

2012 annual report



COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE (CHRAJ)



CHRAJ

THE COMMISSION ON HUMAN RIGHTS
& ADMINISTRATIVE JUSTICE

GHANA

NINETEENTH
ANNUAL REPORT
2012



The Speaker of Parliament
Parliament House
Accra

Madam Speaker,

In accordance with the provisions of Article 218 (g) of the 1992 Constitution, and Section 7 (1) (h) of the Commission on Human Rights and Administrative Justice Act, 1993 (Act 456), I am pleased to present the Eighteenth Annual Report of the Commission for the period January 1 to December 31, 2012.

Yours sincerely,

Richard A. Quayson
Deputy Commissioner

Commission Members



Laretta Vivian Lamprey
Commissioner



Richard Ackom Quayson
Deputy Commissioner



Joseph Whittal
Deputy Commissioner

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LIST OF ACRONYMS

ADR	Alternative Dispute Resolution
AFC	Associated For Change
A-G	Attorney-General's Office
AU	African Union
CHRAJ	Commission on Human Rights and Administrative Justice
CSOs	Civil Society Organizations
CODEO	Coalition of Domestic Election Observers
DANIDA	Danish Development Agency
ECOWAS	Economic Community of West African States
EOCO	Economic and Organized Crime Office
EC	Electoral Commission
ECG	Electricity Company of Ghana
EPA	Environmental Protection Agency
FoPA	Forum for Public Accountability
GAC	Ghana AIDS Commission
GACC	Ghana Anti-Corruption Coalition
GEPC	Ghana Export Promotion Council
GII	Ghana Integrity Initiative
GIMPA	Ghana Institute of Management and Public Administration
GNAT	Ghana National Association of Teachers
GNA	Ghana News Agency
GPS	Ghana Police Service
HIV	Human Immunodeficiency Virus
IAACA	International Association of Anti-Corruption Authorities
L&I	Legal and Investigations
JHS	Junior High School

KAIPTC	Kofi Annan International Peacekeeping Training Centre
MACA	Malaysia Anti-Corruption Agency
MDAs	Ministries, Departments and Agencies
MESW	Ministry of Employment and Social Welfare
MoU	Memorandum of Understanding
NACAP	National Anti-Corruption Action Plan
NACIWA	National Anti-Corruption Institutions in West Africa
NACOB	Narcotics Control Board
NADMO	National Disaster Management Organization
NAHRAP	National Human Rights Action Plan
NCC	National Co-ordinating Committee
NDC	National Democratic Congress
NGO	Non-Governmental Organization
NPA	National Plan of Action
NPP	New Patriotic Party
NYEP	National Youth Employment Programme
PE	Public Education
PLHIV	Persons Living With HIV
SHS	Senior High School
SOHR	State of Human Rights
SSNIT	Social Security and National Insurance Trust
UN	United Nations
UNCAC	United Nations Convention against Corruption
UNHCR	United Nations High Commission for Refugees
WG	Working Group
WFCL	Worst Forms of Child Labour

COMMISSIONERS' MESSAGE

It is with great humility that I present the 2012 Annual Report of the Commission on Human Rights and Administrative Justice, the 19th edition since the Commission's establishment.

The 2012 Report provides details of the accomplishments of the Commission in the reporting year and highlights activities that were aimed at enhancing good governance and integrity in public office and advancing human rights in Ghana.

APPOINTMENT OF A SECOND DEPUTY COMMISSIONER

Shortly before his demise in July, 2012, H. E. President John Evans Atta Mills appointed Mr. Joseph Whittal as Deputy Commissioner at the Commission. Prior to his elevation, Mr. Whittal worked with the Commission as Director (Legal and Investigations).

Mr. Whittal comes with a wealth of experience having worked with the Commission over the past 18 years, first as Regional Director for Upper East, and later as Director Legal and Investigations.

I take this opportunity to congratulate Mr. Joseph Whittal on his elevation, and trust that the Commission will grow stronger with his appointment. With his appointment, the Commission now has its full complement of Commissioners.

MAJOR ACHIEVEMENTS

The major accomplishments by the Commission in the year include receiving 11049 cases [made up of 10,183 human rights cases, 823 administrative justice cases, and 43 corruption cases], and disposing of 12,038 cases [made up of 10,964 human rights cases, 1043 administrative justice cases, and 31 corruption cases (including cases carried over from the previous year)].

Other successes include deployment of 335 staff at 1675 polling stations across the nation during the 2012 elections to observe the polls, and organizing 4551 public education programmes nationwide to

give knowledge and deepen citizens' understanding of fundamental human rights and freedoms and entrench a culture of peace and respect for human rights and human dignity in the country.

The Commission continued with its efforts to lay strong foundations for sustainable democracy founded on high ethics and integrity. To this end, the Commission stepped up efforts to have the 10-year National Anti-Corruption Action Plan (NACAP) developed in 2011 adopted as the national strategy and blueprint for fighting corruption in Ghana over the next ten years. The Commission submitted the Plan to Parliament on 27th February, 2012 for adoption as a national plan and policy document. Parliament, however, could not adopt the NACAP by the time the term of office of the Sixth Parliament of the Fourth Republic came to an end. The Commission will intensify efforts to have the NACAP adopted by Parliament in the ensuing year.

The Commission also continued to push for greater public sector integrity, and intensified sensitization, outreach and public educational programmes on the Whistleblower Act and Code of Conduct and Conflict of Interest Rules for Public Officers, targeting Members of Parliament, Chief Directors and Heads of Ministries, Departments and Agencies.

CHALLENGES

The Commission continued to work with very limited resources and poor budgetary support constraining the effective execution of the Commission's three-fold mandate. Poor conditions of service continue to result in high turnover of qualified personnel which in turn has a negative impact on the Commission's performance. Although successive governments continue to promise to improve funding support, this is yet to materialize. I must reiterate that the main constraint on the Commission is funding.

In spite of these challenges, the Commission remains resolute in its determination to achieve set goals and targets, albeit, at great sacrifice. With astute leadership and a crop of dedicated staff, improved budgetary allocation from GOG and continued financial and technical support from Development Partners, I am confident

that the Commission will chalk greater successes in the coming New Year.

I am exceedingly grateful to the Commission's dedicated team of staff and reiterate my continued pride in their efforts and sacrifices that have been crucial for the successes of the Commission. I would also like to thank the Government and People of Ghana, the Royal Danish Embassy/DANIDA and other Development Partners and stakeholders for immensely supporting the Commission to carry out its mandate in the reporting year.



Richard A. Quayson
Deputy Commissioner

BRIEF SUMMARY OF 2012 PERFORMANCE

HUMAN RIGHTS

Key programmatic interventions/outputs include:

- » Disposal of 10,964 cases.
- » 4,551 public education activities nationwide, representing an increase of 21.2 percent over previous years.
- » Held Workshops for 70 patrons of Human Rights & Integrity Clubs in second cycle schools.
- » Organized a one-week Human Rights & Integrity Camp for 100 students drawn from second cycle schools across the nation.
- » Organized Basic Human Rights Course for 139 final year nursing and midwifery students in 4 Nurses and Midwife Training Colleges across the country.
- » Organized human rights training for police recruits in the Eastern Region.
- » Continued its work on the development of the National Human Rights Action Plan (NAHRAP) with the conduct of a baseline survey on the state of human rights by a consultant.
- » Deployed 335 staff to observe the polls in over 1,675 polling stations across the nation during the 2012 elections.
- » Visited 131 child residential care facilities (orphanages) nationwide as part of mechanisms to enhance protection of the vulnerable.

ADMINISTRATIVE JUSTICE

Key programmatic interventions/outputs include:

- » Disposal of 1,043 cases/complaints
- » Capacity Building for staff
- » Capacity Building for Chief Directors of the various Ministries

ANTI- CORRUPTION

Key programmatic interventions/outputs include:

- » Disposal of 31 cases
- » Submission of 10-year National Anti-Corruption Action Plan to Parliament for consideration and adoption as national strategy for fighting corruption.
- » Capacity building programme for public officials, civil society organizations and traditional leaders on the Whistleblower's Act.
- » Training on Code of Conduct and Guidelines on Conflict of Interest for Public Officers for Health Managers in the Volta Region.
- » Training for Members of Parliament, public officers and the general public on the Code of Conduct for Public Officers and Guidelines on Conflict of Interest.
- » Collaborated with UNODC, UNDP, IAACA, AAACA, as well as State and non-state institutions in the fight against corruption.

PART I:

BRIEF OVERVIEW OF CHRAJ'S STATUTORY FUNCTIONS

1.1 MISSION STATEMENT

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

1.2 VISION

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

1.3 MANDATE

The Commission on Human Rights and Administrative Justice exists to protect fundamental human rights and to promote good governance in Ghana.

The Commission has a broad mandate under Chapter 18 of the 1992 Constitution of Ghana and the CHRAJ Act, 1993 [Act 456]. This mandate is threefold, namely, human rights, administrative justice, and combating corruption. The Commission is therefore:

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

The Commission reports to the Parliament of Ghana.

1.3.1 HUMAN RIGHTS MANDATE

The Commission has a broad mandate to protect universal human rights and freedoms, especially those recognized under the 1992

Constitution of Ghana, which includes civil and political rights, economic, social, and cultural rights, and other international human rights instruments which Ghana has ratified. Specific mandate relating to human rights can be found in Article 218 (a), (c), and (f) of the 1992 Constitution of Ghana and Section 7(1) (a) (c) and (g) of the CHRAJ Act, 1993 [Act 456].

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

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

A. ENFORCEMENT

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

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

B. PROMOTION

The Commission is mandated by Article 218 (f) of the 1992 Constitution of Ghana to educate the public about human rights and freedoms. The Commission employs a wide variety of strategies and approaches to achieve this goal, including the use of mass media, publications, lectures and symposia, outreaches to rural communities and schools.

The Commission also monitors the human rights situation across the country periodically and issues reports. It organizes monitoring visits to detention facilities, hospitals, schools, communities among others to assess the degree to which human rights are being respected. Reports on monitoring visits constitute a good resource of primary

data as well as provide the Commission and other stakeholders, early warning signals of human rights abuses.

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

1.3.2 ADMINISTRATIVE JUSTICE

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

A. ENFORCEMENT

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

The Commission also investigates complaints concerning the function of the Public Services Commission, the administrative organs of the State, the 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 pertain to (i) a failure to achieve a balanced structuring of those services; (ii) equal access by all to the recruitment of those services; or (iii) fair administration in relation to those services.

B. PROMOTION

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

1.3.3 ANTI-CORRUPTION

The Commission is one of the major anti-corruption agencies in

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

A. ENFORCEMENT

The Commission is mandated, by Article 218(a) and (e), to investigate corruption and “all instances of alleged or suspected corruption and the misappropriation of public moneys by public officials”. It also investigates allegations of conflict of interest and breaches of the code of conduct under Chapter 24 of the 1992 Constitution of Ghana, as well as investigates complaints that relate to breaches of the oaths of office in the public service.

B. PROMOTION

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

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

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

1.3.4 LIMITATIONS ON THE COMMISSION'S MANDATE

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

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

1.4 STRUCTURE

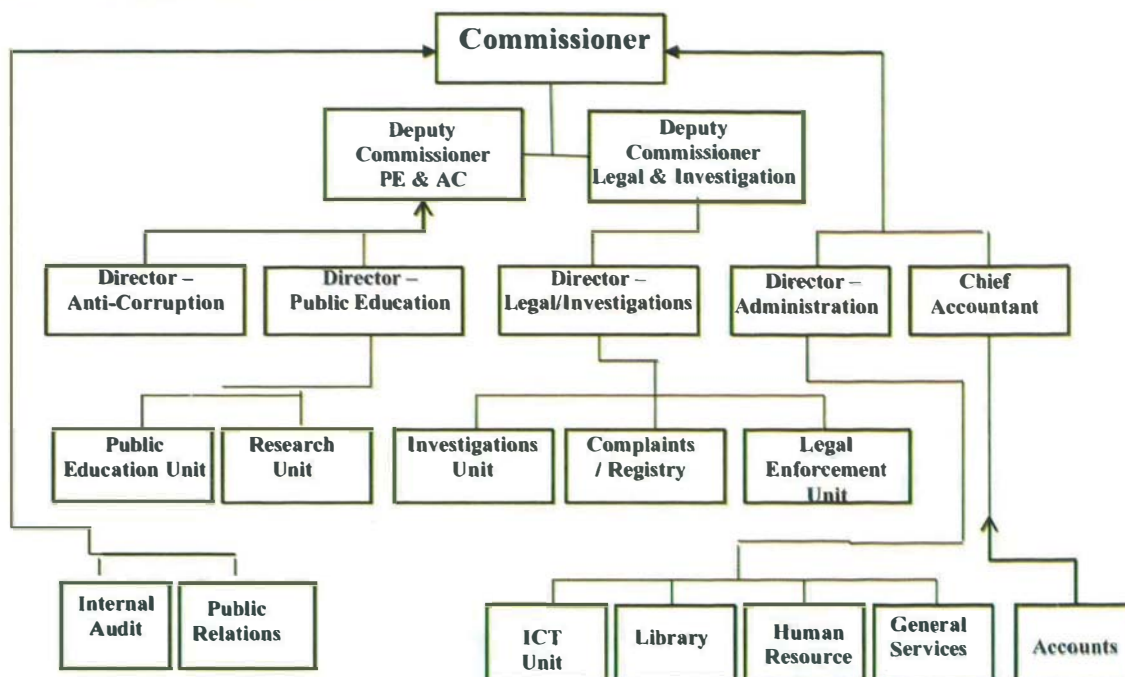
The Commission is made up of a Commissioner, who is the chair, and two deputies. The 3 Commissioners constitute the governing body of the Commission. The Commissioners are supported by Departmental Directors who have direct responsibility for the departments of the Commission, namely:

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

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

1.4.1 ORGANISATIONAL STRUCTURE

A. HEAD OFFICE



PE – Public Education
AC – Anti-Corruption

B. REGION



Summary



PART II: REVIEW OF 2012 PERFORMANCE

2.1 HUMAN RIGHTS MANDATE

Under the 1992 Constitution, the Commission is mandated to protect, enforce and promote fundamental human rights and freedoms for all persons in Ghana.

A. PROMOTION

i. National Human Rights Action Plan (NAHRAP)

Pursuant to the development of NAHRAP, the Commission engaged the services of a consultant to conduct a baseline survey on the state of human rights promotion and protection in the country. The consultant submitted an inception report including a draft questionnaire which was reviewed and validated. The consultant also started field investigation and is expected to submit a preliminary report to the Commission in 2013.

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

The 2012 nationwide monitoring of the State of Human Rights focused on the right to vote and the 2012 general elections. The Commission monitored political activities prior to the 2012 Parliamentary and Presidential elections held on Friday, 7th and Saturday, 8th December, 2012, including campaigns by political parties and candidates, as well as media coverage of political activities. The Commission also trained and deployed three hundred and thirty five (335) officials to observe the polls in over 1,675 polling stations including those located in some Prisons.

The Commission's monitoring exercise identified some challenges that needed urgent attention. These include the use of children in campaign activities, abuse of incumbency, threats, vote buying and active participation of chiefs and public officials in partisan campaigns. It was also noted that the late arrival of Electoral Officials as well as materials and malfunctioning of some verification machines affected significantly the right to vote, in some cases occasioning the extension

of the period of voting.

iii. Monitoring of Child Rights in Orphanages

In line with the Commission's strategic goal of promoting and protecting fundamental human rights of vulnerable persons including children, the Commission conducted a nationwide exercise to assess the enjoyment of rights by children under institutional residential care (orphanages). The monitoring exercise also responded to media reports alleging abuse of children in some orphanages in Ghana. In all, 131 orphanages across the country were inspected during the year under review.

The issues considered under the exercise included healthcare, education, sanitation, secure residential accommodation, diet and nutrition, funding, supervision, play and leisure, and adoption. A report was issued on the exercise, and it is expected that the major State institutions responsible for regulating institutional residential care centres for children will take the necessary action on the report.

iv. Human Rights Education

The Commission organised a number of public educational programmes as part of its efforts at promoting and protecting fundamental human rights and freedoms across the country. These programmes include:

a. Commemoration of International Days:

» UN International Day in Support of Torture Victims:

The Commission organized a symposium to commemorate International Day in Support of Victims of Torture under the theme "*Rehabilitation Works and A Torture Survivor's Right*".

The occasion was used to review progress made by Ghana in eliminating torture and other forms of cruel, inhuman and degrading treatment or punishment.

Over 200 participants from the Ministries, Departments and Agencies (MDAs), Developing Partners, members of the Diplomatic Corps, security services, political parties, Non-Governmental Organizations (NGOs), schools and members of the general public attended the programme at the British Council, Accra.

» **International Women's Day:**

On March 8, 2012, the Commission organized a round-table discussion as part of activities to mark International Women's Day on the theme: *"Affirmative Action and Women's Representation in Politics"*.

The round-table was used to assess progress made in giving women equal opportunity to participate in politics. About sixty (60) representatives from the Ministries, Departments and Agencies (MDAs), political parties, NGOs and the security agencies participated in the programme.

Participants acknowledged the immense contribution of women to national development and noted that even though women constitute over 51% of the population, they are poorly represented in governance and decision-making. Participants therefore recommended systemic reforms, modification of the electoral system and the institution of mandatory quotas for policy change as critical actions needed to achieve gender equality in governance and politics.

» **UN International Human Rights Day**

This year's International Human Rights Day was held on the 10th of December. The Commission used the occasion to issue and to disseminate its report on its monitoring and observation of the 2012 Parliamentary and Presidential elections.

(See Part V of this report for detailed information)

b. Annual Human Rights Lecture

The Commission organized 2012 annual Human Rights Lecture on the theme: "Ensuring Good Governance: Protecting the Citizen's Right to Vote". The Lecture was engineered to consolidate the peace of the land, and contribute to an environment for free and fair elections.

Topics discussed at the Lecture included "Managing Election Related Violence and Civil Strife in West Africa: Prospects and Challenges" and "Challenges of Conflict Management during Elections in Ghana". Voters and other stakeholders were reminded of their roles in ensuring free and fair elections that would guarantee peace and success of the elections in Ghana.

c. Basic Human Rights Course for Health Professionals

During the year under review, the Commission continued with the Basic Human Rights Course for Health Professionals in four (4)

Nurses Training Colleges in the country, namely: Cape Coast Nurses and Midwives Training College; Ankaful Psychiatric Training College; Sunyani Nurses Training College; and Bolgatanga Nurses Training College. A total of 397 nurses graduated from the course and were awarded certificates. The course equipped trainees with better understanding and appreciation of key fundamental human rights, especially the health rights, and integrity in service delivery, all aimed to assist them discharge their duties with high professionalism.

d. Human Rights Education for Police recruits

As part of efforts to build in the Police a culture of respect for human rights and human dignity in the discharge of their professional duties, the Commission organized training sessions on human rights for recruits of the Police Training School in Koforidua. The topics covered included fundamental human rights and freedoms, with emphasis on Civil and Political Rights, Children's Rights and Domestic Violence, and Torture, Cruel and Inhuman Treatment.

e. Human Rights Education in Schools and Rural Communities

A total of 4,551 public education programmes were carried out nationwide by the Commission during the year under review, an increase of 21.2% over last year's figure. Most of these educational activities focused on the Commission's mandates. Public education on human rights dominated the activities, accounting for about 95% of total number of programmes organized.

Figure 1 National Distribution of 2012 Public Education Programmes

Region	No. of Offices	No of Activities	Average No. Of Activities Per Office	Ranking
Western	11	351	31.9	9
Upper West	5	285	57	4
Upper East	6	306	51	5
Northern	13	812	62.5	3
Ashanti	16	802	50.1	6
Brong Ahafo	13	241	18.5	12
Volta	12	534	44.5	7
Greater Accra	5	99	19.8	11
Eastern	14	419	29.9	10

Central	12	483	40.3	8
Tema Sub	1	144	144	1
Obuasi Sub	1	75	75	2
Total	109	4,551		

(See Statistical Overview Part IV of this Report for detailed information)

f) Human Rights and Integrity Camp

The Commission organized its Second National Human Rights and Integrity Camp for Schools from 5th-11th August, 2012 on the theme: "The Youth as Ambassadors for Social Change". Participants made up of 100 students and 20 Patrons were drawn from the Human Rights and Integrity Clubs from 50 selected Senior High Schools (SHS) across the country.

