy- "Corruption: Concepts, Definitions and Remedies". Thirty-two participants from the head office, regional and sub regional offices attended the workshop.

The objectives of the training included the following:

- Familiarization with the various definitions of corruption from the petty to the systemic, political, bureaucratic, etc and with current international standard definition of corruption.
- Understanding the anti-corruption mandate of the commission.
- Understanding the causes and effects of corruption on the state and society.



Voluntary Visitor's Programme

A delegation from the commission travelled to the US on a Voluntary Visitor's Programme organized by the Public Affairs Section of the US Embassy in Ghana. The theme of the programme was, "Combating Corruption and Conflict of Interest".

The visit was part of the general capacity building plan for the Department and it was aimed at giving the delegation the opportunity to observe and learn first-hand from experienced American institutions how conflict of interest issues are being managed in the US. The visit enabled the delegation to interact with institutions that work in the areas of corruption and conflict of interest. The visit also exposed the delegation to the methods and strategies being employed by those institutions in the fight against corruption. Furthermore, the delegation explored other collaborative initiatives with some of the institutions visited.

Public Protector of South Africa

The Deputy Director of the Anti-Corruption Department undertook a 10-day attachment programme at the Office of the Public Protector (OPP) of the Republic of South Africa. The purpose of the attachment was primarily to understudy how the OPP operates and to take note of the good practices for the considerations of the commission's organization of its newly established Anti-Corruption Department.

The attachment allowed the Deputy Director to understudy the operations of other institutions in the promotion and protection of human rights and combating corruption in South Africa. These institutions included the South African Human Rights Commission, the Commission on Gender Equality, the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities, the Independent Complaints Directorate and the Public Services Commission.

Lessons drawn from the visit included the concept of clinics, managing expectations, organisation of security, allotting timelines within which a case must be completed, dealing with work overlaps and institutionalising a think-tank committee.



Independent Commission Against Corruption, Anti-corruption Agency and the Corrupt Practices Investigation Bureau

A delegation from the commission undertook a study visit to three anti-corruption institutions in Asia. The institutions were the Independent Commission Against Corruption (ICAC) of Hong Kong, the Anti-Corruption Agency (ACA) of Malaysia and the Corrupt Practices Investigation Bureau (CPIB) of Singapore.

The visit provided the delegation an opportunity to study how those institutions operated and they learnt about several useful procedures and process that will assist the commission to improve on its anti-corruption work. Additionally, many materials were obtained to guide the Anticorruption Department in organizing its operations and to improve on its performance.

Finally, further collaboration with these institutions is anticipated.

Nairobi Conference on the Human Rights Dimensions of Corruption

The Kenya National Commission on Human Rights organized a regional conference on the theme “The Human Rights Dimensions of Corruption”, (the Conference). The objectives of the conference included the following:

- To deepen the understanding of corruption as a critical human rights issue, often the most important impediment to the enjoyment of all human rights;
- To develop credible materials on the human rights dimensions of corruption that can be disseminated;
- To encourage African states to sign and ratify both the UN Convention against Corruption and the AU Convention on Prevention and Combating Corruption and,
- To enhance understanding and acceptance of the role of national human rights commissions in advocacy work on anti-corruption.

Representatives from many African human rights and anti-corruption institutions and agencies attended the conference, including three representatives from Ghana (GII, CDD and CHRAJ). The Deputy Director attended this conference and made a presentation on the topic, “National Human Rights Institutions and the Fight Against Corruption: A situational analysis of NHRI work in Corruption: The Case of CHRAJ”. The work of the commission in anti-corruption was singled out for commendation.

At the end of the conference, participants adopted a communiqué, the “Nairobi Declaration”, in which they reaffirmed the resolve to fight corruption as it violates fundamental human



rights and freedoms. Highlights of the Declaration are as follows:

- To actively encourage and promote the development of technical and political capacities within African countries to fight corruption by bringing a majority of citizens currently living in the undocumented, informal state where rights violations go unaddressed and un-redressed to the documented, formal state.
- To work progressively towards the recognition of corruption and economic crimes as crimes against humanity.
- To encourage governments to implement macro-economic and structural reforms within their countries which will reduce the incidence and demand for corruption
- To work with governments in harmonizing existing national, regional and global anti-corruption instruments.
- To deepen and strengthen collaborations and concerted action among members of national human rights institutions, national anti-corruption institutions, civil society, the private sector and government in the fight against corruption.

Investigations

Within the period under review, the various regions received a number of corruption cases for investigation. A total of 56 cases were registered. The department concluded investigations into the Hotel Kufuor case, which began in 2005, as well as the allegations of corruption and conflict of interest against Dr. Richard Anane.

President J.A. Kufuor .

The allegations concerned the acquisition of a hotel building (the hotel) being constructed close to the President's private residence. The allegations, among other things, were that the President acquired the hotel from one Mr. Anthony Saoud, a Ghanaian businessman, at a cost of \$3 million, and registered the said hotel in the name of his son, Mr. John Addo Kufuor (also known as Chief Kufuor). It was also alleged that one Ms Yazji, an expatriate, then in Ghana, assisted the President to acquire the Hotel.

The commission, having considered the nature and circumstances of the allegations, determined that it had the mandate to investigate the allegations of corruption and conflict of interest made against the President. It, therefore, invoked its inherent investigative powers to conduct the investigations under Article 218(e) of the Constitution and Section 7(1) (e) and (f) of Act 456 which established, empowers and regulates the functions of the commission.



The following issues were then set out to be investigated:

- (i) Whether the President, Mr. J.A. Kufuor, had acquired the hotel being constructed on plots numbered 237 and 238 situated close to his private residence at the Airport West Residential Area in Accra from one Mr. Anthony Saoud, a Ghanaian businessman, at a cost of \$3 million, and registered the said hotel in the name of his son, Chief Kufuor.
- (ii) Following from (i) above, whether Chief Kufuor served as a front for the President.
- (iii) Whether the President used national security considerations/agents and arm-twisting tactics to coerce Mr. Saoud to sell the hotel to him.
- (iv) Whether Ms Yazji negotiated on behalf of the President and assisted him to acquire the hotel.
- (v) Whether the President had abused his office or was guilty of improper conduct or improper influence.
- (vi) Whether there was any evidence of corruption against the President with regard to the acquisition of the hotel.
- (vii) Whether the President breached any constitutional provisions relating to conflict of interest, in particular, Chapter 24

At the end of the preliminary investigations, the commission concluded:

At this time, the evidence available to the commission does not support the allegations of corruption and conflict of interest against the President. Specifically, there is no evidence before the commission to substantiate the allegations that:

- The President, Mr. J.A. Kufuor, acquired the hotel and registered it in the name of his son, Mr. John Addo Kufuor (also known as Chief Kufuor);
- Chief Kufuor served as a front for the President;
- The President used national security considerations/agents and arm-twisting tactics to coerce Mr. Saoud to sell the hotel to him.
- Ms Yazji negotiated on behalf of the President and assisted him to acquire the hotel
- The President abused his office or is culpable of improper conduct or improper influence
- The President was involved in corruption in relation to the acquisition of the hotel
- The President is in breach of any constitutional provisions relating to conflict of interest.

The Commission found that further investigations into the allegations were unwarranted. The case is fully reported under Part 4 of this report and at the CHRAJ website.

Dr. Richard Anane

The commission completed its investigations into allegations of corruption, abuse of office and conflict of interest against Dr. Richard Anane, a Minister of State in charge of Road Transport.



The commission found that:

- The allegation on the quantum of remittances made to Ms O'Brien either by or on behalf of the Minister proven is in the neighbourhood of US\$100,000.
- The evidence available does not support the allegation that the funds variously remitted to Ms O'Brien were from state coffers.
- The allegations that the Minister had arranged for and covered travelling, boarding and lodging and miscellaneous expenses for the said Ms O'Brien from state resources were not proven.
- The evidence available does not support the offence of corruption. The commission, accordingly, finds that the allegations are not proven.
- There was no evidence to substantiate the allegation of kickback.
- The Minister was in a conflict of interest situation as he began an intimate relationship after he opened negotiations/discussions with Ms O'Brien who was representing WHMP in the said negotiations.

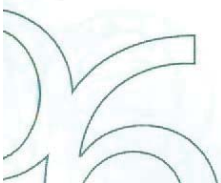
The commission, accordingly, made some recommendations:

1. That the President of the Republic severely sanctions the respondent by relieving him of his post as Minister of State for abusing his power and bringing his office and government into disrepute.
2. That the Minister apologises to Parliament for misleading Parliament.
3. That the Minister apologises to the government and to the people of Ghana for bringing the office into disrepute.
4. That ministers, deputy ministers, ministers of state with or without portfolio within two months of taking office (together with their chief directors and other key staff such as special assistants), take a compulsory course on conflict of interest which the Commission in conjunction with other bodies will provide.
5. That the practice whereby ministers cultivate 'special assistants' and move with those special assistants when they change portfolios cease forthwith, unless those special assistants are paid directly from the Consolidated Fund.

The commission stated that currently, the law on corruption did not provide the necessary deterrence for achieving zero tolerance for corruption. It recommended that the necessary processes be initiated to upgrade the laws to meet the minimum standards as contained in the AU Convention on Preventing and Combating Corruption and Related Offences.

Dissatisfied with the report of the Commission, Dr. Anane filed an application for judicial review under Order 55 of the High Court (Civil Procedure) Rules, 2004 (C.I. 47), seeking the following relief:

A declaration that upon a true and proper construction and the combined effect of Articles 218(e) and 287(1) of the 1992 Constitution of the Republic of Ghana, Sections 7(1)(a) and 7(1)(e)



of the Commission for Human Rights and Administrative Justice Act, Act 456 of 1993 and the CHRAJ Complaints Procedure Regulations, 1994 C.I. 7, the Commission on Human Rights and Administrative Justice is by law mandated, as a pre-condition, to receive a formal complaint from an identifiable complainant before it can proceed under its functions to cause or initiate any investigations into any matters arising thereafter.

A further declaration that the investigations and/or panel hearing commenced by the Commission on Human Rights and Administrative Justice at its own instance into allegations of abuse of power and conflict of interest against the applicant Hon. Dr. Richard Anane in the Commission's proceedings referred to as FILE NO. 5117/2005 and the decision and/or report of the commission thereon dated September 2006 without having received any formal complaint from any identifiable complainant was made without jurisdiction, in error and constitutes an illegality made in flagrant violation of the Articles 218(a) and 7(1)(e) of Act 456 as well as the commission's own complaint procedure regulations as set out in C.I. 7.

A declaration that the finding of perjury made against the applicant, Hon. Dr. Richard Anane, as contained in the decision of the commission dated 15th September, 2006 was made without jurisdiction, in error and pursuant to patent procedural impropriety.

An order of certiorari to quash and to remove from the registry/records of the commission, for purposes of being quashed, the proceedings referred to as FILE NO. 5117/2005, particularly the decision and recommendations of the said commission dated 15/9/2006 in so far as it is related to the investigations into allegations of violation of Chapter 24 of the Constitution of the Republic of Ghana 1992 (conflict of interest) and Article 218(a) of the said Constitution (Abuse of Power), as well as Sections 7(1)(a) and 7(1)(e) of the CHRAJ Act 1993 (Act 456) on grounds of jurisdictional error on the face of the record and irrationality.

An order of certiorari to quash and remove from the registry/records of the commission the findings of perjury against the applicant in its decision dated September 15, 2006, as well as the recommendations of the commission made pursuant to the finding of the perjury.

At the close of the reporting year, the Fast Track High Court had not yet determined the case.

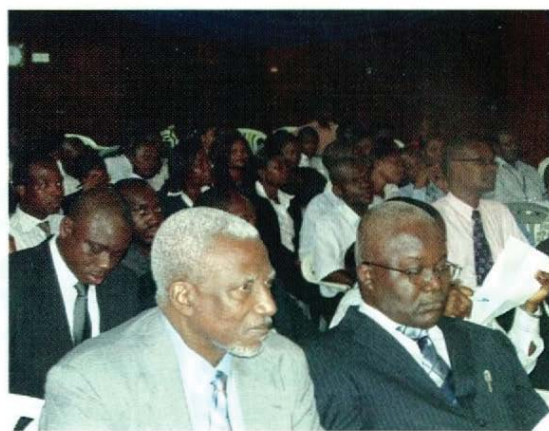


Corruption Prevention

Guidelines on Conflict of Interest

Adoption of corruption preventive measures was given more focus in the year under review. The department continued with consultations on the commission's Draft Guidelines on Conflict of Interest, which started in 2004. A one-day workshop was also organized in October for members of the Ghanaian media. It was the last in the series of consultations on the Guidelines.

The Guidelines were formally launched on 6th December, 2006 by the Minister for Public Sector Reforms, Hon. Dr Paa Kwesi Nduom, at the Headquarters of the Commission. Representatives from Government, Ministries, Departments and Agencies, Academia, Media, Non-Governmental Organizations (NGO's), Diplomatic Corps and staff of the commission attended the launching. Copies of the document were distributed at the launch and the Commission also announced its decision to start implementing the Guidelines within the commission.



Pictures above show a section of the participants at the Launch

Whistleblower Law

The department continued to advocate the passage of an acceptable Whistleblower legislation, having submitted its proposals on the Whistleblower Bill in November 2005. In the year under review, the department, in collaboration with the Serious Fraud Office (SFO) organized a one day workshop for the Parliamentary Select Committee on Legal, Constitutional and Parliamentary Affairs to consider the proposals contained in the memorandum to Parliament on the Bill.

The workshop provided a platform for the Serious Fraud Office, the Parliamentary Committee and the commission to discuss the proposals submitted to Parliament by the Commission and its stakeholders. The Parliamentary Committee received further clarifications and input from the commission and its stakeholders and assured the commission of its cooperation.

Later in the year, the Whistleblower Act 2006, Act 720 was passed. Though views of the commission and its stakeholders were taken into consideration in the passage of the law, one particular recommendation was not followed. This regards the requirement that investigating authorities, including the commission, submit their findings to the Attorney General for directives immediately investigations are completed. The commission had advocated the exclusion of this requirement as it had the potential of undermining the independence of some institutions and contradicts the Constitution.

Nevertheless, the Act does provide the commission powers of the High Court in respect of investigations of complaints of victimisation. It provides that:

"An order of the commission under this section [14] shall be of the same effect as a judgment or an order of the High Court and is enforceable in the same manner as a judgment or an order of the High Court"³.

Media Monitoring and Relations

The department monitored media reports on corruption as part of its general activities to detect corruption prone areas and for follow up where it warranted. It analysed over 120 of such reports, which relate to the various aspects of corruption, namely, bribery, capital flight, fraud, misappropriation and stealing.

The media monitored include: *the Ghanaian Times; Daily Graphic, Searchlight, Public Agenda, Crusading Guide, The Independent, The Lens, The Vanguard, The Enquirer, The Insight, The Palaver, Chronicle, Ghanaian Voice, Gye Nyame Concord*, among others

By the close of the year, the department recorded over 110 reports of corruption in the

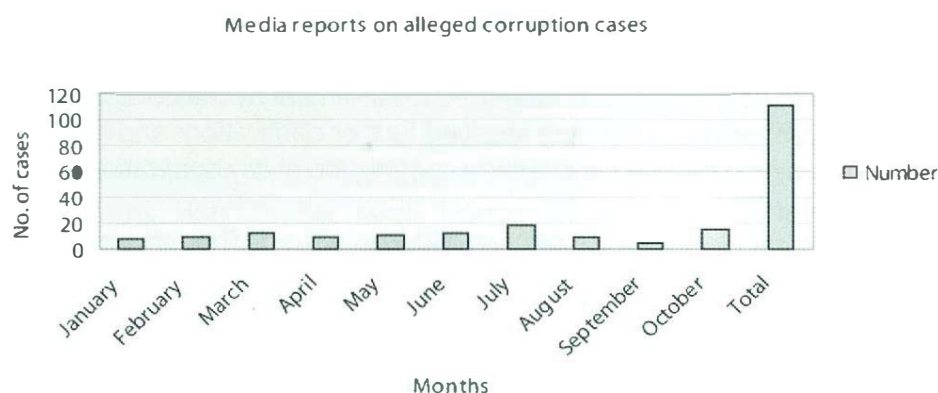
³See Section 14(5) of the Act



media (see Figure below). The acts of corruption reported include: bribery, fraud, extortion, nepotism, and illegal acquisition of wealth, conflict of interest, kickbacks, misappropriation, embezzlement and use of public funds for political party activities.

The reports showed that the interest of the media in reporting corruption in the year is rising ever than before. Preliminary checks were made on four of the reports made in the media.

Figure: Media reports on allegations of Corruption



Production of Anti-Corruption Materials

The department designed materials on anti-corruption for publication and introduction on radio and TV stations. Similar materials were designed for use as posters. The materials contained anti-corruption messages such as "DO NOT RECEIVE GIFTS, GIFTS CAN CORRUPT YOU", Gifts Check List, among others.

Marking UN Anti-corruption Day

The year ended with the marking of the UN Anti-corruption Day. The department participated in distributing anti-corruption car stickers with the inscription, "You Have the Power to Resist, Reject Report Corruption", to motorists in the Accra metropolis. The stickers were produced by the Ghana Anti-Corruption Coalition.

5.12. Other Anti-corruption Activities

The Upper East Region carried out corruption prevention and education activities. It drew a programme funded by AAIG to monitor District Assemblies on the theme, "Enhancing Good Governance at the Local Government Level."

Two seminars, aimed at raising the capacities of the members of tender committees and tender review boards of the MDAs, were organized for the Bawku Municipal, Kassena-Nankana and Builsa districts.

Conclusion

The Department was able, the teething problems notwithstanding, to initiate and investigate high-profile cases, finalize and launch the Guidelines on Conflict of Interest, produce a training guide on anti-corruption, organize training for staff, among others.

No doubt the activities of the department did contribute, to some appreciable level, to awareness of the evils of corruption in Ghana. The population spoke out against corruption more than ever before and the media became bolder in reporting instances of corruption, urging the commission to investigate various allegations reported.





Mrs. Chris Dadzie
[Director]

Public Education Department

Introduction

The Public Education Department continued with its responsibility to raise the level of knowledge of human rights, as well as monitoring and assessing the observance of human rights in Ghana. The department is the driving force behind the commission's promotional activities.

The department utilized both the electronic and print media to disseminate human rights information to the public. It conducted workshops, seminars, lectures, conferences, debates, quiz Competitions, and training programmes to educate the public. It also reached out to schools, faith-based groups or organizations, rural communities, fishing communities, markets, etc to provide human rights education.

