



2013 ANNUAL REPORT



**COMMISSION ON HUMAN RIGHTS
AND ADMINISTRATIVE JUSTICE**





CHRAJ

THE COMMISSION ON HUMAN RIGHTS
& ADMINISTRATIVE JUSTICE

TWENTIETH
ANNUAL REPORT
2013



The Speaker of Parliament
Parliament House
Accra

Mr Speaker,

In accordance with the provisions of Article 218 (g) of the 1992 Constitution, and Section 7 (1) (h) of the Commission on Human Rights and Administrative Justice Act, 1993 (Act 456), I am pleased to present the Twentieth Annual Report of the Commission for the period January 1 to December 31, 2013.

Yours sincerely,

Richard A. Quayson
Deputy Commissioner

Commission Members



Laurretta Vivian Lamptey
Commissioner



Richard Ackom Quayson
Deputy Commissioner



Joseph Whittal
Deputy Commissioner

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LIST OF ACRONYMS

AACAA	Association of Anti-Corruption Authorities in Africa
AIDs	Acquired Immune Deficiency Syndrome
AU	African Union
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CHRAJ	Commission on Human Rights and Administrative Justice
CRC	Convention on the Rights of the Child
CSOs	Civil Society Organizations
DANIDA	Danish International Development Agency
ECG	Electricity Company of Ghana
EOCO	Economic & Organised Crime Office
FCUBE	Free Compulsory Universal Basic Education
GBC	Ghana Broadcasting Corporation
GES	Ghana Education Service
GNA	Ghana News Agency
GNPC	Ghana National Petroleum Corporation
GYEEDA	Ghana Youth Employment and Entrepreneurial Development Agency
HIV	Human Immunodeficiency Virus
ICCES	Integrated Community Centre for Employable Skills
ICCPR	International Covenant on Civil and Political Rights
KVIPs	Kumasi Ventilated Improved Pits
LEAP	Livelihood Empowerment Against Poverty
MDAs	Ministries, Departments and Agencies
MDG	Millennium Development Goal
MMDAs	Metropolitan, Municipal and District Assemblies
MoH	Ministry of Health
MoU	Memorandum of Understanding
NACAP	National Anti-Corruption Action Plan
NADMO	National Disaster Management Organization
NAHRAP	National Human Rights Action Plan

NGOs	Non-Governmental Organisations
NHIA	National Health Insurance Authority
NHIS	National Health Insurance Scheme
NNHRI	Network of National Human Rights Institutions
NYEP	National Youth Employment Programme
OHCHR	Office of the High Commissioner for Human Rights
OIF	Organisation Internationale de la Francophonie
PLWHA	People living with HIV/AIDS
RHC	Residential Homes for Children
SAHRC	South Africa Human Rights Commission
SOHR	State of Human Rights
TLMs	Teaching and Learning Materials
UN	United Nations
UNCAC	United Nations Convention Against Corruption
UNODC	United Nations Office on Drugs and Crimes
VRA	Volta River Authority

COMMISSIONERS' MESSAGE

It is with great humility that I present the 2013 Annual Report of the Commission on Human Rights and Administrative Justice, the 20th edition since the Commission's establishment.

2013 almost ended in a disaster for the Commission. On 19th December, 2013 a devastating fire outbreak at the Commission's headquarters at the Old Parliament House completely wiped the Commission's Anti-Corruption Dept., Accounts Dept., Public Education & Research Dept., Audit Unit, Procurement Unit, Library, and Central Stores together with all logistics and supplies, and publications of the Commission. The Library Books and materials are irreplaceable. The loss is particularly significant when viewed in the context of a Commission that is working with dwindling resources. Nonetheless, we at the Commission refuse to allow this disaster to break our indomitable spirit.

Despite the challenges faced by the Commission during the year, the staff of the Commission worked diligently to effectively execute the triple mandate of the Commission. The report has a catalogue of achievements of the Commission during the reporting year.

The report reflects the continued commitment of the Commission's dedicated staff to help the nation achieve the progressive realization of human rights and build a strong foundation for sustainable democratic governance. The details reflect the strides made towards that objective, and in vigorously promoting good and accountable governance.

MAJOR ACHIEVEMENTS

The major achievements in 2013 include receiving 11,035 cases [made up of 10,576 human rights cases, 417 administrative justice cases, and 42 corruption cases], and disposing of 10,694 cases [made up of 10,219 human rights cases, 455 administrative justice cases, and 20 corruption cases].

The Commission partnered with UNICEF to map out institutions and organisations working in child protection across the country, both

State and non-state, to make them more accountable, organized 3,382 public education programmes nationwide to entrench a culture of respect for human rights and human dignity in the country, and conducted a nationwide monitoring of the State of Human Rights in Ghana, with particular emphasis on Economic, Social and Cultural Rights (ESCRs).

The Commission continued with its efforts to have the National Anti-Corruption Action Plan (NACAP) developed in 2011 adopted by Parliament as the national strategy for fighting corruption in Ghana. The Commission re-submitted the Plan to Parliament in 2013, following the failure of Parliament to adopt the Plan in 2012. The Commission presented 300 copies of the Plan to Parliament, and engaged Select Committees of Parliament to facilitate its work in the consideration and adoption of NACAP. Parliament, however, could not adopt the NACAP by the close of the year when it went on recess. The Commission will continue efforts in the ensuing year until this important Strategic Plan and Policy document needed to lay a strong foundation for fighting corruption is adopted by Parliament.

The Commission also facilitated the review of Ghana under the First Phase of the Review Mechanism of the UN Convention Against Corruption (UNCAC). The Review, which will assess Ghana's progress of implementation of Chapters III and IV of UNCAC is expected to be completed in 2014.

While we recognize that corruption is still endemic and widespread in Ghana, and that there still are major human rights challenges in our society, we believe that these modest achievements by CHRAJ, while they may not have transformed the country yet, will contribute to improve integrity and good governance in Ghana. The nation could be far worse off, but for the critical effort of the Commission and other stakeholders. We will therefore like to place the achievements highlighted above, and all others detailed in the report in context, with the understanding that the Commission will be satisfactorily resourced to enable it play a more critical role in advancing sustainable democracy imbued with high ethics and integrity, and entrenching a culture of respect for human rights and human dignity in Ghana.

In conclusion, let me reiterate a statement I made on the 10th of December 2013 on the occasion of the presentation of the State of Human Rights Report:

On our part as a Commission, we have demonstrated over the past 20 years that Freedom and Justice are not merely desirable ideals, but foundational objectives that can be attained if a society commits diligently to pursue them. In spite of very low investment in its work, over the years the Commission has continued to work relentlessly for a society that is truly free, just and equitable, where power is accountable, and governance is transparent.

I would like to thank the Commission's dedicated staff for another successful year of hard and dedicated service. I also thank the Royal Danish Embassy/DANIDA for keeping faith with us and supporting us to accomplish these modest achievements. Finally, my gratitude goes to the government and people of Ghana for entrusting us with the responsibility of protecting rights, holding power accountable, and making governance more transparent in Ghana.

Richard Quayson
Deputy Commissioner



Richard A. Quayson
Deputy Commissioner

BRIEF SUMMARY OF 2013 PERFORMANCE

HUMAN RIGHTS

Key programmatic interventions/outputs include:

- » Disposal of 10,219 cases.
- » 3382 public education activities nationwide.
- » Organized a one-week Human Rights & Integrity Camp for 120 students and patrons drawn from second cycle schools across the nation.
- » Organized Basic Human Rights Course for 140 final year nursing and midwifery students in 4 Nurses and Midwife Training Colleges across the country.
- » Nationwide monitoring of State of Human Rights covering 294 Basic Schools, 211 Health Facilities, 215 Communities, 497 Police Stations/Cells, and 34 Prison Facilities.
- » Visited 22 child residential care facilities (orphanages) nationwide as part of mechanisms to enhance protection of the vulnerable.
- » Issuing of State of Human Rights Report for 2013
- » Commemorating UN International Human Rights Day on 10 December.
- » Established the Health Rights Desk to provide specialised service on discrimination and stigmatisation for PLHIV and key population.

ADMINISTRATIVE JUSTICE

Key programmatic interventions/outputs include:

- » Disposal of 455 cases/complaints
- » 756 public education activities nationwide.
- » Capacity Building for staff
- » Capacity Building Workshops for Public Officers
- » Workshop on Client Service Charter

ANTI- CORRUPTION

Key programmatic interventions/outputs include:

- » Disposal of 20 cases
- » Re-submission of 300 copies of the National Anti-Corruption Action Plan to Parliament for consideration and adoption as national strategy for fighting corruption.
- » Engagement with Select Committees of Parliament on NACAP.
- » Facilitating the review of Ghana's implementation of UNCAC
- » Working with UNODC to review Ghana's implementation of the UNCAC.
- » 741 public education activities nationwide.
- » Commemorating the UN Anti-Corruption Day on 9 December
- » Issuing State of Corruption Report on 9 December

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 and provides the Commission and other stakeholders with 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

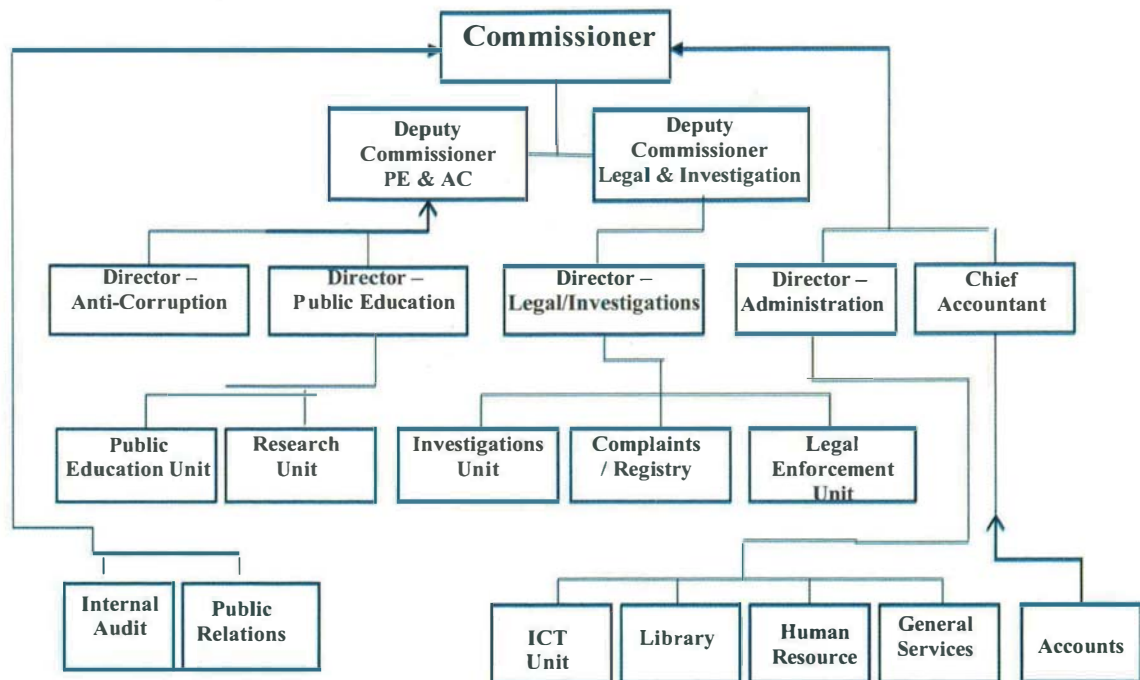
The Commission is made up of a Commissioner, who is the chair, and two deputies. The 3 Commissioners constitute the governing body of the Commission. The Commissioners are supported by Departmental Directors who have direct responsibility for the departments of the Commission, namely:

- » 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 2013 PERFORMANCE

2.1 HUMAN RIGHTS MANDATE

The Commission on Human Rights and Administrative Justice was set up under the 1992 Constitution to promote and protect the fundamental human rights of persons in Ghana. In view of this, the Commission in the year under review pursued this mandate either by promoting or enforcement of these rights.

A. PROMOTION

i. NATIONAL HUMAN RIGHTS ACTION PLAN (NAHRAP)

As part of the development of the National Human Rights Action Plan (NAHRAP), the Commission in 2013 organised meetings for the Working Group comprising CHRAJ and experts to review the NAHRAP baseline report. A National Coordinating Committee was established and a meeting held to review the road map on the development of NAHRAP. A baseline survey to establish baseline data for measuring progress of the implementation of the plan was completed and report submitted to the Commission.

ii. NATIONWIDE MONITORING OF THE STATE OF HUMAN RIGHTS (SOHR)

The State of Human Rights Report for 2013 highlighted the achievements as well as critical areas that needed attention in advancing human rights, good governance and integrity in Ghana. Recommendations from the Report aimed at ensuring that government fulfills its international and constitutional obligations.

The Report focused on economic, social, and cultural rights as these have lagged behind civil and political rights in the country. The Commission continued to evaluate Ghana's performance, particularly in advancing economic, social and cultural rights for all persons in Ghana.

The Report mainly covered six thematic areas, namely:

- (i) the right to basic education;
- (ii) the right to health;
- (iii) children's rights;
- (iv) orphanages;
- (v) detention facilities; and
- (vi) harmful cultural practices.

Observations and Key Findings

1. Right to Basic Education

Monitoring exercises undertaken in the year covered 294 public basic schools. The exercise revealed among others that:

- a. Whilst the Capitation Grant has generally led to an increase in enrolment, the objective for introducing the Grant under the FCUBE programme was being eroded by administrative deductions at the District Education offices and bank charges on grant transfers. These deductions obviously reduce the already inadequate grant.
- b. As a result, more schools are forced to charge additional fees to buy teaching and learning materials and undertake repairs of their facilities due to the insufficiency and late releases of the grant, thereby defeating the very purpose of its introduction. Those who are not charging fees are forced to provide very poor service to school children.
- c. Over 16% of schools had no toilet facilities at all, and for majority of schools that had some form of toilet facilities, the facilities were in very poor condition, and not adequate to serve the large populations of the schools visited. The problem of sanitation is compounded where community members use the schools' toilet facilities.
- d. Over 53% of school buildings were not easily accessible to persons with disability. This makes it difficult for pupils with disability to learn in those schools thereby undermining the objective of free compulsory universal basic education [FCUBE].

2. Right To Health

This year, the Commission monitored 211 health institutions in both public and private sectors and assessed areas including education on maternal health, education on infant health, the National Health Insurance Scheme (NHIS), and rights of people living with HIV/AIDS

(PLHIV). The Commission found among others that:

- a. Ninety-three percent (93%) of the health facilities monitored had put in place measures, such as immunisation and vaccination of infants, to prevent or reduce infant mortality in an effort to meet MDG-4.
- b. The Commission, however, noted inordinate delays in reimbursement of claims by the health care providers under the NHIS. Almost all the accredited NHIS institutions monitored had this major challenge.

3. Children's Rights

The Commission interviewed a total of 234 heads of government institutions and interacted with 2,659 children (between 6 to 18 years) in 215 communities across the country to elicit responses from them on the rights of the child.