The Human Rights and Integrity Camp for Schools was instituted to build the capacity of students to understand, appreciate and uphold human rights and integrity in their communities and the nation.

Participants were taken through topics on fundamental human rights and freedoms, gender, integrity and corruption. A quiz competition was also organized for Camp participants to test their knowledge and understanding of the topics treated. The Commission awarded prizes made up of educational materials and television sets to the winners during the UN Human Rights Day held on December 10, 2012. Certificates of participation were awarded to all participants at the end of the Camp.



A section of Participants at the Human Rights and Integrity Camp at Valley View University



The Participants on study tour of the Supreme Court in Accra

g) Human Rights and Integrity Clubs Training

To ensure effective and efficient implementation of Club activities by Patrons in schools, the Commission organized a two-day residential workshop for seventy (70) club Patrons drawn from Ashanti and Brong Ahafo regions.

The workshop was used to develop positive strategies for promoting and protecting human rights in Ghanaian schools and to equip Patrons with rights based approach skills to co-ordinate and supervise the activities of the Clubs more effectively and efficiently.

h) Promotion of Gender Equality

» Gender Assessment of CHRAJ

During the year, the Commission engaged the services of a consultant to do a gender assessment of CHRAJ, with the objective of developing a new gender policy and strategy towards addressing gender gaps within the institution.

In furtherance of the gender assessment, a Working Group (WG), comprising designated officers of the Commission as well as gender experts, was set up to review and validate the consultant's reports.

The consultant submitted a draft inception report and questionnaire in December which was validated. The field work has begun and a final draft report is expected to be submitted by the end of April, 2013.

i) Promotion of Children's rights

» Child Labour Activities

As one of the leading implementation agencies of the National Plan of Action for the elimination of the Worst Forms of Child Labour (WFCL) in Ghana, CHRAJ continued to participate in all child labour related activities during the year. It also completed and submitted its Institutional Action Plans on the Elimination of the Worst Forms of Child Labour, begun last year, to the consultant at National Development Planning Commission to facilitate costing of the National Plan of Action for the Elimination of WFCL.

The Commission participated in various stakeholder workshops working towards eliminating the worst forms of child labour in Ghana organized by the Ministry of Employment and Social Welfare (MESW). The Commission also actively participated in the planning and organization of this year's World Day against Child Labour held in June by MESW, in addition to issuing a press statement* to mark the day.

j) Promotion of Rights of the Vulnerable

» Persons Living with HIV (PLHIV)

During the year, the Commission signed a Memorandum of Understanding (MoU) with Ghana AIDS Commission (GAC) to address the human rights challenges, particularly stigma and discrimination, which confront Persons Living with HIV (PLHIV) and other key populations. As part of the collaboration, GAC is to train staff of the Commission in HIV Competency on Stigma and Discrimination. The goal of the collaboration is to provide staff of the Commission with the requisite skills to handle complaints that would emanate from PLHIV and other vulnerable groups.

k) Enforcement/Investigation of Cases

In the year 2012, the Commission received a total of 11,049 complaints, out of which 10,183 (92.2%) were on human rights. Children's rights related cases constituted the majority (40.5%) of the human rights cases filed with the Commission, followed by economic, social and cultural rights (25.5%). The Commission successfully disposed of 10,964* human rights complaints. A total of 7,289 cases representing 66.5%

* See Part III, Section C for details

* This figure includes cases brought forward from the previous year

were successfully resolved. Out of those resolved, 7,248 representing 99.4% were resolved through mediation.

See Statistical Overview in Part IV of this Report for detailed information.

2.2 ADMINISTRATIVE JUSTICE MANDATE

A. Promotion

The Commission continued to promote its administrative justice mandate in 2012, and in that regard, organized various activities to educate the public on it.

(a) Training workshop for Chief Directors of Ministries, Departments and Agencies

The Commission organised a training workshop for Chief Directors of various MDAs on the Code of Conduct for Public Officers and its Administrative Justice mandate. This training was aimed at sensitizing participants and the public to demand efficient public service, as well as contribute towards the fight against corruption.



The Chairman of the Public Services Commission addressing participants at the workshop



The Chairman of the Public Services Commission addressing participants at the workshop

(b) Community Education

The Commission also engaged in various outreach programmes to raise awareness about its administrative justice mandate with members of the public. In addition to carrying these educational activities through the media, the Commission also honoured several invitations from the public in order to carry out this activity.

B. Enforcement/Investigation of Cases

Under its administrative justice mandate, the Commission received a total of 823 complaints and disposed of 1,043* complaints. Of the cases that were closed, 522 (representing 50%) were resolved through mediation. These complaints bordered mainly on allegations of unlawful dismissal, termination of appointment, undue delays, intimidation and harassment by public officers.

(See Statistical Overview in Part IV of this Report for detailed information)

1.4 ANTI-CORRUPTION MANDATE

The Commission continued to pursue its anti-corruption mandate through prevention, investigation and enforcement, and public education.

* This figure includes pending cases brought forward from the previous year

A. Prevention

i. National Anti-Corruption Action Plan (NACAP)

During the year, the Commission printed about 500 copies of the National Anti-Corruption Action Plan (NACAP) for submission to Parliament, the Office of the President, the Judiciary, and other key stakeholders as part of efforts to have the NACAP adopted as the national strategy and blueprint for fighting corruption in Ghana.

The Commission submitted the National Anti-Corruption Action Plan (NACAP) to Parliament for adoption, and the same was laid before Parliament at the Twenty-Eighth Sitting of the First Meeting of Parliament by the Majority Leader and Chairman of the Business Committee of Parliament, and subsequently referred to the sub-committee on Constitutional, Legal and Parliamentary Affairs for consideration. With the submission, Ghana met one of the targets under the Multi-Donor Budget Support for 2011.

Although NACAP was submitted to Parliament in the first quarter of the year, the Action Plan could not be adopted before the end of term of that Parliament. The Commission will continue to engage Parliament in 2013 for its adoption. The NACAP when adopted, will enable the nation pursue anti-corruption measures in a more systematic manner, and mobilize critical resources and efforts of stakeholders to fight corruption and achieve total effect.

ii. The State of Corruption in Ghana (2012)

In 2012, the Commission's State of Corruption monitoring exercise focused on political and election related corruption and other malpractices. (See Part V of this report for detailed information)

iii. Public Education and Outreach

The Commission continued its nationwide awareness raising and sensitisation of the citizenry in the reporting year. The activities carried out include:

» Sensitization on the Whistleblower Act

Beneficiaries of the sensitization programmes included public officers, civil society organizations, traditional leaders and the general public. The programmes were very successful as they helped to

improve understanding of the Act and enhanced the capacity of the beneficiaries to report impropriety for investigations.

» Training on the Code of Conduct for Chief Directors and Chief Executive Officers (CEOs):

The Commission, in collaboration with the Public Services Commission and the Office of the Head of Civil Service, organized four (4) workshops on the Code of Conduct for Public Officers for Chief Directors and Chief Executive Officers of Ministries, Departments and Agencies (MDAs). A total of 100 participants drawn from MDAs attended the training.

The workshops discussed the implementation of the Code of Conduct for Public Officers, created awareness of the Code, built participants' capacity to develop in-house Codes for their institutions, and generally laid the foundation for promoting integrity in the public service.

» Training on the Code of Conduct for Managers of the Ghana Health Service:

During the year, the Commission collaborated with the Volta Regional Health Directorate to organize a week-long training on the Code of Conduct and Ethics for Health Managers in the Volta Region. The participants were introduced to the Code of Conduct for Public Officers, the Guidelines on Conflict of Interest, professional ethics, the Patients Charter, among others.

» Training on the Code of Conduct for Members of Parliament:

As part of the Commission's effort to promote and enhance Public Sector Integrity, the Commission organized a joint programme on the Code of Conduct with the Parliamentary Committee on Members Holding Office of Profit for members of the Committee. The training was used to build capacity of Members to enforce the Code as well as develop tools to monitor Members of Parliament who have been granted permission to hold offices of profit.

As a way forward, the Committee requested the Commission to assist it develop a Code of Conduct/Ethics for Parliamentarians, a draft of which has since been submitted to the Committee.

» Training on the Code of Conduct for Internal Audit Agency:

The Commission also trained officers of Internal Audit Agency on corruption and the Code of Conduct. The officers were introduced to various topics on corruption, including causes and effects, and the different faces of corruption; the Code of Conduct for Public Officers; the Guidelines on Conflict of Interest; and the Whistleblower Act.

» A round table meeting to review implementation of the United Nations Convention against Corruption (UNCAC):

During the year, the Commission facilitated a stakeholder round table meeting in Accra to prepare for Ghana's assessment of its implementation of the United Nations Convention against Corruption (UNCAC). Ghana, as a State Party to the UNCAC, was selected for review in 2013. The round table meeting, which brought together representatives from the Attorney-General's Department (A-G), Economic and Organized Crime Office (EOCO), Narcotics Control Board (NACOB), Ghana Police Service (GPC), and other state institutions, as well as the Ghana Anti-Corruption Coalition (GACC) and Ghana Integrity Initiative (GII) and other CSOs, discussed the UNCAC Review Mechanism, assessed Ghana's preparation and shared information on the UNCAC process. At the end of the meeting, participants recommended the appointment of CHRAJ as the Focal Point/lead agency for the review, instead of NACOB.

B. Enforcement/Investigation of Cases

Under its anti-corruption mandate, the Commission received forty-four (44) complaints, out of which thirty one (31) were successfully closed in the year. The complaints were categorized as Abuse of Office, Misappropriation of Money, Fraud, Conflict of Interest, Bribery and Extortion. In most cases, however, individual complaints were a combination of multiple offences.

(See Statistical Overview in Part IV of this Report for detailed information)

PART III: OTHER PROGRAMMES

3.1 ADMINISTRATION

A. Human Resource

i. Staff Training and Development

Strengthening the capacity of the Commission's staff remained a priority in the year 2012, in pursuance of improving, motivating and providing competent workforce to meet the demands of the public at any point in time. As a result the Commission undertook the following activities:

» Training Workshop on Gender Equality for Case Officers:

A series of training workshops was held for some case officers of the Commission during the year under review. The objective of the training was to enhance their understanding of gender equality and ensure its mainstreaming into their work.

» Training Workshops on Registry Manual for Regional Directors and Registry Staff:

A nationwide training programme on incorporating international practice into Registry Manual was organised for Regional Directors and Registry staff of the Commission. The aim of the workshop was to equip staff with the requisite knowledge and skills to ensure uniform and standardised registry practices as well as improve statistical returns.

» Training Workshops on the Administrative Justice Mandate of the Commission for Staff:

During 2012, a number of training workshops on the administrative justice mandate of the Commission were organised for staff. The objective was to deepen understanding of staff regarding the functions of the Ombudsman as an institutional mechanism for ensuring public accountability, transparency and good governance. In addition, it also sought to assist participants understand international legal framework and the context within which the Ombudsman institutions operate.

- » Training workshops on election monitoring and observation for selected staff of the Commission:

The Commission trained about 335 staff nationwide to observe the 2012 Parliamentary and Presidential elections. The purpose of the training was to increase their knowledge and skills in election observation as well as effectively gather information.

- » Training Workshop on Alternative Dispute Resolution (ADR) for selected case officers:

The Commission during the period organized training in Alternative Dispute Resolution (ADR) as a useful mechanism for complaints resolution. Participants were mainly case officers from the Head Office. The purpose of the training was to introduce them to mediation skills and standards as well as the relevance of the Alternative Dispute Resolution Act in assisting effective mediation processes.

- » Training Workshops on Stigma and Discrimination for some selected staff:

The GAC, as part of its efforts to reduce stigma and discrimination, started HIV Competency trainings on Stigma and Discrimination for selected staff of the Commission during the year. The first training was held in December, 2012 for case officers at the Head Office. The training equipped beneficiaries with skills to deal with complaints from PLHIV and vulnerable groups. These training sessions will be replicated nationwide to cover selected staff of the Commission.



Some staff of CHRAJ with HIV ambassadors during the workshop



Participants in a simulation exercise during a presentation at the workshop

» Training Workshops on Elimination of Worst Forms of Child Labour for Stakeholders:

Some selected staff of the Commission in July participated in various stakeholders' workshops organized by the Ministry of Employment & Social Welfare (MESW) towards eliminating worst forms of child labour in Ghana. This was a follow-up to an MoU signed with MESW in which CHRAJ was appointed as one of the lead agencies in the implementation of the National Plan of Action (NPA). Topics for these workshops focused on the implementation of the NPA and collaboration among stakeholders. Participants at one of such meetings issued a communiqué for the government and relevant authorities to show more commitment towards the implementation of the NPA.

» Training of selected officers of the Commission:

Some selected officers were sponsored by the Commission to participate in various training workshops during the year under review in Accra. The modules of these workshops which cut across the work of the Commission included Training Programme for Anti-Corruption Investigators and Programme Based Budgeting.

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

During the period a number of officers from the Commission also participated in various regional workshops in South Africa, Kenya and

Benin. These workshops provided the opportunity for the officers to enhance their knowledge and skills in Ombudsman Practices, Human Rights and Business as well as Corruption and Money Laundering.

» International training of key officers in Human Rights,
Administrative Justice and Anti-Corruption:

A number of officers of the Commission benefited from international training during the year. These training programmes which were attended in Malaysia, Hong Kong, United Kingdom and Denmark sought to improve the skills of officers in Capacity Development, Adult Education and Training Delivery; Gender and Development; Conflict Management, Gender and Human Rights; as well as International Instruments.

ii. Staff Recruitment and Vacancies

During the year, twenty-three (23) new officers were recruited by the Commission. These included lawyers, investigators, drivers, secretaries and cleaners. Despite the recruitment, seventy-one (71) vacant positions still existed as at the close of 2012 in most of the offices across the country. These positions ranged from directors, lawyers, investigators, administrators to cleaners.

Five (5) members of staff retired during the period and were presented with the Commission's Long Service Award.

iii. Familiarization tour of CHRAJ offices by the Commissioner

In April, the Commissioner, Ms. Lauretta Vivian Lamptey undertook a familiarization tour of selected regional and district offices in the Central and Western regions. The tour offered the Commissioner opportunity to interact with staff and acquaint herself with work in those regions.

B. Others

i. Procurement of logistics and office equipment

In the year under review, the Commission prepared a Procurement Plan and executed almost 90% of the Plan. It was able to procure vehicles, furniture, computers and accessories to facilitate the Commission's work. The Commission distributed computers and their accessories to one (1) regional and seventy-one (71) district offices. HP

TouchSmart machines, HP Laser Jet Pro 300 colour printers and Dell Inspiron One PCs were also procured for Commission Members.

3.2. PUBLIC/MEDIA RELATIONS

During the period, the Commission continued its cordial public and media relations with other stakeholders and its media partners. It engaged in the following public and media related activities during the period:

i. Press Briefing by CHRAJ on allegations made by the Forum for Public Accountability (FoPA)

The Commission on Human Rights and Administrative Justice organized a press briefing on Saturday, March 17, 2012, to set the records straight regarding allegations made by the Forum for Public Accountability (FoPA) in respect of a complaint of abuse of office and financial impropriety the Forum lodged against Dr. Louisa Hanna Bisiw, the then Deputy Minister of Works, Housing and Water Resources.

FoPA had, on 14th March, 2012, issued a statement alleging, among other things, that the Commissioner, Ms. Laretta Vivian Lamptey, had made the Commission a wing of the Executive arm of government and held secret meetings with Dr. Hanna Bisiw, the Respondent in a case lodged by FoPA, and had also instructed the investigators handling the case to discontinue further investigations into the matter.

The Commission established that there was no merit or substance to the allegations made against the Commissioner, and assured the general public of its commitment to the same standards and principles it has been noted for since its establishment, and the fact that it would continue to uphold its independence, neutrality, integrity and transparency in the performance of its constitutional duties.

ii. Editors' Forum, Ghana

The Commissioner, Ms. Lamptey, honoured an invitation in August, to address the Editors' Forum, Ghana on the topic "Human Rights in Ghana; the role of the Media".

Addressing the Editors, Ms. Lamptey said Ghana has come a long way in human rights promotion and protection through the signing

of various treaties and the establishment of certain key institutions of state, including CHRAJ. The Commissioner noted that CHRAJ has been working since its establishment in 1993 to preserve the democratic ideals upon which the 1992 Constitution was founded. She noted, for example, that the Commission handles about 12,000 cases every year, allowing individuals to enjoy their basic fundamental freedoms in order to go about their duties.

The Commissioner called on the media to be circumspect in their reportage and to refrain from sensationalizing news stories, urging them to remain committed to providing objective coverage of issues. The Chairperson of the Editors' Forum Ghana, Madam Adjoa Yeboah-Afari, underscored the importance of human rights education to national development. She said that no country can develop where its citizens are not attuned to their rights and where those rights are not safeguarded by well-structured institutions. She again noted that, journalists sometimes fail to take cognizance of the rights of persons they cover in their line of duty, hence the need for regular sensitization on how they can help promote and protect the fundamental human rights of all persons in Ghana so as to ensure social cohesion for national development.

iii. Press Statement Issued

The Commission released a number of press statements during the year under review. These statements were to commemorate the days and also show solidarity to the cause that was being observed.

» World Day Against Child Labour:

On June 12, 2012, the Commission issued a press statement calling for an end to the practice of exposing children to hazardous and other exploitative forms of work in commemoration of the International Day against Child Labour.

The theme for the Celebration was *"Human Rights and Social Justice ... Let's End Child Labour."*

The statement commended Ghana for being among the nations that are leading the way in the elimination of child labour. The statement urged government and stakeholders to redouble their efforts to quicken the pace of implementation of the National Plan of Action

for the Elimination of the Worst Forms of Child Labour.

» International Day of Peace:

September 21st each year marks the International Day of Peace. It is a day declared by the UN General Assembly to be devoted to strengthening the ideals of peace within and among all nations and people. The theme for the celebration was “Sustainable Peace for Sustainable Future.” The CHRAJ, in collaboration with the Human Rights NGOs Forum, issued a press statement calling on all Ghanaians to re-commit themselves to the promotion of peace and tolerance by endeavouring to eschew all negative tendencies especially during the upcoming elections.

3.3 INTERNATIONAL RELATIONS AND COOPERATION

During the period, international cooperation in the promotion and protection of human rights remained an important activity for the Commission. As such the Commission undertook the following significant activities:

» 4th Bilateral Meeting with Malaysia Anti-Corruption Agency (MACA), Malaysia:

The Commission during the year under review participated in the 4th annual meeting of parties to review the implementation of the MoU signed in 2008. The meeting recommended the hosting of the next meeting before the expiration of the MoU in August, 2012. It also recommended an early training of CHRAJ officers by MACA in order for the latter to prepare before the expiration of the MoU.

» Network of National Anti-Corruption Institutions In West Africa (NACIWA):

The Commission participated in the Annual General Assembly of the Network of National Anti-Corruption Institutions in West Africa (NACIWA) held in Benin.

The main objective of the Assembly was to strengthen regional action and coordination on the fight against corruption. It was attended by representatives of National Anti-Corruption Institutions from the following Member-States: Republic of Benin, Republic of Ghana, Republic of Guinea, Republic of Liberia, Republic of Mali, Republic of Niger, Federal Republic of Nigeria and Republic of Togo. Officials from Departments/Ministries with responsibility for fighting corruption

from Republic of Guinea Bissau, Republic of Cote d'Ivoire, and The Gambia also attended the Meeting.

» International Association of Anti-Corruption Authorities (IAACA): The Commission during the period also participated in the 6th Annual Conference and General Meeting of the International Association of Anti-Corruption Authorities (IAACA) in Malaysia. The theme of the Conference was based on Chapter VI of the United Nations Convention against Corruption, (UNCAC); i.e. "Technical Assistance and Information Exchange". Over 1400 members, representing 111 countries were present at the function.