The department coordinated over 1,600 education-related activities through the commission's regional and district offices throughout the country, and a number of monitoring and research activities, including the compilation of the 2006 State of Human Rights Report.

Overview Of Activities For 2006

Capacity Building

The department intensified its internal training during the year. The program was aimed at training staff in human rights education and improving upon their understanding of human rights issues. These training programmes brought staff from other departments to share their knowledge and experiences. In all, eight major training programmes were organized in the following areas:

- Identifying Human Rights Issues: The Case Of Women;
- Introducing Probation Services In Ghana,
- The Right To Health: A Case Of Children In Ghana,
- Mediation: An Effective Tool In Conflict Resolution,
- The History Of Affirmative Action In Ghana,
- Gender Mainstreaming,
- Good Governance And Human Rights

Workshop on Human Rights Monitoring

This workshop reviewed themes, sub-themes and indicators prepared in 2005 for the purpose of reporting on the general situation of human rights and building the capacities of staff in situational monitoring. Participants were regional directors, public education officers and research officers drawn from the headoffice, regions and districts. It was the second to be organised by the commission for its staff who were involved in the its monitoring exercise.

Public Education Campaigns/Outreach

Human Right Clubs

The commission has, over the years collaborated with second-cycle schools to establish human rights clubs in schools. These clubs serve as the first point of call in organising human rights education in schools. During the year, the commission tasked every district to establish at least one human rights club.

Public Education Programmes in the Regions

In accordance with Article 218 (f) of the 1992 Constitution, all regional and district offices reported on a number of public education programmes organized in their respective regions. The purpose of these programmes were to raise awareness of human rights and freedoms, the role of the commission in the protection and enforcement of human rights and to promote the development of a sustainable culture of human rights, as well as enhance peaceful co-existence among various groups in the country.

Out of the total number of public education activities organised by the commission during the year, community outreach programmes alone accounted for about 75%.

Aside from addressing specific human rights problems peculiar to specific regions/districts, the programmes focused on the commission's main theme for the year, "Economic, Social and Cultural Rights". These rights address, in the main, how people meet the basic necessities of life such as food, shelter, health care, education and cultural practices in dignity.



The programmes took the following forms:

- Radio discussions/presentations
- Seminar/workshops
- Speaking engagements
- Lectures
- Community outreach

Workshop on International Human Rights Instrument

Table: Public Education Programmes in Regions - 2006

Region	Monitoring	Workshops	Radio Programs	Community Outreach	Human Rights Clubs	Others	Total
Brong Ahafo	8	5	24	166	2	-	205
Northern	8	2	87	139	-	1	237
Volta	8	9	-	123	-	17	157
GAR	3	1	-	24	-	19	47
Ashanti	11	11	-	253	-	-	275
Western	9	7	-	222	-	-	238
Upper East	8	-	2	56	22	-	88
Upper West	12	-	-	101	9	-	122
Tema	4	-	14	4	-	5	27
Central	8	8	96	165	2	-	279
Grand Total	76	42	223	1,229	35	23	1,628

This workshop was aimed at introducing participants to the United Nations system and how it worked to promote and protect human rights globally. Participants acquired theoretical and practical knowledge on core conventions such as the International Covenant on Civil and Political Rights, International Covenant on Social, Economic and Cultural Rights, the Covenant on the Rights of the Child, the Convention on the Elimination of All Discrimination against Women and other ones such as the Convention against Torture and the Optional Protocol to the Convention against Torture. The conventions discussed sought to address relevant and prominent issues that were played out in a global context daily but which also related to the day to day work life of the commission.



Advocacy

Child Labour Interventions by the Commission

The Department advanced efforts at strengthening the promotion and protection and of the rights of children by collaborating with ILO/IPEC in the planning and implementation of measures to protect children from worst forms of child labour and to enhance Child Labour interventions in the operations of the commission.

Roundtable Conference on the Optional Protocol to the Convention against Torture

The commission hosted a roundtable conference in collaboration with the Association for the Prevention of Torture (APT) of Switzerland. That conference sought to discuss the possible ratification by Ghana of the Optional Protocol to the UN Convention against Torture (OPCAT).

In attendance were representatives from the following organizations: Association for the Prevention of Torture (APT), Geneva, Switzerland the Ministry of Justice; the Ministry of the Interior; the Ministry of Foreign Affairs and Civil Society Organizations

Participants expressed their commitment towards the promotion of human rights in general, and to the eradication of torture and ill-treatment, an indication that Ghana will soon sign and ratify the OPCAT. The OPCAT entered into force on the 22nd June, 2006 after the 20th ratification. The commission commended the government of Ghana for signing the OPCAT on November 6th, 2006 and looks forward to the ratification of the treaty before the end of the year.

Monitoring

Human Rights Monitoring System

The commission, in 2006, continued to advance its system for monitoring human rights activities. It has over the years organised workshops to provide relevant training for senior officers from the headoffice, regional and district offices; officers were required to identify and col-



laborate with relevant institutions, especially NGOs focused on human rights and development programs, to acquire authentic information on the human rights situation in their areas. In 2006, workshops on monitoring and relevant human right areas were organised for human rights NGOs in Greater Accra, Western and Northern Regions who have actively collaborated with the commission.

Situational Monitoring

In 2006, the Department prepared questionnaires for selective monitoring activities in health facilities; educational facilities; and slum communities. Monitoring activities were executed in regional capitals and selected towns where refugee camps and psychiatric institutions were located.

Prisons and Police Cells Monitoring

The commission has since 1995 sought to ensure that fundamental human rights of all prisoners and suspects are respected, protected and promoted so that the general living conditions of detained persons are compatible with their human dignity. In 2006, the Department, unlike previous years decided to focus on the limited issue of remand prisoners and juveniles. This strategy enabled the commission to analyse comprehensively issues of particular concern that have arisen during previous monitoring exercises. Based on the standard format, questionnaires and other monitoring tools were administered in select prisons nationwide.

Collaborations

Collaboration with Human Rights NGOs

The commission hosts an NGO Forum which meets quarterly to discuss action plans and various programmes. The forum brings together human rights NGOs under one umbrella to share ideas, experiences and best practices for the promotion of human rights in the country.

This year, the forum held three successive meetings and a training workshop. At its first meeting, 17 NGOs were represented, together with six supporting staff of the Public Education Department of the commission. During this meeting, the various NGOs present made presentations with respect to their activities, areas of concentration and projections for the year.

The second meeting was a general one attended by 12 representatives of the NGOs, includ-



ing two new organizations and 10 supporting staff of the commission. At the meeting, the organizations gathered provided outlines of their action plans for the year 2006. A steering committee to coordinate the activities of the forum was set up. The Committee was also mandated to draw up a working document for the forum to work with.

The third meeting was highly patronized, attended by 40 participants from 20 organizations and 10 CHRAJ supporting staff.

Relationship with other Institutions

During the period under review, the commission's relationship with other organisations, both governmental and non-governmental, in the achievement of its mandates improved tremendously, especially with the Ministry of Women and Children's Affairs [MOWAC], the Judicial Service (courts), the Department of Children [Ghana National Commission on Children], the National Commission on Civic Education [NCCE], the Department of Social Welfare, the Domestic Violence and Victims Support Unit [DOVVSU], District Assemblies, WILDAF and other human rights NGOs.

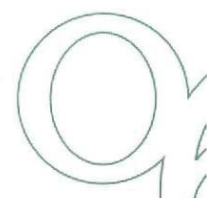
This collaboration was in various forms, including capacity building, educational campaigns and other related activities. For instance, in the Volta Region, some staff benefited from the following courses:

- A three day capacity building seminar for assembly women in participatory democracy and good governance.
- A two day sensitization seminar for women and opinion leaders in good democratic governance.
- N.C.C.E. and APRM Governing Council seminar on Good Democratic Governance.

Library

The Library Unit is responsible for the selection and acquisition of relevant books and materials for the commission's staff. It provides the necessary information required by staff for the performance of their duties. The library is also open to the general public and offers paid photocopying services to users. Regular users are students from the Ghana School of Law, the Ghana Institute of Journalism, the University of Ghana, KNUST, Central University College, Methodist University College and legal practitioners. In the year under review, about 51 people utilized the services of the library at the headoffice of the commission.

Mini libraries in the regional and sub-regional offices rely on materials from the head office,



as well as their own sources. During the year, the head office was able to supply these mini libraries with copies of the government publications published by the Assembly Press and copies of the pocket-size 1992 Constitution. The commission was represented by the library during the Public Service Week celebrations and exhibited some of the commission's publications, including photo exhibitions.

The biggest challenge facing the library is space. The premises have now become too small for both the books and clients over the years. There is a serious need for expansion; upgrades are required for regional libraries, establishment of mini libraries in all district offices and the provision of Internet services for regional and district offices for accessing documents online.



2006 Public Relations Unit Report

The commission had the active support of the print and electronic media in disseminating information on its activities during the year under review. Activities publicized include some of the most important decisions rendered by the commission in 2006.

The cooperation and support of the media was extremely important in the commission's efforts to advance human rights and administrative justice and inform the public and enlist their support in the drive to entrench a culture of peace and human rights in the country.

Following its annual tradition, the Commission organized a number of press conferences and issued press statements on a variety of topical issues during the year under review. By these press releases, it addressed pressing public concerns on disturbing matters such as violence against women and the Volta Lake disaster that occurred in April 2006 in which the region experienced needless loss of some of its citizens.

Press Releases

During the period under review, the commission made a number of press statements to declare its position on and clarify various human rights issues. They include the following:

(I) **International Women's Day, March 8, 2006**

The commission issued a press release on the theme, "Ending Impunity for Violence against Women and Girls".

The commission congratulated all women who, by their resourcefulness, tenacity, optimism and courage, had contributed immensely to our country's economic, social and political development, talking about ordinary women, often unsung heroes, doing extraordinary things to make our nation work.

In the view of the commission, violence against women in all its forms; rape, sexual assault, female genital mutilation, demeaning and harmful cultural practices, domestic violence and other types of violence were as common today as they were many years ago, in spite of the fact that they are against international laws and treaties, as well as domestic laws. What is worse is that in many instances perpetrators and violators are exempt from punishment, either intentionally through lack of accountability and tacit acceptance or by



default through the indifference and acquiescence of governments, the legislature and judicial systems.

Ghana's Golden Jubilee marked a new era in the nation's history. The commission called on Ghanaians, as the nation celebrated its achievements and reflected on how to bring the ship of state forward, to endeavor to correct all the inequalities that hindered and hampered the progress of the beautiful country. It further called on Ghanaians to end impunity and demand accountability for all criminal conduct, which is what violence against women is.

The commission believes that the Domestic Violence Act is certainly a positive step in protecting all victims of domestic violence and that its current state had left the door open to impunity, impunity which is the avoidance of any form of responsibility and accountability for crimes committed.

The commission, however, took the opportunity to congratulate all the various NGOs, CSOs, the MOWAC, the media and all who worked tirelessly to ensure the passing of this act and offered a special commendation to the Domestic Violence Coalition for their tremendous work in that regard.

The commission's fervent hope is that the enforcement of the new law will give adequate protection, make domestic violence socially unacceptable and strengthen families. The public education and advocacy by human rights defenders in the country, as the new law was enforced, should let the entire Ghanaian society appreciate the importance of combating domestic violence and encourage serious implementation and further strengthening of the country's legislation on all forms of violence against women and girls.

The commission saluted the impressive role played by Ghanaian women in supporting the struggle for independence and for their immense contribution and sacrifice in consolidating democracy and entrenching a culture of human rights and peace in the country and asked that we honor and hold our women in high esteem, recognize their positive role, as well as their sacrifices to Ghana.

50 years of independence had demonstrated that our women are more than capable of assisting in steering our nation to achieve our undeniable potential. We should recommit ourselves to the principles of the Universal Declaration of Human rights and our own 1992 Constitution and work together to wipe out inequality and discrimination from our country.

(II) Boat Disaster in the Afram Plains, April 13, 2006

The commission expressed deep regret at the loss of lives and properties in the unfortunate



boat disaster on April 8, 2006 in the Afram Plains. It was deeply concerned that the nation should lose its human resource in such avoidable circumstances.

The commission took note of government's desire to conduct investigations into this boat disaster on the Volta Lake and expressed its readiness to assist in the exercise.

It expressed the hope that a permanent solution would be found to this perennial problem on the Volta Lake, and that a more effective and efficient river transportation system would be designed for the Volta Lake transport.

Evictions

The commission was also concerned about the evictions that took place in the Digya National Park and reminded the agencies that carried out the eviction exercise that Ghana signed and ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) that frowned on forced evictions due to the harsh and inhuman conditions evictees are exposed to. It recalled that the Ministry of Lands, Forestry and Mines had to suspend evictions of settlers from the Digya National Park in 2002 because of the hardship it caused the evictees.

It called on the ministry to reconsider the exercise to ensure that, prior to any evictions, particularly those involving large groups, all feasible alternatives are explored in consultation with the affected persons, with the view to avoiding or minimizing the use of force, as well as the hardship occasioned.

(III) UN International Day in support of Torture Victims – June 26, 2006

On the occasion of International Day in Support of Victims of Torture, the commission commended the government and people of Ghana for remaining resolute in enhancing good governance, democracy, integrity, peace and social development in the country.

However, it cautioned that Ghana still had a long road to travel in advancing human rights by protecting and enforcing fundamental human rights and freedoms of all persons. Though torture, cruel, inhuman and degrading treatment are prohibited in the country, abuses continued. People held in detention facilities were most at risk, as they live cut off from the outside world and entirely dependent upon the authorities, whose institutions were under funded, for their basic needs and rights.

The commission commended the security agencies for their efforts to combat crime, especially violent crime, which held people in the bondage of fear. At the same time, it expressed concern over certain types of police behavior which were contrary to respect for human dignity. This might be the result of practice over many years, or



lack of adequate training both at the professional level in respect of human rights and professional ethics. For example, many police officials and investigators still believed that an investigation is successful only if a confession has been obtained. They are led to this conviction by a certain "culture" of confession, which is prevalent in judicial circles, where many courts considered confession to be principal evidence of a suspect's guilt. Field surveys conducted by human rights organizations showed that torture and ill-treatment ceased once the victim made a confession however inconsistent it might be.

In the view of the commission, a healthy police/military/civilian relation is required to ensure total victory in the war against criminals in the society.

The police shouldered an onerous responsibility and needed to exercise circumspection in their interactions with the public. The general public also should respect the police and offer them maximum support in the performance of their duties.

Finally, the commission encouraged the government to ratify the Optional Protocol to the UN Convention against Torture (OPCAT) as soon as practicable. The OPCAT would improve the legal regime to prevent torture and ill treatment of detainees because it promoted regular visits to detention facilities by independent international and national bodies.

The commission called upon human rights NGOs to redouble their efforts at public education and be more actively engaged in the process of elimination of torture and other forms of ill treatment in the country.

(IV) World AIDS Day, December 1, 2006

On the occasion of the UN World AIDS Day, which fell on Friday, December 1, 2006 the commission reiterated its concern over the plight of Persons Living with HIV/AIDS (PLWHAs) in Ghana.

The commission noted that despite the country's relatively low prevalence rate of HIV/AIDS, the epidemic still remained a serious developmental and a human rights issue and emphasized that the 1992 Constitution and other international human rights instruments which Ghana had ratified guaranteed to every person the right to equal protection before the law and freedom from discrimination on grounds such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." Other status" in non-discrimination provisions had been interpreted to cover health status, including HIV/AIDS. This means that people cannot be discriminated against based on their actual or presumed HIV/AIDS status.

The commission reiterated that HIV/AIDS had become an epidemic partly because many people do not have access to basic human rights and admonished that the promoting



and protection of human rights is key to effectively containing the spread of the disease, reducing vulnerability to HIV infection and alleviating the impact of the epidemic.

It further reiterated that ensuring improved positive attitude and a supportive social and legal environment for PLWHAs, orphans and vulnerable children (OVC) and affected family members would play a major role in reducing stigmatization and discrimination and also strengthening institutional and human capacity to address HIV/AIDS related stigma and discrimination at the workplace.

The commission recommended adequate treatment, care and support to promote early diagnosis of HIV/AIDS through the use of voluntary counselling and testing (VCT) and other services, availability of adequate laboratory support for clinical care service at all levels and developed strategies for ensuring universal access to anti-retroviral therapy (ART)

(V) Farmers Day, December 1, 2006

On this occasion, the commission issued a press release to congratulate all Ghanaian farmers and fishermen on the good work done in feeding the nation and sustaining national development. It recognized the practical difficulties farmers and fishermen face in their vocation in terms of access to land, credit facilities, modern equipment and technology.

The commission called on all relevant stakeholders to demonstrate their appreciation by assisting the farmers and fishermen of Ghana to overcome the numerous challenges they face. It urged the government to deploy more resources in farming and fishing business sector to make it more profitable and attractive to the youth. It also called on educational and scientific institutions to forge strong links between their organizations and farmers with the view to designing appropriate modern and efficient technologies that would make the Ghanaian farmer and fisherman more competitive and efficient.

Provision of Information & Interviews

As in previous years, the PR Unit responded to numerous enquiries from the public, both domestic and international, for information about the commission and its work or for copies of reports and clarification of issues raised by the commission. It granted interviews and furnished relevant information to various individuals and groups as appropriate.

Individuals and organizations whose members contacted the commission during the reporting



year included; the Public Services Commission, the University of Ghana, Legon, the Historical Society of Ghana, Rural Advocacy Network (NGO), Foundation for Future Christian Workers International (NGO) and the Ark Foundation, also an NGO.

Foreign visitors requesting information from the commission included; Oleg Senikhenko, Hogarth Representation Library Services, London, UK, Ashley Toutan, student at the University of Birmingham and Justice Yankebe, Cambridge University, UK.

Appearances on Television and Interviews

The commissioners and other officials featured on television and participated in a number of radio discussions on conflict of interest following the release of the commission's investigations into allegations of corruption and conflict of interest against Hon. Dr. Richard Anane, former Minister for Road Transport.

The television and radio stations that hosted the commission's officials included; GTV, TV3, Radio Gold and Joy FM based in Accra. Several FM radio stations in the country also hosted the commissions' staff in the regions and districts.

2nd Annual Human Rights Lectures

The commission, in collaboration with the Commonwealth Human Rights Initiative (CHRI) and the Ghana Bar Association (GBA), organized the 2nd Annual Human Rights Lecture on the Theme: Advancing Economic, Social and Cultural Rights: Prospects and Challenges.