The study revealed that:

- a. The highest number of working children in Ghana was found in agriculture, followed by street hawking, domestic servitude and head portering.
- b. Despite legislations to address the phenomenon, child neglect remained one of the most frequently reported categories of child rights cases. Children who were interviewed complained of neglect and reluctance by their parents to provide their basic needs.

4. Orphanages

The Commission monitored twenty-two (22) orphanages across the country to assess their compliance with laid down international and national standards. In Ghana, orphanages and residences for children are regulated by the ***National Standards for Residential Homes for Orphans and Vulnerable Children in Ghana.***¹

- a. Even though the Guidelines for the Operation of Orphanages in Ghana² imposes a duty on orphanages to have an infirmary and first aid kits, 8 out of the 22 orphanages monitored had no infirmary.

¹ A document that includes standards set by the United Nations Convention on the Rights of the Child, the new International Guidelines for the appropriate use and Conditions of Alternative Care for Children (2009), the Children's Act 560 (1998) and the Child Rights Regulations.

² This document was prepared by the Department of Social Welfare of the then Ministry of Employment and Social Welfare (MESW)

5. Harmful Cultural Practices

a. Refuge Camps for Persons Accused of Witchcraft

During the year under review, the Commission visited four Refuge Camps for Persons Accused of Witchcraft in the Northern Region.

The camps visited were:

- a) Gnani in the Yendi Municipality,
- b) Kukuo in the Nanumba District,
- c) Tindaan Shayili-Kpatinga in the Gushegu District, and
- d) Gambaga in East Mamprusi District.

Some of the key findings were as follows:

- a. There were 912 persons in the Camps, comprising 176 males and 736 females.
- b. Although there is high prevalence of poverty in the Camps, only 116 (43 from Kukuo and 73 from Gambaga Camps) out of the total population of 912 benefitted from the Livelihood Empowerment Against Poverty (LEAP) programme. Dwellers in the Gnani and Tindaan Shayili-Kpatinga Camps did not benefit from the service.
- c. The Commission found it commendable that Nanumba South District Assembly had registered dwellers of the Kukuo Refuge Camp under the NHIS, in addition to providing them food during the lean season.

b. Widowhood Rites

In addition to monitoring the Refuge Camps, the Commission conducted a nationwide study on the practice of widowhood rites and sampled a total of 1,769 persons in focus group discussions. The 1,769 persons sampled comprised 838 widows, 235 widowers, and 696 other persons. The study revealed among others that:

- a. The practice of widowhood rites is still prevalent in the country, although the practice has improved perceptibly. Over sixty-nine percent (69.8%) of people interviewed confirmed that both women and men were subject to widowhood rites.
- b. In many communities, the practice had dehumanising features, and widows were invariably accused of being the cause of the death of their spouses and as a result were ill-treated.

6. Detention Monitoring

In the year under review, 497 police stations and thirty-four (34) prisons, prison camps and correctional centres were visited. Some of the facilities had issues with congestion and feeding, although it must be pointed out that this was a very small number. The general condition, however, showed that the living conditions in the prisons had not improved much compared to those of previous years. The trend in the Police Cells was not significantly different. (See Part V for full report).

III. PUBLIC EDUCATION AND OUTREACH

A number of educational programmes were carried out in 2013 by the Commission in the effort at promoting and protecting human rights. Some of these programmes comprised:

a) Commemoration of International Days

UN DAY IN SUPPORT OF TORTURE VICTIMS: The Commission on Human Rights and Administrative Justice on 26th June, 2013 held a symposium under the theme “*Right to Rehabilitation*” to commemorate the UN Day in Support of Torture Victims.

About 150 participants attended the programme which comprised representatives from security agencies, students, staff of CHRAJ and members of the human rights NGO Forum. Dignitaries who attended the programme included Deputy Director of Prisons Service, the Executive Director for Amnesty International, Ghana, and the Deputy Commissioner, Mr. Joseph Whittal, who chaired the programme.

UN Human Rights Day: The Commission on the 10th of December, 2013 joined the international community to celebrate UN Human Rights Day under the theme “*20 years working for your rights*”. It issued a report on its annual State of Human Rights monitoring exercise which covered economic, social and cultural rights and made recommendations. (See Part V of this report for detailed information).

b) Annual Human Rights Lecture

This year’s Annual Human Rights Lecture was on the theme, “Ghana’s Commitment to Eliminating Worst Forms of Child Labour”. The Lecture reviewed efforts by the nation to eliminate worst forms of

child labour, progress made, challenges, and issues requiring urgent attention.

About 110 participants were drawn from civil society groups, representatives from Ministries, Departments, Parliament, the Judiciary, Security Agencies, Embassies, Tertiary Institutions, the Media and Development Partners. The Commissioner of CHRAJ, Miss Vivian Laurretta Lamptey, chaired the programme.

Presentations on the theme were made by experts in child labour, while a former child labourer from Challenging Heights shared her experience. The event was organized at the British Council Hall in October 2013.

c) Basic Human Rights Course for Health Professionals

In 2013, the Commission organized the Basic Human Rights Course for Health Professionals for final year students in the Nursing and Midwifery Training Colleges in Sunyani, Bolgatanga, Ankaful and Cape Coast.

The Commission also trained some selected staff from Greater Accra, Eastern, Volta, Northern, Upper West and Ashanti regions during the period to enable them start the programme.

d) Human Rights Education for Police Officers

The Commission in 2013 lectured on the theme “Human Rights and Police Operations” at the Ghana Police College, Tesano-Accra, for 145 Police officers from Ghana, Sierra Leone, and the Gambia. Some of the topics treated included Human Rights and Police Ethics, Human Rights and Investigation of Crime and The Police Powers of Arrest and Detention. These officers who constituted the 45th Cadet Officers’ Corps were examined and awarded marks.

e) Human Rights Education in Schools and Rural Communities

The Commission conducted a total of 3,382 public education programmes in schools and rural communities in 2013. Education on the human rights mandate dominated the activities and accounted for about 95% of programmes organized. Those who benefited from the Commission’s human rights education programmes were drawn mainly from rural communities, schools, civil society, etc.

Table 1: Distribution of 2013 Human Rights Public Education

Region	Number Of Offices ³	Number Of Human Rights PE Activities	Average No. Of Activities Per Office	Rankings
Western	11	347	31.5	8 th
Upper West	5	187	37.4	6 th
Upper East	6	183	30.5	9 th
Northern	13	500	38.5	4 th
Ashanti	16	602	37.6	5 th
Brong Ahafo	13	162	12.5	12 th
Volta	12	488	40.7	3 rd
Greater Accra	5	88	17.6	10 th
Eastern	14	459	32.8	7 th
Central	12	193	16.1	11 th
Tema Sub	1	101	101	1 st
Obuasi Sub	1	72	72	2 nd
Total		3,382		

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

f) Human Rights and Integrity Camp for Youth

The 2013 Human Rights and Integrity Camp was under the theme: “Ambassadors for Social Change”. The One-Week Camp for students, usually organised during the long vacation, was held at Valley View University, Dodowa. A total of 120 senior high school students and twenty (20) Club Patrons selected from Human Rights Clubs in schools across the country attended the Camp.

The prime objective of the Human Rights and Integrity Camp is to inculcate in the youth of Ghana sound leadership values for building 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. Participants were exposed to primary values of integrity, respect for human rights, and loyalty to the State, in addition to being groomed to acquire soft skills such as self-actualization, self-esteem, assertiveness, respect and compassion for others.

³ These numbers comprise both regional and district offices

A quiz competition was organized for participants to test and deepen their knowledge and understanding of the topics treated. Certificates of participation were awarded to all participants at the end of the Camp.

Feedback from Camp participants showed that the objectives of the Camp were fully met.

g) Promotion of Gender Equality

Gender Assessment: During the period under review, the two (2) separate draft reports on the gender assessment which began in 2012 were presented by the Consultant. A working committee made up of CHRAJ staff and external consultants reviewed the report and made recommendations. The final draft report was presented and discussed during a debriefing session in October, 2013.

Celebration of Gender Equality Day: The Commission during the Gender Equality Day to mark its Human Rights and Integrity Week carried out an educational visit to the Independence Avenue '1' and '2' Basic Schools at the Ga Mashie Circuit. The pupils who numbered about 200 were educated on relevant gender issues.

h) Promotion of Children's rights

Child Labour Activities: The Commission continued to collaborate with stakeholders, particularly the Ministry of Employment and Labour Relations, in the effort at eliminating child labour. It actively participated in all the Ministry's activities, especially in the organisation and commemoration of World Day Against Child Labour held in June, 2013. The Commission also dedicated this year's Annual Human Rights Lecture to the elimination of child labour under the theme: 'Ghana's Commitment to Eliminating Worst Forms of Child Labour'.

CHRAJ-UNICEF Project on Mapping of Organisations working in Child Protection: The Commission in 2013 began collaboration with UNICEF to map out names and profiles of organisations working in child protection across the country. The survey is to establish the number of service providers at district, regional and national levels working to prevent and respond to child protection abuses, as well as the number of stakeholders (police and others) engaged in crime prevention at community, district, regional and national levels

targeting children and young people.

Commemorating African Union (AU) Day of the African Child:

The Commission organized series of public education activities in the Greater Accra region to mark African Union (AU) Day of the African Child which fell on 16th June, 2013. This was done under the theme: “Harmful Social and Cultural Practices Affecting Children”.

Promotion of Rights of the Vulnerable

Persons Living With HIV: Further to the MoU signed in 2012 to develop the competencies of selected CHRAJ staff to effectively monitor, report and resolve cases/complaints of discrimination against key populations and PLHIV, a two-phase skills training programme on handling stigma and discrimination cases in a non-stigmatized and professional manner was organized for selected CHRAJ staff in 2013 at Volta Hotel, Akosombo.

With the assistance of a Consultant, a Health Rights Desk was established in addition to the development of rules, regulations and reporting structures for the “HIV and Key Populations Team”. Policies and procedures for ensuring privacy and confidentiality of complainants as well as website and written materials concerning the “HIV and Key Populations Team” were also developed.

A task team made up of carefully selected members of staff was also trained in stigma reduction as well as HIV and AIDs competency. In addition, other members of staff comprising drivers, receptionists, security, cleaners and other junior officers who are mostly the first point of call at the Commission were also equipped with skills and knowledge in HIV and AIDs to enable them handle and direct complainants to the appropriate office. Furthermore, some selected staff including directors, registrars from districts and regional offices across the country were also trained.

1) Enforcement/Investigation of Cases

A total of 11,035 complaints were received in the year 2013 out of which 10,576, representing 95.8% were human rights related cases of which 10,219⁴ were closed. These complaints were categorized

⁴ This includes pending cases brought over from 2012

into Children's Rights, Women's Rights, Property Rights, Economic, Social & Cultural Rights and Civil & Political Rights related areas. 10,216 (96.6%) of the total number of human rights complaints were lodged against private individuals with the majority (62.2%) of these complaints received made by females. (See Statistical Overview at Part IV of this Report for detailed information).

2.2 ADMINISTRATIVE JUSTICE MANDATE

The administrative justice mandate of the Commission received further boost in 2013. The activities under this mandate were carried out either through promotion or enforcement of these rights.

A. Promotion

(I) Public Education and Outreach

The Commission organised a number of educational activities during the year under review to promote its administrative justice mandate. These include:

(a) Sensitization Workshop For Selected Public Officers

A one-day sensitization workshop was held for officials of selected public services organizations on the scope of CHRAJ's administrative justice oversight mandate.

(b) Validation workshop for CHRAJ internal stakeholders

A three-day validation workshop was organized for internal stakeholders of the Commission to make inputs into CHRAJ's draft client charter.

c) Workshop to develop client service charter

The Commission during the year organized a workshop for selected twenty-five (25) MDAs to brainstorm on roadmap for development of client service charters at Apam. A roadmap was developed to assist MDAs to develop their own client charters.

d) Administrative Justice Public Education

The Commission organised 756 public education programmes across the country under its administrative justice mandate to sensitise the public.

Table 1: Distribution of 2013 Administrative Justice Public Education Programmes

Region	Number Of Offices ⁵	Number Of Admin Justice PE Activities	Average No. Of Activities Per Office	Rankings
Western	11	44	4.0	9 th
Upper West	5	90	18.0	1 st
Upper East	6	50	8.3	5 th
Northern	13	137	10.5	3 rd
Ashanti	16	113	7.1	7 th
Brong Ahafo	13	54	4.2	11 th
Volta	12	99	8.3	5 th
Greater Accra	5	51	10.2	4 th
Eastern	14	36	2.6	12 th
Central	12	64	5.3	8 th
Tema Sub	1	4	4	9 th
Obuasi Sub	1	14	14	2 nd
Total		756		

See Statistical Overview at Part IV of this Report for detailed information

B. Enforcement/Investigation of Cases

Administrative Justice related cases received during the year were 417, whilst 455⁶ cases were closed. Majority (77.1%) of administrative justice related complaints were made by males. The highest numbers of complaints received were against organizations under Ministries of Education, Finance, Health and the Interior. The complaints received were mostly related to failure to pay legitimate entitlements, failure to give adequate opportunity to be heard during inquiries and investigations conducted by these institutions, oppressive conduct like intimidation, harassment and excessive use of power of arrest etc. (See Statistical Overview at Part IV of this Report for detailed information).

2.3 ANTI-CORRUPTION MANDATE

The Commission continued to pursue its anti-corruption mandate through prevention and enforcement during the year under review.

⁵ These numbers comprise both regional and district offices

⁶ This includes pending cases brought over from 2012

A. Prevention

i. National Anti-Corruption Action Plan (NACAP)

The Commission in 2013 re-submitted 300 copies of the NACAP to the Parliament of Ghana for consideration and adoption.

The Commission, with the support of other stakeholders, engaged Select Committees of Parliament in two meetings to facilitate the adoption of NACAP. A far reaching understanding of and consensus on the objectives of NACAP were achieved through the meetings.

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

Ghana was scheduled for review under the United Nations Convention against Corruption (UNCAC). As part of preparation toward the review, the Commission:

- » Organised a stakeholder meeting to sensitise stakeholders, and generally prepare the country for the review.
- » With the support of the Attorney-General, put together a Steering Committee to lead the country through the review process
- » In collaboration with the Attorney-General, officially launched the UNCAC review process, with information shared on the review of implementation. Participants were also given information on the background of the UNCAC. Presentations were made on the role of Civil Society and the media in the review process.
- » Organized a three-day residential workshop to collect data and relevant information on Chapters III and IV of the Self-Assessment checklist on the review of the implementation of the United Nations Convention against Corruption (UNCAC) by Ghana. The self-assessment report on the review of the implementation of the UNCAC by Ghana examines the legislative, regulatory, policy and institutional measures that exist in Ghana to prevent and fight corruption in the country.
- » It also organised a one-day meeting for the Steering Committee and Technical Experts to review data collected based on the basis of the self-assessment checklist. Issues relating to launch of the UNCAC review implementation in Ghana was also discussed.