The Association elected New Members to fill vacant positions and called upon the Executive Committee of IAACA to encourage sharing of the experience gained by its members in the review process. It also urged anti-corruption authorities to proactively promote the development and implementation of appropriate programmes of work in order to maintain, sustain and strengthen the momentum generated by the UNCAC.

» African Union (AU) Workshops:

The Commission participated in two separate programmes organized by the African Union in Burundi during the year. The first programme was on Continental Workshop on Development of an AU Strategy and Framework for the Reconstruction of Public Service and Administration in Post-Conflict Countries in Africa. The second Meeting was on Implementation of Dakar Recommendations on Support to the AU Advisory Board on Corruption and the Fight against Corruption in Africa.

The Bujumbura Meeting was a follow-up to the Dakar workshop and its purpose was to develop implementation strategies for the Dakar Recommendations on supporting the AU Advisory Board on Corruption work and Enhancing the fight against Corruption in Africa.

3.4. COURTESY CALLS & VISITS

» Visit by Danish Foreign Minister:

In June 2012, a delegation from the Danish Embassy led by the Danish Minister of Foreign Affairs, Mr. Villy Sovndal, met with officials of the Commission. The meeting afforded the Danish Foreign Minister the opportunity to apprise himself of the human rights situation in the

country, and to ascertain the impact of DANIDA's support for the work of the Commission over the years.

» Visit by a delegation from Ohio State University:

During the period under review, a 22-member delegation from the Ohio State University visited the Commission as part of their educational tour to Ghana. They were briefed on the functions, achievements and challenges of the Commission.

» Visit by students from Kibi Demonstration School:

A 66-member delegation from Kibi Presbyterian College of Education Demonstration School paid a study visit to the Commission's Head Office during the year. The visit was very useful as it afforded both students and the Commission opportunity to explore ways to better serve students and the youth.

3.5 COLLABORATION WITH CIVIL SOCIETY ORGANIZATIONS/ NON-GOVERNMENTAL ORGANIZATIONS (CSOS/NGOS)

The Commission continued to strengthen its partnership with civil society organizations as key stakeholders for holding power accountable and making governance transparent in Ghana. In this regard, the Commission continued to host the Ghana Human Rights NGOs Forum as a mechanism for enhancing collaboration among human rights civil society organizations. The NGOs Forum held various meetings and activities aimed at promoting human rights and deepening collaboration among its members. The Commission successfully implemented numerous programmes with the support of the Forum. The Commission expresses its gratitude to all organizations who contributed to promotion of human rights and enhancing good governance.

PART IV: CASES AND STATISTICS

4.1. SUMMARY OF SELECTED CASES

Human rights cases

CHRAJ /2010/HQ/01989/1691- Human Rights [RIGHT TO SELF-DETERMINATION]

The Commission received this complaint from a student of the University of Ghana, Legon, the Complainant on 22nd April 2010. The Complainant was a student at the Respondent institution from 2002 to 2005. The Complainant had to resit a paper in the 2006/2007 academic year. The result posted on the Notice Board published his name as having passed the exam alright. However, it turned out that the index number against his name was different from his known index number. With this development, the Respondent refused to award him a certificate, and efforts by the Complainant to trace the results of the resit paper proved futile.

The Respondent explained their difficulty in resolving the matter as all their checks had not produced fruitful results. The marked scripts did not contain the Complainant's resit paper; no marks were awarded against the Complainant's index number in the list of students who did the resit paper; the attendance sheet for the examination could not be traced; and the course Lecturer was on retirement and he was not available to throw more light on the situation. The Respondent, therefore, proposed that the Complainant should rewrite the examination or opt for grade "AUDI" under Regulation 22.4 of the University of Ghana Handbook 2009 - 2011.

Regulation 22.4 of the University of Ghana Handbook 2009-2011 provides that:

"A grade AUDI shall be awarded for the attendance at lectures, but where no examination is taken, or where an examination is taken, but where no marks can be returned, for good reasons. The grade AUDI is not factored into the calculation of the FGPA."

The question was, would the award of AUDI or resitting the exam properly resolve the matter when the Complainant was categorical that he had already resat for the same exam?

The Commission's investigation led it to an exam script bearing the index number of the Complainant on the overleaf, with marks accordingly recorded against it.

The Respondent also confirmed after careful scrutiny of the evidence that the Complainant rewrote the paper and was awarded marks.

Having established that the Complainant resat the examination and passed, the Commission upheld his claim that he is entitled to be awarded a certificate. The Commission accordingly recommended that the Complainant should be awarded a certificate in accordance with Section 18 (1) (f) of the Commission on Human Rights and Administrative Justice Act, 1993 (Act 456) which provides:

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

(d) was based wholly or partly on a mistake of law or fact; the Commission shall report its decision and the reasons for it to the appropriate person, Minister, department or authority concerned and shall make such recommendations as it thinks fit ...

The case was accordingly closed as justified.

ADMINISTRATIVE JUSTICE CASES

CHRAJ /85/2008/1581- Administrative Injustice, Wrongful Dismissal

The Complainant was a Constable in the employment of the Ghana Police Service, the Respondent, and stationed at Bolgatanga. In August 2001, the Complainant was acquitted and discharged of a crime of forgery of documents and uttering documents contrary to sections 159 and 189 respectively of the Criminal Offences Act, 1960 (Act 29). In March 2002, the Respondent initiated Police Service Enquiry proceedings against the Complainant based on two counts

of misconduct contrary to section 17(k) of the Police Service Act, 1970 (Act 350). The particulars of the offences were that the Complainant altered a West African Examination Council (W.A.E.C.) results slip for upgrading in the Respondent's institution, a conduct that is prejudicial to the efficient conduct and discipline of the Service. In a written response to the Respondent, the Complainant explained that he had been tried, acquitted and discharged by the Circuit Court over the charges of forgery and altering of documents, hence he pleaded *autrefois acquit*.

The Service Enquiry commenced under Regulation 4 (3) (c) of the Police Service (Disciplinary Proceedings) Regulations, 1974 (L. I. 993). In May, 2002 the Complainant appeared before the Service Enquiry and was found guilty. The Complainant was subsequently dismissed by the Respondent in July, 2003 upon a review of the Service Enquiry. Dissatisfied by the decision of the Service Enquiry, the Complainant appealed in accordance with his right under L. I. 993 to the Respondent's administration. However, the Respondent's administration allegedly failed to oblige the Complainant with the appropriate response, hence his complaint to the Commission to redress the unfair treatment and wrongful dismissal.

The Commission's investigation revealed that although the Complainant had availed himself of the existing administrative practice as provided under L. I. 993, the process had not been exhausted. The reason being that, the Complainant had not yet received any response to his appeal and the Commission considered his appeal to be still pending. In this regard, the Commission requested for an update from the Respondent on the Complainant's appeal, to which the Respondent indicated that the appeal had been dealt with as far back as June 2003. The Commission was informed that the Complainant's appeal was dismissed by the Inspector General of Police (IGP).

After careful review of the case, the Commission was satisfied that the Complainant had been given a fair hearing in accordance with L. I. 993, which law enabled him to lodge his appeal with the Respondent.

In the view of the Commission, the Complainant's statement of the law relating to *autrefois acquit* was very accurate. The plea of *autrefois*

acquit, however, was inapplicable to the instant matter. Lord Devlin explained the subject in *Connelly v DPP* [1964] AC 1254 thus:

“For the doctrine of *autrefois* to apply it is necessary that the accused should have been put in peril of conviction for the same offence as that with which he has been charged. The word ‘offence’ embraces both the facts which constitute the crime and the legal characteristics which make it an offence. For the doctrine to apply it must be the same offence both in fact and in law.”

In consonance with the above, the Commission found that the offence tried by the criminal court was different from that of the Service Enquiry proceedings. Even though the facts underpinning the offences tried before the two fora may have been given cause to by the same conduct, the laws applicable to them were different. Moreover, a Service Enquiry is not a judicial tribunal like a Court.

In considering the principle of double jeopardy, attention must be paid to the distinction between Service Enquiry, which is essentially internal disciplinary proceedings, and criminal prosecution of the person in a criminal Court. The fact that a public officer has been found guilty and convicted or found innocent and acquitted as a result of a criminal prosecution does not necessarily raise a bar against the subsequent disciplinary proceedings against that officer for violation of Service Code.

Having come to that conclusion, the Commission held that the Respondent did not breach or violate any law and/or legal right of the Complainant by conducting the Service Enquiry. Accordingly, the complaint was found unmeritorious and same dismissed.

[CHRAJ/2009/HQ/01339/1750 - Administrative Injustice \[Unlawful Termination of Contract\]](#)

The Complainant alleged unlawful termination of contract. He stated that he was employed by the Ghana Broadcasting Corporation (GBC), the Respondent, on contract from 12th December, 2005 to 31st March, 2006 and from 1st April, 2006 to 30th June, 2006. According

to the Complainant, he was not paid salary for July, 2006 although he worked from 1st July to 19th July, 2006. However, he received a letter on 19th July, 2006 but dated 14th July, 2006 barring him from entering the Respondent's premises.

Whilst in employment, the Complainant reported some fraudulent dealings in his department to the Head of the Department who also reported same to the Police. The Complainant assisted the Police in their investigation as requested by the Head of Department. He said between March and June, 2006 he incurred some expenses totalling GH¢1,060.00 on transportation, call credit, a mobile phone, among others, while assisting the Police to conduct investigations. The Complainant claimed that the culprits were granted bail and resumed work while he lost his job on account of allegedly refusing to disclose sensitive information required by some of his superiors. The Complainant further claimed the Respondent owed him 149 days' overtime allowance and that he declined the latter's offer of GH¢200.00 to cover the total amount of the travelling and transport cost and his overtime allowance.

The Respondent confirmed engaging the Complainant on contract and explained that the Complainant was not dismissed because his contract ended on 30th June, 2006. Furthermore, the Complainant was not paid for July, 2006 because he took advantage of the lax system and stayed on. The Respondent also confirmed the Complainant's assistance to the Police in investigating the fraudulent dealings and his subsequent role as a prosecution witness in the ongoing case at the High Court. The Respondent additionally admitted that the Complainant should be reimbursed his travelling and transport allowances as well as overtime claims. Finally, the Respondent indicated that it would submit to the Commission's decision, but requested that the Complainant substantiated his claim for payment of overtime allowance with documentary evidence.

The Commission found that the Complainant was engaged by the Respondent on contract for two terms of three months each. Under Section 17(1) of the Labour Act, 2003 (Act 651), the Complainant's contract was less than 3 years, therefore he was entitled to two weeks' notice in writing or in the alternative two weeks salary in lieu

of notice from the Respondent. The Respondent failed to give the Complainant written notice as required by the Labour Act. Instead, the Respondent terminated the Complainant's contract unlawfully by giving him a memorandum barring him from the premises of the Respondent.

The Commission also found that the Respondent failed to serve the Complainant with written notice upon expiration of the contract on 30th June, 2006 and the Complainant also took advantage of the situation and stayed on from the 1st to 19th July, 2006. The Respondent condoned the Complainant's wrongful conduct by giving him work to do. On equitable grounds, therefore, the Complainant is entitled to salary for July, 2006.

The Commission recommended that the Respondent refunds to the Complainant an amount of GH¢1,060.00 as this figure was not disputed by the Respondent. Besides, the Police investigation for which the Complainant incurred this expenditure was in the interest of the Respondent.

On the issue of non-payment of overtime allowance to the Complainant, some discrepancy arose. It was found that the Complainant did some overtime within the contract period. However, the Respondent disputed the number of days of overtime that the Complainant was entitled to. Overtime records could not be traced. The Commission therefore recommended that the Respondent should pay to the Complainant a reasonable overtime allowance equivalent to hundred (100) working days using the current rate.

CHRAJ /224/2009/1748 - Administrative Injustice [Discrimination]

The Complainant, a male adult, originally lodged his complaint with the Office of the Vice-President of the Republic of Ghana and same forwarded to the Commission for appropriate action. The Complainant alleged that he suffered injustice and discrimination from the Judicial Service (the Respondent) on the basis of his party political affiliation. The Complainant was appointed as a District Magistrate in 1981 and duly posted. He alleged that the Respondent did not approve his request for temporary release to preside over a Committee but the

Respondent transferred him to another district shortly thereafter. When the 1992 Constitution came into force, the appointment of the Complainant was changed to a Chairman of the Community Tribunal and he was again transferred. He then applied for study leave with pay to enable him pursue the Professional Law programme but the Respondent offered him study leave without pay and that impeded his educational progress.

The Complainant also petitioned the Respondent to allow him pursue the Career Magistrates' Programme which offered monthly allowances but the Respondent declined on grounds of his age. With a review of the age requirement, the Complainant was invited for an entrance interview. He alleged that the interview questions were unrelated to the Programme but rather enquired about his affiliation to a named political party and friendship with a former President of Ghana, whose friendship the interview panel pressurized him to denounce. His nationality was also challenged. Concluding, the Complainant claimed the interview panel refused him admission on account of the answers that he gave at the interview and also influenced his premature retirement from the employment of the Respondent. He requested the Commission to assist him get reinstated as a Magistrate or be considered for the position of a Registrar or be paid End-of-Service benefits.

The Judicial Service confirmed the appointment of the Complainant as a District Magistrate Grade II on 17th November 1981 on a limited engagement basis for a period of one year and renewable yearly upon reapplication. The Complainant's contract was renewed successively. The Respondent explained that it did not approve the Complainant's application to be transferred to Accra to write the Bachelor of Law Part II examination as he could not produce his Bachelor of Law Part I transcript. The Respondent confirmed the Complainant's appointment as Chairman of a Community Tribunal (non-lawyer) in June 1994, which was also a limited engagement for one year and was subject to renewal on grounds of satisfactory conduct. In July 1996, the Respondent granted the Complainant study leave with pay to enable him complete the program at the Ghana School of Law with additional duty to manage a Community Tribunal and also granted him transfer in 1997. However, the Complainant's application

for a one-year study leave with pay in 2002 was declined and was rather granted study leave without pay, for the reason that he was not a full time employee. Further, the Respondent explained that the Complainant had ceased to be an employee of the Respondent following the passage of the Courts Amendment Act, 2002 (Act 620) which abolished the Community Tribunals.

The Respondent also showed to the satisfaction of the Commission that none of the candidates at the entrance interview for the Career Magistrates' Programme was ever denied or granted admission on grounds of the person's party political affiliation, and that admissions into the Career Magistrates' Programme had been purely on merit.

After careful consideration of all the facts and circumstances of the case, the Commission concluded that the Complainant did not have a case at all. The Commission found that the Complainant was on yearly contract which was subject to renewal based on satisfactory performance, and which made no provision for payment of End-of-Service benefits. Further, he ceased to be Respondent's employee by operation of law and therefore could not lay blame on the Respondent for any of the alleged discrimination. The case was accordingly closed as unmeritorious.

4.2. CASE STATISTICS

4.2.1 Cases Received, Closed and Pending

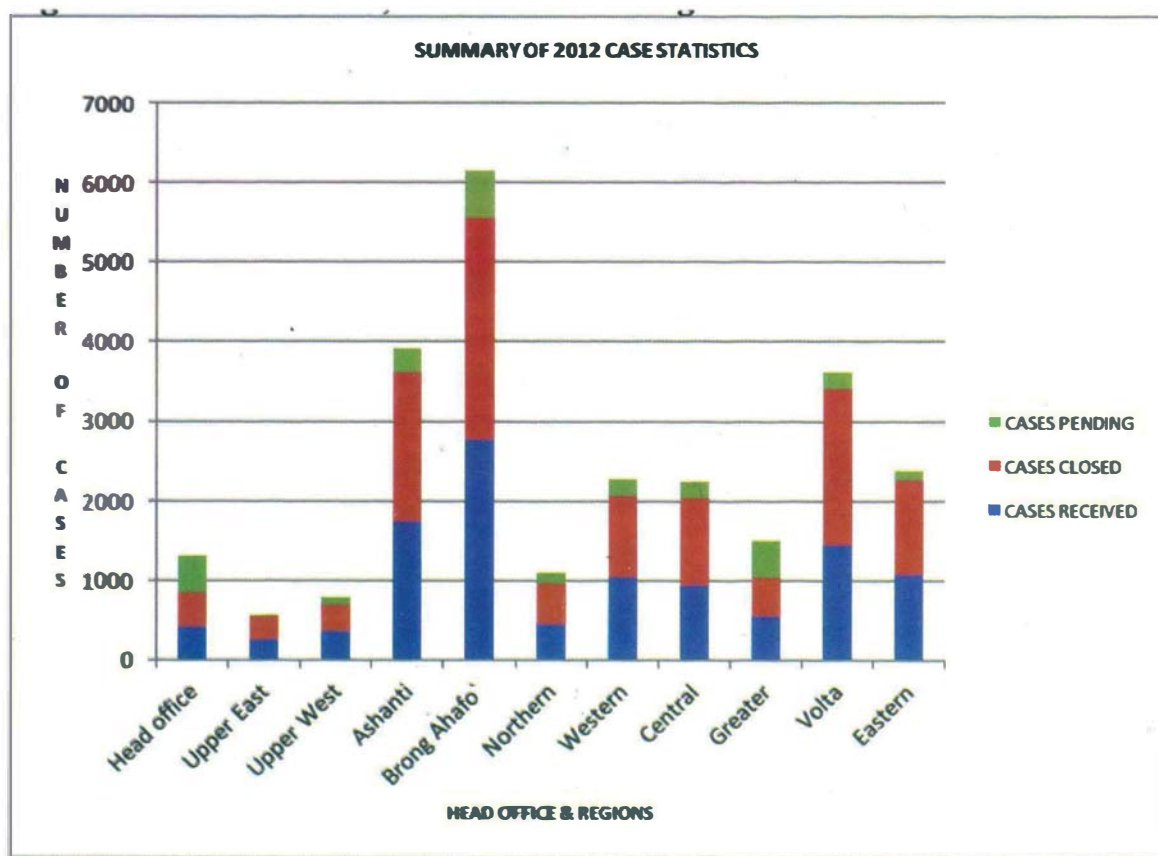
In the year 2012 the Commission received 11,049 complaints. This represents 8.1% decrease in complaints received in 2011. About 3,804 complaints were carried over from the Previous Year to the year 2012, bringing the total complaints available for investigation to 14,853.

Out of the 14,853 cases available, the Commission was able to close 12,038 (81%) leaving 2,815 (19%) cases pending at the end of the reporting Period. See table 1 below.