The lecture delivered at the British Council on October 31st and 1st November, 2006, was a remarkable success.

The 2006 annual lecture sought to engage the general public and other stakeholders in assessing the protection of socio-economic rights, including the protection of the rights of people living in mining communities in the country.

Speakers focused on the enforcement of economic, social and cultural rights emphasizing the right to health and education. A comprehensive analysis of the new Persons with Disability Act was also done.

The speakers at the 2nd annual lecture were:

1. Prof. Kofi Quashigah, Associate Professor, Faculty of Law, University of Ghana, Legon
2. Dr. Appiagyeyi-Atua, Lecturer, Faculty of Law, University of Ghana, Legon



3. Mr. Kyeretwie Opoku, Coordinator, Civic Response (NGO)
4. Mrs. Sheila Minkah Premo, Executive Director, LAWA₁ and member of the Ghana Bar Association.

Report on Human Rights Week Celebrations 2006

The Commission on Human Rights and Administrative Justice organized a week-long program that climaxed the commemoration of the International Human Rights Day which fell on Friday, December 8, as the day fell on Sunday, December 10, 2006. The theme for the week-long celebration was, "Human Rights and Poverty".

The acting Commissioner, Ms. Anna Bossman, launching the Human Rights Week emphasized that human rights approach to poverty reduction is based on the norms and values outlined in the international law of human rights. According to Ms. Bossman, for anti-poverty policies to be effective, sustainable, equitable and meaningful to those living in poverty, they should be based on International human rights laws and principles. Poverty reduction and human rights, she stressed, are not two projects but two mutually reinforcing approaches to the same project.

Ms. Bossman emphasized the need to enlist the support of all to contribute to national development and poverty eradication through participatory processes at the national and local levels.

A photo exhibition on various projects was mounted during the celebrations. The events received extensive media coverage during the celebrations.

As part of the commission's focus of the year on Economic, Social and Cultural Rights, members of the commission visited the State School for the Deaf in Ashiaman on Tuesday, December 5, 2007. The Acting Commissioner stressed the need to extend a hand of friendship to persons living with various forms of disability after the nation has promulgated the New Disability Act.

The commission also visited Agbogbloshie and Old Fadama (Sodom and Gomorrah) to place the spotlight on housing rights. It urged the nation on in its quest for development and poverty eradication.

On 6th December, 2006, the commission launched the Guidelines on Conflict of Interest. The guidelines aim at providing guidance for public officials in the conduct of their duties to avoid and manage conflict of interest situations.

Thursday, December 7, was dubbed a day with the children. The Commissioners, in the company of other members of staff, visited the Princess Marie Louise Children's Hospital in



Accra. In an open day for children the commission members and staff interacted with children from the Street Academy and the State School for the Deaf.

The acting Commissioner, Ms. Anna Bossman, on Friday, December 8, 2006, presented the State of Human Rights Report to commemorate the UN Human Rights Day. The UN Secretary General's message on Human Rights and Poverty was also read by the UN Resident Coordinator Mr. Daouda Traore.

Joint Cooperation

a. Collaboration with Journalists for Human Rights (NGO)

The commission, in conjunction with Journalists for Human Rights (JHR), organized four zonal workshops for media practitioners in the country.

The Deputy Commissioner (PE/AC) and the Head of Public Relations made presentations on the topic: "The Role of CHRAJ in Defending and Promoting Human Rights in Ghana" during the JHR training workshops for journalists.

The training workshops aimed to equip Ghanaian journalists to effectively investigate and report accurately on human rights issues.

It was noted with satisfaction that the Criminal Libel and Sedition laws that had a chilling effect on freedom of expression, particularly press freedom, had been repealed since 2001.

It was further noted that regular and dynamic consultations focusing on priorities and strategies among the commission, human rights advocates and the media were vital in entrenching a culture of human rights and peace in the country.



Administration & Finance Department

Introduction

For the commission, the Administration Department provides effective administrative, facilities management and human resource support services resulting in a reduction of bureaucratic internal delays in service delivery. It does so by:

- Coordinating and harmonizing the activities of all the departments of the commission
- Managing personnel welfare, training and career development issues.
- Designing, implementing and monitoring a strategy for the maintenance of logistics, facilities, and security systems.



Duke Hammond
(Director)

Overview of Activities for 2006

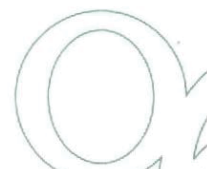
Capacity Building

Staff Training

The staff training policy of the commission aims at ensuring that employees at all levels receive career and managerial development, as well as professional skills, to enable them to improve their performance.

In fulfilment of the above objectives, the Human Resource Unit, in the year under review, organized training programs for staff, in collaboration with C.B & Associates, on the following areas:

- Effective Supervisory Skills
- Customer Care for Frontline Staff
- Understanding the Labour Law and Its Applications
- SPSS in Research
- Identifying Human Rights Issues
- Good Governance and Development
- Workshop on Quality Service Delivery
- The workshop was organized for 30 regional administrative officers and registrars with



the following outcomes:

- Staff charged with ensuring minimum standard and practices in service delivery.
- Staff equipped with the requisite knowledge, skills and attitude that would enable the officers to meet organizational challenges.

Training For National Human Rights Institutions In Africa

A legal officer and a district director from the Western Region attended the above training with the following objectives:

- Examining international human rights standards and their particular reference for national human rights institutions.
- Exchanging experiences regarding the challenges facing National Human Rights Institutions in effectively implementing their mandates.
- Understanding the relationship between national human rights institutions and other institutions and civil society.

The program offered the participants deeper knowledge on international human rights instruments and the opportunity to have first-hand information on the operations of sister national human rights institution in Africa.

27th Annual International Human Rights Training Programme (IH RTP)

An officer of the commission attended this program, which was aimed at enabling participants:

- Analyze issues and situations encountered in the work of their organizations using a framework based on internationally accepted human rights values and principles;
- Explore ways in which human rights education can increase the effectiveness of human rights work;
- Strengthen capacity to apply learning within participants' organization and society;
- Network and explore partnership activities essential to furthering the cause of human rights; and
- Effectively evaluate educational activities.

The program sought to strengthen the capacity of human rights organizations to conduct human rights education, for example, training awareness campaigns, information dissemination and advocacy aimed at building a global culture of human rights.

Induction Program

During the year under review, the department successfully conducted the following three induction courses:

- A five day induction course for newly recruited staff.
- A two day induction course for serving officers who have been upgraded.
- A two day induction course for National Service persons posted to the commission.

Staff Recruitment

During the year under review the commission recruited 10 new members of staff made up of senior and assistant legal officers, research officers, an administrative officer, investigators, a bailiff and secretaries.

Promotion

A total of 146 staff members were promoted to various grades during the year under review, among them 50 investigators, 32 registrars, a legal officer, 21 administrators/administrative assistants, 35 bailiffs, a public education officer, two drivers, three accountants and a librarian.

Resignation/Retirements/Death

Six members of staff resigned from the commission, while two district directors were called to eternity. The year also saw the compulsory retirement of two members of staff. Three staff members had their appointment terminated during the period.



Co-Operation And Support From Development Partners

Without financial support and collaboration from its Development Partners, it would have been extremely difficult for many of the commission's activities to see the light of day. The commission is indebted to all its Development Partners for their immense support. It is very grateful for all the support it has received over the years.

DANIDA Support

DANIDA continues to be the commission's leading partner. Many activities of the commission were accomplished through support from DANIDA, which has been of immense help to the commission. With funding support from DANIDA, the commission was able to undertake a number of capacity-building activities, especially in the Anti-Corruption Department.

1) **International Voluntary Visitor's Programme-USA**

DANIDA provided funding for a three member delegation from CHRAJ to participate in the above programme in the USA. The programme was organized by the Public Affairs Section of the US Embassy in Ghana. The theme of the programme was, "Combating Corruption and Conflict of Interest".

2) **Ten-Day Attachment Programme at Public Prosecutor's Office in South Africa.**

DANIDA provided funding for a 10 day attachment programme with the Public Prosecutor's Office in South Africa for the Deputy Director in charge of the AC Department.

3) **Purchase of Equipment**

The commission procured a number of equipment, including a laptop, digital cameras, pen drives for the AC Department, with funding support from DANIDA.

4) **Training Programme for Anti-Corruption officers**

DANIDA provided funding for a training programme for Anti-Corruption officers and investigators. This training was aimed at equipping the officers to be able to work efficiently in their new role.



5) Benchmarking Training Tour of the Independent Commission against Corruption, Hong Kong, Anti-Corruption Agency of Malaysia and the Corrupt Practices Investigation Bureau, Singapore

DANIDA provided funding for a benchmarking programme with the Independent Commission Against Corruption [ICAC], Hong Kong, Anti-Corruption Agency [ACA] of Malaysia and the Corrupt Practices Investigation Bureau [CPIB], Singapore in corruption investigation, prevention and education for Anti-Corruption officers. The team was led by the Deputy Commissioner in charge of Anti-Corruption and Public Education.

6) Increasing Teachers Awareness and Developing HR Training Manual

DANIDA provided funding for the development and publication of a Human Rights Training Manual to enhance the teaching of human rights in schools.

7) Development of Improved Case and Document Management System – Contract System Development

Another activity achieved through support from DANIDA funding was the improvement of the Case and Document Management System. This was in the form of payment for consultancy services, purchase of the Executive Viewer software by The SOFTtribe Ltd. in connection with Case Management development for the commission.

8 Production of a TV Documentary for the Anti-Corruption Educational Campaign

DANIDA provided funding for the production of a TV documentary for the commission's anti-corruption educational campaign.

9) Workshops on Guidelines on Conflict of Interest

DANIDA provided funding for a number of workshops for the media, public officers and civil society organizations on the Guidelines on Conflict of Interest for Public Officers developed by the commission.

10) Training course on Combating Economic Crime held at Worthy in the United Kingdom

DANIDA provided funding for an investigator of the Anti-Corruption Department, Head Office, to participate in 'The Economic Crime Scene Training Programme' in the U.K. from 30th October, 2006 to 17th November, 2006. The programme exposed the officer to a wide range of economic crimes, as well as strategies, developments and initiatives used to frustrate and prevent crime.

11) Printing of Conflict of Interest Booklet

DANIDA provided funding for the development and publication of the Guidelines on Conflict of Interest for Public Officers developed by the commission. The Guidelines are to assist public officers to identify, manage and resolve conflict of interest, as well



as improve efficiency, effectiveness, professionalism and fairness in implementing the commission's mandate as provided under Chapter 24 of the Constitution.

12) Procurement of Library Materials

DANIDA provided funding for the commission to procure a set of library materials to beef up its Resource Centre. They included:

- a) 20 copies of software on the Ghana Law Reports developed by Easiware Systems Ltd.
- b) Human Rights & Judicial Review, Case Study in Context.
- c) Gross Statutory Interpretation
- d) Constitutional Law & Admin. Law
- e) Human Rights Law of Ghana.

UNDP Support

The commission, with support from the UNDP, organised the following capacity-building workshops for various categories of staff and NGOs;

1) International Human Rights Instrument Seminar

The UNDP provided funding support for a seminar on International Human Rights Instrument from 14th to 16 August, 2006. The purpose of the seminar was to update staff on key international conventions and treaties ratified by the Government of Ghana. In all, 77 participants, resource persons and facilitators attended the programme. Participants included district directors, investigators, legal officers and regional directors.

2) Alternate Dispute Resolution Workshop

The commission again received funding support from the UNDP that enabled it to organise a workshop on Alternate Dispute Resolution for 66 of its officers. The objective of the workshop was to introduce participants to the fact that in pursuance of the objectives and mandate of CHRAJ, it used Alternate Dispute Resolution mechanism, particularly mediation in resolving over 70% of the cases received. The training was used to build the capacity of newly recruited district directors and investigators. Participants were also linked to supplementary reading materials and relevant information via the Internet and the website.

3) Human Rights Monitoring Training for CHRAJ Staff

The UNDP provided funding for a three-day training programme on human rights monitoring for its staff from 25th to 27th September, 2006. The training aimed at sharpening



the monitoring skills of officers, especially in the areas of health, abuse against women and children and the physically challenged. Fifty participants from the regions and districts attended the programme.

4) CHRAJ -NGO Forum on APRM, Ho

The UNDP again funded CHRAJ- NGO forum organised in Ho from 18th to 20th October, 2006. The purpose of the forum was to trace the historical antecedent of NEPAD and the aim of the APRM and to sensitize District Directors of CHRAJ and Human Rights NGOs within the Volta Region to better appreciate the agenda of the APRM by building blocks between NHRIs and NGOs in the fight against human rights abuse and monitor the government and MDAs in the region and hold them to account for their stewardship. The forum has since seen the established a permanent network between NHRIs and Human Rights NGOs in the Region.

5) CHRAJ -NGO Forum on APRM , Wa

The UNDP sponsored a similar forum for the commission and human rights NGOs on the APRM in Wa in the Upper West Region, from 13th to 15th December, 2006. Fifty participants were drawn from the region's capital, as well as the various districts.

6) Human Rights Monitoring Training for NGOs

The commission, during the year, organised a human rights monitoring training programme for selected NGOs from various locations in the country, with funding support from the UNDP. The training sought to:

- a) Improve the skills of participants for monitoring and reporting on the state of human rights in each region and district,
- b) Ensure quality interviews and knowledge of research techniques, and
- c) Strengthen collaboration with other human rights actors.

7) Customer Care and Service Delivery Training for Staff of CHRAJ

The UNDP provided funding for a training programme on customer care and service delivery for 30 administrative officers and registrars of the commission from 2nd to 5th November, 2006. The training formed part of a capacity-building programme on service delivery to ensure minimum standards of best practice in service delivery.

8) Workshop on Non – Custodial Sentencing and Adopting Guidelines on Non –Custodial Sentencing for Ghana

The UNDP provided funding for a workshop on "Non-Custodial Sentencing and Adopting Guidelines on Non-Custodial Sentencing for Ghana" from 3rd to 5th November, 2006. The workshop examined specific existing opportunities for adopting non-custodial sentencing and deepening the discourse on integrating non-custodial sentencing in Ghana. In all, 40 participants attended the workshop from CHRAJ, Social Welfare, the Judicial Service, the Ministry of Justice and the Ministry of Interior.



The workshop concluded that NCS would help address the problems of severe congestion/overcrowding and poor health conditions in our prisons. A technical committee was put in place to draft a bill for the consideration of government.

9) Reports on Office Equipment Donated to CHRAJ by UNDP

As part of UNDP's programme to strengthen the commission's resource base, the commission benefited from the UNDP the following logistics and equipment for distribution to selected district offices.

ITEM	QTY
1. GX520 Optiplex (System Unit)	11
2. 17" LCD Monitors	11
3. UPS	11

World Vision International Support in the Northern Region

In the year under review, the Savelugu /Nanton District Office of the commission received financial support from World Vision International to fund public education for 10 communities, namely, Diaree, Tarikpa, Nanton, Pong-Tamale, Moglaa, Savelugu, Tampion, Bunlun, Kpaliyogu, and Kukuo.

The funds received were applied purposefully to fund 10 community-based public education programmes on the theme, "The Negative Effects of Child Fostering on the Education of Foster Children".

The participants at the programme in all the 10 community where the program was carried out revealed that poverty was the root cause of child fostering. As a result, two women's clubs were formed and, based on the commission's Savelugu District office's recommendations, World Vision International granted members of the clubs a micro-credit facility to empower them to take responsibility for their children.



Action Aid Support in the Upper, West Region

The commission received funding from Action Aid through GAWANET, a coalition formed by MDAs and other NGOs in the region, public education on gender issues and women and children's right. Four district offices of the commission in the region benefited from this support. The funds were used to carry out public education programmes in rural communities on gender and human rights issues involving women and children. Women and children were the target groups.

Action Aid International Ghana (AAIG), World Vision International (WVI) Bongo ADP, Bongo Human Rights City (BHRC), Community Based organization, Community Integrated Development Initiative (CIDI), PRIDE and CODAC Support in the Upper East Region

Action Aid Ghana (AAIG) has been the primary sponsor of most of the public educational programmes on human rights organized by the Bolgatanga Regional Office. The major thematic areas which the commission focused on are Good Governance at the Local Government level and the Rights of Women and Children. Staff of MDAs, assembly men and women, heads of departments, tutors and students from second-cycle schools, pupils in basic schools, women groups, chiefs, elders and opinion leaders were the target groups. All MDAs in the Upper East Region, all districts and some basic schools were covered.

The successful organization of the educational programs, among other things, has led to the setting up of tender committees and tender review boards by the MDAs. Other NGOs which have supported the commission's work are World Vision International (WVI) Bongo ADP, Bongo Human Rights City (BHRC) Community Based Organization, Community Integrated Development Initiative (CIDI), PRIDE and CODAC. They organized several activities, including meetings for children in and out of school with parents at the community level and also a series of activities towards the modernization /elimination of some negative cultural practices. These activities have helped to change the perception of children, parents and teachers etc. on the need to involve children in decision making. The paramount chief



of the Bongo Traditional Area has placed a ban on some negative cultural practices, such as bathing widows outside.



Pictures above show meetings with district directors and staff at the Wa CHRAJ Office during a monitoring visit to the Upper West Region

ILO Support

To build the commission's capacity to deal with child labour abuses, the ILO supported it to train its staff on child labour and its worst forms and to begin a nationwide public education campaign on the subject.