The Steering Committee and Technical Experts also finalised the

Executive Summary and the Self-Assessment Checklist. The report was later sent to the UNODC in Vienna.

iii. The State of Corruption in Ghana (2013)

The Commission in 2013 issued a report on the state of corruption in Ghana as part of activities marking International Anti-corruption Day on 9th December 2013. (See Part V of this report for detailed information).

iv. Public Education and Outreach

Region	Number of Offices	Public Educ'n on Corruption	Average Per Office	Rankings
Western	11	65	5.9	8 th
Upper West	5	56	11.2	3 rd
Upper East	6	69	11.5	2 nd
Northern	13	196	15.1	1 st
Ashanti	16	109	6.8	6 th
Brong Ahafo	13	45	3.5	11 th
Volta	12	82	6.8	6 th
Greater Accra	5	20	4	10 th
Eastern	14	21	1.5	12 th
Central	12	62	5.2	9 th
Tema Sub	1	7	7	5 th
Obuasi Sub	1	9	9	4 th
Total		741		

See Statistical Overview at Part IV of this Report for detailed information

B. Enforcement/Investigation of Cases

The number of corruption related cases received during the reporting year was 42. Of these, 20 cases were closed. Majority of complaints (42.9%) received were on abuse of office/power, misappropriation and embezzlement. See Statistical Overview at Part IV of this Report for detailed information.

PART III: OTHER PROGRAMMES

3.1 ADMINISTRATION

A. Staff Training

In 2013, the Commission continued to build the capacity of its staff with the aim of improving the skills and knowledge of staff in order to deliver on the Commission's mandates.

» **Ombudsman training for senior staff**

This training was organized for some selected senior staff from Head office, regional directors, district directors and investigators to enhance their capacity to handle Ombudsman cases and educate the public on the oversight role of CHRAJ over public offices and officers. A total of 150 staff was trained nationwide.

» **Integrity training for regional and district directors, lawyers and investigators**

Training workshops on Integrity for Regional Directors, District Directors, lawyers and investigators were organized by the Commission. These workshops were organized by the Commission as part of its measures to strengthen the capacity of staff for effective pursuit of the anti-corruption mandate of the Commission. A total of 150 lawyers and investigators benefited from these trainings.

» **Trainer-of-trainers (TOT) workshop on CHRAJ perception survey**

The Commission organized a one-day TOT workshop for its Regional Directors on the public perception of CHRAJ's services at the Head Office in Accra. The workshop was to train the Regional Directors on the administration of the survey tools/questionnaires, to enable them train other officers to administer the survey tools.

» **Capacity building for administrative staff**

A capacity building programme was held during the year for all Administrative staff with the objective of improving performance.

» **Training of selected staff from the regional offices on client service charter**

A three-day workshop was organized for selected staff drawn from the Regional Offices to validate CHRAJ's draft client charter. The workshop was held at Anita Hotel, Ejisu-Kumasi, from 18th to 21st November, 2013

» **HIV competency training for selected staff**

HIV Competency Training programmes were held during the year for selected staff to help increase their knowledge of stigma and discrimination against PLHIV.

» **Trainer-of-trainers (TOT) workshop for selected staff of CHRAJ in collaboration with Network of National Human Rights Institution in West Africa**

CHRAJ played host to and collaborated with the Network of National Human Rights Institutions in West Africa (NNHRIWA) to train selected members of staff of the Commission in application of the tools relating to Monitoring, Investigation and Documentation of Human Rights Violations. The training aimed to equip participants with knowledge and skill to deal with the numerous human rights challenges confronting the West Africa Sub-Region.

In all, twenty (20) participants drawn from the Legal and Investigations Department, Public Education and Research Department, Public Relations Unit as well as the Monitoring and Evaluation Unit, and the Greater Accra Region office of the Commission benefitted from the training.

» **Training in Human Rights, Administrative Justice and Anti-Corruption**

During the year, the Commission arranged for key staff to receive training in Uganda and South Africa. The training included "Democratization and the Human Rights-Based Approach to Development", "Investigation of Allegations of Torture" and "Monitoring Places of Detention". The training programmes were designed as TOT programmes, and the officers brought back home and shared the knowledge, skills and experience received from other participants from other countries.

» **Procurement of a Human Resource Management System**

A Human Resource software was acquired during the year and staff at the Human Resource unit were trained in the use of the software. A bi-annual staff appraisal system has also been established and a Human Resource Policy Manual developed.

» **Acquisition of Office Equipment and Vehicles**

In 2013, the Commission procured 9 Double cabin Pickup vehicles, furniture, and various office equipment to enhance service delivery.

The Commission procured and distributed 690 pieces of furniture to all its 111 offices across the country.

The Commission also procured 10 Laptop computers, 100 desktop PCs and accessories, 2 IT Servers, 150 tyres, 100 batteries (17 plate), and 110 Public Address Systems. Unfortunately, these items were destroyed in the fire that gutted and destroyed a whole wing of the Commission's Head Office at Old Parliament House, including the historical Parliamentary Chamber and CHRAJ Central Stores, except the laptops which had been distributed for use.

3.2. PUBLIC/MEDIA RELATIONS

» **Press Statement in Commemoration of the International Women's Day**

A press statement was issued on 8th March 2013 by the Commission in commemoration of the International Women's Day. The theme for the Celebration was **"A promise is a promise: Time for action to end violence against women"**.

The statement encouraged women to take more leadership roles in democratic governance. Recommendations were also made by the Commission for systemic reforms and policy changes, including the consideration of mandatory quotas for promoting gender equality.

3.3 INTERNATIONAL RELATIONS AND COOPERATION

» **Benchmarking Visit with South Africa Human Rights Commission (SAHRC)**

As part of the Commission's international cooperation programme for 2013, a delegation led by a Deputy Commissioner went on a study visit to the South Africa Human Rights Commission (SAHRC). The objective of the study visit was to create a forum for information sharing and exchange of experiences between CHRAJ and SAHRC as well as allied institutions in South Africa.

» **Collaboration and Cooperation with other Ombudsman Institutions**

The Deputy Commissioner in charge of Legal and Investigations also embarked on a benchmarking visit to PAI in the UK in furtherance of the Commission's administrative justice mandate.

» **Network of African National Human Rights Institutions (NANHRI)**

During the year under review, the Commission successfully hosted the 9Th Biennial Annual Conference of the Network of African National Human Rights Institutions (NANHRI). The Conference was organized in collaboration with NANHRI, with the support of the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Organisation Internationale de la Francophonie (OIF), the Commonwealth Secretariat, the Danish Institute for Human Rights, and Institute for Human Rights and Business and Global Rights in Accra, Ghana. The theme for the Conference was: "Business and Human Rights: Opportunities, challenges and the role of African NHRIs". The Conference brought together delegates from 41 NHRIs in Africa.

» **Association Of Anti-Corruption Authorities In Africa (AACAA)**

The Commission successfully hosted the 2nd AACAA Conference (a meeting of Heads of Anti- Corruption Authorities in Africa). This took place at the La Palm Beach Hotel in Accra from 16th September to 21st September, 2013.

3.4 COLLABORATION WITH CIVIL SOCIETY ORGANIZATIONS (CSOS/NGOS)

During the period under review, the NGOs Forum, facilitated by the

CHRAJ, organized four (4) meetings aimed at enhancing human rights monitoring, capacity building, and collaboration amongst member NGOs. The Forum's ultimate aim in carrying out these activities was to continue complementing the Commission's efforts at fostering a culture of human rights and peace in Ghana. Similar collaborative efforts took place in the regions and districts across the country.

PART IV: CASES AND STATISTICS

1. SUMMARY OF SELECTED CASES

CHRAJ/854/08 – ADMINISTRATIVE INJUSTICE [NON-PAYMENT OF PENSION BENEFITS]

The Complainant retired from the Ghana Education Service (1st Respondent) in 2006 and applied for her pension from the 1st Respondent. The 1st Respondent directed her to assess her pension from the 2nd Respondent institution, Social Security and National Insurance Trust (SSNIT). The Complainant alleged that the 2nd Respondent paid the pension from 30th September, 2008 instead of 23rd October, 2006. The Complainant petitioned the Commission to enable her receive her pension arrears.

The 1st Respondent explained that per their records, the Complainant completed Teacher Training in 1971 and obtained her certificate in 1973. Therefore she was not qualified as a pensioner because she continued to work as a pupil teacher in De Youngsters International School.

The 2nd Respondent stated that the Complainant was over 60 years, but continued to contribute to the SSNIT scheme from March, 2007 to September 2008. The Complainant applied for SSNIT old age pension on 23rd October, 2008 and was subsequently paid on 31st March, 2009 with retrospective effect from September, 2008. According to the 2nd Respondent, the effective date of lodgement of old age pension claim application takes effect when a person first ceases paying monthly SSNIT contribution.

The 2nd Respondent referred to section 36(2) of the Social Security Law, 1991 [PNDC Law 247] which states as follows:-

“When a member works beyond the minimum contribution period of 240 months, the amount of pension payable be

increased by one decimal point of fifty percent (1.50%) for each 12 months worked up to a maximum of eighty percent (80%).”

The evidence of the Commission established that the Complainant upon her retirement had earned her pension right of 78.5% as of the time of her retirement date and had subsequently increased her pension right to 80% through the additional months that she worked with the De Youngsters International School.

The Commission concluded that the Respondents’ actions were in accordance with its rules and regulations and recommended that the Complainant was entitled to pension arrears from 23rd October, 2006 and not 30th September, 2008.

CHRAJ/2009/HQ/01596 – ADMINISTRATIVE INJUSTICE [WRONGFUL WITHDRAWAL FROM SCHOOL]

The Complainant received a letter from the National Film and Television Institute (NAFTI) – the Respondent – expelling him for failing to pay his school fees in accordance with Articles 5 and 11 of the NAFTI Students’ Regulations. The Complainant believed that the Respondent discriminated against him by singling him out and expelling him as a result of an alleged verbal assault and not as a result of non-payment of school fees. According to him, some other students owed fees but had never been expelled.

The Complainant referred to Article 25 of the Regulations which states that students who have not paid their fees in advance will not be allowed to attend classes, engage in academic programmes or sit for any examination. He contended that although he had neither paid his fees nor registered for the academic year, the Respondent still expelled him well aware that he had breached no laws in the Institute.

The Respondent stood on the grounds that the Complainant breached Articles 5 and 11 of the NAFTI Students’ Regulations. The question that arises is whether or not the Complainant breached the NAFTI Students Regulations. Article 5 of the Regulations states as follows:-

“Students are expected to attend classes regularly and punctually. Absence from classes for ten (10) consecutive days or for 20% of any particular course (theory or practicals) will be considered as withdrawal from the Institute and the Director will take any action that he may deem appropriate.”

Article 11 of the NAFTI Students’ Regulations states as follows:-

“Irregularity in attendance or regularity in lateness, neglect of work, disorderly behaviour or other breaches of discipline may lead to suspension or in grave cases, to expulsion”.

The Commission’s investigations considered the attendance sheet which revealed that the Complainant had absented himself from lectures for 44 times without permission.

The Complainant made reference to Article 25 of the Regulations which states that:-

“All fees are payable in advance. Those who fail to comply with the rule will not be allowed to attend classes, engage in academic programme or sit for any examination.”

The above provision meant that students are mandated to pay their fees before commencement of any academic year.

The Commission’s further investigations also exposed the fact that students who were not able to pay their fees in advance had an opportunity to negotiate or inform the Respondent of any challenges they were facing.

The Commission’s decision in the light of the evidence adduced was that the Respondent neither breached any of its Regulations nor engaged in any acts of discrimination against the Complainant.

CHRAJ/HD.O/2011/A1/379 – HUMAN RIGHTS [RIGHT TO A FAIR HEARING]

In his complaint dated 6th May, 2011, including a supplemental one dated 20th May, 2011, the Complainant alleged that his right to a fair

hearing on allegations of sexual harassment had been breached. He, therefore, requested the Commission to “intervene in the matter.” Due to the allegations of sexual harassment levelled against the Complainant, he had been suspended from the Respondent’s company.

In its comments on the complaint, the Respondent stated that its decision to suspend the Complainant was in compliance with the Respondent’s Harassment Policy and Procedure Handbook. The Policy defines harassment as:-

“Unwanted conduct whether verbal or not which is sexual or unethical in nature or other conduct based on someone’s ethnicity/race and or gender which affects the dignity of men or women at work’.

The Handbook further provides that: ***“a single incident can amount to harassment if sufficiently grave or several incidents over a period of time.”***

The Respondent indicated that it followed the procedure for investigating complaints as provided in their Handbook. According to the Respondent, a copy of the complaint was forwarded to the Complainant for his response, however, the Complainant refused to respond.

Investigations conducted by the Commission revealed the Respondent’s act was fair in that the Respondent did not terminate the Complainant’s employment, but rather, the Complainant resigned even before the Respondent completed its investigations.

The Commission found the complaint as unmeritorious and accordingly dismissed same.

CHRAJ/HD.O/12 – HUMAN RIGHTS [RIGHT TO EDUCATION]

The Commission received a complaint from the parent of a pupil of the Bishop Girls’ Basic School alleging that the Respondent had referred to her daughter and ten other pupils as “witches”. The Respondent went ahead to suspend the Complainant’s daughter. The

Complainant filed a complaint against the Respondent for violating the Complainant's daughter's right to education.

According to the Complainant, during a prayer session held in class, some pupils were accused of witchcraft which sparked confusion within the school. The Complainant's daughter and other pupils were suspended from the school for bringing the name of the school into disrepute.

In reaction to the complaint, the Respondent confirmed the incident and explained that during the incident, the teachers tried to manage the chaos that the prayer session had created. The Respondent subsequently invited the Complainant and parents of the other pupils involved as well as Executives of the Parent Teacher Association (PTA) for a meeting.

At the meeting it was agreed that the Complainant's daughter should be suspended, but be allowed to write the outstanding examinations after the suspension.

The Commission's investigations revealed that the Complainant's daughter had been recalled and made to write the outstanding examinations after serving her suspension.

The Commission found that the Complainant's daughter and the other affected pupils had been recalled to write their exams after serving their suspension. Significantly, the Commission established that the child's right to education had been restored. The matter was therefore closed.

CHRAJ/2009/HQ/01382 – ADMINISTRATIVE INJUSTICE [UNFAIR TREATMENT]

The Complainant who was a student at the Wisconsin International University College (WIUC) filed a complaint against the Respondent, University of Ghana, for refusing to award him an MBA certificate after completing his 2-year MBA course.

In a later development, the National Accreditation Board (NAB)

granted WIUC operations on a two-year interim accreditation from 2000-2002. Within this 2-year period, certificates were issued by Wisconsin International University in the United States of America (USA).

Upon expiration of the interim accreditation, the NAB informed the WIUC that it would only renew WIUC's accreditation on condition that it affiliated with a local public university. The NAB cited L.I. 1700 as the authority providing the precondition that a university college be affiliated to a local public university before it could be granted accreditation.

The Respondent stated categorically that in arriving at a decision on the application for affiliation by WIUC, it noted that some students did not meet the minimum eligibility requirement for an MBA programme. The Complainant was one of the affected students who did not meet the eligibility requirement and therefore could not be issued with a certificate.