Table 1: Cases Received, Closed and Pending in 2012

Head Office/Regions	Number of Complaints Received in 2012	Number of cases Carried from Previous Year	Number of Cases Available for Investigation	Number of Cases Closed	Number of Cases Pending
Head Office	416	479	895	431	464
Upper East	252	66	318	300	18
Upper West	362	71	433	344	89
Ashanti	1750	421	2171	1870	301
Brong Ahafo	2768	619	3387	2785	602
Northern	449	202	651	524	127
Western	1039	209	1248	1032	216
Central	936	378	1314	1112	202
Greater	560	381	941	481	460
Volta	1447	731	2178	1965	213
Eastern	1070	247	1317	1194	123
Totals	11,049	3,804	14,853	12,038	2,815

Figure 1: Cases Received, Closed and Pending in 2012

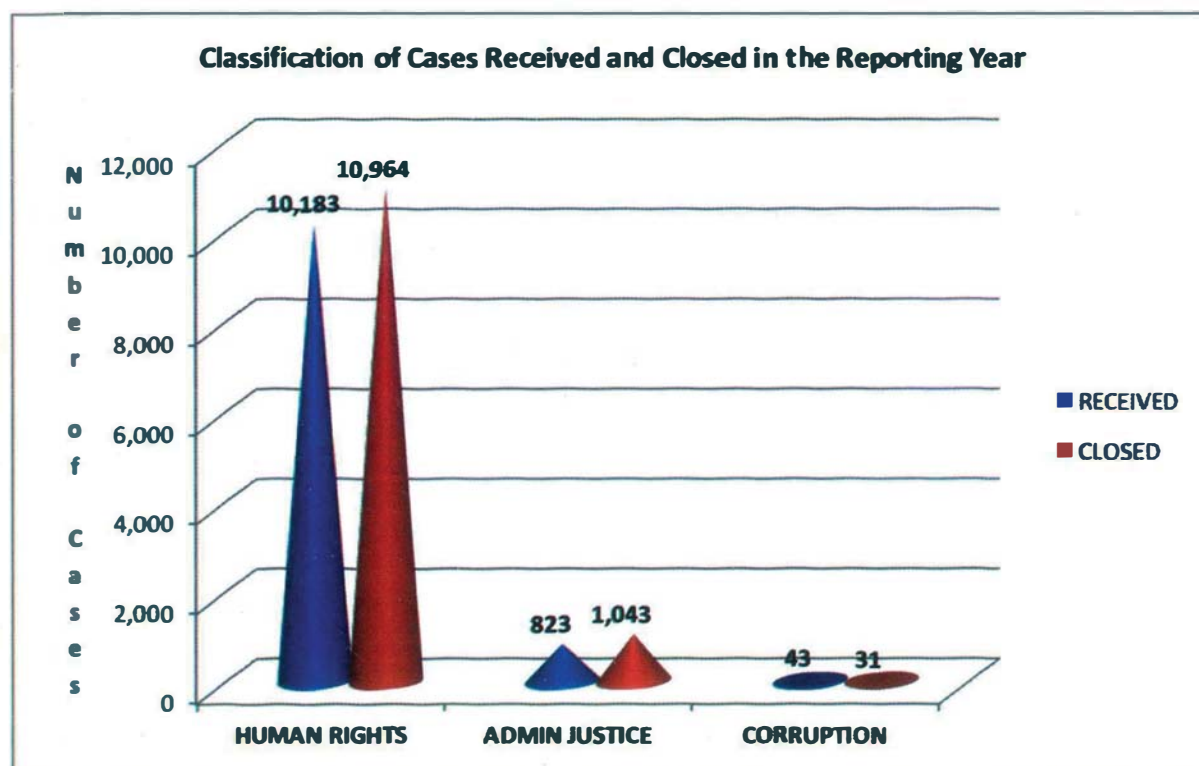


4.2.2 Classification of Complaints Received in 2012

The 11,049 complaints received in the year 2012 were classified into “Human Rights”, “Administrative Justice” and “Corruption” to reflect the triple mandates of the Commission. A total of 10,183 complaints, representing 92.2% of all complaints received were Human Rights related cases, 823 (7.4%) were Administrative Justice related cases, whilst 43 (0.4%) were Corruption related cases.

The Commission disposed of 10,964, 1,043, and 31 cases under Human Rights, Administrative Justice and Anti-Corruption mandates respectively. See figure 2 below.

Figure 2: Classification of Cases in the Reporting Year



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

4.2.3 Mode of Closure of Cases

The Commission closed a total of twelve thousand and thirty-eight (12,038) cases as declined/referred, discontinued and resolved.

» **Declined Cases:** One thousand and thirty eight (1,038) complaints representing 8.6% of the total available cases were declined or not investigated. However, the Commission referred these complaints to appropriate forum of institutions like Courts, Department of Social Welfare, Police, Labour Commission, Rent Office etc. for redress.

» **Cases Discontinued:** The Commission exercised its discretionary powers to cease investigation into three thousand and ninety-six (3,096) cases due to some circumstances that unfolded while investigations were ongoing. These cases constituted 25.7% of total closed cases. See table 2 for details.

» **Cases Resolved:** Seven thousand, nine hundred and four (7,904) cases representing 65.7% of total closed cases in the reporting year were successfully resolved through mediation and decided by merit after preliminary and full investigation.

» **Significant role of mediation in case resolution:** The percentage of complaints resolved through mediation has increased considerably over the past four (4) years and accounts for over 95% of cases resolved, whereas the percentage for cases decided on merit after Preliminary and/or Full Investigation continued to decrease. Cases resolved through mediation alone constituted 95% and 98.3% of all resolved cases in 2008 and 2009 respectively, increasing to 99% and 99.4% in 2011 and 2012 respectively.

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

Figure 3. Mode of Closure of Cases

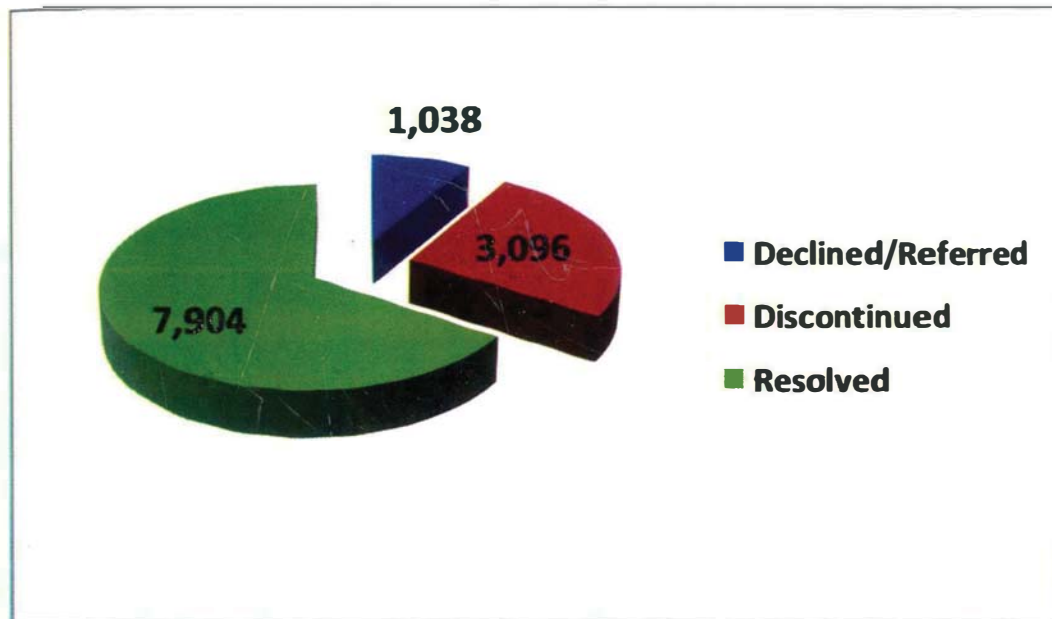


Figure 3. Mode of Closure of Cases

Mode of Closure	Human Rights	Admin Justice	Corruption	Total Closed
1. Declined/Refused to Investigate/Referred				
• Declined for Lack of Mandate	801	203	2	1,006
• Refuses to Investigate				
✓ Trivial & Frivolous	15	8	2	25
✓ Late Submission of Complaints (Complaint submitted after 12 months of occurrence)	3	4	0	7
Sub-Total	819	215	4	1,038
2. Ceases to Investigate (Discretionary)				
• Withdrawn	609	33	1	643
• Discontinued for not Pursuing Complaint	908	64	3	975
• Discontinued for Other reasons	1,339	132	7	1478
Sub-Total	2,856	229	11	3,096
3. Resolved				
• Settled Through Mediation	7,248	522	0	7770

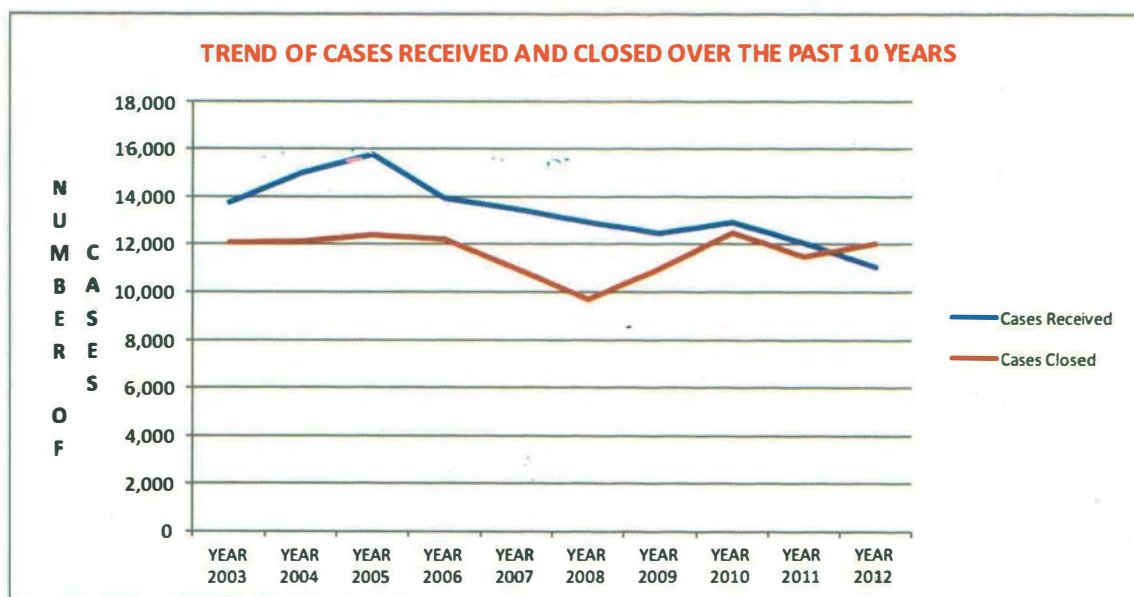
• Decided After Preliminary Investigation	24	26	2	52
• Decided After Full Investigation	17	51	14	82
Sub-Total	7,289	599	16	7,904
GRAND TOTAL	10,964	1,043	31	12,038

Figure 4: Trend of Cases Received and closed (2003-2012)

Years	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Cases Received	13,726	14,953	15,749	13,931	13,455	12,919	12,443	12,900	12,018	11,049
Cases Closed	12,065	12,116	12,422	12,238	11,003	9,693	10,987	12,491	11,477	12,038
Cases Pending								3,263	3,804	2,815
Percentage Closure	87.9%	81%	79%	7.8%	81.8%	75%	88.3%	*79.3%	*75%	81%

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

Figure 4: Trend of Cases Received and closed (2003-2012)



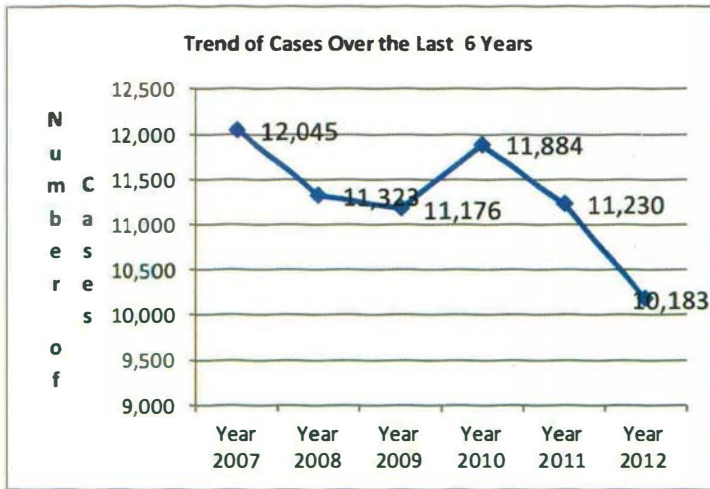
4.2.5 Trend of Cases Classified According to the Three (3) Mandates

» Trend of Human Rights Complaints

A total of 10,183 complaints representing 92.2% of the total complaints received in the year were human rights related complaints.

This figure was lower than the previous year's figure of 11,230 by 9.3%, and the lowest since 2007.

Figure 5: Trend of Human Rights Complaints over the Last 6 Years.



» Trend of Administrative Justice Complaints

Eight hundred and twenty-three (823) Administrative Justice Complaints were received in 2012 compared to 767 in the previous year. The percentage increase over the previous year was 7.3%. Generally, complaints received started declining in 2008 until the increase in 2012. See figure 6 below.

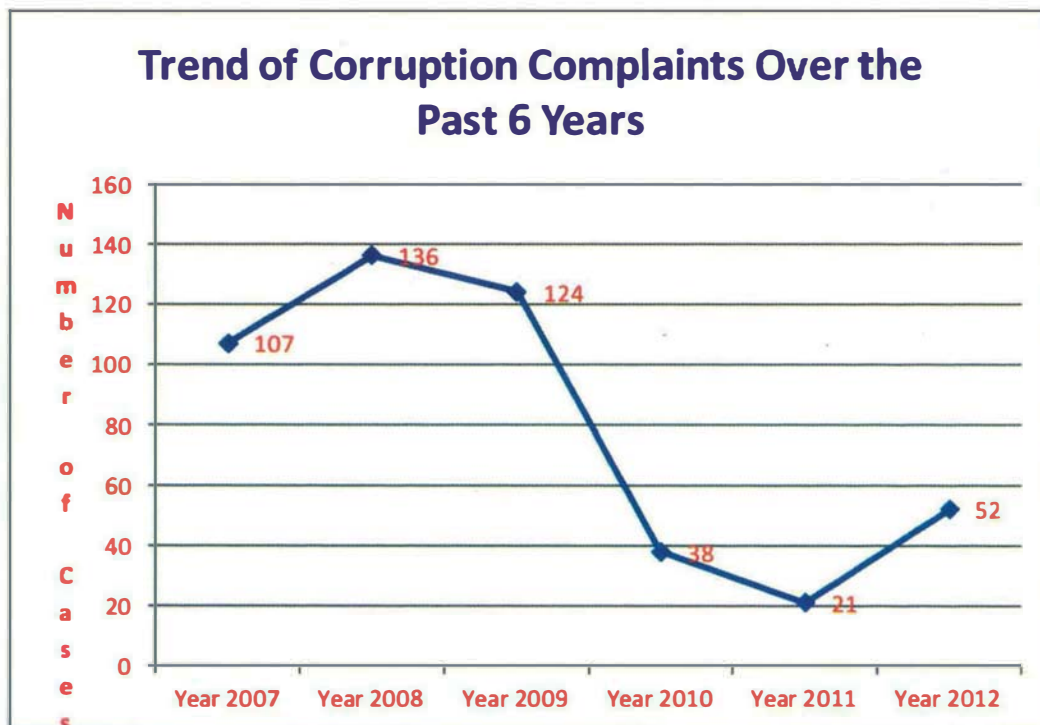
Figure 6: Trend of Administrative Justice Complaints



» Trend of Complaints Alleging Corrupt Practices

In all, 43 cases were taken up for investigation as a result of complaints or allegations of corrupt conduct or impropriety during the reporting period. This figure was higher than the previous year's figure of 21 by 104.8%. See figure 7 below for the trend.

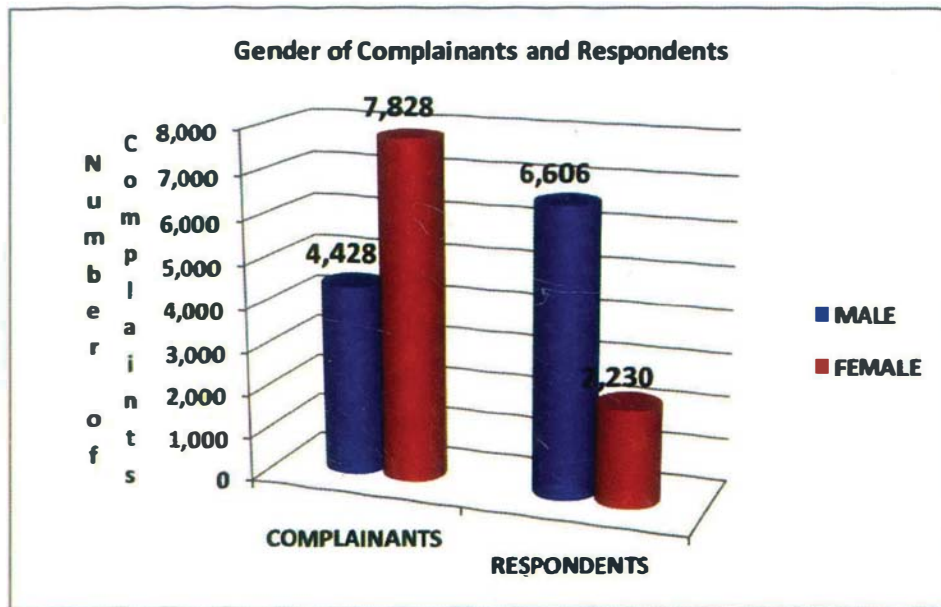
Figure 7: Trend of Allegation of Corrupt Practices



4.2.6. Gender Classification of Complainants and Respondents

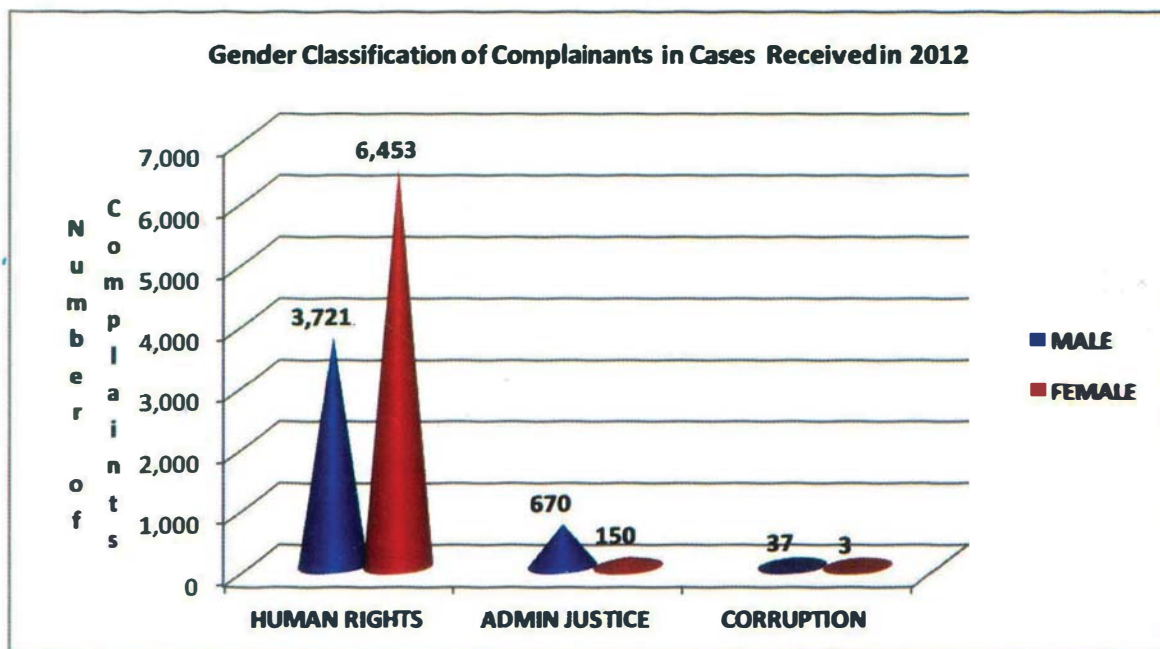
In all, 11,034 private individuals lodged complaints with the Commission. Out of this number, 4,428 representing 40% were male while 6,606 (60%) were female. On the other hand, out of ten thousand and fifty-eight (10,058) complaints which were lodged against private individuals, seven thousand, eight hundred and twenty-eight (7,828) (77.8%) were male whereas two thousand, two hundred and thirty (2,230) (22.2%) were female. See figure 8 below

Figure 8: Gender Classification



Gender classification of complainants according to the three (3) mandates of the Commission revealed that 63.4% of Human Rights complaints were reported by females while 86.2% of Administrative Justice complaints and allegation of corrupt practices were made by males. See figure 9 below

Figure 9: Gender Classification of Complainants in 2012.



For details of reasons for the closure see figure 5 and Table 2 below.