Name of Regional Office	Number Of Districts Under Region's Jurisdiction	Staff Strength	Status of Cases		Public Education Programmes				Human Rights Monitoring (Institutions visited)
			Number of Complaints received	Number of Resolved Cases	Number of PE Programmes	Groups Visited	Radio Stations featured on		
Tema Sub	7	17	115	60	4	<ul style="list-style-type: none">5 schools2communitiesChurch/women groups	<ul style="list-style-type: none">Adom.Meridian●bonu FM.	<ul style="list-style-type: none">Tema PolyclinicPort Medical Centrea private and public secondary school	
Upper West	4	Not provided	234	201	101	<ul style="list-style-type: none">CommunitiesSchools	Not Provided	<ul style="list-style-type: none">Deputy Commissioner and a delegation from headquarters visited the regional and district offices and held a forum on APRM	
Greater Accra	4	34	482	438	24	<ul style="list-style-type: none">5 religious groups6 women associations4 second-cycle schoolscommunities	Not Provided	<ul style="list-style-type: none">Two health institutions and one cluster of schools.	
Western	10	Not provided	1,390	1,326	222	<ul style="list-style-type: none">(2) Secondary schoolsTeacher training collegeCommunities	Not Provided	<ul style="list-style-type: none">Two Basic schools and two senior secondary schoolsPrisonA private hospital and two government hospitalsSlum community Effiakuma Zongo	

Name of Regional Office	Number Of Districts Under Region's Jurisdiction	Staff Strength	Status of Cases		Public Education Programmes			Human Rights Monitoring (Institutions visited)
			Number of Complaints received	Number of Resolved Cases	Number of PE Programmes	Groups Visited	Radio Stations featured on	
Brong Ahafo	12	Not provided	3,508	3,237	166	<ul style="list-style-type: none"> Communities Churches Mosques Students Informal groupings 	Not Provided	<ul style="list-style-type: none"> JSS and SSS
Northern	12	56	720	490	139	<ul style="list-style-type: none"> Communities Schools Youth groups. 	<ul style="list-style-type: none"> Fiila FM Radio Justice 	<ul style="list-style-type: none"> 3 health institutions Four schools; 2 JSS and 2 SSS Tamale Central Prison
Upper East	Not provided	35	417	382	56	Not provided	Not provided	Not provided
Ashanti	16	89	1,756	1,557	253	<ul style="list-style-type: none"> 253 communities 	Not Provided	<ul style="list-style-type: none"> Health Institutions Educational Institutions
Volta	11	59	1,323	1,266	123	<ul style="list-style-type: none"> Informal groups 	<ul style="list-style-type: none"> Volta Star Radio 	<ul style="list-style-type: none"> Deputy Commissioner and a delegation from headquarters visited the regional and district offices to hold a day's collaborative Seminar with human rights NGOs support by UNDP.
Eastern	17	73	1,830	1,464	80	<ul style="list-style-type: none"> Workplaces, churches the Police Training Academy. 	Not Provided	<ul style="list-style-type: none"> Kofofidua Central Police Station Kofofidua Prison

Name of Regional Office	Number Of Districts Under Region's Jurisdiction	Staff Strength	Status of Cases		Public Education Programmes			Human Rights Monitoring (Institutions visited)
			Number of Complaints received	Number of Resolved Cases	Number of PE Programmes	Groups Visited	Radio Stations featured on	
Central	11	Not provided	1,485	1,264	165	<ul style="list-style-type: none"> • Communities • Churches • Nursing/midwifery • Students • NGOs. 	Not Provided	Not Provided



Statistical Overview

1.0 Overview Of Data On Complaints

The year under review was a busy one, as usual, with 13,931 complaints received nationwide, representing a decrease of 11.5% over those of the previous year, 2005(15,749). The commission resolved 12,238 complaints. This number represents 87.8% of the total number of cases received during the year and an improvement upon last year's 79%.

Table 1: Summary of Cases

Status	Number of Complaints	Closed Complaints
Headquarters	671	496
Ashanti Region	1,756	1,557
Western Region	1,390	1,326
Eastern Region	1,830	1,464
Central Region	1,485	1,264
Volta Region	1,323	1,266
Brong - Ahafo Region	3,508	3,237
Greater Accra	482	439
Northern Region	720	490
Upper East Region	417	382
Upper West Region	234	215
Tema	115	102
Total	13,931	12,238

Figure 1. Regional Distribution of Cases Received

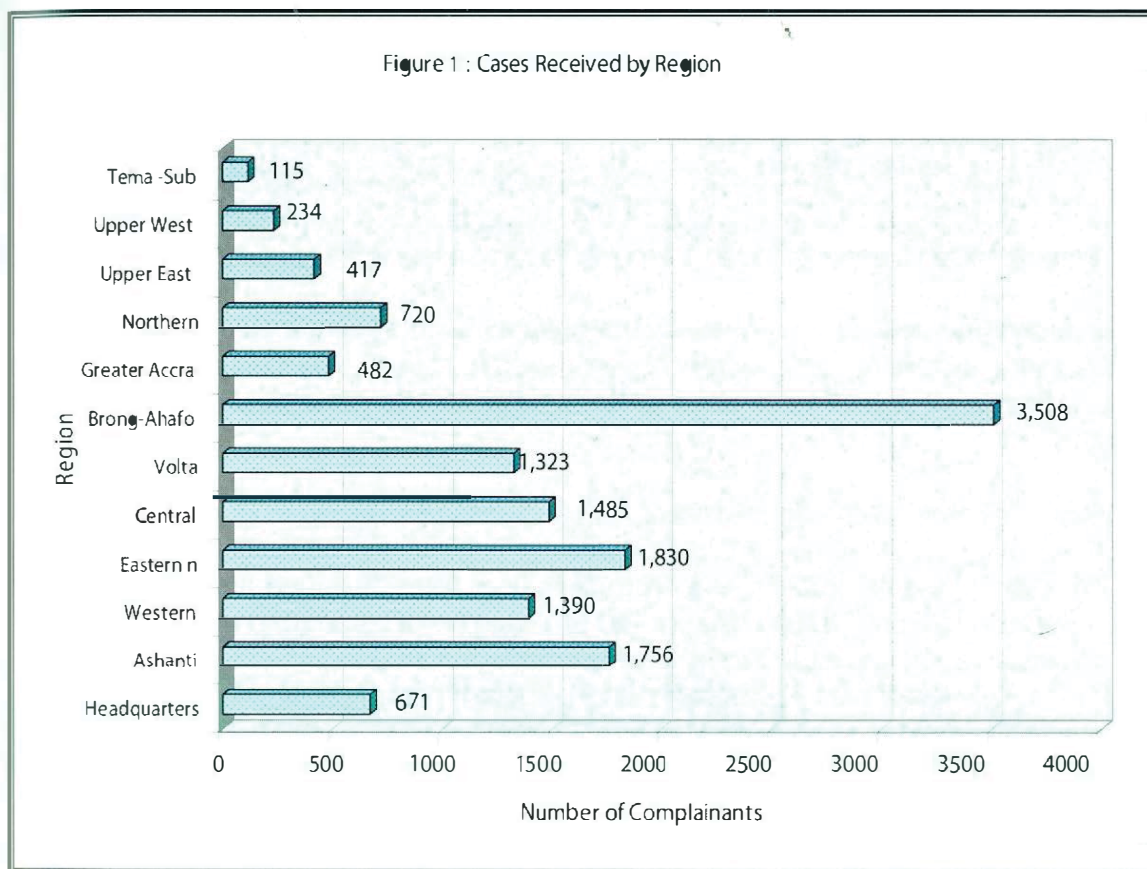


Figure 1 depicts regional distribution of cases received within the year 2006. Brong Ahafo received the highest of 3,508 whereas Tema sub-region received the least, 115.

2.0 Status Of Complaints

Complaints received by the commission in the reporting year have been categorized into human rights related, administrative justice related and corruption related. Table 2 below depicts the status of case distribution over a period of time.

Table 2: Status of Case Distribution

Status	2004	2005	2006
Administrative Justice	1,671	1,622	1,546
Human Rights Issues	1,3249	1,3844	11,999
Corruption Related	33	283	386
Total	14,953	15,749	13,931

Administrative Justice cases include complaints such as unfair treatment, abuse of office and undue delay in resolving citizen grievances. Since 2004, complaints in respect of administrative justice have been following a reducing trend at an average rate of 3.8%.

In 2006, however, 1,546 administrative justice cases were received. Of this, Head Office received 416, representing 26.9%, followed by Ashanti with 335 cases, representing 21.7%. Upper East recorded the lowest number of Administrative Justice cases, 45 in all, representing 2.9%. Salary arrears and termination of appointment dominated the Administrative Justice cases filed with the commission, making up 485 cases.

Human rights related cases decreased from 13,844 in 2005 to 11,999 in 2006, representing a decrease of 13.3 %.

A total of 4,950 children's rights related cases were received. Of these, there were 3,268 or 66% child maintenance complaints, followed by complaints on child custody with a value of 583 or 11.8%, whereas incest complaints recorded the lowest of two representing 0.04%. Child maintenance complaints dominated in all Regions except the Northern region where forced marriages dominated. Of a total of 225 forced marriage complaints, 117 or 52% came from the Northern Region.

Complaints on women's rights added up to 2,148. Spousal maintenance cases dominated with a value of 1,361 or 63.4%. The commission also recorded 33 or 1.5% complaints on sex-based discrimination. Brong Ahafo recorded the highest number of complaints on women's rights, having received as many as 1,035 complaints, representing 48.2%, followed by Central with 228 cases, representing 10.6%. Head Office recorded only one complaint.

Out of a total of 3,019 property related complaints, Brong Ahafo received 667, representing 22.1%, whereas Tema received 11, representing 0.4%. Landlord-tenant issues dominated with 1,005, representing 33.3%.

The Commission recorded 1,412 economic, social and cultural rights (ESCR) related cases. Brong Ahafo received the highest number of cases in this area, numbering 347 or



24.6%, followed by 320 or 22.7 % from the Eastern Region.

Of 189 civil and political rights related cases, Upper East received the highest of 40, representing 21.2%, followed by 38 or 20.1% from the Ashanti Region. Headquarters, Northern and Upper West regions had no cases.

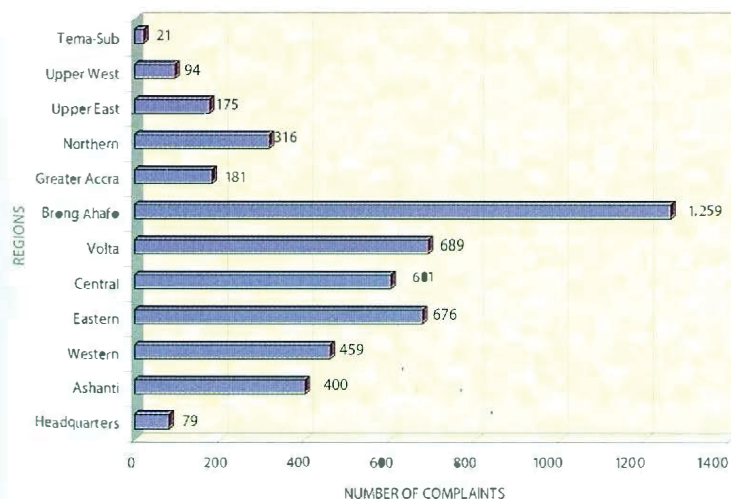
No case was recorded on freedom of speech.

Corruption related cases recorded a total of 386 complaints, representing an increase of 36.4 % over cases received in 2005.

Nature of complaints received in 2006

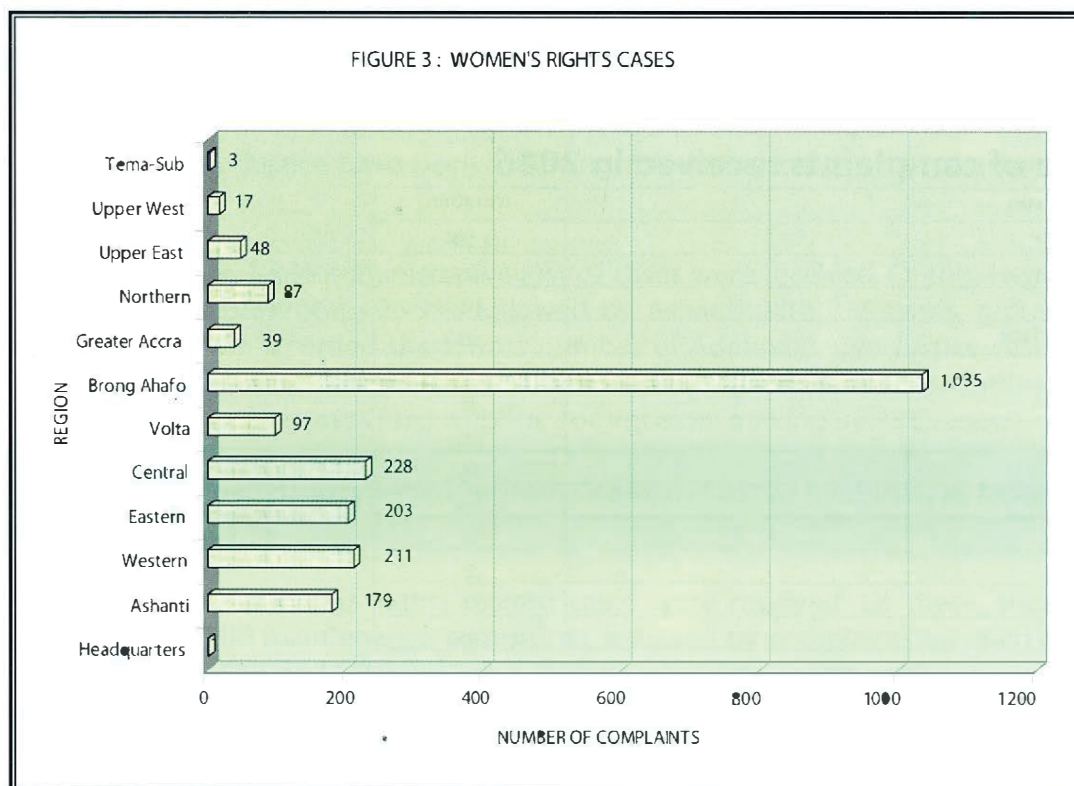
Nature of Cases	Number
Maintenance	3,268
Custody	583
Paternity	419
Forced Marriage	225
Defilement	35
Medical Care	75
Education	123
Care	56
Maltreatment	106
Naming	11
Incest	2
Abduction	47
Total	4,950

FIGURE 2: CHILDREN'S RIGHTS RELATED CASES



1.1.1 Women's Rights

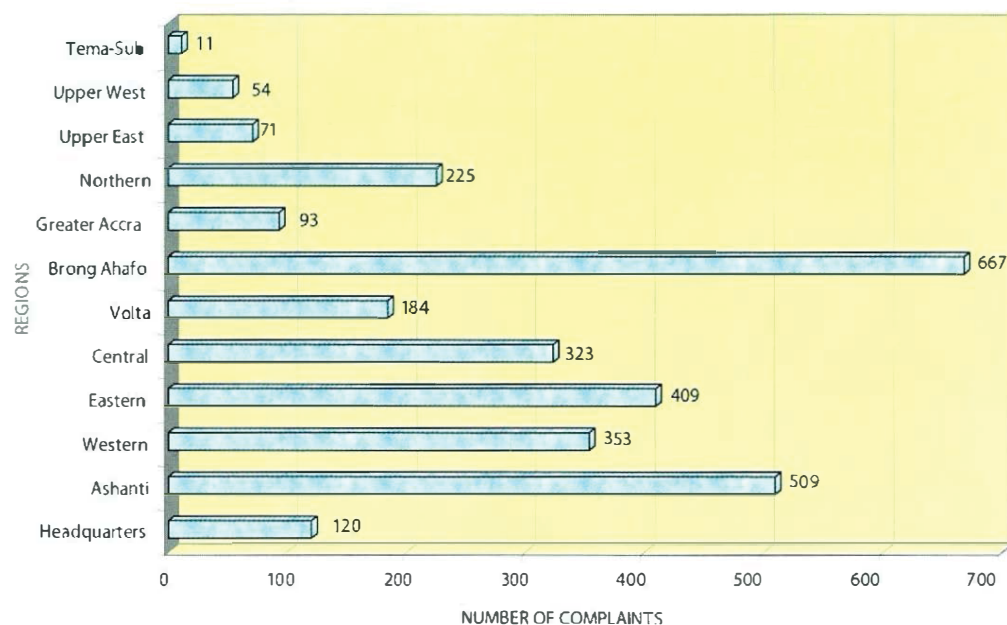
Nature of cases	Number
Spousal rights (maintenance)	1,361
Discrimination based on sex	100
Spousal battery	68
Others	619
Total	2,148



1.1.2 Property rights-related cases

Nature of Cases	Number
Right to property including inheritance	499
Compensation for property (compulsory acquisition)	159
Retrieval of property	520
Inheritance	382
Tenancy	1,005
Destruction of property	251
Trespass	125
Land Title	78
Total	3,019

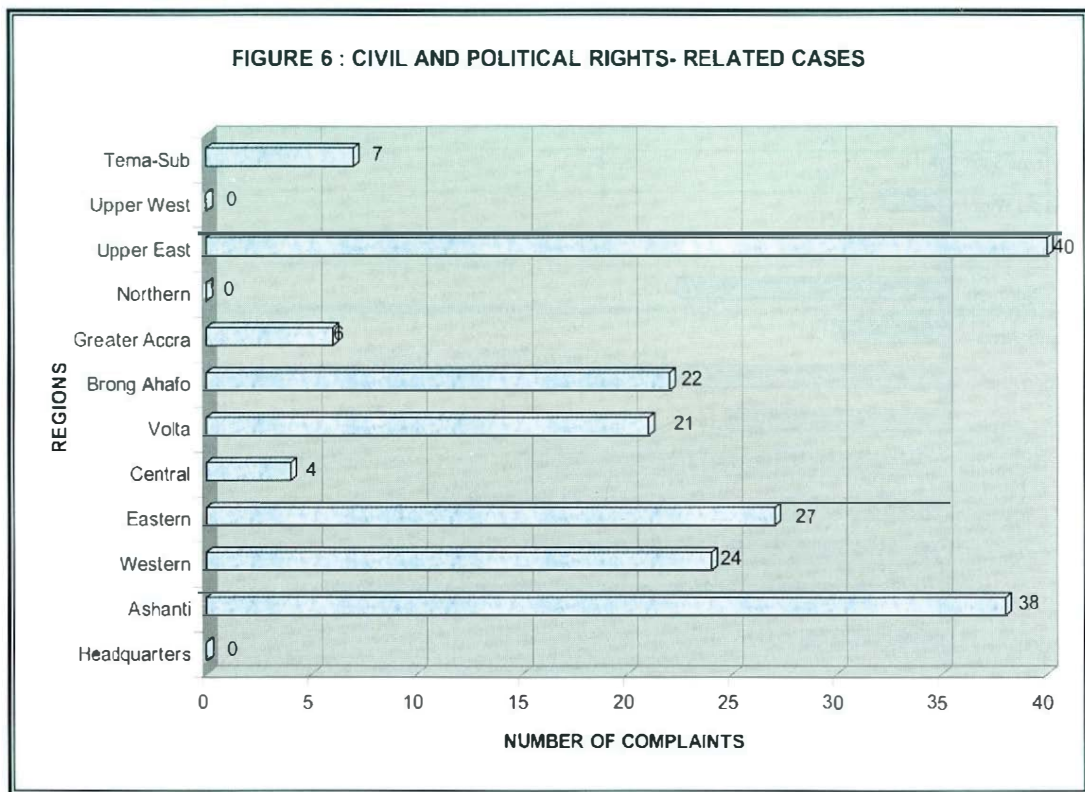
FIGURE 4 : PROPERTY RIGHTS- RELATED CASES