From the evidence adduced in this matter, the Commission found that the Complainant was admitted by WIUC, a private tertiary institution, and not the University of Ghana, the Respondent. The Complainant could, therefore, not bring an action against the University of Ghana.

Furthermore, the Commission is not mandated to investigate the performance of an administrative duty by private institutions like WIUC, the body the Commission finds to be the appropriate Respondent for this complaint. In the view of the Commission, this complaint falls outside the jurisdiction of the Commission and therefore the Commission could not go further to investigate whether the decision taken was either fair or unfair.

Accordingly, the Commission declined jurisdiction under section 13(1) (b) of the Commission's Act [Act 456] which requires the Commission to cease investigation into a complaint when it appears – "that having regard to all the circumstances of the case, any further investigation is unnecessary".

CHRAJ/774/2008/263 – ADMINISTRATIVE INJUSTICE [UNFAIR DISMISSAL]

The Commission received a complaint on 12th November, 2008 from the Complainant alleging unfair dismissal by the Ghana Water Company, the Respondent. The Complainant alleged that he was approached by one of the Respondent's clients to assist him acquire a separate meter for his block-making factory, which he refused. The Complainant said he was subsequently dismissed for illegal connection. The Complainant petitioned the Commission for reinstatement.

The Respondent's investigations revealed that the Complainant indulged in illegal connection and was interdicted in accordance with Article 5.9(b) of the Collective Bargaining Agreement (CBA) for junior staff which states as follows:-

“Any of the following punishments, depending on the grave offence, may be imposed against a member of staff:-

I. Warning or reprimand

II. Withholding or deferment of increment

III. Suspension without pay for a period not exceeding fourteen (14) days

IV. Reduction in rank with immediate effect

V. Removal

VI Dismissal

VII. Summary dismissal

The evidence adduced before the Commission showed that the Complainant admitted to the illegal connection before a Committee of Enquiry. His admission was also confirmed by the client who requested for the illegal connection to be effected.

The Commission concluded that the Complainant could not be reinstated since he had clearly breached Article 5.9(b) of the Respondent's CBA and therefore the Respondent's act was fair and in accordance with the law.

CHRAJ/HD.OA/162/258 – ADMINISTRATIVE INJUSTICE [DENIAL OF PROMOTION]

On 18th July 2012, the Commission received a complaint from the Complainant in which she alleged that the Ghana News Agency (GNA), the Respondent, had denied her promotion to the level of Director. According to the Complainant, she currently holds a Doctorate Degree in Tourism Development Management and Women Studies which qualifies her to hold the position of a Director.

The Respondent stated that the Complainant was not qualified for promotion because she had not served her 5-year bond. The Respondents explained that the Complainant was granted one (1) year study leave with pay from September 2000 to September 2001 to read Reproductive Health and Family Planning in the United Kingdom. However, the Complainant failed to return at the agreed dates to serve her bond, after requesting for extensions on two different occasions to read different courses.

The Respondent proceeded to delete the Complainant's name from the payroll with the reason that the Complainant failed to return home to serve the 5-year bond for the previous 2-year study leave.

The issues that need to be resolved are whether the Complainant qualified to be promoted as Director and secondly whether the deletion of her name from the payroll was lawful.

On the question of whether it was lawful to delete Complainant's name from the payroll, Article 36(d)(i) of the Respondent's Collective Agreement (CA) states as follows:-

“Any employee found guilty of any of the offences listed for the purpose of this Agreement as intolerable offences shall be summarily dismissed or discharged.”

“Intolerable offences” have been defined in Article 36(e) (5) of the CA to include:-

“Absenting oneself from duty for 10 days without reasonable

explanation or excuse.”

The Commission’s investigations revealed that the Complainant’s name was deleted after 13 days of absence and therefore the Respondents acted in accordance with the law.

On the question of whether she was qualified to be promoted as Director, the Respondents stated that promotions are effected every 5 years. Secondly, the Complainant was also required to pass an interview and would be promoted subject to availability of vacancy for the position of Director.

Article 25(d) of the Collective Bargaining Agreement states that:-

“Employees shall normally become eligible for promotion after serving their grades for a minimum period of three years subject to the availability of vacancy.”

The Commission’s investigations revealed that although the Complainant had served her grade for almost three years, she did not pass the Interview which was a requirement for promotion and therefore the Complainant was not eligible for promotion to the level of a Director.

CHRAJ/390/2007/421 – ADMINISTRATIVE JUSTICE [DELETION OF NAME FROM PAYROLL/UNFAIR TERMINATION]

The Commission received a complaint dated 24th October 2004 from the Complainant, a Zonal Supervisor of the Non-Formal Education Department (NFED), against the Respondent, Ministry of Education, for deletion of name from the payroll and termination of appointment.

The Complainant alleged that the Respondent placed an advert in the newspapers for Zonal Supervisors. However, there was no reference for persons serving in the position of Zonal Supervisors to apply. The Complainant therefore did not apply for the position.

The Respondent pointed out that as part of a restructuring exercise,

staff who did not have WAEC 'O' Level Certificates were asked to apply for positions in line with their qualification. Staff who did not intend or desire to re-apply for the new positions had the right to exercise the option of not being part of the restructured NFED. According to the Respondent, the Complainant did not avail himself in order to be placed on the appropriate grade. The Respondent alleged that the Complainant had vacated his post.

The Commission's investigations revealed that apart from the advert placed in the newspaper, there was a circular which stated as follows:-

“Furthermore, the present group of supervisors who were put on the payroll without the requisite qualifications or appointment letters are eligible to apply for consideration if in the course of their employment, they have subsequently acquired the relevant qualifications.”

The evidence adduced before the Commission showed that the Complainant was not only a qualified Zonal Supervisor but a competent one at that and was not within the purview of the circular and therefore not required to attend any interview.

On the issue of termination, the Commission's investigations showed that the Respondent's failure to pay compensation or any kind of severance award to the Complainant after ten (10) years of service to the Respondent was contrary to the Labour Act, 2003 [Act 651].

Section 65(1) of Act 651 provides as follows:-

“When an employer contemplates the introduction of major changes in production, programme, organisation, structure or technology of an undertaking that are likely to entail terminations of employment of workers in the undertaking, the employer shall;-

(a) Provide in writing to the Chief Labour Officer and the trade union concerned, not later than three months before the contemplated changes, all relevant information including the reasons for any termination, the number and categories of workers likely to be affected and the period within which any termination is to be carried out; and

(b) Consult the trade union concerned on measures to be taken to avert or minimize the termination as well as measures to mitigate the adverse effects of any terminations on the workers concerned such as finding alternative employment”.

The Commission’s decision in the light of the above was that the Respondent did not comply with the dictates of the Labour Act and, therefore, the termination was unfair. Accordingly, the Complainant was entitled to reinstatement.

2. DETAILED STATISTICS ON CASES

2.1.1 Complaints Received, Closed and Pending in the Reporting Period

In the year 2013 the Commission received 11,035 complaints which were lower than the previous year cases of 11,049 by 0.1%. 2,815 complaints were carried from the previous year to the year 2013, bringing the total complaints available for investigation to 13,850.

Out of the 13,850 cases available, the Commission was able to close 10,694(77.2%) leaving 3,156(22.8%) cases pending at the end of the reporting period. This closure figure was lower than the previous year’s figure of 12,038 by 11.2%. See table 1 for regional breakdown.

Table 1: Cases Received, Closed and Pending By Regions

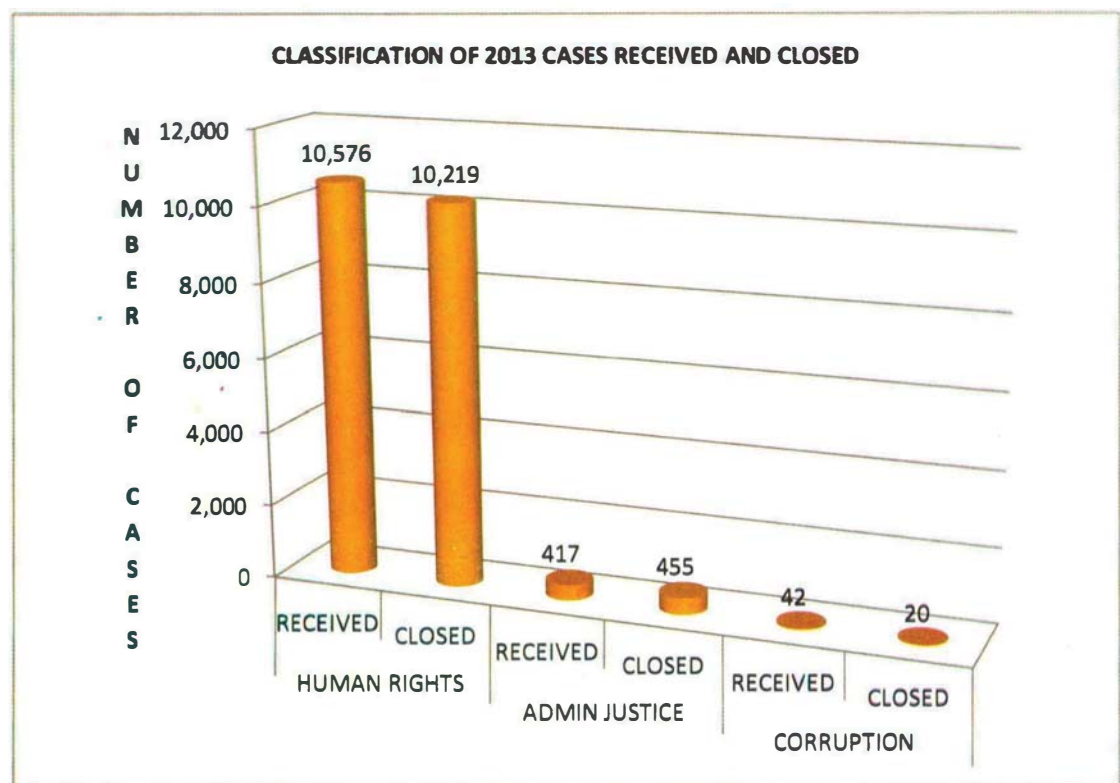
Head Office/Regions	Number of Complaints Received in 2013	Number of cases Carried from Previous Year	Number of Cases Available for Investigation in 2013	Total Number of Cases Closed	Total Number of Cases Pending
Head Office	441	464	905	295	610
Upper East	280	18	298	261	37
Upper West	368	89	457	373	84
Ashanti	1,874	301	2,175	1,806	369
Brong Ahafo	2,831	602	3,433	2,854	579
Northern	486	127	613	481	132
Western	1,030	216	1,246	1,043	203
Central	914	202	1116	881	235
Greater	535	460	995	399	596
Volta	1,337	213	1,550	1,359	191
Eastern	939	123	1062	942	120
Totals	11,035	2,815	13,850	10,694	3,156

2.1.2 Classification of Complaints in 2013

The total complaints (11,035) received in the year 2013 were classified into “Human Rights”, “Administrative Justice” and “Corruption” to reflect the triple mandates of the Commission. A total of 10,576 complaints, representing 95.8% of all complaints received, were Human Rights related cases; 417 (3.8%) were Administrative Justice related cases, whilst 42 (0.4%) were Corruption related cases.

Respectively, 10,219, 455 and 20 cases closed were Human Rights, Administrative Justice and Corruption related. See figure 1 below.

Figure 1: Classification of Cases in the Reporting Year

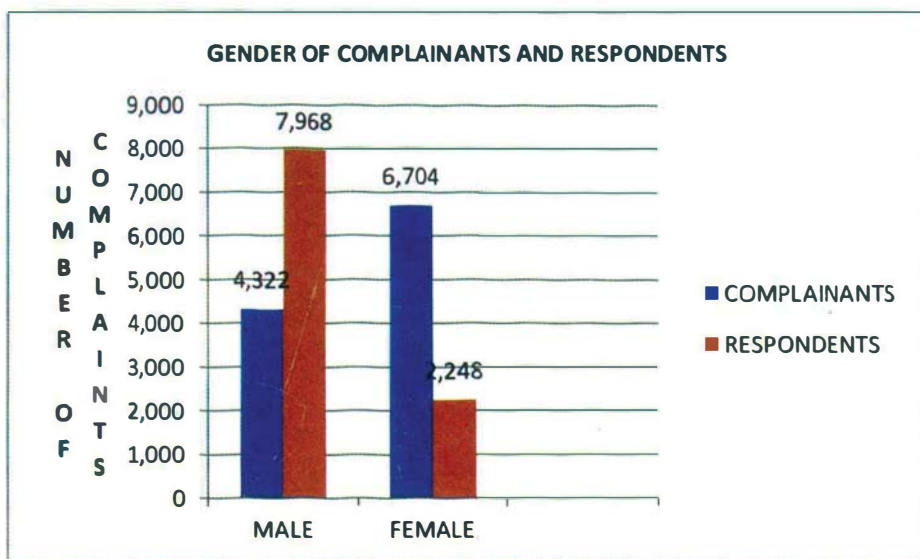


*Note: The number of cases closed includes cases carried from previous years.

2.1.3. Gender Classification of Complainants and Respondents in complaints Received in the Reporting Year.

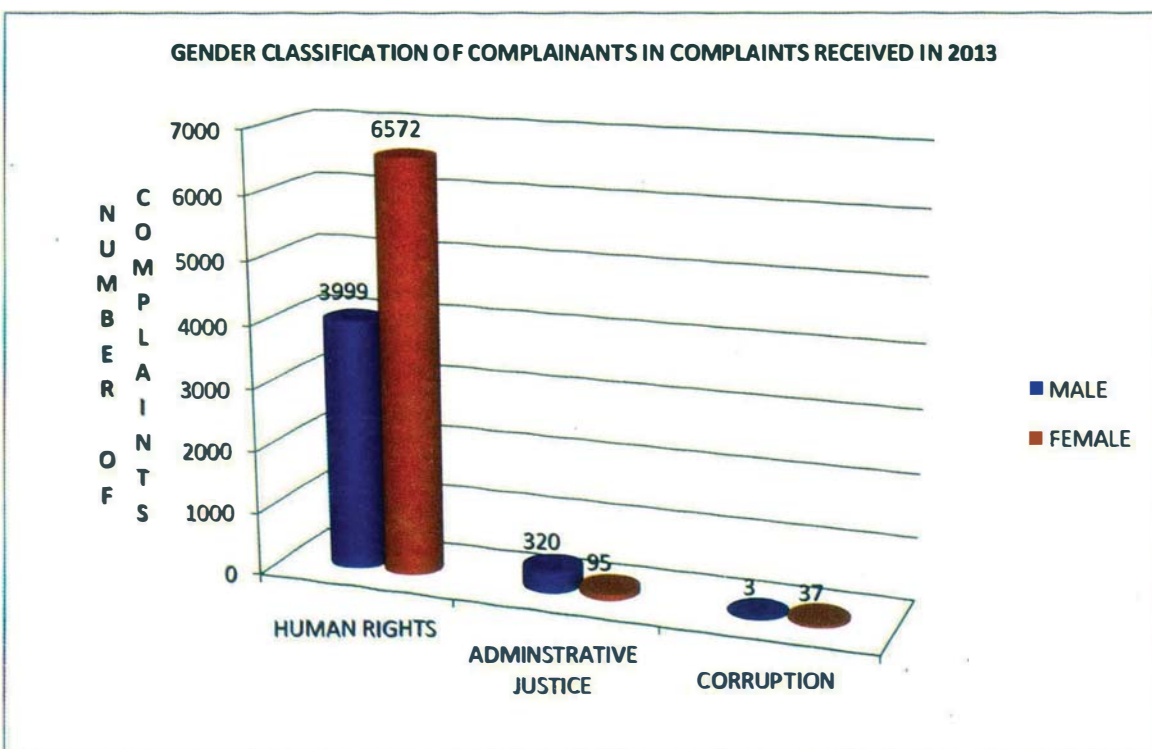
- In all 11,026 private individuals lodged complaints with the Commission. 4,322 representing 39.2% were male whilst 6,704 (60.8%) were female. On the other hand, out of 10,216 complaints which were lodged against private individuals, 7,968 (78%) were male whereas 2,248 (22%) were female. See figure 2.