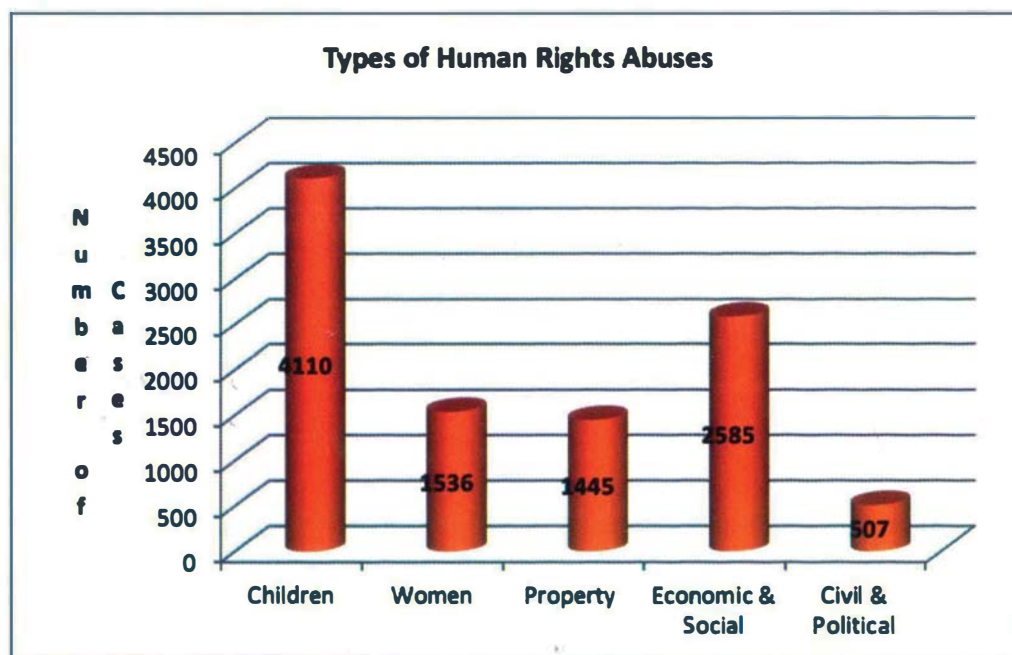
4.2.7 Typology of complaints, respondent bodies and mode of closure

a. Human Rights

» Nature of Human Rights Complaints

The ten thousand, one hundred and eighty-three (10,183) human rights violations complaints received were categorized into Children's Rights, Women's Rights, Property Rights, Economic & Social Rights and Civil & Political Rights related. See figure 10 below and Table 6 for detail of claims of violations.

Figure 7: Trend of Allegation of Corrupt Practices



» **Children's Rights Related Cases:** - Out of 10,183 Human Rights complaints received, 4,110 representing 40.4% were related to children's rights. Issues on child care and maintenance in the area of education, health, food, shelter, clothing and paternity dominated the cases. Eighty-four (84) cases of early and forced marriages were reported, 13 on child labour, 12 on defilement and 5 on trafficking. Refer to Table 6 below for detailed statistics.

» **Women's Rights Related Cases:** - Domestic violence, maintenance and access to basic necessities of life such as food, clothing and shelter due to spousal neglect and maltreatments featured prominently in the cases reported.

» **Economic and Social Rights Related Cases:** - Total complaints received during the reporting year were 2,585. Cases were mainly on landlord-tenant and labour relations and breaches of agreements, most of which were referred to other fora for redress. Few cases of environmental hazards, violation of rights to freedom of worship and molestation of people accused of witchcraft were received.

» **Civil and Political Rights Related Cases:** - Violation of personal liberty and human dignity dominated the cases under this category.

» **Respondent Bodies in Human Rights Complaints**

About 10,058 (representing 98.8%) of the total number of Human Rights complaints were lodged against Private Individuals, whereas 125 (representing 1.2%) were against Institutions and Organizations. The Police Service is the State Organization against whom the highest number of human rights complaints, 34, was filed. These cases ranged from inhuman treatment (assault, manhandling etc.) to unlawful arrest and detention. See Table 9 for full list of respondent bodies.

» **Nature of Closure of Human Rights Cases**

A total of 10,964 cases were disposed of. Of that number, 7,289 cases representing 66.5% of the total closure figure were successfully resolved. Out of the number resolved, 7,248 representing 99.4% were through mediation. Refer to Table 2 for details.

b. Administrative Justice Complaints

» **Nature of Administrative Justice Complaints:**

Total number of Administrative Justice related complaints amounted to 823 representing 7.4% of all cases received in the year. Three hundred and twenty-four (324) of these cases involved allegations of unlawful dismissal and termination of appointment, non-payment, unlawful deductions from salaries, underpayment and withholding of salaries. Complaints on withholding of documents, undue delay in investigations, failure to investigate, intimidations and harassment by public officers were also relatively high.

» **Respondent Bodies in Administrative Justice Complaints**

The highest numbers of complaints were received against Organizations under Ministries of Education, Finance and Interior. The

complaints were mostly on actions being unreasonable and contrary to law such as failure to pay legitimate entitlements, failure to give adequate opportunity to be heard (unfair hearing), delay in Justice, failure to investigate or act, improper attention and oppressive conduct like intimidation, harassment and abuse of power. See Table 10 for the detailed list of organizations.

» **Nature of Closure of Administrative Justice Cases**

Out of 1,043 Administrative Justice Cases closed, 522 (representing 50%) were resolved through mediation while 41 (representing 3.9%), were decided after preliminary or full investigation. Refer to Table 2 for more details.

C. Complaints Alleging Corrupt Practices

» **Nature of Corruption Allegations**

In all, 43 complaints were received in the reporting year, out of which one (1) was made under the Whistleblower Act. The allegations include Abuse of Office, Misappropriation of Money, Fraud, Conflict of Interest, Bribery and Extortion.

» **Respondents**

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

» **Mode of Closure of Corruption Cases**

Four (4) cases of Allegations of Corrupt Practices were declined for lack of mandate, eleven (11) discontinued, whilst sixteen (16) decided on merit after full investigation. Refer to table two (2) for other details.

DETAILED STATISTICAL TABLES

TABLE 4: Classification of Number of Cases Received and Closed by CHRAJ offices Nationwide in the Year 2012

Offices	CASES RECEIVED				CASES CLOSED			
	Human Rights	Admin Justice	Corruption	Total Received	Human Rights	Admin Justice	Corruption	Total Closed
HEAD OFFICE	179	231	6	416	175	255	1	431
Upper East Region								
BOLGATANGA REGIONAL OFFICE	35	11	0	46	48	12	0	60
ZEBILLA	38	1	0	39	40	1	0	41
BAWKU	28	3	0	31	30	5	0	35
BONGO	16	1	0	17	18	1	0	19
NAVRONGO	84	2	0	86	107	3	0	110
SANDEMA	33	0	0	33	35	0	0	35
SUB-TOTAL	234	18	0	252	278	22	0	300
Upper West Region								
WA	77	18	0	95	69	21	0	90
NADOWLI	51	0	0	51	50	0	0	50
JIRAPA	76	2	1	79	67	0	1	68
TUMU	80	0	0	80	80	0	0	80
LAWRA	53	4	0	57	51	5	0	56
SUB-TOTAL	337	24	1	362	317	26	1	344
Ashanti Region								
KUMASI	93	63	4	160	91	71	3	165
OFFINSO	272	2	0	274	284	5	0	289
BEKWAI	208	3	1	212	206	3	0	209
MAMPONG	69	4	1	74	85	3	0	88
EFFIDUASE	45	2	0	47	56	2	0	58
NEW EDUBIASE	95	3	0	98	107	3	0	110
EJURA	148	3	0	151	151	6	0	157
KUNTANASE	84	5	1	90	88	8	0	96
MANKRANSO	36	2	0	38	45	3	0	48
NKAWIE	79	3	0	82	103	5	0	108
MANSON NKWANTA	137	5	1	143	148	5	1	154
AGONA	81	5	0	86	96	7	0	103
KONONGO	38	2	0	40	49	3	1	53
JUASO	64	1	1	66	69	2	0	71
TEPA	52	0	0	52	27	0	0	27
MANPONTENG	42	0	0	42	54	4	0	58
OBUASI	88	7	0	95	72	4	0	76
TOTAL	1631	110	9	1750	1731	134	5	1870
Brong Ahafo Region								
SUNYANI	283	45	3	331	298	51	3	352
BEREKUM	109	9	1	119	130	7	1	138
DORMAA	195	0	0	195	234	2	0	236
BECHEM	102	2	0	104	101	1	0	102
WENCHI	418	7	0	425	439	3	0	442

DROBO	115	7	0	122	109	5	1	115
ATEBUBU	273	0	0	273	168	0	0	168
KINTAMPO	118	4	0	122	133	4	0	137
TECHIMAN	410	10	0	420	405	6	0	411
KENYASE	165	1	0	166	178	1	0	179
GOASO	255	2	0	257	228	3	0	231
NKRONSA	170	1	0	171	153	1	0	154
KWAME DANSO	63	0	0	63	120	0	0	120
Sub-Total	2676	88	4	2768	2696	84	5	2785
Northern Region								
TAMALE	49	30	6	85	48	31	4	83
DAMONGO	22	3	1	26	26	2	1	29
ZABZUGU	12	0	0	12	13	0	0	13
GUSHEGU	10	0	0	10	13	0	0	13
TOLON-KUMBUGU	1	3	0	4	1	2	1	4
WALEWALE	27	4	0	31	32	4	0	36
SALAGA	40	2	0	42	48	0	0	48
YENDI	58	1	0	59	75	1	0	76
BOLE	16	1	0	17	20	0	0	20
SABOBA	62	1	0	63	66	1	0	67
BIMBILLA	71	0	0	71	80	0	0	80
SAVELUGU	7	3	1	11	23	7	1	31
GAMBAGA	17	1	0	18	23	1	0	24
Sub-Total	392	49	8	449	468	49	7	524
Western Region								
TAKORADI	48	41	0	89	42	35	0	77
TARKWA	63	9	0	72	66	9	0	75
ENCHI	151	1	0	152	161	1	0	162
SEFWI JUABOSO	80	0	0	80	96	0	0	96
AXIM	94	9	0	103	93	11	1	105
ASANKRANGWA	94	3	0	97	104	3	0	107
SEFWI WIAWSO	99	2	0	101	66	0	0	66
BIBIANI	256	2	0	258	243	1	0	244
AGONA NKWANTA	33	3	0	36	46	2	0	48
HALF ASSINI	20	2	0	22	22	2	0	24
DABOASE	29	0	0	29	28	0	0	28
Sub-Total	967	72	0	1039	967	64	1	1032
Central Region								
CAPE COAST	71	31	1	103	46	23	0	69
DUNKWA-ON-OFFIN	80	2	0	82	114	0	0	114
AGONA SWEDRU	103	10	0	113	121	11	0	132
ABORA DUNKWA	78	0	0	78	82	0	0	82
WINNEBA	48	4	0	52	54	7	0	61
TWIFO PRASO	114	2	0	116	126	3	0	129
ASSIN FOSU	84	6	0	90	118	12	1	131
ELMINA	95	0	0	95	112	0	0	112
APAM	41	4	0	45	55	9	0	64
BREMAN ASIKUMA	43	5	0	48	62	9	0	71
AJUMAKO	50	1	0	51	68	2	0	70
MFATSEMAN	61	2	0	63	75	2	0	77
TOTAL	868	67	1	936	1033	78	1	1112
Greater Accra								
ACCRA	18	27	0	45	33	42	0	75
ADAFOAH	96	2	0	98	91	1	0	92
AMASAMAN	258	2	0	260	120	2	0	122
DODOWA	41	10	0	51	82	8	0	90

WEIJA	44	4	0	48	46	2	0	48
TEMA	38	20	0	58	26	28	0	54
	495	65	0	560	398	83	0	481
Volta Region								
HOHOE	68	10	0	78	116	11	0	127
KADJEBI	88	1	0	89	119	6	0	125
HO REG. OFFICE	51	26	3	80	98	60	2	160
SAGAKOPE	173	12	1	186	190	27	1	218
AKATSI	198	2	0	200	228	28	1	257
NKWANTA	117	0	1	118	150	5	1	156
ADIDOME	76	5	1	82	98	15	1	114
DENU	190	3	2	195	211	6	1	218
KPANDO	117	5	0	122	160	25	0	185
JASIKAN	46	2	1	49	82	9	0	91
KETE KRACHI	41	1	0	42	75	6	0	81
KETA	205	1	0	206	227	6	0	233
TOTAL	1370	68	9	1447	1754	204	7	1965
Eastern Region								
KOFORIDUA	19	10	3	32	36	24	2	62
NKAWKAW	44	2	1	47	41	2	1	44
KADE	127	0	0	127	134	0	0	134
NEW ABIREM	124	1	0	125	114	0	0	114
BEGORO	103	1	1	105	107	1	0	108
KIBI	33	2	0	35	51	3	0	54
NSAWAM	109	0	0	109	103	1	0	104
SUHUM	30	1	0	31	34	2	0	36
AKIM ODA	46	2	0	48	82	1	0	83
AKROPONG	38	1	0	39	36	2	0	38
ODUMASI KROBO	98	5	0	103	95	3	0	98
DONKORROM	78	1	0	79	83	1	0	84
AKOSOMBO	47	4	0	51	48	2	0	50
ASAMANKESE	138	1	0	139	183	2	0	185
Sub-total	1034	31	5	1070	1147	44	3	1194
Grand Total	10,183	823	43	11,049	10,964	1,043	31	12,038

(Note: Cases closed included cases carried from the previous years to the reporting period).

TABLE 5: Regional Distribution of Cases Received, Closed and Pending.

Head Office/ Regions	Cases Received In 2012				Total Cases Closed (Including Cases from Previous Years)				Cases Pending			
	HR	AJ	C	TOT	HR	AJ	C	TOT	HR	AJ	C	TOT
Head office	179	231	6	416	175	255	1	431	228	204	32	464
Upper East	234	18	0	252	278	22	0	300	14	3	1	18
Upper West	337	24	1	362	317	26	1	344	68	21	0	89
Ashanti	1631	110	9	1750	1731	134	5	1870	243	53	5	301
Brong Ahafo	2676	88	4	2768	2696	84	5	2785	572	29	1	602
Northern	392	49	8	449	468	49	7	524	86	36	5	127
Western	967	72	0	1039	967	64	1	1032	195	20	0	216
Central	868	67	1	936	1033	78	1	1112	160	40	2	202
Greater	495	65	0	560	398	83	0	481	403	57	0	460
Volta	1370	68	9	1447	1754	204	7	1965	184	26	3	213
Eastern	1034	31	5	1070	1147	44	3	1194	101	19	3	123
TOTALS	10,183	823	43	11,049	10,964	1,043	31	12,038	2,254	508	52	2,815

TABLE 6: Regional Distribution of Human Rights Complaints Received in 2012

NATURE OF ABUSES	H.O	U/E	U/W	A/R	B/A	N/R	W/R	C/R	G/R	V/R	E/R	TOTAL
Children's Rights												
Child Maintenance	27	84	69	375	532	65	317	325	199	499	397	2889
Child Education	3	10	14	23	49	20	22	9	5	42	30	227
Medical Care	0	1	0	0	0	0	0	0	0	1	0	2
Improper Care of Child	0	0	0	7	1	1	9	1	7	6	4	36
Child Custody	5	23	15	71	137	37	26	33	39	78	67	531
Defilement	1	0	0	0	2	1	1	0	0	6	1	12
Child Labour	0	0	0	1	0	0	0	1	0	11	0	13
Early & Forced Marriage	0	0	1	7	6	62	0	1	1	6	0	84
Maltreatment	0	0	0	7	2	1	1	0	5	10	0	26
Paternity	0	1	1	39	55	15	10	12	7	17	16	173
Right to Name	1	0	0	2	1	3	0	2	0	3	1	13
Trafficking	1	0	0	1	0	1	0	1	1	0	0	5
incest	0	0	0	0	0	0	1	0	0	1	0	2
Access to Child	6	5	4	3	11	2	11	14	13	17	8	94
Abduction	0	1	0	0	0	0	1	0	1	0	0	3
TOTAL	44	125	104	536	796	208	399	399	278	697	524	4110
Women's Rights Related												
Maintenance of Spouse	0	1	6	79	286	9	83	51	11	56	96	678
Spousal Battery	1	4	4	17	122	5	11	10	8	40	11	233
Sexual Harassment	4	1	1	4	3	1	2	1	0	6	1	24
Rape	0	0	0	2	0	1	0	0	2	0	0	5
Sex Discrimination	0	0	0	0	0	0	0	0	0	0	0	0
Marital Causes	9	1	11	23	70	2	29	8	14	4	0	171
Reproductive Rights	3	5	14	31	80	47	49	45	16	93	42	425
TOTAL	17	12	36	156	561	65	174	115	51	199	150	1536

PROPERTY RIGHTS RELATED												
Destruction	8	0	2	32	30	5	17	3	3	24	17	141
Self Acquired Property	22	23	27	138	132	8	50	46	19	52	39	556
Compulsory Acquisition	1	0	0	0	0	0	0	0	0	0	0	1
Jointly Acquired Property	1	0	1	0	35	2	54	30	9	9	37	178
Inheritance	3	0	1	24	68	8	30	22	4	32	14	206
Intestate Succession (PNDCL 111)	4	3	8	50	37	0	66	13	3	22	6	212
Trespass/Encroachment	0	0	3	34	35	0	9	5	1	10	19	116
Title	2	2	1	8	1	0	4	16	0	1	0	35
TOTAL	41	28	43	286	338	23	230	135	39	150	132	1445
ECONOMIC, SOCIAL AND CULTURAL RIGHTS RELATED												
Non-Payment of Wages	0	8	14	20	10	6	6	8	1	36	6	115
Right to Work	0	0	0	0	1	0	0	1	0	23	3	28
Environmental Hazards	2	0	0	12	0	1	3	1	2	11	6	38
Noise Pollution	0	0	0	6	0	0	1	3	0	2	6	18
Breach of Agreement	3	0	14	385	180	19	38	57	12	60	97	865
Landlord/Tenant Relationship	3	11	19	76	445	2	65	25	34	50	19	749
Nuisance/Misconduct	1	0	1	4	5	1	0	3	4	0	1	20
Witchcraft Accusations	0	1	0	1	0	5	0	2	0	0	0	9
Freedom of Worship	3	0	0	0	0	0	0	0	0	5	0	8
Right to Health	1	5	2	9	1	4	4	10	5	4	7	52
Others	26	21	63	71	237	38	32	63	42	39	51	683
TOTAL	39	46	113	584	879	76	149	173	100	230	196	2,585
CIVIL AND POLITICAL RIGHTS RELATED												
Unlawful Detention	18	0	1	8	0	1	2	0	1	3	0	34
Banishment	0	0	1	0	0	1	0	2	0	2	0	6
Human Dignity	3	7	22	10	13	7	3	25	7	24	13	134
Personal Liberty	7	15	15	47	88	6	8	18	18	62	18	302
Inhuman Treatment	4	0	2	4	1	3	1	1	1	1	1	19
Others	6	1	0	0	0	2	1	0	0	2	0	12
TOTAL	38	23	41	69	102	20	15	46	27	94	32	507
Grand Total	179	234	337	1,631	2,676	392	967	868	495	1,370	1,034	10,183