1.1.3 Economic and Social Rights-related cases

Nature of Cases	Number
Right to equal pay for equal work	23
Right to food	2
Right to shelter	20
Right to education	21
Right to health	11
Right to clean and safe environment	15
Discrimination based on economic & social status	22
Discrimination based on pregnancy	128
Work related rights	575
Other ESCR-related cases	595
Total	1,412

FIGURE 6 : CIVIL AND POLITICAL RIGHTS- RELATED CASES



1.1.5 Other Rights

Nature of Cases	Number
Intestate Succession	281

FIGURE 7 : OTHER RIGHTS



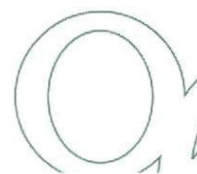
Regional Breakdown

1.1.6 Children's Rights Related Cases

Status	Number
Headquarters	79
Ashanti Region	400
Western Region	459
Eastern Region	676
Central Region	601
Volta Region	689
Brong Ahafo Region	1,259
Greater Accra Region	181
Northern Region	316
Upper East Region	175
Upper West Region	94
Tema Sub-region	21
Total	4,950

1.1.7 Women's Rights cases

Status	Number
Headquarters	1
Ashanti Region	179
Western Region	211
Eastern Region	203
Central Region	228
Volta Region	97
Brong Ahafo Region	1,035
Greater Accra Region	39
Northern Region	87
Upper East Region	48
Upper West Region	17
Tema Sub-region	3
Total	2,148



1.1.8 Property Related Cases

Status	Number
Headquarters	120
Ashanti Region	509
Western Region	353
Eastern Region	409
Central Region	323
Volta Region	184
Brong Ahafo Region	667
Greater Accra Region	93
Northern Region	225
Upper East Region	71
Upper West Region	54
Tema Sub-region	11
Total	3,019

1.1.9 ESCR Related Cases

Status	Number
Headquarters	47
Ashanti Region	213
Western Region	172
Eastern Region	320
Central Region	151
Volta Region	0
Brong Ahafo Region	347
Greater Accra Region	102
Northern Region	0
Upper East Region	28
Upper West Region	14
Tema Sub-region	18
Total	1,412

1.1.10 Civil and Political Rights Related Cases

Status	Number
Headquarters	0
Ashanti Region	38
Western Region	24
Eastern Region	27
Central Region	4
Volta Region	21
Brong Ahafo Region	22
Greater Accra Region	6
Northern Region	0
Upper East Region	40
Upper West Region	0
Tema Sub-region	7
Total	189

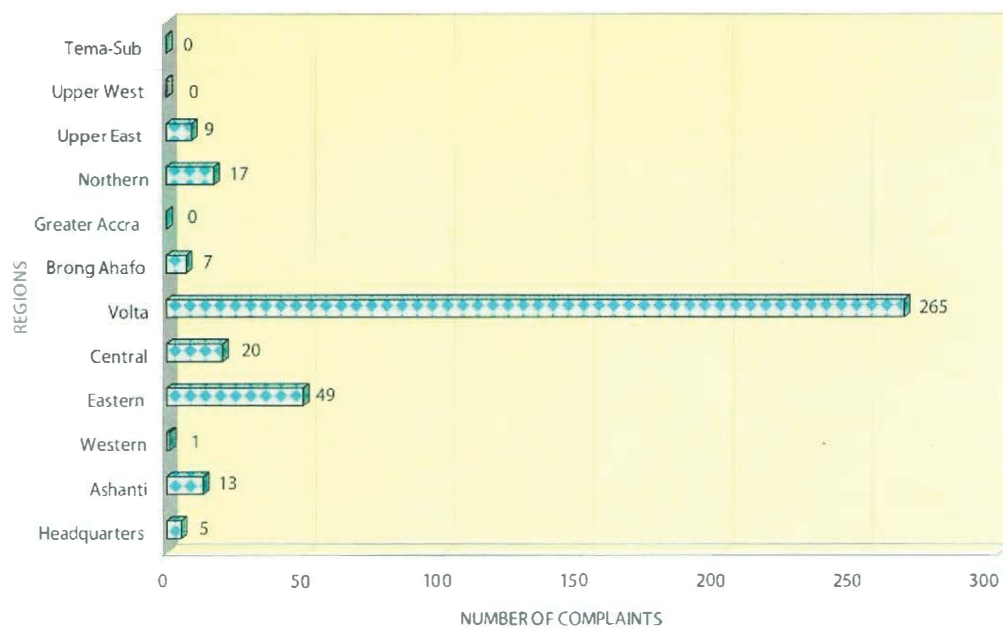
1.1.11 Other Rights

Status	Number
Headquarters	3
Ashanti Region	69
Western Region	82
Eastern Region	18
Central Region	17
Volta Region	0
Brong Ahafo Region	87
Greater Accra Region	1
Northern Region	0
Upper East Region	1
Upper West Region	3
Tema Sub-region	0
Total	281

1.2 CORRUPTION CASES

Corruption Cases	Number
Fraud	35
Breach of Code of Conduct (making false declaration)	8
Money extortion	23
Others	320
Total	386

FIGURE 8 : CORRUPTION RELATED CASES



Regional Breakdown

1.2.1 Corruption Cases

Status	Number
Headquarters	5
Ashanti Region	13
Western Region	1
Eastern Region	49
Central Region	20
Volta Region	265
Brong Ahafo Region	7
Northern Region	17
Upper East Region	9
Upper West Region	0
Total	386

1.3 Administrative Justice

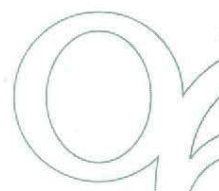
Nature of Cases	Number
Abuse of Office (exploitation)	19
Abuse of Office (intimidation)	18
Abuse of Office (unbecoming conduct)	2
Abuse of Office (Oppression)	3
Abuse of Office (exercise of discretion)	17
Undue Delay	44
Delay in dispensing Justice (Police)	26
Negligence	5
Over-billing of school fees	9
Dismissal	187
Termination of Appointment	233
Resignation	13
Redundancy/Redeployment	26
Pension/Gratuity	39
SS Deduction/Payment	82
End of Service Benefit	65
Severance Award	42
Salary Arrears/Withholding	252
Insurance Claims	27
Suspension/Interdiction	35
Transfer	9
Promotion	10

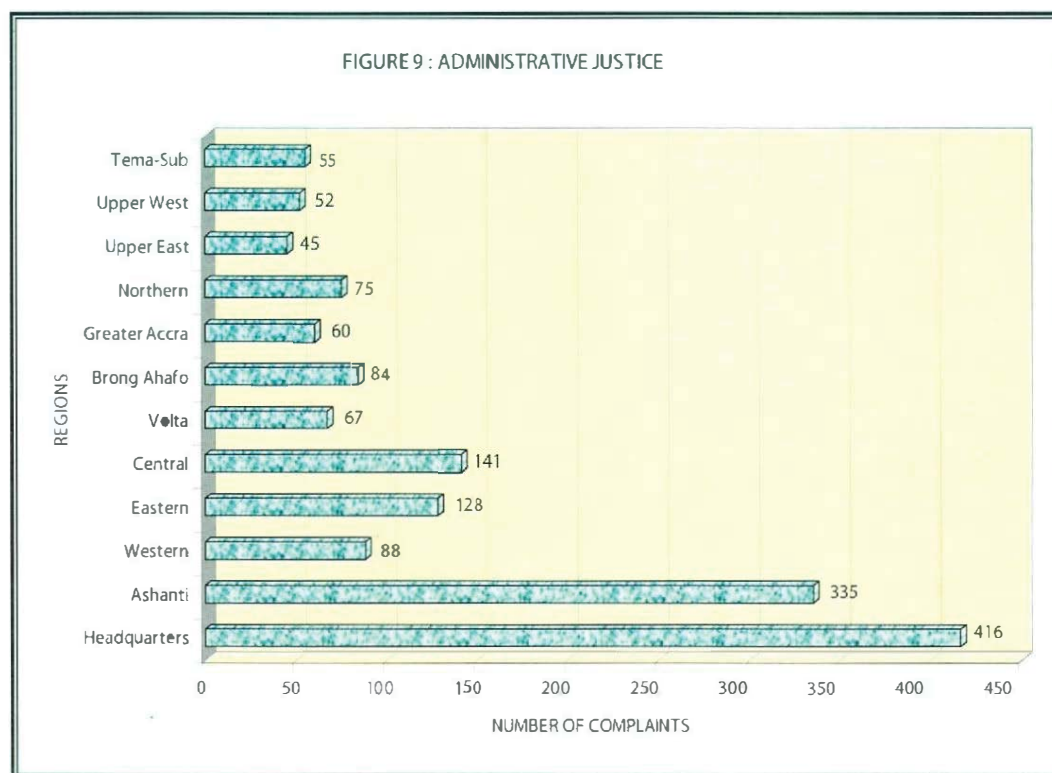
Retirement benefits	39
Study leave	4
Workman's compensation	81
Salary deduction	25
Reinstatement	34
others	200
Total	1,546

Regional Breakdown

1.3.1 Administrative Justice

Status	Number
Head Office	416
Ashanti Region	335
Western Region	88
Eastern Region	128
Central Region	141
Volta Region	67
Brong Ahafo Region	84
Greater Accra Region	60
Northern Region	75
Upper East Region	45
Upper West Region	52
Tema Sub-region	55
Total	1,546





3.0 Respondent Bodies

Respondents to complaints received by the commission comprised the state, private organizations and private individuals.

3.1. Summary of Respondent Bodies:

3.1.0 Office of the President

Organizations	Number
Divestiture Implementation Committee	2
Regional Coordination Councils	4
Miscellaneous offices under Off. of President	3
Total	9

3.1.1 Ministry of Justice

Services /Departments	Number
Attorney-General's Dept.	3
Total	3

3.1.2 Ministry of Education

Services/Institutions	Number
Ghana Education Service	57
West African Exams Council	3
Schools/Colleges	104
Universities	6
Total	170

3.1.3 Ministry of Roads & Highways

Authority/Dept.	Number
Dept. of Feeder Roads	0
Ghana Highway Authority	4
Driver & Vehicle Licensing Authority	2
Total	6

3.1.4 Ministry of Finance and other Organisations within its domain

Services/Departments	Number
Controller & Acct. Gen.	24
Banking institutions	24
CEPS	7
IRS	1
SSNIT	38
SIC	4
Total	98

3.1.5 Ministry of Local Government

Assemblies	Number
District / Municipal / Metropolitan assemblies	65
Total	65

3.1.6 Ministry of the Interior

Security Services	Number
Prisons Service	16
Immigration Service	1
Police Service	117
Ghana Nat. Fire Service	5
Ghana Armed Forces	10
WAJU	2
Total	151



3.1.7 Other Ministries

Ministries	Number
Communications	1
Food & Agric.	6
Health	9
Lands & Forestry	1
Works & Housing	8
Defence	1
Foreign Affairs	5
Mines & Energy	2
Education	8
Total	41

3.1.8 Extra-Ministerial Organisations

Organisations	Number
Public Services Commission	7
Chieftaincy Secretariat	2
Lands Commission	4
Electoral Commission	5
CHRAJ	5
NCCE	1
Land Valuation Board	8
NADMO	3
Dept. of Death/Birth	2
Rent office	3
NSS	3
GWCL	7
VRA	10
Labour Commission	2
Ghana Medical Association	1
CSIR	1
SFO	1
Ghana Post	6
Judicial Service	29
Total	100

3.1.8 Private Individuals and Organisations

Private Individuals /Organizations	Number
Private Individuals	1,2425
GPRTU	4
NGOs	25
Companies	1,223
Electronic Media	7
Churches	12
Ghana Telecom	12
Hospitals	20
Others	203
Total	13,931

3.2 Summary On Respondent Bodies

Respondent Bodies	Number	%
Office of the President	9	0.1
Organisations under Ministry of Justice	3	0.0
Organisations under Ministry of Education	170	1.2
Organisations under Ministry of Roads/Highways	6	0.0
Organisations under Ministry of Finance	98	0.7
Organisations under Ministry of Local Government	65	0.5
Organisations under Ministry of the Interior	151	1.1
Other ministries	41	0.3
Extra-Ministerial organisations	100	0.7
Private (individuals/organisations)	13,288	95.4
Total	13,931	100

4.0 Referrals

The year under review saw a total of 172 referrals. 141 complaints or 81.9% were referred to the law courts and 19 or 11% to the Police Service. Complaints referred to courts included those on trespass, retrieval of property, maintenance and child custody, while complaints on defilement, incest, etc were referred to the Domestic Violence and Victims Support Unit (DOVVSU) of the Police Service.

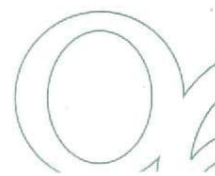
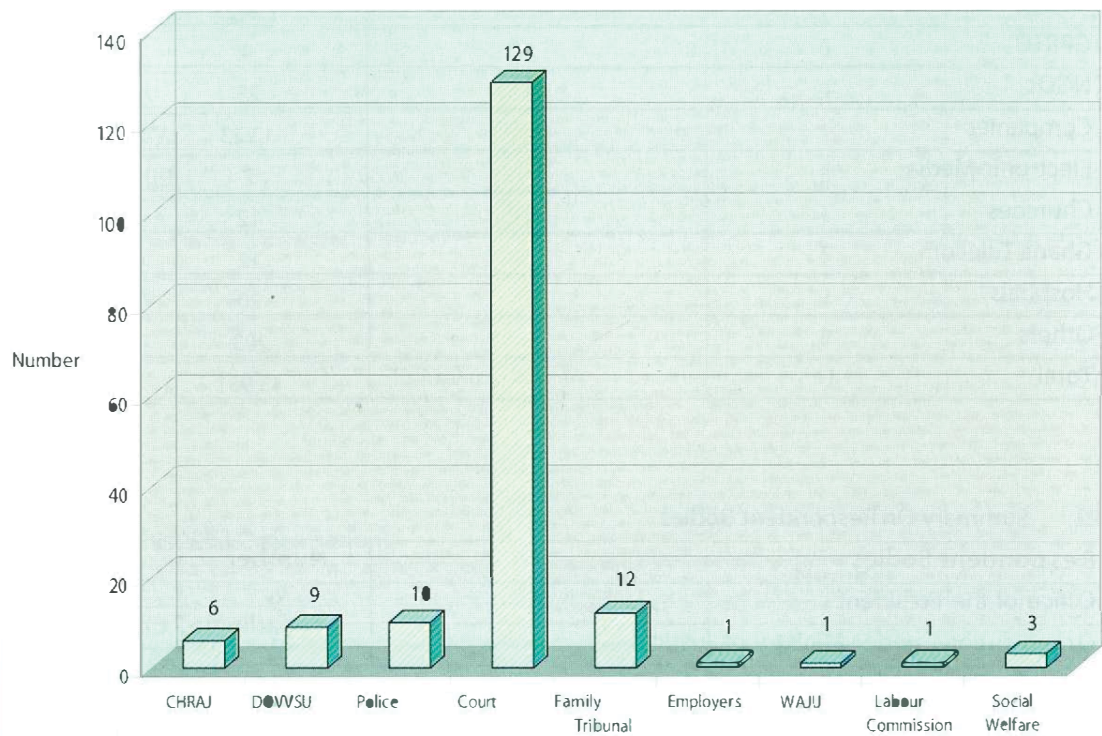


Figure 3 : Referrals



Part 3

State of Human Rights Report

Executive Summary

On 10th December, each year, the commission issues a report on the State of Human Rights to commemorate the UN Human Rights Day. This report is compiled and issued under the commission's mandate as the national human rights institution.

In preparing this report, the commission is guided by both international and national human rights jurisprudence and provisions of core international human rights treaties which flow from the 1948 Universal Declaration of Human Rights (UDHR). These include:

- The International Covenant on Civil and Political Rights (ICCPR) and its two optional protocols;
- The International Covenant on Economic, Social and Cultural rights (ICESCR);
- The Convention on the Elimination of All Forms of Discrimination Against Women (Women's Convention-CEDAW) and its Optional Protocol;
- The Convention against Torture (CAT);
- The Convention on the Rights of the Child (CRC);
- The Convention on the Elimination of Racial Discrimination (CERD);
- Regional conventions such as the African Charter on Human and People's Rights;
- The Ghanaian Constitution and other domestic legislations.

The full report on the State of Human Rights for 2006 will be published in a separate publication and it is hoped that the publication will serve as a useful tool for policy makers, human rights workers and students of research. This report, therefore, is only an abridged version of the full report.

This year's report covers a gamut of thematic areas namely the general status of cases filed with the Commission, health rights, rights of vulnerable persons, right to education, rights of persons in slum communities, and refugees. This report also covers rights of persons living in mining communities, corruption, and finally the commission's collaboration over the years with human rights NGOs.

General Status of Cases

The commission received 13,931 complaints nationwide, representing a decrease of 11.5% over the previous year's 15,749. During the same period, the commission also disposed of 12,238 cases, representing 87.8% of the total number of cases received. This is an improvement on last year's 79% of disposed cases.



A total of 4,950 rights of children cases were received; 3,268 (66%) child maintenance complaints, 583 (11.8%) on child custody, and two incest complaints, representing 0.04%.

The total number of complaints on the rights of women summed up to 2,148. Spousal maintenance cases dominated with a value of 1,361, representing 63.4%. Sex-based discrimination complaints records were 100, representing 4.6%.

Out of a total of 3,019 property complaints registered, 1,005 cases were landlord-tenant related complaints, representing 33.3% of the cases. Retrieval of property complaints received were 520, representing 17.2% of the cases, and compulsory acquisition by state was the lowest form of complaint recorded, with 54 cases, representing 1.8% of the total number of cases received in the year under review.

Economic social and cultural rights (ESCR) related cases received were 1,412. Other forms of ESCR related cases recorded summed up to 595, representing 42.1% of the cases, and breach of contract cases numbered 557 cases, which is equivalent to 39.4 % of the cases received.

Civil and political rights related cases received were 189 cases. There was, however, no recorded case on freedom of speech for the year under review.