Figure 2: Gender of Complainants and Respondents



- Gender classification of complainants according to the three (3) mandates of the Commission revealed that 62.2% of Human Rights complaints were reported by female. On the contrary, about 77.1% of Administrative Justice complaints were made by male. See figure 3 below.

Figure 3: Gender Classification of Complainants in Complaints Received in 2013.



2.1.4. Mode Or Reasons For Closure Of Cases

The Commission disposed of 10,694 cases.

The detailed breakdowns of the mode of disposal are as follows:

- » Declined/Refused to Investigate/Referred: - 1,042 complaints representing 9.7% of the total closed cases were declined or not investigated. However, the Commission referred these complaints to appropriate forum of institutions like Courts, Department of Social Welfare, Police, Labour Commission, Rent Office etc. for redress.
- » Discontinued/Ceased to Investigate: - The Commission exercised its discretionary powers to cease investigation into 2,915 cases due to some circumstances that unfolded while investigations were ongoing. These cases constitute 27.3% of total closed cases. See table 2 for details.
- » Cases Resolved: - 6,737 cases representing 63% of total closed cases in the reporting year were successfully resolved through mediation and decided by merit after preliminary and full investigation.
- » Length of Time Spent on Resolved Cases: - Average time spent on mediated cases varied from one week to three months while that of cases decided on merit after full investigation was one month to one and half years.
- » The Significant Role of Mediation in Case Resolution: - The Commission over the past 4 years has resolved most of its cases through mediation while deciding on cases after full investigation has continually declined. Averagely, 98.7% of all cases resolved are through mediation.

Table 3: Classification of Mode of Closure of Complaints in the Reporting Year

Mode of Closure	Human Rights	Admin Justice	Corruption	Total Closed
1. Declined/Refused to Investigate/Referred				
• Declined for Lack of Mandate	963	73	6	1,042
Sub-Total	693	73	6	1,042
2. Ceased to Investigate (Discretionary)				
• Withdrawn	513	26	1	540
• Loss of Interest in Pursuing Complaints	914	32	0	946
• Others	1,304	122	3	1,429
Sub-Total	2,731	180	4	2,915
3. Resolved				
• Settled Through Mediation	6,441	170	0	6,611
• Decided After Preliminary Investigation	65	14	2	81
• Decided After Full Investigation	19	18	8	45
Sub-Total	6,525	202	10	6,737
GRAND TOTAL	10,219	455	20	10,694

2.2 TREND OF CASES

2.2.1. Trend of Cases Received Over the Last 10 Years

The 11,035 cases received in 2013 were lower than the previous year figure of 11,049 by 0.1% and also lowest within the last 10 years period. The average number of cases received over the last 10-year and 5-year periods are 13,045 and 11,889 respectively. See [table 3](#) and [figure 5](#) for the graphical representation of the trend.

2.2.2. Trend of Cases Closed Over the Last 10 Years

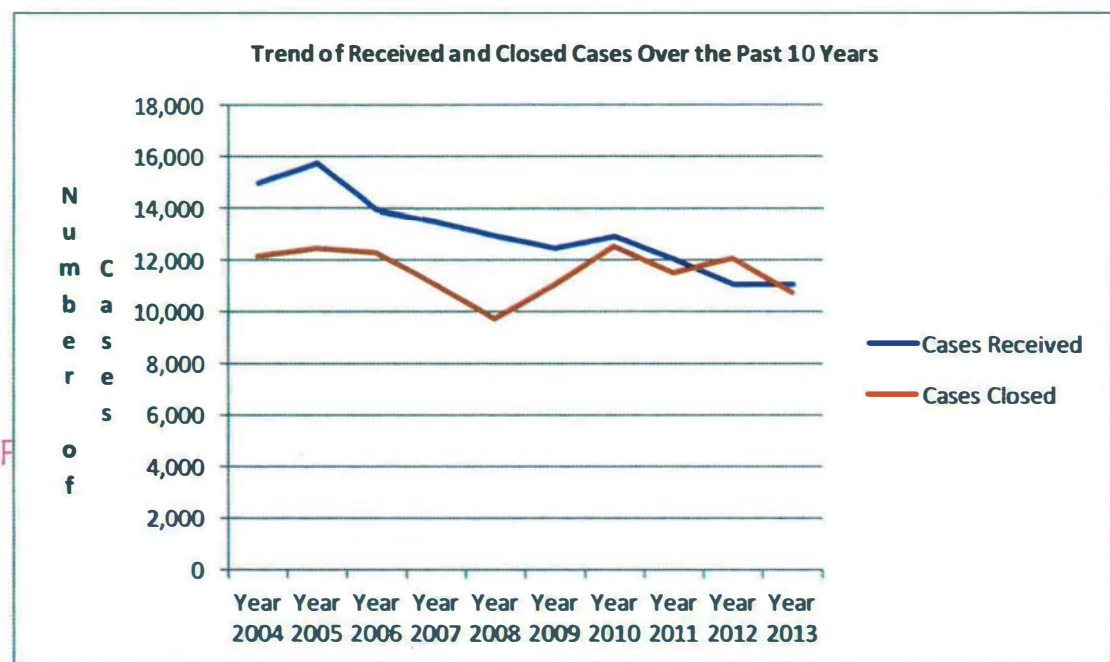
In all 10,694 cases representing 77.2% of cases available in the year were closed but was lower than the previous year figure of 12,038 by 11.2%. The yearly mean (average) closure figures for the last 10 and 5 years were 11,516 and 11,537 respectively. The closure figure of 10,694 for the reporting period was higher than the average for the last 5 years which is an indication of a good performance within the last 5 years. See [table 3](#) and [figure 5](#) for the graphical representation of the trend.

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

Years	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Cases Received	14,953	15,749	13,931	13,455	12,919	12,443	12,900	12,018	11,049	11,035
Cases Closed	12,116	12,422	12,238	11,003	9,693	10,987	12,491	11,477	12,038	10,694
Cases Pending	*	*	*	*	*	*	3,263	3,804	2,815	3,156
Percentage Closure	81%	79%	87.8%	81.8%	75%	88.3%	79.3%	*75.1%	81%	77.20%

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

Figure 5: Trend of Cases Received and closed over the past ten years



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

» Trend of Human Rights Complaints

A total of 10,576 complaints representing 95.8% of the total complaints received in the year were human rights related complaints. This figure was higher than the previous year's figure of 10,183 by 3.9%. See figure 6 for the trend.

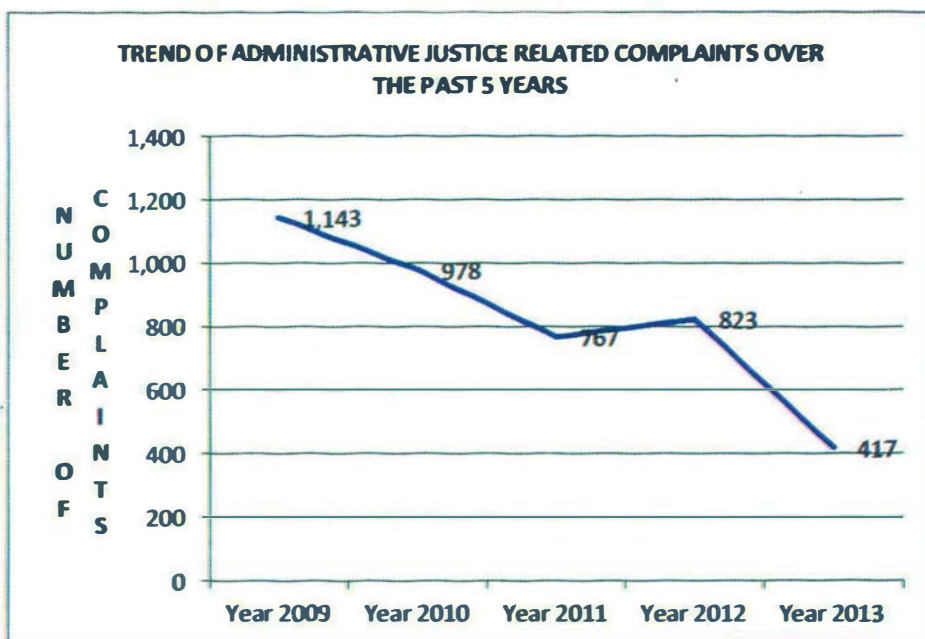
Figure 6: Trend of Human Rights Complaints over the Last 5 Years.



» Trend of Administrative Justice Complaints

417 Administrative Justice Complaints were received as against 823 in the previous year. See figure 7 below.

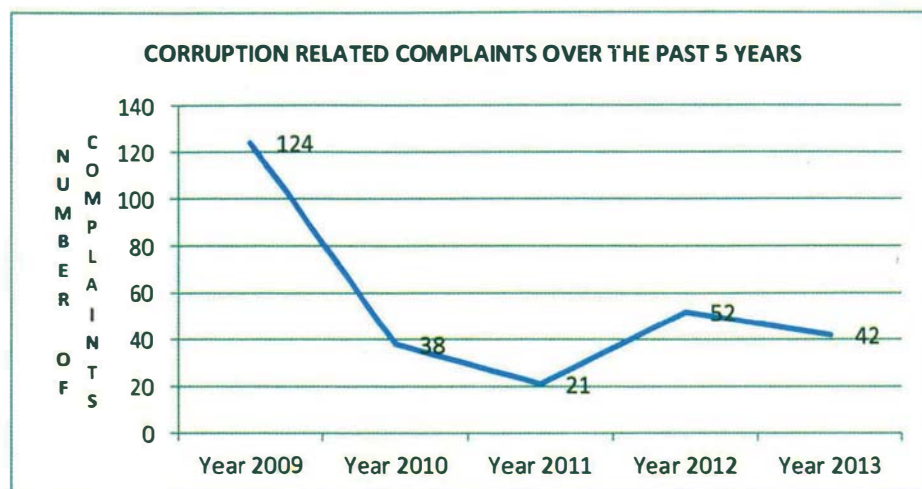
Figure 7: Trend of Administrative Justice Complaints over the Last 5 Years.



» Trend of Complaints Alleging Corrupt Practices

42 alleged corrupt practices were received during the reporting period while 43 were received in the previous year. See figure 8 below for the trend.

Figure 8: Trend of Allegation of Corrupt Practices

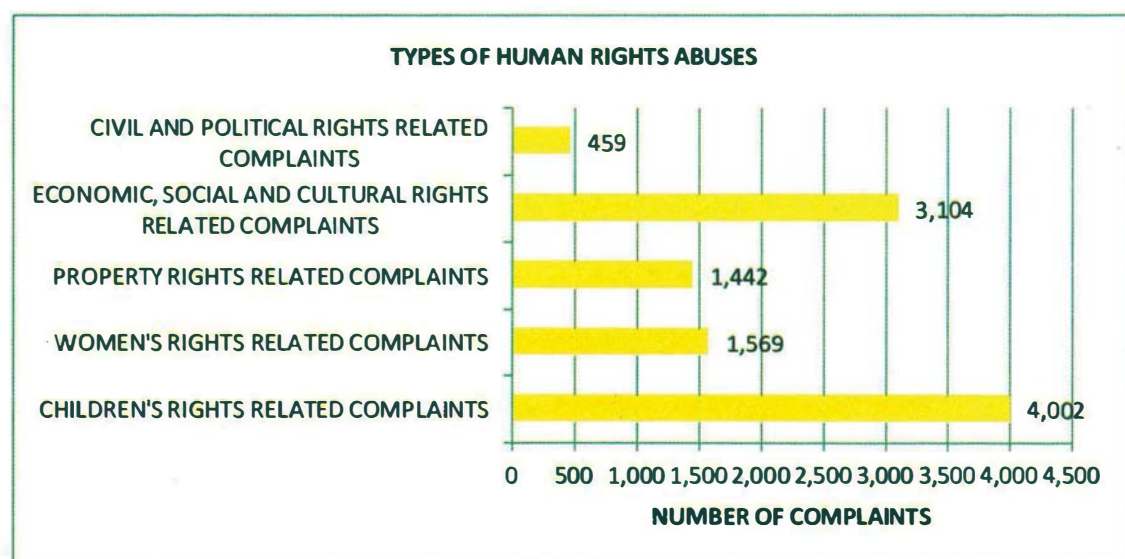


2.3. HUMAN RIGHTS COMPLAINTS

2.3.1. Nature of Human Rights Complaints in the Reporting Period

The 10,576 human rights abuses received were categorized into Children's Rights, Women's Rights, Property Rights, Economic, Social & Cultural Rights and Civil & Political Rights related. See figure 9 below and Annex C for detail abuses.

Figure 9: Types of Human Rights Complaints



» **Children's Rights Related Abuses:** - Out of 10,576 Human Rights complaints received, 4,002 representing 37.8% were related to children's rights abuses. Issues on child care and maintenance in the area of education, health, food, shelter, clothing and paternity were predominant. Refer to Annex C.

» **Women's Rights Related Abuses:** - 95.5% of the abuses reported were mainly on domestic violence and inaccessibility to adequate basic necessities of life such as food, clothing and shelter due to spousal or partner neglect and maltreatment. The remaining complaints were basically sexual harassment and discrimination based on pregnancy.

» **Property Related Abuses:** - complaints were mainly on denial of access to self-acquired or inherited properties and share of jointly acquired properties.

» **Economic and Social Rights Related Abuses:** - Total complaints received during the reporting year were 3,104. Cases were basically on abuses arising out of tenancy and breach of agreement in economic related matters. 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 Abuses:** - 89.3% of complaints received involved harassment, violation of rights to personal freedom, respect and dignity. 11 complaints of inhuman treatment and 6 cases of dehumanizing cultural practices were received.

2.3.2. Respondent Bodies in Human Rights Complaints Received in 2013

10,216 (96.6%) of the total number of Human Rights complaints were lodged against Private Individuals, whereas 360 (3.4%) were mostly against Private Institutions and Organizations. See Annex F for the detailed respondent bodies.

2.3.3. Nature of Closure of Human Rights Cases

A total of 10,219 cases were finalized. 6,525 cases representing 63.9%

of the total closure figure were successfully resolved. Out of the resolved, 6,441 representing 98.7% were through mediation. Refer to table 2 for details.