TABLE 7: Nature of Administrative Justice Complaints Received in 2012

ADMINISTRATIVE JUSTICE COMPLAINTS	H.O	U/E	U/W	A/R	B/A	N/R	W/R	C/R	G/R	V/R	E/R	TOTAL
Unlawful Dismissal	24	1	1	4	15	1	5	6	11	7	2	77
Unlawful Termination of Appointment	19	1	1	16	14	2	7	11		6	2	79
Pension	6	1	0	4	1	1	2	2	0	1	0	18
Payment of Salaries	22	1	3	25	23	23	15	20	5	20	11	168
Redundancy/Redeployment	0	0	0	0	0	0	0	2	0	0	0	2
Denial/Delay of Promotions	4	0	0	0	0	1	1	1	1	0	0	8
Abuse of Power	5		0	0	0	0	0	0	0	1	0	6
Suspension/Interdiction	1	1	0	0	0	2	1	1	4	2	1	13
Non-Payment of Social Security Contribution	3	0	0	10	2	1		3	1	6		26
Non-Payment of Social Security Benefit		0	0	0	0	1	6	0	2	0	0	9
Failure to Act on Complaints	12	0	0	4	0	0	2	0	7	0	1	26
Delay in Dispensing Justice	6	2	0	7	1	0	1	2	6	6	2	33
Arbitrary Transfer	1	0	0	3	6	1	1	0	0	1	1	14
End-of-Service	3	1	2	3	6	1	6	2	1	2	1	28
Workmanship Compensation	0	0	1	0	0	0	1	0	0	1	0	3
Non-Payment of Allowance	3	0	1	2	0	2	0	0	2	1	0	11
Wrongful Placement	4	0	0	1	0	0	0	0	0	0	0	5
Withdrawal from School	0	0	0	0	1		1	1	0	0	0	3
Premature Retirement	0	0	0	0	0	1		0	0	0	1	2
Denial of Study Leave	1	1	0	0	0	0	0	0	0	0	0	2
Forced Resignation	0	0	0	0	0	0	1	0	0	0	0	1
Withholding of Documents	11	2	4	2	5	0	2	4	2	0	1	33
Insurance Claim	1	0	0	3	1	1	1		0	1	0	8
Abuse of Office	7	1	0	5	2	1	4	2	0	1	0	23
Negligence	3	0	0	1	0	1	2	0	0	0	1	8
Breach of Agreement	9			2	1	0	0	1	0	2	0	15
Unfair Treatment	29	2	3	5	2	2	2	1	5	4	2	57
Others	57	4	8	13	8	7	11	8	18	6	5	145
TOTAL	231	18	24	110	88	49	72	67	65	68	31	823

TABLE 8: Nature of Allegations of Corruption

Nature of Corruption	H.O	U/E	U/W	A/R	B/A	N/R	W/R	C/R	G/R	V/R	E/R	TOTAL
CORRUPTION												
Abuse of Office/Power	0	0	0	5	3	1	0	0	0	6	1	16
Misappropriation/Embezzlement	0	0	1	2	0	2	0	1	0	0	0	6
Fraud	0	0	0	0	0	1	0	0	0	0	0	1
Conflict of Interest	2	0	0	0	0		0	0	0	0	0	2
Bribery	2	0	0	0	0	1	0	0	0	0	1	4
Extortion of Money	1	0	0	0	1		0	0	0	3	3	8
Mismanagement	1	0	0	2	0	2	0	0	0	0	0	5
Total	6		1	9	4	7	0	1	0	9	5	42
Corruption (Whistle Blower)												
Abuse of Office/Power	0	0	0	0	0	1	0	0	0	0	0	1
Grand Total	6		1	9	4	8		1		9	5	43

TABLE 9: Respondent Bodies in Human Rights Cases Received in

Respondent Bodies	Number of Complaints
Private Individual	10,058
Ghana Police Service	34
Dist/Municipal/Metro Assemblies	11
Ghana Education Service	5
Private Companies	53
Religious Bodies	4
Ghana Highway Authority	1
Metro Mass Transit	1
Judicial Service	4
Environmental Protection Agency (EPA)	1
Electoral Commission	1
Feeder Roads	1
Electricity Company of Ghana	3
VRA	1
UNHCR	2
Attorney General	3
Total	10,183

TABLE 10: Respondent Bodies in the Administrative Justice Complaints

RESPONDENT BODIES	Number of Complaints
ORGANIZATION UNDER MINISTRY OF EDUCATION (147 CASES)	
Universities	3
Polytechnics	5
Schools/Colleges/technical	27
Ghana Education Service	106
West African Examination Council	1
GNAT	5
ORGANIZATION UNDER MINISTRY OF FINANCE AND ECONOMIC PLANNING (75 CASES)	
Controller & Accountant General	30
SSNIT	29
Ghana Revenue Authority	1
Financial Institutions	9
Ghana Ports & Harbours Authority	2
National Lotteries Authority	3
Ministry	1

ORGANIZATION UNDER LOCAL GOVERNMENT & RURAL DEVELOPMENT (26 CASES)	
Regional Coordinating Councils	3
District Assemblies	20
Birth and Death Registry	1
Ministry	2
MINISTRY OF TRADE AND INDUSTRY (1 CASE)	
Ghana Export Promotion Council (GEPC)	1
ORGANISATIONS UNDER MINISTRY OF INFORMATION (5 CASES)	
Ghana News Agency (GNA)	5
ORGANIZATION UNDER MINISTRY OF JUSTICE & ATTORNEY GENERAL (2CASES)	
Ministry	2
MINISTRY OF HEALTH (42 CASES)	
Private Hospitals and Maternity Homes Board	8
National Health Insurance Authority	2
Ghana Health Service	28
Ministry	4
MINISTRY OF INTERIOR (93 CASES)	
Ghana Police Service	86
National Disaster Management Organization (NADMO)	2
Ghana Immigration Service	2
Ghana National Fire Service	2
Ghana Prisons Service	1
MINISTRY OF WATER RESOURCES, WORKS AND HOUSING (6 CASES)	
Public Works Department	1
Rent Control	1
State Housing Company	1
Ghana Water Company	3
MINISTRY OF ENERGY (9 CASES)	
Ghana River Authority (VRA)	1
Electricity Company of Ghana(ECG)	8
MINISTRY OF ROADS AND HIGHWAYS (5 CASES)	
Gh na Highway Authority	4
MINISTRY	1
MINISTRY OF LANDS AND NATURAL RESOURCES (6 CASES)	
L nds Commission	3
Forestry Commission	2
Games and Wildlife	1
MINISTRY OF EMPLOYMENT AND SOCIAL WELFARE (6 CASES)	
Department of Social Welf re	3
Labour Commission	3

MINISTRY OF TRANSPORT (9 CASES)	
Ghana Airport Company Ltd	3
Ghana Civil Aviation Authority	1
Driver & Vehicle Licensing Authority	2
Metro Mass Transit Ltd	2
Ministry of Foreign Affairs	1
MINISTRY OF FOOD AND AGRICULTURE	2
MINISTRY OF DEFENCE (8 CASES)	
Army	7
Ministry	1
ORGANIZATION UNDER MINISTRY OF YOUTH & EMPLOYMENT (9) Cases)	
National Youth Employment Programme (NYEP)	9
EXTRA MINISTERIAL ORGANISATION (35)	
Judicial Service	19
CHRAJ	3
Ghana Post	5
Electoral Commission	2
National Service Secretariat	2
Embassies	4
OTHER RESPONDENT BODIES	337
GRAND TOTAL	823

TABLE 11: List of Offices from which Individuals against whom Corruption Allegations were made worked

Respondent Bodies	Number of Complaints
Ghana Police Service	9
Private Companies/Enterprise	4
District Assemblies	4
Rent Office	1
Judiciary	1
Information Services Department	1
Controller & Accountant General's Department	1
Death and Birth Registry	1
Ghana Association for the Blind	1
CHRAJ	1
Metro Mass Transit	1
Ghana Health Service	1
Ghana Education Service	6
Ghana Association for the Blind	1
Electricity Company of Ghana	1
National Youth Employment Programme	1
Land Valuation Board	1
Private Individuals	1
Ghana Tourism Authority	1
National Security	1
Others	4
Total	43

TABLE 12: Nature of Human Rights Cases and Mode of Closure

NATURE OF ABUSES	DECLINED/REFUSED TO INVESTIGATE	CEASES TO INVESTIGATE	RESOLVED	TOTAL CLOSED
Children's Rights				
Maintenance of Children	73	748	2,079	2,900
Child Education	5	77	199	281
Medical Care	0	0	4	4
Improper Care of Child	2	19	33	54
Child Custody	77	166	365	608
Defilement	13	0	0	13
Child Labour	3	5	15	23
Early & Forced Marriage	6	28	62	96
Maltreatment	4	5	22	31
Paternity	18	66	135	219
Right to Name	1	11	9	21
Trafficking	5	0	0	5
Incest	2	0	0	2
Illegal Adoption	0	0	1	1
Access to Child	6	16	56	78
Abduction	3	0	0	3
others	1	0	0	1
TOTAL	219	1,141	2,980	4,340
Women's Rights Related Complaints				
Maintenance of Spouse	13	198	506	717
Spousal Battery	31	85	172	288
Sexual Harassment	1	8	14	23
Rape	5	0	0	5
Marital Causes	15	44	137	196
Reproductive Rights	25	158	238	421
TOTAL	90	493	1,067	1650
Property Rights Related Complaints				
Destruction	11	55	98	164
Access to self-Acquired Property	87	180	346	613
Compulsory Acquisition of Property	1	0	0	1
Jointly Acquired Property	11	59	149	219
Inheritance	30	82	129	241
Intestate Succession (21	82	249	352
Trespass/Encroachment	17	40	88	145
Title	16	2	18	36
TOTAL	194	500	1,077	1,771
Economic, Social And Cultural Rights Related Complaints				
Non-Payment of Wages	4	36	135	175
Right to Work	1	8	28	37
Environmental Hazards	6	13	33	52
Noise Pollution	1	3	21	25
Breach of Agreement	60	222	579	861

Landlord/Tenant Causes	35	145	583	763
Nuisance	1	4	5	10
Witchcraft Accusations	2	4	5	11
Freedom of Worship	1	5	3	9
Medical Care	1	13	45	59
Others	117	142	383	642
TOTAL	229	595	1,820	2,644
Civil And Political Rights Related Complaints				
Unlawful Detention	11	7	13	31
Banishment	0	4	1	5
Human Dignity	34	30	93	157
Personal Liberty	31	79	222	332
Inhuman Treatments	3	5	10	18
Others	8	2	6	16
TOTAL	87	127	345	559
Grand Total	819	2,856	7,289	10,964

TABLE 13: Nature of Administrative Justice Complaints and Mode of Closure

Nature of Injustice	Declined/Refused To Investigate	Ceases To Investigate	Resolved	Total Closed
Unlawful Dismissal	27	19	76	122
Termination of Appointment	21	23	64	108
Pension	2	7	12	21
Payment of Salaries	30	68	158	256
Redundancy/Redeployment	0	1	6	7
Demotions	0	2	1	3
Denial/Delay of Promotions	2	2	4	8
Suspension/Interdiction	2	3	3	8
Non-Payment of Social Security Contribution	4	6	20	30
Non-Payment of Social Security Benefit	0	2	6	8
Failure to Act on Complaints	12	6	11	29
Delay in Dispensing Justice	10	12	23	45
Arbitrary Transfer	3	4	14	21
Payment of End-of-Service	6	10	39	55
Workmanship Compensation	0	6	2	8
Rudeness & Improper Attention	0	3	5	8
Payment of Allowance	2	2	12	16
Wrongful Placement	2	0	0	2
Withdrawal from School	0	0	4	4
Premature Retirement	0	1	4	5
Denial of Study Leave	1	0	0	1
Withholding of Document	7	2	18	27
Payment of Insurance Claim	4	3	5	12
Abuse of Office	12	7	12	31
Negligence	4	1	3	8
Payment of Transfer Grants	0	0	3	3
Breach of Agreement	7	5	4	16
Unfair Treatment	14	12	42	68
Others	43	22	48	113
TOTAL	215	229	599	1,043

TABLE 14: Nature of Cases on Corrupt Practices Closed

Nature of Corruption Cases Closed	Declined to Investigate	Discontinued Investigation	Completed Investigation	Total Closed
Abuse of Office/Power	1	4	10	15
Misappropriation/Embezzlement	2	3	1	6
Fraud	0	1	0	1
Extortion of Money	0	3	3	6
Mismanagement	1	0	2	3
Total	4	11	16	31

4.3 STATISTICS ON PUBLIC EDUCATION

A total of 4,551 educational activities were organized during the year, an increase of 21.2% from the previous year. The Tema sub-regional office had the highest number, having organized 144 public education programmes during the year, followed by the Obuasi sub-regional office with 75 public education programmes. Below are tables with details of the average number of PE activities carried out by each office during the year as well as number of activities organized by each regional and district office.

Table 1: National Distribution of 2012 Public Education Programmes

Region	NO. OF OFFICES	No of Activities	Average No. Of Activities Per Office	RANKING
Western	11	351	31.9	9
Upper West	5	285	57	4
Upper East	6	306	51	5
Northern	13	812	62.5	3
Ashanti	16	802	50.1	6
Brong Ahafo	13	241	18.5	12
Volta	12	534	44.5	7
Greater Accra	5	99	19.8	11
Eastern	14	419	29.9	10
Central	12	483	40.3	8
Tema Sub	1	144	144	1
Obuasi Sub	1	75	75	2
Total	109	4,551		

Public Education Statistics – 2012

Month/Region	J	F	M	FQ	A	M	J	SQ	MID-YR	J	A	S	TQ	O	N	D	FQ	GT	%
Greater Accra	1	6	18	25	15	21	11	47	72	3	4	7	14	3	10	0	13	99	7.7
Breakdown																			
Regional office	0	1	2	3	0	1	1	2	5	1	0	0	1	0	3	0	3	9	0.7
Amasaman	0	3	0	3	6	4	0	10	13	0	0	0	0	0	0	0	0	13	1.01
Ada Foah	0	0	2	2	3	6	6	15	17	2	4	3	9	3	3	0	6	32	2.5
Weija	1	0	8	9	0	1	4	5	14	0	0	4	4	0	0	0	0	18	1.4
Dodowa	0	2	6	8	6	9	0	15	23	0	0	0	0	0	4	0	4	27	2.1
Eastern	25	50	58	133	44	41	34	119	252	34	17	39	90	28	38	11	77	419	9.2
Breakdown																			
Regional Office	4	4	10	18	6	8	6	20	38	6	4	4	14	6	7	5	18	70	1.54
Suhum	0	0	3	3	0	0	0	0	3	1	3	5	9	5	3	0	8	20	0.44
Nsawam	4	8	9	21	7	4	5	16	37	1	1	4	6	0	0	0	0	43	0.94
Asamankese	2	2	0	4	0	1	2	3	7	0	1	1	2	1	2	0	3	12	0.26
Kibi	2	4	5	11	2	3	3	8	19	0	0	5	5	4	8	0	12	36	0.79
Oda	0	2	3	5	4	5	0	9	14	1	0	1	2	5	2	1	8	24	0.53
Nkawkwaw	1	2	1	4	2	1	4	7	11	4	0	0	4	2	1	0	3	18	0.40
Akropong	3	4	5	12	4	6	3	13	25	5	0	0	5	0	0	2	2	32	0.70

Asuogyam	2	12	5	19	2	6	4	12	31	5	2	7	14	0	7	3	10	55	1.21
New Abirem	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.00
Manyakrobo	0	4	6	10	6	0	0	6	16	6	3	4	13	0	0	0	0	29	0.64
Donkorkrom	3	3	5	11	4	4	3	11	22	5	3	5	13	5	2	0	7	42	0.92
Begoro	4	5	6	15	4	2	0	6	21	0	0	0	0	0	0	0	0	21	0.46
Kade	0	0	0	0	3	1	4	8	8	0	0	3	3	0	6	0	6	17	0.37
Volta	26	40	63	129	47	43	111	201	330	29	47	52	128	33	31	12	76	534	11.7
Breakdown																			
Regional Office	6	8	8	22	2	6	78	86	108	0	3	3	6	3	0	0	3	117	2.56
Keta	2	2	7	11	3	4	3	10	21	3	4	3	10	2	2	2	6	37	0.81
Ketu	2	2	3	7	3	3	4	10	17	4	5	6	15	6	6	1	13	45	0.99
Akatsi	5	5	2	12	3	1	1	5	17	0	16	8	24	3	7	3	13	54	1.18
North Tongu	2	0	3	5	4	3	3	10	15	4	3	4	11	2	2	0	4	30	0.66
South Tongu	3	4	9	16	11	11	8	30	46	5	6	13	24	7	7	2	16	86	1.88
Kpando	0	2	1	3	1	1	1	3	6	3	0	1	4	0	0	0	0	10	0.22
Hohoe	0	1	3	4	2	3	0	5	9	0	0	0	0	0	0	0	0	9	0.20
Jasikan	1	7	6	14	3	1	2	6	20	0	2	4	6	0	0	0	0	26	0.57
Kadjebe	0	2	11	13	8	3	3	14	27	1	6	5	12	4	4	0	8	47	1.03
Nkwanta	5	4	7	16	4	5	4	13	29	5	2	3	10	4	3	4	11	50	1.10
Kete Krachi	0	3	3	6	3	2	4	9	15	4	0	2	6	2	0	0	2	23	0.50

Month/Region	J	F	M	FQ	A	M	J	SQ	MID-YR	J	A	S	TQ	O	N	D	FQ	GT	%
Ashanti	32	50	62	144	83	80	55	218	362	38	23	40	101	112	57	170	339	802	17.6
Breakdown																			
Regional Office	7	1	9	17	7	7	5	19	36	6	8	7	21	24	6	5	35	92	2.02
New																			
Edubiase	5	2	3	10	10	11	4	25	35	10	3	7	20	25	15	22	62	117	2.57
Offinso	0	4	3	7	3	2	1	6	13	4	0	0	4	0	7	0	7	24	0.53
Kuntenase	3	3	4	10	7	7	6	20	30	5	5	10	20	6	3	9	18	68	1.49
Juaso	3	3	1	7	3	3	4	10	17	0	0	0	0	0	6	7	13	30	0.66
Manso Kwanta	0	5	5	10	3	3	2	8	18	0	0	0	0	0	0	10	10	28	0.61
Konongo	1	1	2	4	3	3	1	7	11	4	0	4	8	0	6	2	8	27	0.59
Ejura	3	6	9	18	10	9	8	27	45	3	3	5	11	4	4	4	12	68	1.49
Tepa	2	2	2	6	2	0	0	2	8	0	0	0	0	0	2	19	21	29	0.64
Mankranso	0	3	5	8	0	0	0	0	8	0	0	0	0	0	0	0	0	8	0.18
Mamponte ng	2	2	2	6	2	3	1	6	12	0	0	0	0	0	0	17	17	29	0.64
Nkawie	0	0	0	0	15	14	12	41	41	6	4	7	17	26	4	18	48	106	2.33
Agona	3	4	2	9	5	6	3	14	23	0	0	0	0	0	0	33	33	56	1.23
Mampong	0	2	3	5	2	0	0	2	7	0	0	0	0	21	4	0	25	32	0.70
Effiduase	3	4	4	11	4	4	3	11	22	0	0	0	0	0	0	23	23	45	0.99
Bekwai	0	8	8	16	7	8	5	20	36	0	0	0	0	6	0	1	7	43	0.94
Brong-Ahafo	20	23	37	80	28	27	42	97	177	15	13	13	41	15	8	0	23	241	5.3

Breakdown	5	0	0	5	4	5	6	15	20	2	1	1	4	3	4	0	7	31	0.68
Regional Office	1	1	5	7	4	0	8	12	19	0	3	0	3	0	0	0	0	22	0.48
Dormaa	3	2	3	8	4	5	4	13	21	0	0	0	0	0	0	0	0	21	0.46
Wenchi	0	2	3	5	2	2	0	4	9	0	0	0	0	3	0	0	3	12	0.26
Jaman/Drobo	1	1	1	3	1	1	1	3	6	0	0	0	0	0	2	0	2	8	0.18
Nkoranza	2	1	3	6	1	1	2	4	10	0	0	0	0	0	0	0	0	10	0.22
Techiman	0	5	12	17	1	0	14	15	32	5	3	0	8	2	0	0	2	42	0.92
Bechem	1	3	2	6	1	1	0	2	8	0	0	0	0	0	0	0	0	8	0.18
Asunafo/Gboaso	0	0	0	0	0	4	0	4	4	3	1	4	8	7	2	0	9	21	0.46
Asutifi/Kenyasi	0	0	0	0	2	1	2	5	5	0	1	3	4	0	0	0	0	9	0.20
Berekum	2	3	3	8	3	2	0	5	13	0	0	0	0	0	0	0	0	13	0.29
Atebubu	5	5	5	15	5	5	5	15	30	5	4	5	14	0	0	0	0	44	0.97
Kwame Danso	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.00
Kintampo																			
Month/Region	J	F	M	FQ	A	M	J	SQ	MI D-YR	J	A	S	TQ	O	N	D	FQ	GT	%
Central	15	41	48	104	37	49	42	128	232	47	42	45	134	46	50	21	117	483	10.6
Breakdown																			
Regional Office	4	10	17	31	15	13	2	30	61	2	2	0	4	4	8	0	12	77	1.69
Agona Swedru	0	4	5	9	0	0	2	2	11	5	6	0	11	0	2	2	4	26	0.57