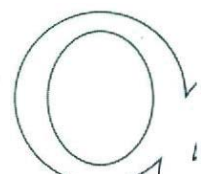
Corruption related cases comprised of fraud, extortion, and breach of the codes of conduct. In all, 386 corruption allegations were made, of which 35 cases constituted fraud, eight on breach of conduct and 23 on extortion.

Health Rights

Despite government efforts at improving the health sector, the sector is still beset with a lot of difficulties such as inadequate personnel and essential equipments.

With respect to drugs, even though most hospitals report above 90% availability of drugs, there are reported cases of the inability of patients to purchase these drugs. Some patients on the National Health Insurance Scheme (NHIS) interviewed at the La General Hospital complained that many of the drugs prescribed are not on the list of the approved NHIS medications, resulting in patients needing to purchase the drugs themselves outside the scheme at exorbitant prices.

The shameful practice of detention of babies and their mothers for non payment of medical bills persisted in some health centres. This is very much against the national health policy.



It is pertinent for all health institutions across the country to note that the detention of patients for non-payment of medical bills is a violation of the right of the patients. Any defaulting health institution, therefore, risks being held liable to pay compensation to its victim(s).

Rights of Vulnerable Persons

The commission has also noted with concern that persons suffering from HIV/AIDS continue to suffer from discrimination and stigmatization even from their own relations. The commission wishes to draw the attention of the public to the fact that stigmatization and discrimination hinders prevention, voluntary counselling and testing, and provision of care and support for people living with HIV/AIDS.

The commission shares the position of the UN General Assembly that “the full realization of human rights and fundamental freedoms for all is an essential element in a global response to the HIV/AIDS pandemic, including the areas of prevention, care, support and treatment, and that it reduces vulnerability to HIV/AIDS and prevents stigma and related discrimination against people living with or at risk of HIV/AIDS” and reiterate the commission’s position that respect for human rights is critical to the prevention and successful treatment of HIV/AIDS.

Right to Education

Findings during the monitoring of the right to education indicate many lapses in our educational institutions. While some areas have seen remarkable improvement, some areas still need to be improved. For instance; the basic schools have recorded about 16% increase in total enrolment since the introduction of the Free Compulsory Universal Basic Education (FCUBE) and this has put a lot of pressure on existing school facilities. Some of this infrastructure are either inadequate or lacking. For instance, the Adabraka Cluster of Schools lacked adequate furniture for the pupils and this has created a situation where four pupils, instead of two, share a desk.

The Commission has noted with grave concern the inappropriate nature of school structures for students living with disability. Such students cannot easily access the classrooms especially those located in storey buildings. With the passage of the Public Disability Act, the Commission urges government to put in place policies that would make schools adjust buildings to cater for the needs of students with disability and guarantee its compliance by all stakeholders.

The introduction of the FCUBE, the Capitation Grant, the School Feeding Programme and the promotion of early childhood education by the government for both basic and secondary schools have led to a remarkable improvement in first and second-cycle institutions.



However, the commission would like to urge the government to put in place firm measures to tackle the problem of poverty which has resulted in absenteeism and the failure of pupils to stay in school to fully enjoy their right to education which is evident in the increasing number of children engaged in child labour in the country.

Rights of Persons in Slum Communities

On the whole, there is a need for the government, as a matter of urgency, to tackle the issue of the rights of persons living in the slums, especially in the regional capital towns. Part of government's responsibility is to ensure that there is no discrimination in the provision of public facilities in these communities.

The selected slum communities visited lacked basic public facilities such as health centres, basic schools, public toilet facilities and proper waste disposal containers. These communities benefit from public facilities only if these facilities are available in neighbouring communities. This has denied children living in these communities the right to basic education and prompt health care in emergency situations.

Also, children living in these communities virtually live in filth and are prone to all kinds of diseases associated with unhygienic habitation. This is particularly the case in "Sodom and Gomorrah" and Chemu settlements, both in the Greater Accra Region. It is important for the government to provide for the needs of all citizens irrespective of where they live.

Refugees

The commission, however, commends government for its assistance to the country office of the United Nations High Commissioner for Refugees (UNHCR) during the influx of refugees into the country. The UNHCR representative in the Volta Region was particularly pleased with the cooperation it is receiving from the Ghana Education Service (GES), the Ghana Health Service (GHS) and the National Disaster Management Organisation (NADMO) for the upkeep of refugees in the Volta Region.

On the other hand, there are reported cases of discrimination against refugees in the use of public facilities. The commission wishes to remind the Ghanaian public, particularly those communities hosting refugees and asylum seekers, that the UN Refugee Convention and the OAU Refugee Convention, to which Ghana is a party, impose certain obligations on host states to protect the rights of refugees and asylum seekers and uphold certain social and economic rights for refugees. Article 2 of the OAU Refugee Convention recognizes the granting of asylum as a mechanism to protect refugees. In particular, it notes that states shall "use their best endeavours consistent with their respective legislations to receive refugees and to secure the settlement of those refugees, who for well-founded reasons, are unable or unwilling to return to their country of origin or nationality".



Conditions in Remand Prisons

The commission has, since March 1995, been inspecting the country's prisons, prison settlement camps and police cells annually to ensure that the dignity and rights of persons in prison and police custody are not violated.

The commission has, however, decided to focus its attention on remand prisoners during the year under review due to the worsening deplorable conditions in the remand facilities across the country. Certainly, the condition of inmates in most of the cells in the country does not meet the required Basic Principles for the Treatment of Prisoners which states "all prisoners shall be treated with the respect due to their inherent dignity and value as human beings". Bedding materials, toilet facilities, first aid drugs, among others, are woefully inadequate or lacking and certainly these infringe on the dignity and respect of the prisoner on remand.

The situation of inadequate and/or lack of bedding materials, for instance, at the Winneba Prison in the Central Region where only six out of the 180 prisoners on remand have mattresses, while the rest sleep on the bare floor. This phenomenon, which was visibly common in all other remand cells visited across the country, is an infringement on the dignity of these prisoners on remand.

Irregular flow of water, inadequate and lack of toilet facilities, among others, render the sanitary conditions deplorable in most of the remand facilities visited. This has resulted in a situation where a large number of people use the very few facilities available. Where the facility is lacking, inmates have to resort to other means of disposing of their solid waste. This is the situation at the Remand Section of the Sekondi Male Prison, where only one cell has a water closet fixed within it. Thus in two other cells, where the water closets are outside the cells, inmates have to use plastic bags and rubber containers in the night. This situation is totally unacceptable and violates the rights of all the prisoners on remand.

The health situation in the remand prison is no better. Malaria, skin rashes and diarrhoea are the common ailments suffered by prisoners on remand. At the Sekondi Male Prison, almost all the 111 inmates on remand interviewed by the commission's monitoring team are reported to have skin rashes, especially around their genitals. Not every remand facility has an infirmary and adequately stocked with drugs an example is the James Fort Remand Prison infirmary which serves both the male and female sections.

Despite the gloomy picture in remand prisons, the commission is happy to note that after several collaborations and discussions with various stakeholders in the penal system, a Multi-Stakeholder Working Group, comprising representatives of the Ministry of the Interior, the Ministry of Justice and Attorney-General's Department, the Police Service, the Prisons Service, the Judiciary, the Ghana Bar Association, the Department of Social Welfare, the Parliamentary



Committee on the Judiciary, the Legal Aid Scheme, the Commission on Human Rights and Administrative Justice, the IGP and the Ghana Centre for Democratic Development (CDD-Ghana), was set up in November 2006 to co-ordinate and implement an action plan that will ensure improvement in the penal system.

In addition, a three-member technical committee was constituted to develop draft legislation on Non-Custodial Sentencing and a separate task to develop general sentencing guidelines.

The commission is hopeful that when the plan of action of the Working Group is through and effectively implemented, it will bring a lot of changes in the penal system. Consequently, these will reduce rights violations and congestions in detention facilities.

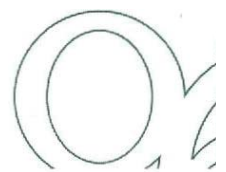
Communal Violence and the Security Agencies

The abuse of the rights of a person by security personnel have been of great concern to the commission even though the security agencies are to maintain law and order and protect the citizenry. It is important that in the cause of their duty, security personnel respect the rights of persons and ensure that they do not violate their dignity.

During the period under review, the commission had to investigate media reports of human rights abuses by security personnel deployed into conflict areas to maintain peace. For instance, the police deployed to maintain law and order during a communal violence between the Akan-speaking and Kotokoli-speaking communities at Jamasi in the Ashanti Region, forcibly arrested a number of Kotokolis from their homes and denied them medical treatment, while providing medical treatment for those wounded on the other side. There was also report of assault on civilians caught outside their homes by security personnel at Nakogu Fong, a suburb of Bimbilla as a result of a curfew imposed to maintain peace during communal violence.

There were also reported incidents of people arrested by military personnel being made to sit in the scorching sun and/or roll on the ground. The police were also alleged to have resorted to acts of intimidation and extortion of various sums of money from innocent and unsuspecting persons. Again, these security personnel were reported to have forced market women to sell their wares to them at very ridiculously low prices during a conflict between two communities in the Bolgatanga municipality.

The commission finds such actions totally reprehensible, and urges the security agencies to take steps to enforce strict codes discipline to reduce opportunities for abuse of their coercive powers by their personnel.



Rights of Women

The commission continued to receive complaints about dehumanizing cultural practices in the regions, which include very cruel widowhood rites and accusations of witchcraft against elderly but lonely persons, particularly women.

The commission is of the opinion that the National and Regional Houses of Chiefs are better placed to educate traditional rulers who are the custodians of these cultural practices to put a stop to them in their areas of jurisdiction. The unacceptability of all forms of degrading cultural practices which impact negatively on women and children is asserted in international human rights conventions, including the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW). The commission wishes to reiterate its call on victims of all forms of dehumanising cultural practices to courageously report cases alleging violations of their rights to the offices of the commission.

The commission remains concerned about the incidence of violence against women. It recognizes that "violence against women is an affront to the dignity of womanhood, injurious to their health and general well-being. It retards their development and undermines the valuable contribution they can make to national development". Denying women economic power and economic independence is a major form of violence against women because it prolongs their vulnerability and dependence.

The commission will continue to shore up and collaborate with the Domestic Violence Coalition in its efforts to get Parliament to pass the Domestic Violence Bill into law.

Rights of Children

The violation of children's rights in Ghana is one of the major concerns of the commission. Non maintenance of children, streetism, child trafficking and child labour continue to be the major problem in the country. The highest number of cases received this year by the Commission is on non-maintenance of children. Between January and June 2006, the commission received 1,170 cases on non-maintenance of children.

There is no doubt that poverty, lack of education and inadequate social amenities are among factors that encourage streetism, child trafficking and child labour. Most of these young girls and boys roam the towns and city centres and are exposed to such vulnerable situations such as rape, exploitative labour, especially head porters ('Kayayos') in busy market centres, prostitution and vendors of miscellaneous items such as dog chains, snacks, plastic bags, food, etc. These children are exposed to all sorts of diseases such as malaria, sexually transmitted



diseases (STDs) and HIV/AIDS, and other social vices such as drug abuse, armed robbery, etc.

Also, many of these children live and sleep on the streets; their condition is a moral catastrophe that requires immediate action by the government. The commission as a matter of urgency is requesting the government to pool all its resources to reduce to the barest minimum, if not eliminating, these phenomena. This will ensure that our future leaders' (children) rights are not unduly violated and neglected.

Rights of Persons in Mining Communities

The commission, as result of various complaints received and media reports, visited various mining communities in the Western, Ashanti and Brong Ahafo regions to investigate alleged human rights abuses by mining companies. At the time of this report, the investigations were still ongoing.

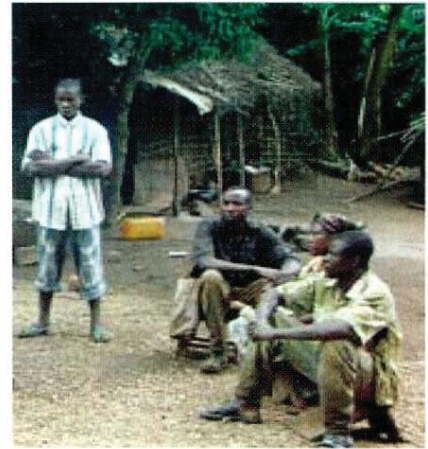


It was reported that military personnel despatched to protect properties of mining companies have often resorted to the use of force, and in extreme cases the use of firearms. For instance, Ntrotrosu near Kenyasi No.2 in the Brong Ahafo Region and Sanso in Obuasi in the Ashanti Region alleged the use of firearms in quelling peaceful demonstrations. There were also reports of use of attack dogs by mining companies to chase out intruders from their properties. These have reportedly led to injuries and in extreme cases of death in some of these mining communities.

There were also reports of high-level unemployment and impoverishment in these mining communities as a result of the compulsory acquisition of farm lands for the mining companies. The provision of alternative sources of livelihood by the companies has not been sustainable. Therefore, most of the youth in these mining communities are reported to have resorted to illegal mining or 'galamsey' which is a major problem for mining companies.

Concerns were also raised about the level of pollution of the environment and land degradation by the mining companies. Even though most of the companies have abandoned surface mining due to its devastating nature, not much has been done in respect of land reclamation and proper disposal of the mined waste. For instance, at Sanso, a huge heap of residue dumped around the community, which is overgrown with trees, could be mistaken for a mountain. The community members reported that this has led to the development of illness among some community members affected by mining activities due to air pollution.





A CHRAJ official interacting with elders at Kenyasi, a mining community in the Brong Ahafo Region

The commission, as part of its mandate, has embarked on a series of programmes to find a lasting solution to this problem. It is hoped that the government and other stakeholders within the mining sector would support the commission's efforts to find a lasting solution to the problem to avert any future catastrophe.

Corruption

Corruption is prevalent in Ghana. Studies over the years have indicated that though efforts have been made to fight the canker, it persists and, unfortunately, is on the ascendancy.

The African Peer Review Mechanism (APRM) Country Review Report of the Republic of Ghana, 2005, indicates that corruption is prevalent in Ghana. In all, 52% of respondents to its survey perceive corruption as a common feature of the Ghanaian public administration. To curb unethical conduct in public affairs, the 1992 Constitution provides that public officials shall not put themselves in a situation where their personal interest conflicts or is likely to conflict with the performance of functions of the public office.² However, awareness of conflict of interest in sections of the population remains low.

Discussions on the subject following the release of the commission's report of investigations into allegations of corruption, abuse of office and conflict of interest against a Minister of State indicate that a lot more has to be done to keep the public abreast of issues of conflict of interest and how to deal with it. Accordingly, the commission issued the "Guidelines on Conflict of Interest to Assist Public Officials Identify, Manage and Resolve Conflicts of Interests".

The commission wishes to take this opportunity to express its appreciation to DANIDA for its enormous support to the commission for the development of these Guidelines.

² Article 284

The government has shown its preparedness to fight corruption by having written out an inventory of relevant legislation dealing with corruption and related offences. This is a laudable step in the fight against corruption, though it fell short of what was expected. The compilation of an inventory of laws on corruption rather than consolidating and codifying the various existing laws under one clear and accessible legislation represented a step backwards from what the government had promised to do.

The commission urges the government to, as a matter of priority,

- Deliver on what it promised. It should consolidate and codify all anti-corruption laws by 2007³.
- Take steps to domesticate the United Nations Convention Against Corruption and the African Union (AU) Convention on Preventing and Combating Corruption and Related Offences.
- Place a Freedom of Information Bill before Parliament for passage to facilitate public access to information.
- Elaborate on the policy of "Zero Tolerance for Corruption" to serve as a road map for the fight against corruption in Ghana.
- Implement the anti-corruption strategies developed by the Ghana Anti-corruption Coalition.

Collaboration with NGOs

The commission would like to acknowledge the work of all human rights NGOs in the country. For some time now, NGOs, especially those constituting human rights NGOs in Ghana, have been collaborating with constitutional human rights institutions in championing the rights of Ghanaians, especially those of women and children.

Non-governmental organizations (NGOs), especially those operating at the grass root level, are playing a critical role in educating and addressing the concerns of the people with respect to human right whether political and civic rights, and/or economic and social rights, of vulnerable groups. For instance, during the monitoring of the right to education in schools, it is reportedly evident that the teachers who have had any form of training on the rights of a child and human rights had done that through their contact with human rights NGOs.

Therefore, the commission wishes to call on all donor agencies not to hesitate to lend their support for genuine and hardworking local NGOs.

The commission commends the government for continuing with the construction of a new maximum security prison to house prisoners on remand as a measure to check congestion in existing prisons. Also, the government must address the bedding and medical situation in

3. See Programme of Action at page 156 of the APRM Country Review Report of the Republic of Ghana, 2005



prisons.

The commission wishes to re-echo its call on the Ministry of Justice and Attorney General's Department and the Judiciary to expedite the trial of the numerous prisoners on remand as a means of decongesting the prisons.

The recent strike by teachers in the public sector is very fresh in the minds of Ghanaians. We call on the government to endeavour to find a lasting solution to teachers' plight so that the children's right to quality education is not violated.

The commission is reiterating the call on the government to expedite action on the ratification process of the Optional Protocol to the UN Convention Against Torture (OPCAT), as well as the United Nations Convention Against Corruption (UNCAC), and take every necessary step to harmonize its provision into our domestic laws.

The commission wishes to commend the government for ratifying, the AU Convention on Preventing and Combating Corruption and other related offences, as well as the Freedom of Information Bill, into law. It, however, reiterates its call on the government, as a matter of urgency, to ratify the following and harmonize the provisions of these instruments with domestic laws:

- The Second Optional Protocol to the International Covenant on Civil and Political Rights aimed at the abolition of the death penalty (DP);
- The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;
- Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women.

The commission also urges Parliament to pass the following bills into law at the domestic level:

- The Domestic Violence Bill
- The Freedom of Information Bill

Signed: 10th December, 2006

Anna Bossman
Ag. Commissioner



Part 4

Summary of Selected Cases

Land Work Cases

Report of Investigations in respect of the President of the republic of Ghana pursuant to Article 218 and Chapter 24 of the 1992 Constitution of the Republic of Ghana

1. Introduction

This report is submitted by the Commission on Human Rights and Administrative Justice (CHRAJ). It relates to preliminary investigations into media allegations of corruption and conflict of interest against the President of the Republic, His Excellency John Agyekum Kufuor. The objective of the preliminary investigations was to establish whether or not a full-scale enquiry into the allegations was warranted.