2.4. ADMINISTRATIVE JUSTICE COMPLAINTS

2.4.1. Nature of Administrative Justice Complaints

Total number of Administrative Justice related complaints amounted to 417. Significantly, the complaints received included non- payment of salaries, pension, social security benefit, failure to act, dismissals, termination of appointment and delay in dispensing justice.

2.4.2. Respondent Bodies in Administrative Justice Complaints

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

2.4.3. Nature of Closure of Administrative Justice Cases

Out of 455 Administrative Justice Cases closed, 170 (37.4%) were resolved through mediation whiles 32(7%) were decided after preliminary and full investigations. Refer to table 2 for further details.

2.5. COMPLAINTS ALLEGING CORRUPT PRACTICES

2.5.1. Nature of Corruption Allegations

In all, 42 complaints were received in the reporting year, out of which two (2) were made under the Whistleblower Act. The predominant nature of the allegations includes: misappropriation/embezzlement of money, bribery and extortion.

2.5.2. Respondent Bodies in Allegations of Corrupt Practices

Complaints under this category were mostly received against private individuals who were holding official positions in public offices. For a

detailed list of respondent bodies and the corresponding number of complaints against them, see Annex H.

2.5.3. Mode of Closure of Allegations of Corruption

6 cases of allegations of corrupt practices were declined for lack of mandate, 4 discontinued and 10 decided on merit after full investigation. Refer to table 2 for further 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	273	155	13	441	202	91	2	295
Upper East Region								
BOLGATANGA REG OFFI	31	15	0	46	30	16	0	46
ZEBILLA	45	1	0	46	45	1	0	46
BAWKU	34	2	0	36	28	0	0	28
BONGO	29	3	0	32	25	1	0	26
NAVRONGO	64	1	0	65	62	2	1	65
SANDEMA	54	0	1	55	49	0	1	50
SUB- TOTAL	257	22	1	280	239	20	2	261
Upper West Region								
WA	89	7	1	97	86	15	1	102
NADOWLI	65	1	0	66	61	2	0	63
JIRAPA	93	4	0	97	89	4	0	93
TUMU	61	0	0	61	63	0	0	63
LAWRA	45	2	0	47	50	2	0	52
TOTAL	353	14	1	368	349	23	1	373
Ashanti Region								
KUMASI	155	21	2	178	154	41	0	195
OFFINSO	229	1	0	230	231	1	0	232
BEKWAI	220	0	0	220	217	0	0	217
MAMPONG	68	1	0	69	65	6	0	71
EFFIDUASE	34	2	0	36	32	2	0	34
NEW EDUBIASE	107	1	2	110	93	0	0	93

EJURA	163	1	0	164	157	1	0	158
KUNTANASE	90	2	0	92	80	2	1	83
MANKRANSO	90	1	1	92	62	1	0	63
NKAWIE	121	0	0	121	109	0	0	109
MANSO NKWANTA	116	0	1	117	105	0	1	106
AGONA	56	0	1	57	47	0	1	48
KONONGO	63	3	0	66	65	5	0	70
JUASO	70	0	0	70	70	0	0	70
TEPA	56	0	0	56	39	0	0	39
MANPONTENG	46	2	0	48	55	2	0	57
OBUASI	144	4	0	148	157	4	0	161
SUB-TOTAL	1,828	39	7	1,874	1,738	65	3	1,806
Brong Ahafo Region								
SUNYANI	348	11	4	363	346	21	0	367
BEREKUM	132	1	0	133	63	1	0	64
DORMAA	200	0	0	200	205	0	0	205
BECHEM	101	1	0	102	119	1	0	120
WENCHI	430	8	0	438	400	11	0	411
DROBO	114	0	0	114	114	1	0	115
ATEBUBU	292	0	0	292	368	0	0	368
KINTAMPO	153	0	0	153	165	0	0	165
TECHIMAN	339	1	0	340	334	5	0	339
KENYASE	189	2	0	191	187	3	0	190
GOASO	250	0	0	250	224	0	0	224
NKORANZA	173	0	0	173	187	0	0	187
K DANSO	81	1	0	82	98	1	0	99
SUB-TOTAL	2802	25	4	2831	2810	44	0	2854
Northern Region								
TAMALE	52	22	2	76	46	20	4	70
DAMONGO	24	1	0	25	25	0	0	25
ZABZUGU	13	0	0	13	13	0	0	13

GUSHEGU	10	0	0	10	7	0	0	7
TOLON	9	1	1	11	8	1	0	9
WALEWALE	35	0	1	36	37	0	0	37
SALAGA	39	0	0	39	40	2	0	42
YENDI	74	1	0	75	66	0	0	66
BOLE	25	5	2	32	30	5	2	37
SABOBA	62	0	0	62	64	0	0	64
BIMBILLA	72	0	0	72	74	0	0	74
SAVELUGU	12	1	1	14	11	1	1	13
GAMBAGA	21	0	0	21	24	0	0	24
SUB-TOTAL	448	31	7	486	445	29	7	481
Western Region								
TAKORADI	67	14	0	81	66	19	0	85
TARKWA	62	4	0	66	62	8	0	70
ENCHI	146	0	0	146	156	0	0	156
JUABOSO	75	0	0	75	80	0	0	80
AXIM	104	1	0	105	105	2	0	107
ASANKRWA	66	0	0	66	61	0	0	61
WIAWSO	87	0	1	88	85	1	0	86
BIBIANI	270	2	0	272	263	4	0	267
AGONA	42	1	0	43	42	1	0	43
HALF ASSINI	52	4	0	56	52	4	0	56
DABOASE	32	0	0	32	32	0	0	32
SUB-TOTAL	1003	26	1	1030	1004	39	0	1043
Central Region								
CAPE COAST	132	12	0	144	97	7	0	104
DUNKWA-ON-OFFIN	66	0	0	66	61	1	0	62
AGONA SWEDRU	98	5	0	103	86	0	0	86
ABORA DUNKWA	102	1	0	103	105	1	0	106
WINNEBA	58	2	0	60	60	2	0	62
TWIFO PRASO	70	2	0	72	73	3	0	76
ASSIN FOSU	97	2	0	99	109	3	0	112

ELMINA	78	0	0	78	82	0	0	82
APAM	31	1	0	32	32	1	0	33
BREMAN ASIKUMA	31	1	0	32	32	4	0	36
AJUMAKO	44	0	0	44	44	0	0	44
SALTPOND	80	1	0	81	77	1	0	78
SUB-TOTAL	887	27	0	914	858	23	0	881
Greater Accra								
ACCRA	46	11	1	58	20	17	0	37
ADAFOAH	74	2	0	76	50	1	0	51
DODOWA	29	0	0	29	185	4	0	189
AMASAMAN	241	3	0	244	21	3	0	24
WEIJA	70	5	0	75	30	0	0	30
TEMA	48	5	0	53	56	12	0	68
SUB-TOTAL	508	26	1	535	362	37	0	399
Volta Region								
HOHOE	71	2	0	73	76	6	0	82
KADJEBI	83	1	0	84	72	0	0	72
HO REG OFFICE	97	9	5	111	99	24	3	126
SAGAKOPE	160	3	1	164	167	2	1	170
AKATSI	235	3	0	238	237	4	0	241
NKWANTA	103	0	0	103	98	0	0	98
ADIDOME	64	4	0	68	57	4	0	61
DENU	140	1	0	141	152	4	0	156
KPANDO	108	2	0	110	108	2	0	110
JASIKAN	48	2	0	50	49	5	0	54
KETE KRACHI	53	0	0	53	44	0	0	44
KETA	142	0	0	142	145	0	0	145
SUB-TOTAL	1304	27	6	1337	1304	51	4	1359
Eastern Region								
Koforidua REG OFFI	15	7	0	22	13	10	0	23
NKAWKAW	58	3	0	61	52	2	0	54

Kade	129	0	0	129	134	1	0	135
New Abirem	122	1	0	123	122	1	0	123
Begoro	77	3	1	80	77	3	1	81
Kibi	35	1	0	36	41	1	0	42
Nsawam	104	0	0	104	102	0	0	102
Suhum	27	0	0	27	27	0	0	27
Akim Oda	27	3	0	30	25	5	0	30
Akropong	26	1	0	27	32	1	0	33
ODUMASE KROBO	85	0	0	85	90	4	0	94
Donkorkrom	56	0	0	56	50	0	0	50
AKOSOMBO	32	3	0	35	40	4	0	44
ASAMANKESSE	120	3	0	123	103	1	0	104
SUB-TOTAL	913	25	0	939	908	33	0	942
Grand Total	10,576	417	42	11,035	10,219	455	20	10,694

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

Annex B: Classification of Cases Received, Closed and Pending Nationwide

Head Office/ Regions	Cases Received In 2013				Total Cases Closed (Including Cases Carried from 2012)				Cases Pending			
	HR	AJ	C	TOTAL	HR	AJ	C	TOTAL	HR	AJ	C	TOTAL
Head office	273	155	13	441	202	91	2	295	299	269	43	610
Upper East	257	22	1	280	239	20	2	261	32	5	0	37
Upper West	353	14	1	368	349	23	1	373	72	12	0	84
Ashanti	1828	39	7	1874	1738	65	3	1806	333	27	9	369
Brong Ahafo	2802	25	4	2831	2810	44	0	2854	564	10	5	579
Northern	448	31	7	486	445	29	7	481	89	38	5	132
Western	1003	26	1	1030	1004	39	0	1043	194	7	1	202
Central	887	27	0	914	858	23	0	881	189	44	2	235
Greater	508	26	1	535	362	37	0	399	549	46	1	596
Volta	1304	27	6	1337	1304	51	4	1359	184	2	5	191
Eastern	913	25	1	939	908	33	1	942	106	11	3	120
	10,576	417	42	11,035	10219	455	20	10,694	2611	471	74	3,156

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 RIGHTS RELATED COMPLAINTS												
Non-Maintenance of Children	25	84	45	401	477	98	294	296	209	470	376	2775
Deprivation of Education	3	17	12	38	61	31	17	18	6	65	29	297
Deprivation of Medical Care	0	0	0	0	0	0	0	0	0	0	2	2
Improper Care	0	0	1	9	2	2	3	7	3	4	6	37
Unlawful Custody	6	20	11	61	163	32	30	33	35	62	46	499
Defilement	1	0	0	3	4	0	1	3	1	5	1	19
Child Labour	0	0	0	0	2	0	0	0	0	3	1	6
Forced Marriage	0	3	2	3	9	37	2	1		5	1	63
Maltreatment	0	0	0	5	3	0	1	2	2	10	2	25
Denial of Paternity	0	2	1	34	58	18	3	7	4	9	11	147
Unnamed	0	0	0	3	1	0	1		4	0	0	9
Trafficking	0	0	0	1	0	0	0	2	0	5	0	8
Incest	0	0	0	0	1	0	0	0	0	0	0	1
Illegal Adoption	0	0	0	2	0	0	0	0	1	0	0	3
Denial of Access	2	9	2	13	2	8	9	14	13	11	6	89
Abduction/Kidnapping	0	1	0	2	2	9	0	0	0	7	0	21
Child Prostitution	0	0	0	1	0	0	0	0	0	0	0	1
TOTAL	37	136	74	576	785	235	361	383	278	656	481	4,002
WOMEN'S RIGHTS RELATED COMPLAINTS												
Non-Maintenance of Spouse		8	7	105	240	4	84	39	9	61	68	625
Spousal Battery	2	12	0	39	101	6	17	12	9	27	4	229
Sexual Harassment	1	0	0	4	3	3	2	1	1	4	2	21
Rape	1	0	1	0	0	1	1	0	0	0	0	4
Sex Discrimination	0	0	0	0	0	0	0	0	0	2	0	2
Discrimination Based on Pregnancy	0	0	0	44	0	0	0	0	0	0	0	44
Marital Causes (Harassment/Forced Eviction/Verbal Abuse/	19	4	21	0	113		41	17	13	21	0	249
Denial of Access to Personal Belongings/Threats)	0	0	0	0	0	1	0	0	2	0	6	9
Denial/Neglect of Pregnancy	1	16	15		86	52	42	35	17	62	60	386

TOTAL	24	40	44	192	543	67	187	104	51	177	140	1569
PROPERTY RIGHTS RELATED COMPLAINTS												
Destruction	9	1	3	18	37	3	18	9	4	17	10	129
Denial of Access (Self Acquired)	10	12	35	72	135	12	45	44	15	44	22	446
Denial of Share (Jointly Acquired)	21	5		85	52		52	52	5	16	40	328
Denial of Share (Inheritance)	1	1	4	42	68	1	35	25	2	20	10	209
Denial of Access/Share (Intestate Succession)	2	0	6	38	20	0	77	17	1	19	2	182
Trespass/Encroachment		1	1	34	40	1	8	6	1	6	8	106
Title	5	0	0	13	1	0	0	10	1	2	1	33
Others	5	0	0	0	0	0	0	0	4	0	0	9
TOTAL	53	20	49	302	353	17	235	163	33	124	93	1442
ECONOMIC, SOCIAL AND CULTURAL RIGHTS RELATED COMPL												
Non-Payment of Wages	1	3	15	19	11	1	13	5	3	30	6	107
Denial of Right to Work	0	0	0	0	0	0	0	0	0	0	1	1
Environmental Hazards	3	1	0	6	1	1	1	3	1	6	2	25
Noise Pollution	1	0	0	1	2		1	2	1	2	5	15
Breach of Agreement	30	1	5	514	180	27	36	92	12	82	76	1055
Tenancy (Non-Payment of Rent/Threat of Ejection/)	18	4	12	4	485	3	76	18	25	41	14	700
Witchcraft Accusations	0	1	1	1	1	14	0	0	0	0	1	19
Denial of Rights to Freedom of Worship	0	1	0	2	1	1	1	2	2	0	1	11
Non-Refund of Medical Bills	0	0	0	0	0	0	1		1	0	0	2
Medical Care	1	3	1	8	4	3	4	5	0	9	7	45
Debts Collection	3		44	0	123	5	3	4	10	0	0	192
Others	29	17	54	45	155	43	17	53	24	72	45	554
Labour Related Abuses	47	5	15	63	66	23	41	18	39	44	17	378
TOTAL	133	36	147	663	1029	121	194	202	118	286	175	3104
CIVIL AND POLITICAL RIGHTS RELATED COMPLAINTS												
Unlawful Detention	0	0	4	4	1	0	3	0	0	0	1	13
Banishment	0	0	0	0	0	1		5	0	0	0	6
Threat to Life	3	0	1	4	0	2	1		3	0	0	14

Violation of Right to Dignity and Respect	3	5	7	8	18	2	2	14	6	27	11	103
Harassment (Violation of Rights to Personal Liberty)	17	19	27	79	73	2	9	16	19	34	12	307
Inhuman Treatments/Maltreatment	0	0	0	0	0	1	10	0	0	0	0	11
Others	3	1		0	0	0	1	0	0	0	0	5
TOTAL	26	25	39	95	92	8	26	35	28	61	24	459