Ajumako	0	2	0	2	2	2	0	4	6	4	6	8	18	0	0	0	0	24	0.53
Twifo Praso	0	2	6	5	5	7	17	25	4	4	2	10	0	15	0	0	0	50	1.10
Abura Dunkwa	0	3	1	4	4	4	12	16	6	3	3	12	3	4	0	0	0	32	0.70
Elimina	1	1	1	3	0	3	5	8	11	7	0	3	10	4	1	10	15	36	0.79
Mfantisima n	2	5	1	8	0	3	3	6	14	2	8	0	10	1	2	2	5	29	0.64
Gomoa	3	2	2	7	0	5	2	7	14	6	2	5	13	9	1	3	13	40	0.88
B. Asikuma	0	2	6	8	2	0	0	2	10	4	4	3	11	6	4	0	10	31	0.68
Winneba	3	6	8	17	9	11	11	31	48	6	1	8	15	7	4	4	15	78	1.71
Dunkwa Offin	0	2	1	3	0	3	0	3	6	0	1	5	6	7	10	0	17	29	0.64
Assin Fosu	2	2	0	4	0	0	6	6	10	1	5	8	14	5	2	0	7	31	0.68
48																			
Western	16	30	30	76	15	31	38	84	160	37	14	33	84	47	54	6	107	351	7.7
Breakdown																			
Regional Office	1	1	7	9	4	0	8	12	21	1	1	0	2	12	5	0	17	40	0.88
Tarkwa	4	4	4	12	4	3	3	10	22	3	3	3	9	4	3	3	10	41	0.90
Axim	0	0	0	0	0	1	2	3	3	10	0	11	21	0	5	0	5	29	0.64
Sefiwi-Wiawso	2	3	3	8	0	2	2	4	12	2	2	6	10	6	5	0	11	33	0.72
Asankragwa	1	4	8	13	3	3	10	16	29	5	2	0	7	6	4	0	10	46	1.01
Juaboso	3	3	2	8	2	4	2	8	16	1	0	5	6	2	5	0	7	29	0.64
Enchi	2	3	4	9	1	2	2	5	14	2	2	2	6	3	2	0	5	25	0.55
Half Assini	1	2	2	5	1	1	2	4	9	0	4	0	4	2	3	1	6	19	0.42
Bibiani	0	8	0	8	0	0	2	2	10	6	0	3	9	6	6	2	14	33	0.72

Agona Nnkwanta	2	2	0	4	0	4	0	0	8	0	0	3	3	6	5	0	11	22	0.48
Daboase	0	0	0	0	11	5	16	16	7	0	0	0	7	0	11	0	11	34	0.75
Month/Region	J	F	M	FQ	A	M	J	SQ	MID -YR	J	A	S	TQ	O	N	D	FQ	GT	%
Northern	28	112	89	229	54	69	88	211	440	60	72	73	205	77	52	38	167	812	17.8
Breakdown																			
Regional Office	6	12	20	38	0	17	15	32	70	10	6	8	24	18	6	1	25	119	2.61
Savelugu	6	10	0	16	0	3	2	5	21	11	6	0	17	4	0	0	4	42	0.92
Tolon	0	15	5	20	6	4	4	14	34	5	9	7	21	7	7	9	23	78	1.71
Walewaie	0	10	10	20	3	4	13	20	40	0	5	7	12	5	4	0	9	61	1.34
Gambaga	0	12	7	19	0	0	7	7	26	0	6	3	9	6	0	2	8	43	0.94
Bole	0	10	10	20	12	0	13	25	45	4	16	10	30	5	9	0	14	89	1.95
Damango	5	7	4	16	4	6	3	13	29	5	4	3	12	3	0	2	5	46	1.01
Salaga	6	6	6	18	6	6	6	18	36	8	3	15	26	4	3	6	13	75	1.64
Bimblia	0	5	6	11	10	11	9	30	41	5	6	8	19	8	0	5	13	73	1.60
Yendi	0	16	4	20	2	4	4	10	30	6	3	4	13	3	10	3	16	59	1.29
Saboba	2	3	5	10	5	5	8	18	28	2	2	1	5	6	10	5	21	54	1.18
Zabzugu	3	3	8	14	6	6	0	12	26	4	4	4	12	4	0	4	8	46	1.01
Gushegu	0	3	4	7	0	3	4	7	14	0	2	3	5	4	3	1	8	27	0.59
Upper East	15	31	26	72	26	25	33	84	156	26	22	34	82	25	29	14	68	306	6.7
Breakdown																			

Regional Office	0	6	4	10	3	6	3	12	22	0	0	13	13	8	4	0	12	47	1.03
Bawku	4	6	5	15	5	5	5	15	30	5	4	4	13	4	4	2	10	53	1.16
Sandema	0	7	3	10	8	2	4	14	24	2	3	4	9	0	5	4	9	42	0.92
Zebilla	4	3	5	12	3	3	12	18	30	3	4	3	10	3	4	3	10	50	1.09
Navrongo	5	4	4	13	5	5	5	15	28	4	3	6	13	5	7	3	15	56	1.23
Bongo	2	5	5	12	2	4	4	10	22	12	8	4	24	5	5	2	12	58	1.27
Upper West	16	34	33	83	29	24	28	81	164	23	22	15	60	23	19	19	61	285	6.3
Breakdown																			
Regional Office	5	12	12	29	16	18	13	47	76	9	11	8	28	8	10	4	22	126	2.79
Lawra	5	11	7	23	6	0	8	14	37	3	4	1	8	3	0	4	7	52	1.15
Nadowli	0	6	4	10	3	2	3	8	18	3	0	2	5	2	5	5	12	35	0.77
Jirapa	1	2	4	7	4	2	0	6	13	4	5	2	11	4	0	2	6	30	0.66
Tumu	5	3	6	14	0	2	4	6	20	4	2	2	8	6	4	4	14	42	0.93
Tema	3	19	12	34	17	26	14	57	91	14	19	7	40	11	2	0	13	144	3.2
Obuasi	1	14	6	21	9	11	1	21	42	6	7	12	25	4	4	0	8	75	1.7
TOTAL																		4,551	100

GT – Grand Total

PART V: SPECIAL REPORTS

PRELIMINARY REPORT ON OBSERVATION OF THE 2012 GENERAL PRESIDENTIAL AND PARLIAMENTARY ELECTIONS IN GHANA ISSUED BY THE COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE

I. INTRODUCTION

As part of its mandate to promote and protect fundamental human rights and freedoms in Ghana, the Commission monitored the right to vote as the main focus of all Ghanaians this year was on elections. The Commission observed that the nation and political parties, from the beginning of the year prepared for keenly contested presidential and parliamentary elections that took place on Friday 7th and Saturday 8th December, 2012.

In the view of the Commission, the five (5) previous elections held over the last two decades show that impediments to the right to vote and democratic development still exist in Ghana. These impediments include abuse of incumbency, electoral corruption, intimidation and deep mistrust between the country's political parties. These impediments could mar the credibility of the Elections that could, in turn, lead to threats to peace and security in the country. By monitoring the 2012 Elections, the Commission joined other organizations including the Coalition of Domestic Election Observers (CODEO), Media Foundation for West Africa, the Commonwealth Secretariat, the African Union and the Economic Community for West African States (ECOWAS) in a broad effort to enhance the credibility of the elections and maintain peace and stability in the country.

II. DEPLOYMENT OF MONITORS AND OBSERVERS

The Commission deployed three hundred and thirty-five (335)

observers during the polls, led by its Commissioner, Ms Laurretta Vivian Lamprey. Prior to the day of the polls, the Commission monitored campaign activities of political parties and candidates in the regions and districts, and media coverage of campaigns and political party activities. The Commission's observers received training and obtained accreditation from the Electoral Commission.

Over 1,675 polling stations were observed, including polling stations located in the prisons. The Commission's observers applied a standard checklist designed for the exercise.

On Election Day, the Commission's observers arrived at their respective polling stations by 6:30 a.m. to observe the opening of polls. The observers made contacts with other observers from CODEO, the Commonwealth, Canadian International Observer Mission, African Union and ECOWAS, as well as other local observers who were encountered at various polling stations covered in the exercise. The Commission also had a meeting with a delegation from the ECOWAS Secretariat that was on a fact-finding mission to Ghana.

The observers maintained contact with their team leaders and the Commission's situation room to report any findings and/or relevant information.

III. PRELIMINARY OBSERVATIONS

After collating reports from our observers across the country, the Commission issues this Preliminary Report on the right to vote in Ghana.

1. Campaigns, Media Performance and Polling

- 1) Apart from accidents which resulted in various degrees of minor injuries owing to reckless riding of motorbikes by supporters of political parties in the Northern Region, campaign programmes were largely successful and were devoid of incidents. Generally, campaign messages centered on developmental issues and less of abusive language. Campaigners generally conducted themselves with decorum.

- 2) The political parties observed the 48-hour rule that campaigns should end prior to Election Day. Polls generally did not start at the statutory time – i.e. 7.00 a.m. – due to late arrival of Electoral Commission officials and materials for voting. At some polling stations EC officials attributed the late arrival of materials to lack of transportation. Turnout of voters was generally very high. Personnel from the security agencies were very busy maintaining order at the polling stations amidst numerous reports of glitches of the verification machines that were made a key requirement in clearing voters before they could cast their votes.
- 3) Personnel from the security agencies were very professional in performing their duties as they came under intense pressure from some irate voters who had formed long queues from the previous night to exercise their franchise.
- 4) Officials of the EC were also very professional and courteous in dealing with some voters who were frustrated and angry because the biometric verification of voters had become very difficult at some polling stations.
- 5) Voting was generally peaceful and orderly at most polling stations in the country. Most Ghanaians were patient and determined to realize their right to vote.
- 6) Persons with disabilities and the aged were assisted to vote. Some persons with disabilities had no easy access to the polling booths that were in schools where they needed to go over a staircase before they could vote. The sick and nursing mothers were given the opportunity to vote out of turn.
- 7) Generally, polls closed very late, as late as 3:00 a.m. on 8th December in one instance in Tamale.
- 8) Voting was suspended in a number of cases due to the huge numbers of voters, slow pace of voting and malfunctioning of the verification machine. Many queues only eased after 8:00 p.m. In many cases voting did not end at the official closing time. Sorting and counting of votes in polling stations where the polling ended

late was done professionally and in a transparent manner in the full glare of party agents and the general public.

CHALLENGES TO THE ENJOYMENT OF THE RIGHT TO VOTE OBSERVED

The Commission noted some developments in the period that had the potential to undermine the enjoyment of the right to vote before and during polls, some of which are the following:

- 1) Both the NDC and the NPP used children in their campaign activities (rallies) where the children made presentations on the pros and cons of free SHS education. These activities took place at Buadum D/C JSS, Asakrangwa in the Wassa Amenfi West District of the Western Region (for the NDC) and Amasaman in the Greater Accra Region (for the NPP).
- 2) Public officials/civil servants were seen campaigning in all regions. For instance, during a campaign programme held at the District Council Hall at Kpando in the Volta Region, a teacher was heard convincing the electorate that the free SHS proposed by the NPP was not feasible. Also, a staff of Adentan Municipal Assembly openly canvassed for vote for the President.
- 3) In one incident a chief was observed campaigning at a rally held by the NDC at the Kulikuli School. Chief Kumbuugu Nyuguidaa mounted the platform and canvassed for votes for the NDC.
- 4) Some campaigners were seen using state resources. In fact, Ministers, District Chief Executives (DCEs), Municipal Chief Executives (MCEs) were seen using their official vehicles at campaign events. Also, official vehicles were used to transport campaign equipment to the rally grounds. For instance, at the Juaso Senior High Technical School Park in Asante Akim South in the Ashanti Region where the National Democratic Congress organized a rally, three District Assembly vehicles were used to convey furniture and people to the rally grounds. Registration numbers of the vehicles were: GE 3167 Y, AS 8727 W and GN 2397-11.

- 5) A few cases of the use of insulting language were recorded. Speakers referred to members of other political parties as liars and thieves. The Commission noted that the loud public outcry against those who were prone to using insulting language somewhat held politicians and party activists in check.
- 6) At a meeting with persons with physical disability by the NPP in Gushegu in the Northern Region, the parliamentary candidate, Rita Tani, gave GH¢100.00 to participants as 'water'. A rally organized by the NPP at the Takoradi Jubilee Park witnessed monies being shared to potential voters.
- 7) Some media houses clearly showed through their broadcast evidence of the political party they supported. Some media houses, especially FM Radio Stations, allowed some political party activists to launch verbal attacks on members of other political parties. This somewhat increased tension in the country.
- 8) Throughout the year, issues were politicized. This considerably heightened tension in the country. Ghanaians responded by organizing activities including peace marches for peace to prevail in the country. Politicians and activists who featured on media programmes were admonished to be decorous and civil to each other.
- 9) Peace Pact: On November 27, 2012 the quest by many for peace, was climaxed by the signing of the historic peace pact; the Kumasi Declaration by all the eight contestants for President, who pledged to ensure peaceful general elections. The signing of the historic pact under the auspices of the National Peace Council and Otumfuo Osei Tutu II, Asantehene, urged the presidential candidates to publicly take a collective stand against electoral violence, impunity and injustice.
- 10) Despite the pledges there was a shooting incident in Kumasi which left two people injured. This indicates that Ghana still has a long way to go in consolidating democracy and making a human rights culture and peace prevail in the country.

- 11) Failure of the verification machines occurred in many parts of the country. This situation was worse in Greater Accra and Northern regions, where the Commission's observers directly encountered eleven (11) of such polling stations.
- 12) Late arrival of basic election materials and problems with the verification machines almost disenfranchised many eager voters. This compelled the EC to extend the period of voting by another day.
- 13) Prospective Voters Disenfranchised: A few days before the elections, the EC complied with a court order to register prospective voters in four electoral areas in the Kassana-Nankana East District in the Upper East Region. Unfortunately for voters in the affected districts, who had earlier declined to register in a dispute over the change of name in the electoral area in their district, they could not exercise their franchise because of the requirement of a subsidiary legislation (C.I. 75), which prohibits the EC from including in the voters register the names of persons who qualify as voters to do so sixty days or more before election.
- 14) The suspension of voting and the problems of verification obviously created some anxiety and made affected voters frustrated. Some voters went away angry and vowed never to vote again. For instance, at the Inti-Suariya Primary School polling station in the Tamale Central Constituency, where voting ended the next day at 3:00 a.m. on 8th December, 2012, more than 10 voters could not cast their votes because the machine simply refused to capture their fingerprints after they had tried for more than 5 times.
- 15) Indeed, problems of verification led to the devising of many unscientific methods in order to enable the machine to capture the fingerprints of some prospective voters. Some people had to buy coca cola (soft drink) to wash their hands before they were captured at the Inti-Suariya Primary School polling station. In the Kanvilli R/C Polling Centre in Tamale, a hot coal pot was provided for voters to dry their hands after washing with soap and water before their fingerprints could be captured. Most

of those affected by the problems of verification were elderly women. Some young women who had dyed their hands and fingers with a local herb called “lele” were also affected.

PRELIMINARY CONCLUSIONS AND RECOMMENDATIONS

Overall, the electioneering campaign was peaceful. The polling processes on 7th and 8th December, counting and certification of the results at the polling stations were done in a transparent manner. The Commission congratulates Ghanaians for turning out in large numbers to exercise their franchise and urges politicians and political party leaders and their supporters to exercise restraint and continue to contribute towards democratic consolidation in the country.

The Commission further commends Ghanaians for turning out in large numbers to exercise their franchise. All Ghanaians deserve praise for their tolerance, devotion to duty and eagerness to exercise their right to vote and, by that, effectively participating in choosing those who will lead this country for the next four years.

The Commission commends the citizens of Ghana for the crucial role they played in maintaining peace in the country, and for their forbearance, especially for those enthusiastic and dedicated citizens who could not exercise their franchise on the first day of the elections. The Commission also commends the Electoral Commission for organizing yet another successful Presidential and Parliamentary Election in the country. It, however, urges the EC not to abandon its traditional verification that relied on identifying a voter upon an examination of the voter’s ID card and matching that with the voters’ name and photograph in the voter’s register.

The Commission recommends that Regulation 9 (5) of C.I. 75 that made it impossible for the 3000 constituents of the Kassena Nankana area to exercise their franchise on 7th December, 2012, be amended to prioritize the right of all persons to vote, as the situation which occurred in the Kassena Nankana area effectively undermined the right to vote of the persons. In the view of the Commission, that part of the instrument offends against the 1992 Constitution.

The Commission further recommends that Government must complete the process of issuing citizens' identification cards to all the citizens of Ghana, and further harmonize citizens' identification and voters' registration to enable any citizen who turns 18 years to vote freely.

DATED AT THE COMMISSION ON HUMAN RIGHTS AND
ADMINISTRATIVE JUSTICE, THIS 10TH DAY OF DECEMBER, 2012

Signed
LAURETTA VIVIAN LAMPTEY

PART VI: FINANCIAL REPORT

6.1 BRIEF REPORT ON THE COMMISSION'S FINANCIAL DISBURSEMENT FOR 2011

The Commission's bank balances as at January 1, 2012 are as follows

Treasury Account [GOG]	-	GH¢ 65.83
Donor Account/DANIDA	-	GH¢ 531,269.65

6.2 BUDGET ESTIMATES FOR 2012 FISCAL YEAR

In 2012, the Government of Ghana approved a budget estimate of GH¢ 9,163,737.00 for the Commission's programme of activities for 2012 in the Government's fiscal policy statement.

Below is a table of the amounts approved and released respectively in 2012.

Personnel	2012		
	Approved	Released	% Difference
Emolument	5,451,311.00	13,909,488.62	8,458,177.62
Goods/Services	1,863,836.00	1,512,072.69	-351,763.31
Investment	1,848,590.00	39,587.88	-1,809,002.12
Total	9,163,737.00	15,461,149.19	6297,412.19

6.3 SUPPORT FROM DEVELOPMENT PARTNERS

In the year under review, the Commission received support from DANIDA to the tune of GH¢ 3,702,214.00. The support went into service activities, capacity building and logistics.

Status	Amount(GH¢)
Opening Balance	531,269.65
Amount Received	3,702,214.00
Total Amount Available	4,233,483.65
Amount Disbursed	4,207,261.36
Closing Balance	26,222.29

The closing balances in respect of the Commission's account as at December, 2012;

Treasury Account - GH¢ 1,828.84
 Donor Account - GH¢ 26,222.29

PART VII: LEGISLATIVE FRAMEWORK

7.1 CHAPTER EIGHTEEN OF THE 1992 CONSTITUTION OF GHANA

COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE

216. There shall be established by Act of Parliament within six months after Parliament first meets after the coming into force of this Constitution, a Commission on Human Rights and Administrative Justice which shall consist of –

- a. 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. (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

230. Subject to the provisions of this Constitution and to any Act of Parliament made under this Chapter, the Commission shall make, by constitutional instrument, regulations regarding the manner and procedure for bringing complaints before it and the investigation of such complaints.

7.2 CHAPTER TWENTY-FOUR: CODE OF CONDUCT FOR PUBLIC OFFICERS

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

for Human Rights and Administrative Justice.