2. Background

In its issue of Monday 14th - Wednesday 16th March, 2005, the *National Democrat*, a national newspaper, reported that the President had acquired a building located near his private residence in an area known as West Airport at the cost of \$3,000,000.00 (Three million dollars), which building was being constructed as a hotel (the hotel).

The newspaper alleged that the President, having acquired the hotel, had registered it in the name of his son, Mr. John Addo Kufuor (also known as Chief Kufuor).

The *National Democrat*, further stated that "...corruption has engulfed Kufuor's NPP government, with the President himself knee-deep into it. It explains why the President has not had the moral courage to fight corruption in his government".

The paper further alleged that one Miss Gizelle Yazji, an expatriate, assisted the President in acquiring the hotel.

Another national newspaper, the *Ghana Palaver*, in its issue of Tuesday, May 17th - 19th 2005, reported that the President's son had reacted to the allegations made against his father by the *National Democrat* in a press release, which was posted on the Internet.

According to the *Ghana Palaver*, Chief Kufuor stated that he was a shareholder in the hotel, which was being financed by a consortium of banks. He further stated that he was a qualified accountant and associate director in the Corporate Finance and Recovery Section of the firm PriceWaterhouseCoopers and thus it was quite within his area of competence to put up a consortium together to raise funds for viable projects.

Chief Kufuor was also alleged to have stated that he asked Prudential Bank to act as lead bank in raising finance for the hotel and that the hotel had been mortgaged to a number of banks.

The said paper further alleged that Chief Kufuor had stated that prior to his involvement in the acquisition of the hotel, the previous owner, one Anthony Saoud, had offered the property for sale to a number of Ghanaian investors without success and further denied that there had been any arm-twisting to force Mr. Saoud to sell the hotel as had been alleged in the media.

Two FM radio stations, *Radio Gold* and *Joy 99.7 FM*, granted phone interviews to one Gizelle Yazji who claimed to have personal knowledge of the transaction due to her close relationship with the President. In the separate radio programmes, Miss Yazji alleged that she had, indeed, assisted in negotiations for the purchase of the hotel on behalf of the President. She alleged that she had had discussions with the President and had given him advice in that matter, including asking him how he would fund such a project. Miss Yazji claimed that the President discussed the purchase of the hotel with her on September 9, 2001.

She further claimed that she was personally responsible for negotiating the purchase of the hotel on behalf of the President. She said she secured a price deal of \$3 million for the hotel after several meetings, at which Chief Kufuor and Mr. Saoud, the owner of the hotel, attended.

Miss Yazji further alleged that she used various tactics to persuade Mr. Saoud to agree to sell the hotel, including using her knowledge that he lacked proper documentation on the hotel, to intimidate or coerce him into selling.

She insisted that the President's son fronted for him and that she had tape recordings of all negotiations for the purchase of the hotel, which she would make available to prove her claims.

One Mr. Charles Sam, described as a media consultant and purporting to be a spokesperson for Chief Kufuor, denied the allegations in a press release circulated to the media and posted on ghanaweb.com. According to Charles Sam, Chief Kufuor bought the hotel upon suggestions from his father, the President. Charles Sam also stated that the President's security had determined that the hotel's proximity to the President's private residence posed a security threat to the President and his household and recommended that the President either sells his private residence or buys the hotel. Charles Sam went on to state that based upon the recommendation of the President's security, the President suggested to his son to buy the hotel.

On Tuesday, May 25, the *Daily Graphic* reported that the Presidency had denied the allegations that the President had acquired the hotel.



A statement signed by Mr. Kwadwo Mpiani, Chief of Staff and Minister for Presidential Affairs and carried in the paper read as follows:

"The Office of the President has been following various stories in the media about the ownership of a Hotel building close to the residence of H.E President J.A Kufuor.

The eldest son of the President, Mr. John Addo Kufuor, also known as Chief Kufuor, has indicated that he has an interest in the said property.

In the meantime, the thrust of the intense media debate which has been raging for some time now alleges that His Excellency the President is the real owner of the said property and not his son. His Excellency denies this categorically and says there is no basis for this unfounded allegation

The President wishes to state that he has never sought to purchase the Hotel under any guise, and has, therefore, not requested any individual or group to negotiate for the purchase of the said Hotel on his behalf".

The Minister for Information, Mr. Dan Botwe, also refuted the allegation that the President used his son to front for him. He stated on *Radio Gold* (Monday, May 31, 2005):

"How can anybody think that it is the President who owns a Hotel, and just because he wants somebody to front for him, and because he doesn't want people to know that, he has used his son's name? Give him some credit. How can anybody think like that? It will not be possible.

Even children display some intelligence. How on earth can you expect that President Kufuor buys a hotel, he wants to hide it so that nobody would know that he has bought it, the best way to hide it is to use his son John Kufuor's name on it. I mean, it is not possible, it doesn't make sense. Not only that, he hasn't done it..."

Other government officials, including the President's Press Secretary, Mr. Kwabena Agyapong, denied the allegations on behalf of the President.

Mr. Saoud, the former owner of the hotel, together with his son-in-law, Honourable David Henric Yeboah, Member of Parliament for Afigya-Sekyer East, held a press conference, during which Mr. Saoud denied that he was coerced into selling the hotel.

The reports published by the media and the various reactions from government and Members of Parliament became a subject of extensive media debate and speculation for several weeks. In the intense debate and the public interest that ensued as a result of these allegations, the commission announced that it had commenced preliminary investigations into the matter. The Minority in Parliament also called for a probe by a



Parliamentary Committee, stating that in its view the commission was not independent nor well constituted to conduct such an investigation.

For his part, the First Deputy Speaker of Parliament, Hon. Freddy Blay, stated on *Joy 99.7 FM* that an investigation by this commission would be a complete waste of time and resources. He queried, "Are they going to investigate the perceptions, allegations and rumours? Is that what CHRAJ was tasked to do? To me, if that is the case, I think it's a merry-go-round and it is a waste of everybody's time".

3. The Allegations

Following from the allegations of corruption and conflict of interest made against the President concerning the acquisition of the hotel, the following issues were set out to be investigated by the commission:

- i. Whether the President, Mr. J.A. Kufuor, acquired the hotel being constructed on plots numbered 237 and 238 situated close to his private residence at the Airport West Residential Area in Accra from one Mr. Anthony Saoud, a Ghanaian businessman, at a cost of \$3 million and registered the said hotel in the name of his son, Mr. John Addo Kufuor (also known as Chief Kufuor).
- ii. Following from (i) above, whether Chief Kufuor served as a front for the President.
- iii. Whether the President used national security considerations/agents and arm-twisting tactics to coerce Mr. Saoud to sell the hotel to him.
- iv. Whether Miss Gizelle Yazji negotiated on behalf of the President and assisted him to acquire the hotel.
- v. Whether the President has abused his office or is guilty of improper conduct or improper influence.
- vi. Whether there is any evidence of corruption against the President with regard to the acquisition of the hotel.
- vii. Whether the President breached any constitutional provisions relating to conflict of interest, in particular, Chapter 24.



4. The powers and functions of the Commission in relation to the allegations

4.1 The 1992 Constitution of Ghana ⁴

The commission is established pursuant to Chapter 18 of the 1992 Constitution to investigate complaints of violations of fundamental human rights and freedoms, administrative injustice, abuse of power, all instances of alleged or suspected corruption and misappropriation of money by public officials. On conclusion of an investigation, the commission may take appropriate steps, including reports to the Attorney-General and the Auditor-General, resulting from such investigations ⁵.

Where the subject matter of an investigation concerns corruption or abuse of power, the relevant provisions of Article 218, namely, sections (a) and (e) thereunder, make it clear that the commission's investigative reach extends to all "public officers" (or "officials") without exception. The term "public office" is defined in Article 295(1) to include "an office the emoluments attached to which are paid directly from the Consolidated Fund or directly out of the moneys provided by Parliament".

In Article 71(2), the President is specifically named among those offices or persons whose "salaries and allowances" are "charged on the Consolidated Fund", thus making him a holder of a "public office" within the meaning of Article 295(1).

The commission is also mandated to investigate allegations that a public officer has contravened or has not complied with the code of conduct for public officials prescribed under Chapter 24 of the 1992 Constitution. This chapter contains provisions on conflict of interest of public officials. Furthermore, ⁶ Article 286(5) (a) expressly names the President among the public officers to which this article applies.

Not only may the commission lawfully investigate allegations of corruption and conflict of interest against a President; it also has power to require the President to submit to the processes before the commission. Clear authority for this proposition is provided by Article 219, pursuant to which the commission is empowered to compel by subpoena the attendance of "any person" before the commission⁸; to question "any person" in connection with a subject matter that is under investigation by the commission and to require "any person" to disclose truthfully any information within his knowledge relevant to an investigation by the commission⁹.

The commission, however, "...shall not investigate:

- i. a matter pending before a court or judicial tribunal; or*

⁴ See Chapters 18 and 24,

⁵ Article 218(a) - (f),

⁶ Article 284 - 288,

⁷ Article 219,

⁸ Article 219, subsection 1(c),

⁹ Article 219, subsection 1(d),

⁸ Article 225



- ii. a matter involving the relations or dealings between the government and any other government or an international organization; or
- iii. *a matter relating to the exercise of the [President's] prerogative of mercy."*

The commission consists of a commissioner and two deputy commissioners. It is independent, subject only to the Constitution and the law¹⁰ and must be impartial and exercise its powers and perform its functions without fear, favour or prejudice.

The absence of a member of the commission does not disable it from carrying out its functions. Indeed, this has been settled by the Supreme Court in the case of *APPIAH AMPOFO V. THE CHRAJ (unreported) Ref. No. J6/3/2004, dated 20th July 2005*.

In that case, the Supreme Court held that "... the commission should be viewed as a particular kind of corporate entity comprising the commissioner and two deputy commissioners and the staff employed by them to assist them in carrying out the functions of the commission. Accordingly, references to the commission should be interpreted as references to this corporate entity, which may act through the commissioner, the deputy commissioners or any duly authorized employee of the commission...".

4.2 The Commission on Human Rights and Administrative Justice Act 1993 (Act 456)

Section 7 of Act 456 restates the functions and powers of the commission as provided under Article 218 of the Constitution. Under Act 456, the commission has power to investigate all instances of alleged or suspected corruption of public officials. The commission can, on its own initiative investigate allegations of corruption or suspected corruption that has come to its notice through various sources, including the media.

4.3 The Commission on Human Rights and Administrative Justice Complaints Procedure Regulations 1994) Constitutional Instrument No. 7

The procedure to be followed in conducting an investigation into a complaint is regulated by Constitutional Instrument No. 7 taking into consideration the circumstances of each case. In the instant case, there was no complainant before the commission. The commission, therefore, invoked its inherent investigative powers to conduct the investigations under Article 218(e) of the Constitution and Section 7(1) (e) and (f) of Act 456.

From both the provisions of the Constitution and Act 456 which established, empowered and regulated the functions of the commission, it does have the mandate to investigate the allegations of corruption and conflict of interest made against the President.



5. The Investigation

The preliminary investigations comprised:

i. Consideration and evaluation of the media reports

ii. Evaluation of information submitted by:

- a. Mr. John Addo Kufuor, the President's son, also known as "Chief Kufuor"
- b. Mr. Anthony Saoud, former owner of the hotel;
- c. Hon. Henric Yeboah, MP and son-in-law of Mr. Saoud;
- d. Mr. Sekyere-Abankwa, MD, Prudential Bank Ltd;
- e. Mr. Gyimah, Managing Director, National Investment Bank;
- f. Mr. J. S. Addo, Chairman of the Board of Directors of Prudential Bank and the ECOWAS Regional Investment Bank (ERIB);
- g. Radio Gold;
- h. Joy FM;
- i. Friends of the Truth;
- j. Other Sources.

iii. Correspondence with the following:

- a. Mr. Osafo-Mafo, Minister for Education, Youth and Sports;
- b. Bank of Ghana (BOG);
- c. Ministry of Finance and Economic Planning;
- d. Internal Revenue Service (IRS).

iv. Interpretation and application of legislation regulating the powers and functions of the commission.

v. Provisions of the 1992 Constitution, in particular, chapters 18 and 24.

vi. Provisions of the Companies Code 1963(Act 179).

vii. Provisions of the Banking Act 2004 (Act 673).



6. Observations and Findings

The following observations and findings have been made from the investigation;

1. The property popularly known as "Hotel Kufuor" (the hotel) , the subject matter of the controversy, is situated on plot Nos. 237 and 238 next to the President's private residence at the Airport West Residential Area. The former owner of the hotel is Mr. Anthony Saoud.
2. The hotel was sold by Mr. Saoud for a total sum of US\$3,500,000: Plot No. 237 with buildings thereon-US\$3,000,000, and Plot No. 238 at US\$500,000.
3. Mr. John Addo Kufuor (Chief Kufuor) established a company which was used as a vehicle for the purchase of the hotel.
4. The company, Airport West Hospitality Company Limited (AWHCL), was issued a Certificate of Incorporation numbered CA-3234 on 23rd September, 2002 and a Certificate to Commence Business No. CA-3224 dated 2nd October, 2002 was issued to the company.
- 4 Chief Kufuor was the sole shareholder of AWHCL. He is also the sole signatory to the AWHCL's accounts.
- 5 The directors of AWHCL were Chief Kufuor and his sister Nana Ama Kufuor.
- 6 Chief Kufuor applied to Prudential Bank Ltd (PBL) for assistance in mobilizing a sum of between US\$5,600,000.00 and \$6 million to acquire and complete the construction of the hotel and to operate it.
- 7 PBL accepted the invitation and then invited the National Investment Bank (NIB), Home Finance Company Limited (HFC) Bank, First Atlantic Merchant Bank and the ECOWAS Regional Investment Bank (ERIB) to participate in financing the acquisition and completion of the hotel.
- 8 Home Finance Company (HFC) Bank Ltd and First Merchant Bank declined the invitation to contribute to financing the hotel.
- 9 PBL, [a private bank, whose major shareholders included National Trust Holding Company- 40%; J. S. Addo Consultants- 33 %; SSNIT -10% and E. N. Omaboe -10%,] granted a term loan of US\$1,000,000.00 and equity subscription of US\$100,000 in favour of Airport West Hospitality Company Limited (AWHCL).
- 10 Other shareholders of PBL were Kwasi Atuah- 7%; S. Sekyere Abankwa- 5% and J. S. Addo- 5%



- 11 The National Investment Bank (NIB) agreed to finance the hotel with an amount of \$2,500,000, which includes equity subscription of \$200,000.
- 12 At the time of investigations, the NIB had not paid its \$200,000 yet. The amount of shares was not also known, as a shareholders' agreement was said to be under preparation.
- 13 Mr. Ben Ansah and BENDOZ (Ben Ansah's company), described as a promoter, paid into AWHCL account at PBL an amount of \$996,500 as of 27/02/04.
- 14 With the assistance from the NIB and PBL, Mr. Saoud was paid \$3,500,000 for the Hotel in two instalments- first-US\$2,000,000 on 27th February, 2004 and the second- US\$1,500,000 on 30th August, 2004.
- 15 PBL made all the payments and the NIB later refunded US\$ 2,000,000 to PBL.
- 16 AWHCL took possession of the hotel, plus some items and materials which had been imported for the hotel. The hotel is mortgaged to both NIB and PBL.
- 17 Further support came from the ECOWAS Regional Investment Bank (ERIB), which was created after the transformation of the ECOWAS Fund for Cooperation, Compensation and Development into a holding company called the ECOWAS Bank for Investment and Development (EBID). It has two subsidiaries, the ECOWAS Regional Development Fund (ERDF), which is charged with financing of development projects in the public sector and poverty alleviation, and the ECOWAS Regional Investment Bank (ERIB).
- 18 ERIB is an international financial institution which focuses on the financing, promotion and development of private sector projects and commercial infrastructure within the community, with regional integration as a focal point.
- 19 On 17th August, 2005, the board of directors of ERIB approved an amount of UA 670,000, an equivalent of US\$1,000,000, in favour of AWHCL. The loan facility is to be secured as follows:
 - i. The execution of a "first-class mortgage pari pasu with co-financiers over the hotel building;
 - ii. The directors of the company shall jointly and severally guarantee the repayment of the facility with interest thereon;
 - iii. Guarantee from a guarantee fund or a first-class bank;
 - iv. The hotel building shall be insured against fire with ERIB's interest endorsed".
- 21 Ms. Gizelle Yazji served as an advisor to the Ministry of Finance and Economic Planning (MOFEP), with the permission of the President, from 17th January, 2003 to 4th February, 2003.



22. Ms. Yazji visited the President's private residence at the time the hotel was being offered for sale and met Chief Kufuor, during which they talked about the hotel.
23. Ms Yazji took part in the negotiations for the purchase of the hotel, at least on two occasions, namely, at Mr. Saoud's house and at the La Palm Royal Beach Hotel. On both occasions, Chief Kufuor was present.
24. Though Ms. Yazji took part in the negotiations for the purchase of the hotel at least on two occasions, the three critical people who dealt with Ms. Yazji, that is, Chief Kufuor, Hon Yeboah and Anthony Saoud, could not agree on her role or whom she represented.
25. According to Chief Kufuor, when he met Ms. Yazji the first time, "We were already talking to Mr. Saoud and it was on and off. We would talk and nothing was happening. I was talking to individuals, sourcing for funds. Funds were not coming. So she came in and said she could raise the money. I said, okay, if you can raise the money, why not". "...I took it and assumed that if she could provide the money, I would get some interest in the venture so I went along with her on that basis. It simply didn't work and that was it". Earlier, at the first meeting with Chief Kufuor at the commission, he said, Ms. Yazji was negotiating for herself. Hon. Yeboah stated that he assumed that Ms. Yazji was negotiating for Chief Kufuor. Mr. Saoud said Ms. Yazji was negotiating for the Spanish government.
26. Although Chief Kufuor, Hon Yeboah and Anthony Saoud, the three persons who dealt with Ms. Yazji, gave conflicting statements of her role in the purchase of the hotel, none of them said she negotiated for the purchase of the hotel on behalf of the President.
27. Ms. Yazji has not provided any evidence to the commission linking the President to the hotel to substantiate her claims that she negotiated for the hotel on behalf of the President.
28. Ms. Yazji has been unable or is reluctant to provide any evidence linking the President to the acquisition of the hotel, despite various invitations to her to do so.
29. At its press conference on July 22, 2005, the commission invited any one with information pertinent to its investigations to come forward to assist the investigations.
30. No person or persons came forward and/or provided evidence linking the President with the hotel or to show that the President used his office to raise the loan for the purchase of the hotel.
31. On 16th August, 2005, a group called Friends of the Truth, represented by Alhaji Bature, was granted audience at the commission to inform it that Ms. Yatzi wished to appear before it and personally submit to the commission relevant documentation and recorded tapes to substantiate her claim.