Annex D: 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	6	0	0	6	2	3	1	3	1	2	0	24
Unlawful Termination of Appointment	7	0	1	1	0	3	0	1	0	2	3	18
Under Payment of Pension	0	0	0	0	0	0	0	0	0	1	0	1
Non-Payment of Pension	9	0	1	0	0	2	2	3	1	2	0	20
Pension Based on Lower Grade	2	0	0	1	0	0	0	0	0	0	0	3
Withholding of Salaries	0	0	0	1	0	0	3	0	0	1	0	5
Non-Payment of Salaries	10	3	1	2	5	8	4		2	5	7	47
Illegal Deduction of Salaries	0	0	2	0	0	1	1			1		5
Redundancy/Redeployment	0	0	0	0	1	0	0	0	0	0	0	1
Demotions	1	0	0	0	0	0	0	0	0	0	0	1
Denial/Delay of Promotions	1	0	0	1	0	0	1	0	1	0	0	4
Suspension/Interdiction	1	0	0	0	1	0	0	1	0	1	0	4
Non-Payment of Social Security Contribution	0	1	0	0	0	0	1	0	2	0	0	4
Non-Payment of Social Security Benefit		0	2	3	1	0	2	1	0	1	4	14
Failure to Act on Complaints	13	0	2	1	0	0	0	0	4	0	0	20
Failure to Prosecute (Police)	0	0	0	0	0	0	0	1	1	2	0	4
Delay in Dispensing Justice (Police)	5	0	0	3	1	3	2		5	5	3	27
Delay in Dispensing Justice (Labour Office)	1	0	0	0	0	0	0	0	0	0	0	1
Delay in Dispensing Justice (Attorney General)	0	0	0	0	0	0	0	0	0	1	0	1
Delay in Dispensing Justice (Judiciary)	1	0	0	0	0	0	0	0	0	0	0	1

Arbitrary Transfer	1	0	1	1	0	0	0	1	0	0	0	4
Non-Payment of End-of-Service	0	0	0	3	1	0	0	1	2	0	0	7
Non-Payment of Workmanship Compensation	0	0	0	0	1	0	0	0	0	0	0	1
Rudeness & Improper Attention	2	0	0	0	0	0	0	0	0	0	0	2
Non-Payment of Allowance	0	7	0	1	1	3	1	0	0	0	1	14
Wrongful Placement	3	0	0	1	0	0	0	0	0	0	0	4
Withdrawal from School	1	0	0	0	0	0	0	0	0	0	0	1
Premature Retirement	0	1	0	2	0	0	0	0	0	0	0	3
Withholding of Document	0	0	0	1	0	0	0	0	0	0	0	1
Abuse of Office (Intimidation)	0	0	0	4	4	0	1	2	0	0	0	11
Abuse of Office (Assault/Oppression)	19	0	0	0	1	0	2	1	0	0	2	25
Negligence	0	0	0	0	0	0	1	0	0	0	0	1
Unfair Ruling	3	0	0	0	0	0	0	0	0	0	0	3
Non-Payment of Transfer Grants	0	0	0	0	0	0	0	0	0	0	2	2
Breach of Agreement	3	0	0	1	1	0	0	0	0	0	0	5
Unfair Treatment	41	3	0	1	1	3	1	1	1	2	0	54
Others	20	2	3	2	4	1	2	9	6	1	3	53
Education	3	5	1	1	0	4	0	0	0	0	0	14
Denial of Bail	0	0	0	1	0	0	0	1	0	0	0	2
Denial of Leave	0	0	0	1	0	0	0	0	0	0	0	1
Non Compensation for destruction of Property	2	0	0	0	0	0	1	1	0	0	0	4
TOTAL	155	22	14	39	25	31	26	27	26	27	25	417

Annex E: 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
Abuse of Office/Power	6	0	0	0	1	1	0	0	0	1	0	9
Misappropriation/Embezzlement	2	0	0	2	2	1	0	0	0	2	0	9
Fraud	1	0	0	1	0	1	0	0	1	0	0	4
Conflict of Interest	3	0	0	0	0	1	0	0	0	0	0	4
Bribery	1	0	0	1	0	0	0	0	0	3	1	6

Extortion of Money	0	0	1	2	0	2	1	0	0	0	0	6
Over Estimation of Contract	0	0	0	0	0	0	0	0	0	0	0	
Mismanagement	0	0	0	0	1	0	0	0	0	0	0	1
Double Dealing	0	0	0	1	0	0	0	0	0	0	0	1
SUB-TOTAL	13	0	1	7	4	6	1	0	1	6	1	40
Whistle Blower Complaints												
Abuse of Office/Power	0	1	0	0	0	0	0	0	0	0	0	1
Misappropriation/Embezzlement	0	0	0	0	0	1	0	0	0	0	0	1
SUB-TOTAL	0	1	0	0	0	1	0	0	0	0	0	2
GRAND TOTAL	13	1	1	7	4	7	1		1	6	1	42

Annex F: Respondents in Human Rights Cases Received in 2013.

Respondent Bodies	Number of Complaints
Private Individuals	10,216
Private Companies	142
Insurance Companies	17
Associations/Unions	11
Hotels	4
Banks/Financial Institutions	21
Security Companies	25
Private Schools	43
Micro Finance Companies	31
Churches	8
Private Enterprises or Organizations	30
Private Hospitals	7
Chieftaincy Institution	4
Ghana Police Service	8
Vocational and Training Institute	3
colleges	4

Attorney General Department	2
	10,576

Annex G: Respondent Bodies in the Administrative Justice Complaints

RESPONDENT BODIES	Number of Complaints
ORGANIZATIONS UNDER MINISTRY OF EDUCATION (103 CASES)	
Universities	4
Polytechnics	9
Schools/Colleges/technical Institutions	2
Ghana Education Service	87
MINISTRY	1
ORGANIZATIONS UNDER MINISTRY OF FINANCE AND ECONOMIC PLANNING (42 CASES)	
Controller & Accountant General	9
SSNIT	27
Ghana Revenue Authority	2
Bank of Ghana	1
Ministry	3
ORGANIZATIONS UNDER LOCAL GOVERNMENT & RURAL DEVELOPMENT (24 CASES)	
Regional Coordinating Councils	2
Metropolitan, Municipal and District Assemblies (MMDAs)	22
ORGANISATIONS UNDER MINISTRY OF INFORMATION (4 CASES)	
GHANA BROADCASTING CORPORATION (GBC)	3
Ghana News Agency (GNA)	1
ORGANIZATIONS UNDER MINISTRY OF JUSTICE & ATTORNEY GENERAL (6 CASES)	

Ministry	2
LEGAL AID	3
Economic & Organised Crime Office (EOCO)	1
MINISTRY OF HEALTH (37)	
National Health Insurance Authority	3
Ghana Health Service	34
MINISTRY OF INTERIOR (91)	
Ghana Police Service	88
National Disaster Management Organization (NADMO)	1
Ghana Immigration Service	1
Ghana National Fire Service	1
MINISTRY OF WATER RESOURCES, WORKS AND HOUSING (2)	
Public Works Department	1
State Housing Company	1
MINISTRY OF ENERGY (8)	
Volta River Authority (VRA)	4
Electricity Company of Ghana (ECG)	3
GHANA NATIONAL PETROLEUM CORPORATION (GNPC)	1
MINISTRY OF ROADS AND HIGHWAYS (3)	
Ghana Highway Authority	1
Dept. of Feeder Roads	1
MINISTRY	1
MINISTRY OF LANDS AND NATURAL RESOURCES (7)	
Lands Commission	3
Forestry Commission	2
Geological Survey Dept.	2
MINISTRY OF EMPLOYMENT AND SOCIAL WELFARE (5)	

Department of Social Welfare	1
Labour Commission	4
MINISTRY OF TRANSPORT	
Metro Mass Transit Ltd	1
MINISTRY OF DEFENCE (6)	
Army	4
Ministry	2
ORGANIZATION UNDER MINISTRY OF YOUTH & EMPLOYMENT (11 Cases)	
National Youth Employment Programme (NYEP)	11
EXTRA MINISTERIAL ORGANISATIONS (25)	
Judicial Service	17
CHRAJ	3
Electoral Commission	3
National Service Secretariat	2
OTHER RESPONDENT BODIES	42
GRAND TOTAL	417

Annex H: Institutions/Organisations where Persons Investigated of Corruption Allegations worked.

Institutions/Organisations	Number of Complaints
Ghana Health Service	1
Driver Vehicle and Licensing Authority	1
Ghana Highway Authority	1
Forestry Commission	1
Private Hospital	1
Ghana Education Service	8
Metropolitan, Municipal and District Assemblies (MMDAs)	2

Dept. of Parks and Gardens	2
Ghana Police Service	8
Electricity Company of Ghana	1
ICCES	1
GYEEDA	2
Rent Control	1
National Health Insurance Authority	1
Ghana Revenue Authority	1
Geological Survey Dept.	1
Others	9
TOTAL	42

Annex I: Nature and Mode of Closure of Human Rights Cases

	Cases resolved through Mediation	Cases decided after Preliminary Investigation	Cases decided after Full Investigation	Cases Discontinued during Investigation	Cases Withdrawn	Cases Declined	Cases Closed for Lack of Interest	TOTAL
CHILDREN RIGHTS RELATED COMPLAINTS								
Non-Maintenance of Children	1,870	7	0	327	111	72	290	2,677
Deprivation of Education	214	3	2	24	18	14	17	292
Deprivation of Medical Care	2	0	1	0	0	0	0	3
Improper Care	16	1	0	3	2	1	7	30
Unlawful Custody	326	2	1	72	14	59	33	507
Defilement	0	0	0	0	0	21	0	21
Child Labour	4	0	0	1	0	0	1	6
Forced Marriage	52	0	0	3	9	6	1	71
Maltreatment	13	1	0	2	0	6	0	22
Denial of Paternity	81	0	0	25	11	9	11	137
Unnamed	4	0	0	0	0	0	2	6
Trafficking	3	0	0	2	0	1	0	6

Incest	0	0	0	0	0	1	0	1
Illegal Adoption	1	0	0	0	1	0	0	2
Denial of Access	70	1	0	19	3	5	4	102
Abduction/Kidnapping	8	1	0	1	2	7	0	19
Child Prostitution	0	1	0	0	0	0	0	1
TOTAL	2,664	17	4	479	171	202	366	3,903
WOMEN'S RIGHTS RELATED COMPLAINTS								
Maintenance of Spouse	406	1	0	100	59	29	60	655
Spousal Battery	141	1		40	17	19	16	234
Sexual Harassment	11	0	0	2	2	2	1	18
Rape/Sexual Offences	0	0	0	0	0	4	0	4
Discrimination on Grounds of Sex	0	0	0	1	0	0	0	1
Discrimination Based on Pregnancy	22	0	0	5	3	3	9	42
Marital Causes (Harassment/Forced Eviction/Verbal Abuse/	70	1	0	10	4	24	9	118
Denial of Access to Personal Belongings	15	0	0	7	1	1	0	24
Maintenance of Pregnancy	249	0	0	53	36	19	59	416
TOTAL	914	3	0	218	122	101	154	1512
PROPERTY RIGHTS RELATED COMPLAINTS								
Destruction	89	0	2	23	7	21	10	152
Denial of Access (Self Acquired)	243	7	3	69	33	44	34	433
Denial of Share (Jointly Acquired)	177	1	0	39	18	27	35	297
Denial of Share (Inheritance)	109	2	1	32	11	19	30	204
Denial of Access/Share (Intestate Succession)	108	1	0	26	11	12	18	176
Encroachment	66	0	0	23	5	8	7	109
Title	5	0	0	1	2	19	3	30
Others	0	0	0	0	0	5	0	5
TOTAL	797	11	6	213	87	155	137	1406
ECONOMIC, SOCIAL AND CULTURAL RIGHTS RELATED COMPL								
Non-Payment of Wages	75	0	0	13	6	7	6	107
Denial of Right to Work	3	0	0	0	0	0	0	3

Environmental Hazards	8	0	0	3	1	6	3	21
Noise Pollution	9	0	1	4	0	1	0	15
Breach of Agreement	669	7	2	120	43	93	89	1023
Landlord/Tenant Causes	460	4	0	77	15	139	48	743
Witchcraft Accusations	7	1	0	2	3	3	0	16
Interference with Freedom of Worship	4	0	0	2	0	0	0	6
Non-Refund of Medical Bills	0	0	0	0	0	0	1	1
Medical Care/Health Rights	30	0	0	6	3	4	2	45
Debts Collection	127	0	0	17	8	30	13	195
Others	291	7	1	66	23	76	31	495
Labour Relations	119	14	3	26	9	65	25	261
TOTAL	1802	33	7	336	111	424	218	2931
CIVIL AND POLITICAL RIGHTS RELATED COMPLAINTS								
Unlawful Detention	5	1	0		0	2	2	10
Banishment	1	0	0	3	0	1	0	5
Threat to Life	4	0	0	1	0	11	0	16
Violation of Right to Dignity	42	0	1	9	9	28	5	94
Denial of Bail	0	0	0	3	0	0	0	3
Harassment (Violation of Right to Personal Liberty)	209	0	1	42	13	35	29	329
Inhuman Treatment/Maltreatment	3	0	0	0	0	0	2	5
Others		0	0	0	0	4	1	5
TOTAL	264	1	2	58	22	81	39	467

Annex J: Nature and Mode of Closure of Administrative Justice Complaints

	MEDIATION	Cases decided after Preliminary	Cases decided after Full Investigation	Cases Discontinued during Investigation	Cases Withdrawn	Cases Declined	Cases Closed for Lack of Interest	TOTAL
		Investigation						
ADMINISTRATIVE JUSTICE COMPLAINTS								
Unlawful Dismissal	14	2	2	12	1	5	1	37
Unlawful Termination of Appointment	9	0	0	13	2	8	1	33
Under Payment of Pension	0	0	1	0	0	0	1	2
Non-Payment of Pension	3	1		3	0	3	0	10
Pension Based on Lower Grade	0	0	0	1	0	0	0	1
Pension Based on Lower Grade	0	0	0	1	0	0	0	1
Withholding of Salaries	2	1	0	0	2	0	0	5
Non-Payment of Salaries	23	1	0	10	3	3	5	45
Non-Payment of Salaries Arrears	2	0	0	6	0	0	0	8
Illegal Deduction of Salaries	9	2	0	6	0	2	0	19
Redundancy/Redeployment	2	0	0	0	0		0	2
Demotions	0	0	0	0	0	1	0	1
Denial/Delay of Promotions	1	1	0	2		2	0	6
Suspension/Interdiction	4	0	3	3	0	0	0	10
Non-Payment of Social Security Contribution	1	0	0	5	0	1	0	7
Non-Payment of Social Security Benefit	11	0	0	4	2	1	2	20
Failure to Act on Complaints	2	1	1	2	2	3	1	12
Failure to Prosecute (Police)	6	0	0	0	0	0	0	6
Delay in Dispensing Justice (Police)	10	2	0	4	3	2	4	25
Delay in Dispensing Justice (Attorney General)						1		1
Arbitrary Transfer	3			2	1			6
Non-Payment of End-of-Service	6		2	1	1	1	1	12
Non-Payment of Workmanship Compensation	0	0	0	2	0	0	0	2