4. Any property or assets acquired by a public officer after the initial declaration required by clause (1) of this article and which is not reasonably attributable to income, gift, loan, inheritance or any other reasonable source shall be deemed to have been acquired in contravention of this Constitution.
5. The public offices to which the provisions of this article apply are those of –
 - a. the President of the Republic;
 - b. the Vice-President of the Republic;
 - c. the Speaker, the Deputy Speaker and a Member of Parliament;
 - d. Minister of State or Deputy Minister;
 - e. Chief Justice, Justice of the Superior Court of Judicature, Chairman of a Regional Tribunal, the Commissioner for Human Rights and Administrative Justice and his Deputies and all judicial officers;
 - f. Ambassador or High Commissioner;
 - g. Secretary to the Cabinet;
 - h. Head of Ministry or government department or equivalent office in the Civil Service;
 - i. chairman, managing director, general manager and departmental head of a public corporation or company in which the State has a controlling interest; and
 - j. such officers in the public service and any other public institution as Parliament may prescribe.
6. The Auditor-General shall make a written declaration of his assets and liabilities to the President in the manner and subject to the conditions provided in clauses (1) to (3) of this article.
7. Before entering upon the duties of his office, a person appointed to an office to which the provisions of this article apply, shall take and subscribe the oath of allegiance, the oath of secrecy and the official oath set out in the Second Schedule to this Constitution, or any other oath appropriate

to his office.

287. (1). An allegation that a public officer has contravened or has not complied with a provision of this Chapter shall be made to the Commissioner for Human Rights and Administrative Justice and, in the case of the Commissioner of Human Rights and Administrative Justice, to the Chief Justice who shall, unless the person concerned makes a written admission of the contravention or non-compliance, cause the matter to be investigated.

(2). The Commissioner of Human Rights and Administrative Justice or the Chief Justice as the case may be, may take such action as he considers appropriate in respect of the results of the investigation or the admission.

288. In this Chapter, unless the context otherwise requires, “public officer” means a person who holds a public office.

7.3 ACT OF THE PARLIAMENT OF THE REPUBLIC OF GHANA ENTITLED THE COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE ACT, 1993

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

DATE OF ASSENT: 6TH JULY, 1993

BE IT ENACTED by Parliament as follows:

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

Section 1 - Establishment of the Commission.

There is established by this Act a body to be known as the Commission on Human Rights and Administrative Justice in this Act referred to as “the Commission”.

Section 2 - Composition of the Commission.

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

Section 3 - Qualification of Commissioners.

1. A person shall not be qualified for appointment as a Commissioner or a Deputy Commissioner for Human Rights and Administrative Justice, unless he is-
 - a. in the case of the Commissioner, qualified for appointment as a Justice of the Court of Appeal; and
 - b. in the case of a Deputy Commissioner, qualified for appoint-

ment as a Justice of the High Court.

2. The Commissioner and Deputy Commissioners shall not while holding office as Commissioners hold any other public office.

Section 4 – Terms and Conditions of Service of Commissioners.

1. The Commissioner and Deputy Commissioners shall enjoy the terms and conditions of service of a Justice of the Court of Appeal and High Court respectively.
2. The Commissioner and Deputy Commissioners shall cease to hold office upon attaining the ages of seventy and sixty-five years respectively.
3. Where the Commissioner or a Deputy Commissioner dies, resigns or is removed from office or is for any other reason unable to perform the functions of his office, the President shall, acting in consultation with the Council of State, appoint a person qualified to be appointed Commissioner or Deputy Commissioner to perform those functions until the appointment of a new Commissioner or Deputy Commissioner.

Section 5 – Removal of Commissioners.

The procedure for the removal of the Commissioner and Deputy Commissioners shall be the same as that provided for the removal of a Justice of the Court of Appeal and a Justice of the High Court respectively under article 146 of the Constitution.

Section 6 – Independence of Commission and Commissioners.

Except as provided by the Constitution or by any other law not inconsistent with the Constitution, the Commission and the Commissioners shall, in the performance of their functions not be subject to the direction or control of any person or authority.

PART II – FUNCTIONS OF THE COMMISSION

Section 7 – Functions of the Commission.

The functions of the Commission are–

- a. to investigate complaints of violations of fundamental rights

- and freedoms, injustice, corruption, abuse of power and unfair treatment of any person by a public officer in the exercise of his official duties;
- b. to investigate complaints concerning the functioning of the Public Services Commission, the administrative organs of the State, the offices of the Regional Co-ordinating Council and the District Assembly, the Armed Forces, the Police Service and the Prisons Service in so far as the complaints relate to the failure to achieve a balanced structuring of those services or fair administration in relation to those services;
 - c. to investigate complaints concerning practices and actions by persons, private enterprises and other institutions where those complaints allege violations of fundamental rights and freedoms under the Constitution;
 - d. to take appropriate action to call for the remedying, correction and reversal of instances specified in paragraphs (a), (b) and (c) of this subsection through such means as are fair, proper and effective, including-
 - i. negotiation and compromise between the parties concerned;
 - ii. causing the complaint and its finding on it to be reported to the superior of an offending person;
 - iii. bringing proceedings in a competent court for a remedy to secure the termination of the offending action or conduct, or the abandonment or alteration of the offending procedures; and
 - iv. bringing proceedings to restrain the enforcement of such legislation or regulation by challenging its validity if the offending action or conduct is sought to be justified by subordinate legislation or regulation which is unreasonable or otherwise ultra vires.
 - e. to investigate allegations that a public officer has contravened or has not complied with a provision of Chapter Twenty-four (Code of Conduct for Public Officers) of the Constitution;

- f. to investigate all instances of alleged or suspected corruption and the misappropriation of public moneys by officials and to take appropriate steps, including reports to the Attorney-General and the Auditor-General, resulting from such investigations;
- g. to educate the public about human rights and freedoms by such means as the Commissioner may decide, including publications, lectures and symposia; and
- h. to report annually to Parliament on the performance of its functions.

(2) All costs and expenses related to investigations conducted by the Commission into a complaint shall be borne by the Commission.

Section 8—Special Powers of Investigation.

1. The Commission shall for the purposes of performing its functions under this Act, have power -
 - a. to issue subpoenas requiring the attendance of any person before the Commission and the production of any document or record relevant to any investigation by the Commission;
 - b. to cause any person contemptuous of any such subpoena to be prosecuted before a competent court;
 - c. to question any person in respect of any subject matter under investigation before the Commission;
 - d. to require any person to disclose truthfully and frankly any information within his knowledge relevant to any investigation by the Commissioner.
2. The Commissioner shall not investigate -
 - a. a matter which is pending before a court or judicial tribunal; or
 - b. a matter involving the relations or dealings between the Government and any other Government or an international organisation; or

- c. a matter relating to the exercise of the prerogative of mercy.

Section 9—Initiation of Legal Proceedings.

For the purposes of performing his functions under the Constitution, this Act and any other law, the Commissioner may bring an action before any court in Ghana and may seek any remedy which may be available from that court.

Section 10 - Regional and District Branches of Commission.

1. There shall be established in each Region and District of Ghana Regional and District branches respectively of the Commission.
2. There shall be appointed by the Commission an officer who shall be the head of a Regional or District branch of the Commission.
3. The Commission may create such other lower structures as would facilitate its operations.

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

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

PART III - PROVISIONS RELATING TO COMPLAINTS AND INVESTIGATIONS

Section 12 - Provisions Relating to Complaints.

1. A complaint to the Commission shall be made in writing or orally to the national offices of the Commission or to a representative of the Commission in the Regional or District branch.
2. Where a complaint is made in writing it shall be signed by the complainant or his agent.

3. Where a complaint is made orally, the person to whom the complaint is made shall reduce the complaint into writing and shall append his signature and the signature or thumbprint of the complainant.
4. Notwithstanding any law to the contrary, where a letter written by-
 - a. a person in custody; or
 - b. a patient in a hospital, is addressed to the Commission, it shall be immediately forwarded, unopened and unaltered to the Commission by the person for the time being in charge of the place or institution where the writer of the letter is detained or of which he is a patient.
5. A complaint under this Act may be made by any individual or a body of persons whether corporate or unincorporated.
6. Where a person by whom a complaint might have been made under this Act has died or is for any sufficient reason unable to act for himself, the complaint may be made by his personal representative or by a member of his family or other individual suitable to represent him.

Section 13 – Refusal to Investigate.

1. Where in the course of the investigation of any complaint it appears to the Commission-
 - a. that under the law or existing administrative practice there is adequate remedy for the complaint, whether or not the complainant has availed himself of it; or
 - b. that having regard to all the circumstances of the case, any further investigation is unnecessary, it may refuse to investigate the matter further.
2. The Commission may refuse to investigate or cease to investigate any complaint-
 - a. if the complaint relates to a decision, recommendation, act or omission of which the complainant has had knowledge for

- more than twelve months before the complaint is received by the Commission; or
- b. if the Commission considers that:
 - i. the subject matter of the complaint is trivial;
 - ii. the complaint is frivolous or vexatious or is not made in good faith; or
 - iii. the complainant does not have sufficient personal interest in the subject matter of the complaint.
- 3. Notwithstanding subsection (2) of this section, if within six months after the Commission's refusal or ceasing to investigate any complaint under this section, fresh evidence in favour of the complainant becomes available, the Commission shall, at the request of the complainant, re-open the case.
- 4. Where the Commission decides not to investigate or to cease to investigate a complaint, it shall within 30 days of the decision inform the complainant of its decision and the reasons for so refusing.

Section 14 - Procedure in Respect of Investigations.

- 1. Where the Commission decides to conduct an investigation under this Act, it shall give the authority or person concerned and to any other person who is alleged in the complaint to have taken or authorized the act or omission complained of, an opportunity to comment on any allegations contained in the complaint and the representative of the authority or person concerned shall submit his comments within such time as the Commission may specify.
- 2. The public may be excluded from investigations conducted by the Commission.
- 3. Without prejudice to the generality of the provisions of this section, the Commission may obtain information from such persons and in such manner, and make such inquiries as it considers necessary.
- 4. The Commission may pay to a person by whom a complaint

is made and to any other person who attends and furnishes information for the purposes of an investigation under this Act—

- a. sums in respect of expenses properly incurred by them; and
- b. allowances by way of compensation for the loss of their time, in accordance with such scales and subject to such conditions as may be determined by the Commission having regard to the rates for the time being applicable to the courts.

Section 15 - Evidence at Investigations.

1. Subject to this section the Commission may require any person who, in its opinion, is able to give any information relating to a matter being investigated by the Commission—
 - a. to furnish the information to it;
 - b. to produce any document, paper or thing that in its opinion relates to the matter being investigated and which may be in the possession or control of that person.
2. The Commission may summon before it and examine on oath or affirmation:
 - a. a person required to give information or produce anything under subsection (1) of this section;
 - b. a complainant;
 - c. any other person who the Commission considers will be able to give information required under subsection (1) of this section.
3. Subject to subsection (4) of this section, a person who is bound by law to maintain secrecy in relation to, or not to disclose, any matter may not:
 - a. supply information to or answer a question put by the Commission in relation to that matter; or
 - b. produce to the Commission a document, paper or thing relating to it, if compliance with that requirement would be in breach of the obligation of secrecy or non-disclosure.
4. A person to whom subsection (3) of this section applies may be

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

5. A witness before the Commission shall be entitled to the same privileges to which he would have been entitled if he were a witness before the High Court.
6. No person shall be liable to prosecution for an offence under any enactment by reason of his compliance with a requirement of the Commission under this section.

Section 16 - Production of Official Documents.

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

Section 17 - Maintenance of Secrecy.

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

PART IV - PROCEDURE AFTER INVESTIGATION BY THE COMMISSION

Section 18 - Procedure after Investigations.

1. Where after making an investigation under this Act, the

Commission is of the view that the decision, recommendation, act or omission that was the subject matter of the investigation

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

- b. appears to have been contrary to law; or

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

- d. was based wholly or partly on a mistake of law or fact; or

- e. was based on irrelevant grounds or made for an improper purpose; or

- f. was made in the exercise of a discretionary power and reasons should have been given for the decision, the Commission shall report its decision and the reasons for it to the appropriate person, Minister, department or authority concerned and shall make such recommendations as it thinks fit and the Commission shall submit a copy of its report and recommendations to the compliant.

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

Section 19 - Reports of Commissioner.

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

2. Parliament may debate the report of the Commission and may pass such resolution as it considers fit.
3. A resolution of Parliament shall not alter a decision made by a court on a matter instituted before the court by the Commissioner.
4. The Commissioner may, in the public interest or in the interest of any person or department or any other authority, publish reports relating:
 - (a. generally to the exercise of the functions of the Commission under this Act; or
 - b. to any particular case investigated by the Commission whether or not the matters in the report have been the subject of a report to Parliament.

PART V - MISCELLANEOUS PROVISIONS

Section 20 - Appointment of Staff.

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

Section 21 - Expenses of Commission Charged on Consolidated Fund.

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

Section 22 - Proceedings Privileged.

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

inquiry by or proceedings before the Commission under this Act is privileged in the same manner as if the inquiry or proceedings were proceedings in a court.

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

Section 23 – Entry of Premises.

For the purposes of this Act, the Commissioner or any public officer authorised by him, may at any time enter any premises occupied by a department, authority or a person to whose act or omission this Act applies and inspect the premises and, subject to sections 16 and 17 of this Act carry out on the premises any investigation that is within the jurisdiction of the Commission.

Section 24 – Offences and Penalties.

Any person who –

- a. without lawful justification or excuse, willfully obstruct, hinders or resists a member of the Commission or an officer authorized by the Commissioner in the exercise of any powers under this Act; or
- b. without lawful justification or excuse, refuses or willfully fails to comply with any lawful request of the Commissioner or a Deputy Commissioner or any other person under this Act; or
- c. willfully makes any false statement to or misleads or attempts to mislead the Commissioner or any other person in the exercise of his functions under this Act, commits an offence and is liable on summary conviction to a fine not exceeding ₦500,000.00 and in default of payment to imprisonment for a term not exceeding six months or to both.

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

The provisions of this Act are in addition to the provisions of any

other Act or any rule of law under which

- a. a remedy or right of appeal or objection is provided for any person; or
- b. any procedure is provided for the inquiry into or investigation of any matter, and nothing in this Act shall be taken to limit or affect a remedy or right of appeal or objection or procedure.

Section 26 – Regulations.

1. Subject to the provisions of the Constitution and to any Act of Parliament made under the Constitution, the Commission shall make, by constitutional instrument, regulations regarding the manner and procedure for bringing complaints before it and the investigation of such complaints.
2. The exercise of the power to make regulations may be signified under the hand of the Commissioner or in his absence, a Deputy Commissioner.

Section 27 – Interpretation.

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

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

Section 28 – Repeal and Saving.

1. The Ombudsman Act, 1980 (Act 400) is repealed.
2. Notwithstanding the repeal of the Ombudsman Act, 1980 (Act 400)-
 - a. any regulation made under it and in force on the coming into force of this Act shall until altered, amended or revoked, continue in force and shall be applied with such modifications

as may be necessary for giving effect to the provisions of this Act; and

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

7.4 CONSTITUTIONAL INSTRUMENT (C.I.67) COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE (INVESTIGATIONS PROCEDURE) REGULATIONS, 2010

ARRANGEMENT OF REGULATIONS

Regulation

1. Lodging of Complaints
2. Contents of complaint.
3. Transmission of Complaint
4. Mediation
5. Allegations of corruption
6. Full investigation
7. Investigation panels
8. Report to the Commission
9. Institution of Action
10. Employment of other persons
11. Interpretation
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COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE (INVESTIGATIONS PROCEDURE) REGULATIONS, 2010

IN exercise of the powers conferred on the Commission on Human Rights and Administrative Justice by section 26 of the Commission on Human Rights and Administrative Justice Act, 1993 (Act 456) and pursuant to section 7(f) of the Commission on Human Rights and Administrative Justice Act, 1993 (Act 456) and article 296 (c) of the 1992 Constitution of the Republic of Ghana, these Regulations are made this 22nd day of March 2010.

Lodging of Complaints

1. (1) A complaint made to the Commission shall be submitted to
 - (a) the national office of the Commission; or
 - (b) a representative of the Commission at the regional and district branch of the Commission.
- (2) A complaint made to the Commission may be made

- (a) in writing,
 - (b) orally,
 - (c) by facsimile, or
 - (d) by electronic mail.
- (3) A complaint made in writing may be addressed to the Commissioner or the Commissioner's regional or district representative and the complainant shall
- (a) Sign,
 - (b) thumb print, or
 - (c) authenticate,
the written complaint.
- (4) Where a complaint is made orally or a complainant cannot read and write, the complaint shall be reduced into writing by
- (a) the Officer to whom the complaint is made at the registry of the Commission, or
 - (b) a person chosen by the complainant.
- (5) A person who reduces into writing an oral complaint of a complainant shall
- (a) read and explain the contents of the written complaint to the complainant;
 - (b) write on the document that the complainant has fully understood or appeared to understand and appreciate the contents of the complaint; and
 - (c) ensure that the complainant appends the complainant's signature or thumb print on the written complaint.

Contents of complaint

2. (1). A person who lodges a complaint with the Commission shall include
- (a) the full name and contact address of the complaint;
 - (b) the body, organisation or person against whom the complaint is made;
 - (c) particulars of the complaint together with copies of relevant documents;
 - (d) the nature of injustice perpetrated as a result of the action, inaction or omission of the body, organisation or person

- against whom the complaint is made;
 - (e) the relief sought by the complainant; and
 - (f) any other information relevant to the complaint.
- (2) A person who lodges a complaint with the Commission on behalf of another person shall put into writing
 - (a) the capacity in which the person lodges the complaint, and
 - (b) the reason for lodging the complaint.
 - (3) The Commission shall determine the time frame within which a complainant shall receive a response to a complaint lodged with the Commission.
 - (4) A complainant shall provide additional information requested by the Commission in respect of a complaint within three months after receipt of the request in writing from the Commission.
 - (5) Subject to sub-regulation (4) a complaint may lapse if information requested is not provided within the stipulated time.
 - (6) Sub-regulations (5) shall not affect a complaint that is of public interest.

Transmission of Complaint

3. (1) The Commission shall transmit a copy of the complaint to and request a response from
 - (a) the person against whom the complaint is made, and
 - (b) the head of the body or organization of the person against whom the complaint is made after receiving a complaint that is within the mandate of the Commission.
- (2) A person against whom a complaint is made or the head of the body or organization of the person against whom a complaint is made, shall submit a response to the Commission
 - (a) ten days after the date of receipt of the complaint, or
 - (b) within a period that the Commission shall determine.
- (3) The Commissioner or a representative of the Commissioner, may assign
 - (a) an investigator, or
 - (b) an officer of the Commission,

to conduct preliminary investigations into a complaint lodged with the Commission.

- (4) The Commission may request
 - (a) the services of a police officer,
 - (b) a public institution, or
 - (c) a person with expert knowledge relevant to the subject matter of the Commission's investigations in the performance of its functions.
- (5) The Commission may, without limiting sub-regulation (4), obtain information from a person in a manner that the Commission considers necessary.
- (6) The Commission may forward a report of its preliminary investigations to the parties for their comments.

Mediation

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

Allegations of corruption

- 5. (1) The Commission may receive or act on an allegation from any source in respect of
 - (a) alleged or suspected corruption, and

- (b) misappropriation of public moneys by officials.
- (2) The Commission may conduct a preliminary investigation into the allegations.
- (3) Where the Commission is of the view that further investigation is required, the Commission shall transmit a copy of the allegation to and request a response from the
 - (a) person against whom the allegation is made, and
 - (b) the superior officer of the person against whom the allegation is made.
- (4) A person against whom an allegation is made or the superior officer of a person against whom an allegation is made shall submit a response to the Commission
 - (a) ten days after the date of receipt of the allegation, or
 - (b) within a period that the Commission shall determine.
- (5) The Commission may employ the services of another person to assist it in its investigations

Full Investigation

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

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

Investigation Panels

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

Report to the Commission

- 8. (1) A panel constituted under these Regulations other than the three members of the Commission shall report on a matter the panel has investigated with recommendations to the Commission.
- 2. The Commission shall consider the report and may
 - (a) accept the recommendations.

- (b) reject the recommendations, or
- (c) request further investigation to be conducted.

Institution of Action

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

Employment of other persons

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

Interpretation

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

Revocation

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

Date of Gazette notification: 30th April 2010

Entry into force: 12th July 2010

Dated at Accra this ...day of ... 2012

COMMISSION ON HUMAN RIGHTS
AND ADMINISTRATIVE JUSTICE



CHRAJ Commission On Human Rights
And Administrative Justice

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