32. The commission accordingly made arrangements, including security, to meet with her on Friday, August 19, 2005. However Ms. Yazji failed to show up on the fixed date.
33. The hotel, which is to operate under the name "Golden Tree Hotel", was in the name of AWHCL, whose sole shareholder was Mr. John Addo Kufuor.
34. The funds for the purchase of the hotel were provided by banks.

7. Conclusion

At this time, the evidence available to the commission does not support the allegations of corruption and conflict of interest against the President. Specifically, there is no evidence before the commission to substantiate the allegations that:

- i. The President, Mr. J.A. Kufuor, acquired the hotel and registered it in the name of his son, Mr. John Addo Kufuor (also known as Chief Kufuor);
- ii. Chief Kufuor served as a front for the President;
- iii. The President used national security considerations/agents and arm-twisting tactics to coerce Mr. Saoud to sell the hotel to him;
- iv. Ms Yazji negotiated on behalf of the President and assisted him to acquire the hotel;
- v. The President abused his office or is guilty of improper conduct or improper influence;
- vi. The President was involved in corruption in relation to the acquisition of the hotel
- vii. The President is in breach of any constitutional provisions relating to conflict of interest.

The commission, therefore, concludes that further investigation into these allegations is not warranted.

Dated at the Commission on Human Rights and Administrative Justice (CHRAJ), Accra, the 20th Day of April 2006.



Ms. Anna Bossman
(Ag. Commissioner)



Other Selected Cases

GHANA PUBLISHING CORPORATION REDUNDANT STAFF vs. GHANA PUBLISHING CORPORATION

Redundant staff of Ghana Publishing Corporation (the complainants) originally sought the assistance of the commission regarding payment of terminal benefits and other entitlements, including funeral grants.

The complainants alleged that as a result of a redundancy exercise carried out by the Ghana Publishing Corporation (the respondent), there was a shortfall in the payment of their terminal benefits arising from calculations based on the complainants' basic salary instead of their consolidated salaries. The complainants contended that this violated government directives, as well as Section 50 of the 1993 Collective Bargaining Agreement (CBA).

Furthermore, the complainants alleged that the respondent failed to give them adequate notice of the redundancy exercise or make payment in lieu of notice.

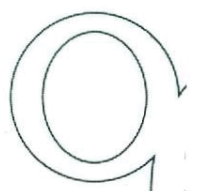
The commission sought to determine:

- whether the respondent did abide by the negotiated terms of the CBA;
- whether the complainants were entitled to 3 months salary in lieu of notice;
- whether the complainants were entitled to increment before the calculation of the severance award.

The commission found that the respondent abided by the negotiated terms by virtue of Section 35 of the Labour Decree, 1996, (NLCD 157). Also, the commission found that the complainants were not entitled to salary in lieu of notice, since their employment was not terminated but they were rather declared redundant for which the Complainants negotiated terms of payment of severance awards with the respondent, including payment of funeral grants.

Dissatisfied with the above findings and the decision thereon, the complainants lodged a complaint with the commission for a review of its decision on the grounds that workers of the respondent's Tema Press who had suffered a similar fate had been paid their salary in lieu of notice. In addition, the complainants contended that they negotiated for the payment of salary in lieu of notice, as well as payment of funeral grants.

Consequently, after reviewing its decision, the commission found that the grounds cited by the complainants were to be upheld. Thus, the commission recommended that:



- the severance payments to the complainants be calculated based on their consolidated salary at the time of the redundancy;
- the complainants be paid salaries in lieu of notice;
- the complainants were entitled to funeral grants and that they be paid by the respondent accordingly.

DAVID BACHIEREH vs. BANK OF GHANA

The complainant alleged that in the course of his duties as Issuing manager at the Bank of Ghana (the respondent), he and his assistant detected a shortage of ₵100,000,000 from the cage where SSB deposits were kept. The Complainant stated that he immediately reported the shortage to his regional manager, who then asked them to cross-check by taking physical count and also check with the other banks that withdrew money that day to be sure that they had not over issued.

The complainant alleged further that investigations later revealed that the money had been stolen by two messengers of the bank after normal working hours when security personnel were deployed to secure the premises. An amount of ₵67,070,000.00 was recovered from one of the security personnel who pleaded guilty and was convicted. However, the other managed to escape.

Subsequently, a disciplinary committee was later constituted from the Head Office of the Bank of Ghana in Accra and based on the committee's recommendations the complainant's appointment was terminated.

The main issue that the commission had to resolve was whether the complainant had been negligent, thereby creating an enabling atmosphere for the theft to occur.

The commission's investigations revealed that:

- once the keys to the vault and the safe were given to an officer, it was the officer's discretion as to how the keys should be secured;
- the complainant had kept the key in his drawer under lock, which drawer had been broken into after normal working hours when security personnel were deployed to guard the premises;
- the combination locks to the strong room where the money was kept and which could have prevented theft of the keys had not been functioning for well over four years and that the respondent knew about it;
- even though the complainant had been interviewed by the bank's investigation team, he was not privy to the report of the findings of the committee whose report formed the basis of his dismissal;
- the complainant was not negligent and, therefore, could not be held responsible for the theft of the money.



As a result, the commission reached the conclusion that the complainant's dismissal was unfair and unjustified and, therefore, recommended that he should be reinstated.

WILSON CHARLES HLORKU vs. GHANA EDUCATION SERVICE (GES)

Wilson Hlorku (the complainant), until the termination of his appointment, was a Senior Accountant with the Ghana Education Service (the respondent). The complainant alleged that while he was an Assistant Accountant at the Winneba District Office, certain adverse findings were made against the staff of the accounts office in 1987, resulting in the dismissal of the entire staff, including the complainant.

The complainant, who was dissatisfied with his dismissal, lodged a complaint with the commission. The commission gave a decision in 1997 which exonerated the Complainant and recommended that he should be reinstated without loss of salary or other entitlements.

The respondent complied with the commission's decision and duly reinstated the complainant. The complainant thus resumed duty until 2004 when the respondent, once again, dismissed him.

The respondent relied on the Supreme Court case of Ghana Commercial Bank Limited vs. CHRAJ, which was delivered in January 2003, six years after the complainant had been reinstated. In effect, the respondent, relying on the Supreme Court ruling, sought to review the commission's decision given in 1997 by dismissing the complainant.

The commission requested comments from counsel for the complainant and the Attorney General, who represented the respondent. Both counsel agreed that the respondent's action was not only unfair but also illegal.

The commission, therefore, recommended that the complainant should once again be reinstated without any loss of salary or other entitlements due him.

VICTORIA AGYEKWANA & 8 OTHERS vs. SG SSB

Victoria Agyekwana and eight others (the Complainants) were former employees of then SSB (the Respondent) who were seconded to the Consumer Credit Limited (CCL), a subsidiary of SSB.

The complainants alleged that their secondment was for a period of three years, after which they would have an option to return to the Respondent institution or stay permanently with CCL. After the three years, 38 workers opted to go back to the respondent, 16 opted to stay with CCL, while four were undecided.



However, instead of absorbing the 38 back into the respondent institution, the complainants were rather transferred back to CCL under conditions specified by the respondent.

According to the complainants, after they had been served with letters that specified their employment conditions with CCL, they realized that there were differences between their conditions of service and those of their counterparts at the respondent institution. The complainants recalled that they made several efforts to resolve the issue with the respondent but they were denied a hearing, with the excuse that they were no longer employees of the respondent. In the meantime, the respondent contended that its shareholding structure had changed, with the Social Security and National Insurance Trust (SSNIT) being the majority shareholder of CCL. The respondent, thereby, classified the complainants as having been permanently transferred to CCL.

In view of this development, the complainants requested for payment of their severance awards for the period of their employment with the respondent, but the respondent refused.

The main issue that the commission had to resolve was whether the Complainants were entitled to severance pay.

After its investigations, the commission came to the conclusion that the complainants were entitled to severance pay and recommended payment by the respondent, accordingly.

The commission's recommendation was based on Section 34 of the National Liberation Council Decree (NLCD) 157 as amended by NLCD 342 which provides as follows:

"34(l) Where an organization is closed down or where an organization undergoes an arrangement or amalgamation and the arrangement or amalgamation causes a severance of the legal relationship of employee and employer between any person and the organization as it existed immediately before the close down arrangement or amalgamation then if as a result of and in addition to such severance that person becomes unemployed or suffers any diminution in his terms and conditions of employment, he shall be entitled to be paid by the organization in whose employment he was immediately prior to the close down, arrangement or amalgamation, compensation in the Decree referred to as severance pay."



Part 5

Legislative Framework

1.1.1. Constitution: Chapter Eighteen

Commission on Human Rights and Administrative Justice

216. There shall be established by Act of Parliament within six months after Parliament first meets after the coming into force of this Constitution, a Commission on Human Rights and Administrative Justice which shall consist of -
- (a) a Commissioner for Human Rights and Administrative Justice; and
 - (b) two Deputy Commissioners for Human Rights and Administrative Justice
217. The President shall appoint the members of the Commission under article 70 of this Constitution.
218. The functions of the commission shall be defined and prescribed by Act of Parliament and shall include the duty.
- (a) to investigate complaints of violations of fundamental rights and freedoms, injustice, corruption, abuse of power and unfair treatment of any person by a public officer in the exercise of his official duties;
 - (b) to investigate complaints concerning the functioning of the Public Services Commission, the administrative organs of the State, the Armed Forces, the Police Service and the Prisons Service in so far as complaints relate to the failure to achieve a balanced structuring of those services or equal access by all to the recruitment of those services or fair administration in relation to those service;
 - (c) to investigate complaints concerning practices and actions by persons, private enterprises and other institutions where those complaints allege violations of fundamental rights and freedoms under this Constitution.
 - (d) to take appropriate action to call for the remedying, correction and reversal of instances specified in paragraphs (a), (b) and (c) of this clause through such means as are fair, proper and effective, including -
 - (i) negotiation and compromise between the parties concerned;
 - (ii) causing the complaint and its finding on it to be reported to the superior of an offending person;
 - (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.



Constitution: 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 other wise requires, "public officer" means a person who holds a public office.



The Commission on Human Rights and Administrative Justice Act, 1993 (Act 456)

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

DATE OF ASSENT: 6th July 1993

BE IT ENACTED by Parliament as follows-

PART I - ESTABLISHMENT OF COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE

1. There is established by this Act a body to be known as the Commission on Human Rights and Administrative Justice in this Act referred to as "the Commission"
2. (1) The Commission shall consist of -
 - (a) a Commissioner for Human Rights and Administrative Justice in this Act referred to as "the Commissioner"; and
 - (b) two Deputy Commissioners for Human Rights and Administrative Justice, in this Act referred to as "the Deputy Commissioners".

The President shall, acting in consultation with the Council of State appoint the Commissioner and the Deputy Commissioners.

3. (1) A person shall not be qualified for appointment as Commissioner or a Deputy Commissioner for Human Rights and Administrative Justice, unless he is -
 - in the case of the Commissioner, qualified for appointment as a Justice of the Court of Appeal; and in the case of a Deputy Commissioner, qualified for appointment as a Justice of the High Court.
- (2) The Commissioner and Deputy Commissioners shall not while holding office as Commissioners hold any other public office.
4. (1) The Commissioner and Deputy Commissioners shall enjoy the terms and conditions of service of a Justice of the Court of Appeal and High Court respectively.



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

PART II - FUNCTIONS OF THE COMMISSION

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



- (iii) bringing proceedings in a competent court for a remedy to secure the termination of the offending action or conduct, or the abandonment or alteration of the offending procedures; and
 - (iv) bringing proceedings to restrain the enforcement of such legislation or regulation by challenging its validity if the offending action or conduct is sought to be justified by subordinate legislation or regulation which is unreasonable or otherwise ultra vires;
 - (e) to investigate allegations that a public officer has contravened or has not complied with a provision of Chapter Twenty-four (Code of Conduct for Public Officers) of the Constitution;
 - (f) to investigate all instances of alleged or suspected corruption and the misappropriation of public monies by officials and to take appropriate steps, including reports to the Attorney-General and the Auditor-General, resulting from such investigation;
 - (g) to educate the public as to human rights and freedoms by such means as the Commissioner may decide, including publications, lectures and symposia; and
 - (h) to report annually to Parliament on the performance of its functions.
- (2) All costs and expenses related to investigations conducted by the Commission into a complaint shall be borne by the Commission.
8. (1) The Commission shall for the purposes of performing its functions under this Act, have power -
- (a) to issue subpoenas requiring the attendance of any person before the Commission and the production of any document or record relevant to any investigation by the Commission;
 - (b) to cause any person contemptuous of any such subpoena to be prosecuted before a competent court;
 - (c) to question any person in respect of any subject matter under investigation before the Commission;
 - (d) to require any person to disclose truthfully and frankly any information within his knowledge relevant to any investigation by the Commissioner.
- (2) The Commissioner shall not investigate -
- (a) a matter which is pending before a court or judicial tribunal; or
 - (b) a matter involving the relations or dealings between the Government and any other Government or an international organisation; or
 - (c) a matter relating to the exercise of the prerogative of mercy.
9. For the purposes of performing his functions under the Constitution, this Act and any other law, the Commissioner may bring an action before any court in Ghana and may seek any remedy which may be available from that court.
10. (1) There shall be established in each Region and District of Ghana Regional and District branches respectively of the Commission.



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

PART III - PROVISIONS RELATING TO COMPLAINTS AND INVESTIGATIONS

12. (1) A complaint to the Commission shall be made in writing or orally to the national offices of the Commission or to a representative of the Commission in the Regional or District branch.
- (2) Where a complaint is made in writing it shall be signed by the complainant or his agent.
 - (3) Where a complaint is made orally, the person to whom the complaint is made shall reduce the complaint into writing and shall append his signature and the signature or thumbprint of the complainant.
 - (4) Notwithstanding any law to the contrary, where a letter written by -
 - (a) a person in custody; or
 - (b) a patient in a hospital;
 is addressed to the Commission, it shall be immediately forwarded unopened and unaltered to the Commission by the person for the time being in charge of the place or institution where the writer of the letter is detained or of which he is a patient.
 - (5) A complaint under this Act may be made by any individual or a body of persons whether corporate or unincorporated.
 - (6) Where a person by whom a complaint might have been made under this Act has died or is for any sufficient reason unable to act for himself, the complaint may be made by his personal representative or by a member of his family or other individual suitable to represent him.
13. (1) Where in the course of the investigation of any complaint it appears to the Commission -
- (a) that under the law or existing administrative practice there is adequate remedy for the complaint, whether or not the complainant has availed himself of it; or
 - (b) that having regard to all the circumstances of the case, any further investigation is unnecessary, it may refuse to investigate the matter further.



- (2) The Commission may refuse to investigate or cease to investigate any complaint -
 - (a) if the complaint relates to a decision, recommendation, act or omission of which the complainant has had knowledge for more than twelve months before the complaint is received by the Commission; or
 - (b) if the Commission considers that -
 - (i) the subject matter of the complaint is trivial;
 - (ii) the complaint is frivolous or vexatious or is not made in good faith; or
 - (iii) the complainant does not have sufficient personal interest in the subject matter of the complaint.
 - (3) Notwithstanding subsection (2) of this section, if within six months after the Commission's refusal or ceasing to investigate any complaint under this section, fresh evidence in favour of the complainant becomes available, the Commissioner shall, at the request of the complainant, re-open the case.
 - (4) Where the Commission decides not to investigate or to cease to investigate a complaint, it shall within 30 days of the decision inform the complainant of its decision and the reasons for so refusing.
- 14 (1) Where the Commission decides to conduct an investigation under this Act, it shall give the authority or person concerned and to any other person who is alleged in the complaint to have taken or authorised the act or omission complained of, an opportunity to comment on any allegations contained in the complaint and the representative of the authority or person concerned shall submit his comments within such time as the Commission may specify.
- (2) The public may be excluded from investigations conducted by the Commission.
 - (3) Without prejudice to the generality of the provisions of this section, the Commission may obtain information from such persons and in such manner, and make such inquiries, as it considers necessary.
 - (4) The Commission may pay to a person by whom a complaint is made and to any other person who attends and furnishes information for the purposes of an investigation under this Act -
 - (a) sums in respect of expenses properly incurred by them; and
 - (b) allowances by way of compensation for the loss of their time,
- in accordance with such scales and subject to such conditions as may be determined by the Commission having regard to the rates for the time being applicable to the courts.
15. (1) Subject to this section the Commission may require any person who, in its opinion, is able to give any information relating to a matter being investigated by the Commission -



- (a) to furnish the information to it;
 - (b) to produce any document, paper or thing that in its opinion relates to the matter being investigated and which may be in the possession or control of that person.
- (2) The Commission may summon before it and examine on oath or affirmation -
- (a) a person required to give information or produce anything under subsection (1) of this section;
 - (b) a complainant;
 - (c) any other person who the Commission considers will be able to give information required under subsection (1) of this Section.
- (3) Subject to subsection (4) of this section, a person who is bound by law to maintain secrecy in relation to, or not to disclose, any matter may not -
- (a) supply information to or answer a question put by the Commission in relation to that matter; or
 - (b) produce to the Commission a document, paper or thing relating to it, if compliance with that requirement would be in breach of the obligation of secrecy or non-disclosure.
- (4) A person to whom subsection (3) of this section applies may be required by the Commission to supply information or answer a question or produce a document, paper or thing that relates to a matter under investigation; and subject to section 16 of this Act, it shall be the duty of that person to comply with the requirement.
- (5) A witness before the Commission shall be entitled to the same privileges to which he would have been entitled if he were a witness before the High Court.
- (6) No person shall be liable to prosecution for an offence under any enactment by reason of his compliance with a requirement of the Commission under this section.
16. Article 135 of the Constitution, which relates to production of official documents in court, shall apply to proceedings before the Commission as it applies to proceedings before a court.
17. (1) The Commissioner or a Deputy Commissioner and every person holding an office or appointment under the Commission shall maintain secrecy in respect of all matters that come to their knowledge in the exercise of their functions.
- (2) Every person holding office or appointment under the Commission who is likely to have access to confidential information of the Commission shall before proceeding to carry out his functions under this Act, take and subscribe to the Oath of Secrecy set out in the Second Schedule to the Constitution.