Rudeness & Improper Attention	0	0	0	0	0	2	0	2
Non-Payment of Allowance	4	0	1	3	3		1	12
Premature Retirement	0	0	0	0	0	0	0	1
Non-payment of Insurance Claim	0	0	0	0	0	1	0	1
Abuse of Office (Intimidation)	6	1	0	4	0	1	2	14
Abuse of Office (Assault/Oppression)	0	0	1	3	0	2	3	9
Negligence	0	1		3	0	0	0	4
Unfair Ruling	0	0	0	0	0	2	0	2
Breach of Agreement	6	0	0	3		2	0	11
Unfair Treatment	16	1	4	8	3	15	1	48
Others	24	0	1	12	3	12	4	56
Education	3	0	2	8		2	4	19
Denial of Bail	2	0	0	0	0	0	0	2
Denial of Leave	1	0	0	0	0	0	0	1
Non Compensation for destruction of Property	0	0	0	1	0	1	0	2
TOTAL	170	14	18	122	26	73	32	455

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

	MEDIATION	Cases decided after Preliminary Investigation	Cases decided after Full Investigation	Cases Discontinued during Investigation	Cases Withdrawn	Cases Declined	Cases Closed for Lack of Interest	TOTAL
CORRUPTION								
Abuse of Office/Power	0	0	2	0	0	1	0	3
Misappropriation/Embezzlement	0	1	1	1	0	0	0	3
Fraud	0	0	3	0	0	2	0	5
Conflict of Interest	0	0	0	0	0	1	0	1
Bribery	0	0	1	2	0		0	3
Extortion of Money	0	1	0	0	1	2	0	4
SUB-TOTAL	0	2	7	3	1	6	0	19

Corruption (Whistle Blower)								
Misappropriation/Embezzlement			1					1
GRAND TOTAL	0	2	8	3	1	6	0	20

3. STATISTICS ON PUBLIC EDUCATION FOR 2013

The Commission conducted a total of 4,879 public education programmes in schools and rural communities during the year 2013. These activities which were mainly on the Commission's mandates consisted of 3,382 Human Rights, 756 Administrative Justice and 741 Anti-corruption. Education on the human rights mandate continued to dominate and represented 69% of the activities carried out. Activities relating to Administrative Justice and Anti-Corruption also saw a remarkable improvement this year. This resulted from the Commission's resolve to strengthen staff capacity in these areas.

The programmes benefited the Ghanaian populace through community durbars, interactions with schools and churches, as well as radio/TV discussions. The table below illustrates performance by the various regions regarding the three mandates.

Table 1: National Distribution of 2013 Public Education Activities

Region	Human Rights	Admin Justice	Anti- Corruption	Total	%
Western	347	44	65	456	9.3
Upper West	187	90	56	333	6.8
Upper East	183	50	69	302	6.2
Northern	500	137	196	833	17.1
Ashanti	602	113	109	824	16.9
Brong Ahafo	162	54	45	261	5.3

Volta	488	99	82	669	13.7
GA	88	51	20	159	3.3
Eastern	459	36	21	516	10.6
Central	193	64	62	319	6.5
Tema Sub	101	4	7	112	2.3
Obuasi	72	14	9	95	2.0
Total	3,382	756	741	4,879	100

Table 2: Public Education Trend for the past six years: 2008-2013

Region	2008	2009	2010	2011	2012	2013	Total
Greater Accra	147	128	108	113	99	159	754
Eastern	388	387	395	491	419	516	2,596
Volta	293	305	332	372	534	669	2,505
Ashanti	563	449	429	541	802	824	3,608
Brong Ahafo	353	334	319	357	241	261	1,865
Central	411	312	262	373	483	319	2,160
Western	423	302	272	311	351	456	2,115
Northern	372	443	297	524	812	833	3,281
Upper East	160	226	258	278	306	302	1,530
Upper West	195	213	287	254	285	333	1,567
Tema	72	90	78	111	144	112	607
Obuasi	51	37	14	31	75	95	303
Total	3,428	3,226	3,051	3,756	4,551	4,879	22,891

Month/Region	J	F	M	FQ	A	M	J	SQ	MID -YR	J	A	S	TQ	O	N	D	FQ	GRAND TOTAL
Greater Accra		10	20	30	14	17	25	56	86	16	10	14	40	12	19	2	33	159
Breakdown																		
Regional office		2	9	11	3	3	4	10	21	5	2	2	9	0	0	0	0	30
Amasaman		0	0	0	5	5	5	15	15	4	3	4	11	5	3	0	8	34
Ada Foah		4	8	12	3	4	6	13	25	3	1	2	6	2	5	0	7	38
Weija		2	0	2	0	2	5	7	9	3	1	2	6	0	1	0	1	16
Dodowa		2	3	5	3	3	5	11	16	1	3	4	8	5	10	2	17	41
10																		
Eastern	44	56	51	151	47	45	84	176	327	28	26	41	95	34	36	24	94	516
Breakdown																		
Regional Office	7	5	5	17	10	10	11	31	48	3	3	3	9	3	2	1	6	63
Suhum	0	11	8	19	6	5	7	18	37	1	0	3	4	3	3	0	6	47
Nsawam	3	4	3	10	7	4	5	16	26	2	2	2	6	2	2	1	5	37
Asamankese	4	4	4	12	0	0	0	0	12	3	2	2	7	2	2	4	8	27
Kibi	4	3	3	10	2	2	5	9	19	0	0	4	4	1	6	4	11	34
Oda	0	2	5	7	5	7	6	18	25	1	1	0	2	3	4	3	10	37
Nkawkaw	1	2	1	4	0	0	3	3	7	3	2	2	7	1	0	3	4	18
Akropong	1	4	2	7	0	0	0	0	7	1	1	1	3	1	1	1	3	13
Asuogyaman	7	5	8	20	5	0	8	13	33	3	2	4	9	5	5	0	10	52
New Abirem	2	2	2	6	3	5	5	13	19	2	5	4	11	5	0	0	5	35
Manya Krobo	5	6	5	16	4	3	4	11	27	2	2	4	8	2	2	0	4	39
Donkorkrom	9	3	1	13	0	2	25	27	40	1	0	6	7	0	1	0	1	48
Begoro	0	3	3	6	0	2	2	4	10	5	5	5	15	5	5	7	17	42
Kade	1	2	1	4	5	5	3	13	17	1	1	1	3	1	3	0	4	24
Volta	32	43	51	126	39	45	255	339	465	24	18	89	131	32	27	14	73	669
Breakdown																		
Regional Office	5	5	3	13	3	3	23	29	42	5	0	24	29	0	0	3	3	74
Keta	2	3	2	7	4	4	18	26	33	2	0	8	10	2	2	2	6	49
Ketu	5	4	5	14	5	6	30	41	55	1	2	6	9	0	0	0	0	64
Akatsi	4	5	9	18	7	9	44	60	78	5	2	10	17	11	6	0	17	112
North Tongu	0	3	4	7	2	0	12	14	21	1	0	1	2	0	0	0	0	23
South Tongu	8	10	9	27	7	6	40	53	80	4	7	19	30	8	6	3	17	127
Kpando	2	2	2	6	4	4	20	28	34	4	4	12	20	4	6	3	13	67
Hohoe	0	2	3	5	0	0	7	7	12	0	0	0	0	0	0	0	0	12
Jasikan	0	2	3	5	0	4	12	16	21	1	1	2	4	1	1	1	3	28
Kadjebi	0	2	9	11	1	5	21	27	38	1	2	7	10	3	5	0	8	56
Nkwanta	4	3	0	7	4	2	16	22	29	0	0	0	0	2	0	1	3	32
Kete Krachi	2	2	2	6	2	2	12	16	22	0	0	0	0	1	1	1	3	25
Month/Region	J	F	M	FQ	A	M	J	SQ	MID- YR	J	A	S	TQ	O	N	D	FQ	GRAND TOTAL

Ashanti	40	110	95	245	67	72	85	224	469	46	74	80	200	59	70	26	155	824
Breakdown																		
Regional Office	13	22	15	50	21	15	12	48	98	4	13	8	25	2	10	2	14	137
New Edubiase	5	19	2	26	12	3	2	17	43	0	3	3	6	0	7	3	10	59
Offinso	4	5	6	15	6	6	7	19	34	0	5	5	10	0	5	0	5	49
Kuntense	2	6	3	11	2	3	6	11	22	8	10	10	28	10	10	12	32	82
Juaso	2	4	5	11	2	4	3	9	20	0	9	10	19	2	2	0	4	43
Manso Nkwanta	0	6	4	10	1	6	2	9	19	5	7	10	22	0	3	0	3	44
Konongo	2	3	2	7	3	2	2	7	14	4	2	4	10	2	3	2	7	31
Ejura	0	2	5	7	2	4	5	11	18	3	2	1	6	2	3	0	5	29
Tepa	1	1	1	3	0	3	2	5	8	4	3	3	10	0	0	0	0	18
Mankranso	0	4	6	10	4	2	8	14	24	0	4	5	9	0	0	0	0	33
Mamponteng	4	5	4	13	4	5	6	15	28	4	3	3	10	2	3	1	6	44
Nkawie	1	2	18	21	0	3	3	6	27	2	1	0	3	0	0	0	0	30
Agona	0	8	12	20	10	6	6	22	42	0	2	4	6	8	7	5	20	68
Mampong	3	7	0	10	0	0	14	14	24	0	0	1	1	5	0	0	5	30
Effiduase	3	11	12	26	0	6	5	11	37	7	5	5	17	4	0	0	4	58
Bekwai	0	5	0	5	0	4	2	6	11	5	5	8	18	22	17	1	40	69
Brong-Ahafo	18	19	23	60	17	9	41	67	127	25	27	27	79	21	23	11	55	261
Breakdown																		
Regional Office	5	4	7	16	2	2	7	11	27	0	0	4	4	0	3	3	6	37
Dormaa	0	2	2	4	4	0	2	6	10	5	5	4	14	4	4	3	11	35
Wenchi	2	2	2	6	0	0	7	7	13	0	0	0	0	0	0	0	0	13
Jaman/Drobo	0	3	0	3	0	5	2	7	10	4	3	5	12	3	2	0	5	27
Nkoranza	1	1	1	3	0	0	2	2	5	2	2	0	4	0	0	0	0	9
Techiman	0	0	0	0	0	0	0	0	0	2	2	2	6	2	1	0	3	9
Bechem	0	0	3	3	3	0	8	11	14	0	4	0	4	0	2	0	2	20
Asunafo/Goaso	3	5	3	11	0	0	0	0	11	0	1	1	2	0	0	0	0	13
Asutifi/Kenyasi	2	2	2	6	2	0	0	2	8	2	2	2	6	3	2	1	6	20
Berekum	0	0	0	0	2	2	2	6	6	2	3	3	8	1	2	0	3	17
Atebubu	1	0	0	1	0	0	3	3	4	2	0	0	2	3	2	2	7	13
Kwame Danso	4	0	3	7	4	0	6	10	17	3	3	3	9	3	3	2	8	34
Kintampo	0	0	0	0	0	0	2	2	2	3	2	3	8	2	2	0	4	14
Month/Region	J	F	M	FQ	A	M	J	SQ	MID-YR	J	A	S	TQ	O	N	D	FQ	GRAND TOTAL
Central	18	58	38	114	36	39	18	93	207	8	17	25	50	21	18	23	62	319
Breakdown																		
Regional Office	0	8	5	13	3	10	0	13	26	0	0	6	6	3	4	10	17	49
Agona Swedru	0	6	3	9	3	4	2	9	18	0	0	3	3	0	0	0	0	21
Ajumako	3	4	1	8	5	2	0	7	15	0	0	0	0	0	0	0	0	15
Twifo Praso	0	4	6	10	0	3	2	5	15	0	4	4	8	0	2	0	2	25
Abura Dunkwa	2	3	5	10	3	2	2	7	17	4	5	5	14	4	4	4	12	43
Elimina	6	4	2	12	6	4	5	15	27	1	1	0	2	0	0	0	0	29
Mfantsiman	0	2	4	6	4	2	3	9	15	3	2	2	7	1	3	3	7	29

Gomoa	2	3	3	8	3	4	0	7	15	0	1	5	6	5	3	4	12	33
B. Asikuma	3	8	6	17	5	2	0	7	24	0	3	0	3	4	0	2	6	33
Winneba	2	2	1	5	0	0	0	0	5	0	0	0	0	0	0	0	0	5
Dunkwa Offin	0	7	1	8	4	3	2	9	17	0	0	0	0	0	2	0	2	19
Assin Fosu	0	7	1	8	0	3	2	5	13	0	1	0	1	4	0	0	4	18
38																		
Western	22	42	56	120	46	60	59	165	285	35	22	19	76	36	37	22	95	456
Breakdown																		
Regional Office	0	3	7	10	7	8	15	30	40	8	2	4	14	3	5	4	12	66
Tarkwa	4	6	4	14	6	2	4	12	26	3	2	0	5	2	5	3	10	41
Axim	0	0	1	1	2	2	2	6	7	1	2	0	3	1	2	0	3	13
Sefiwi- Wiawso	7	9	0	16	4	4	2	10	26	2	2	3	7	3	3	7	13	46
Asankragwa	0	4	2	6	8	9	4	21	27	0	1	3	4	1	0	0	1	32
Juaboso	5	5	12	22	3	5	7	15	37	4	0	1	5	5	7	2	14	56
Enchi	4	5	5	14	4	5	10	19	33	6	2	3	11	1	5	2	8	52
Half Assini	0	2	3	5	3	3	2	8	13	2	2	3	7	0	2	1	3	23
Bibiani	2	3	6	11	6	6	8	20	31	6	6	2	14	6	4	0	10	55
Agona Nnkwanta	0	5	4	9	3	5	5	13	22	3	3	0	6	3	4	3	10	38
Daboase	0	0	12	12	0	11	0	11	23	0	0	0	0	11	0	0	11	34
Month/Region	J	F	M	FQ	A	M	J	SQ	MID-YR	J	A	S	TQ	O	N	D	FQ	GRAND TOTAL
Northern	62	102	90	254	75	56	84	215	469	83	65	56	204	67	64	29	160	833
Breakdown																		
Regional Office	10	26	24	60	3	8	23	34	94	19	8	0	27	2	6	7	15	136
Savelugu	3	8	0	11	13	0	4	17	28	8	3	0	11	4	6	0	10	49
Tolon	5	7	8	20	11	0	4	15	35	5	5	18	28	8	4	4	16	79
Walewale	3	5	6	14	3	0	13	16	30	7	15	5	27	3	3	0	6	63
Gambaga	8	0	5	13	0	3	0	3	16	0	0	0	0	0	2	3	5	21
Bole	3	16	3	22	5	5	3	13	35	4	5	12	21	15	17	2	34	90
Damango	3	4	4	11	4	5	5	14	25	4	4	2	10	3	3	2	8	43
Salaga	9	7	10	26	10	9	8	27	53	8	6	6	20	6	2	3	11	84
Bimblia	8	7	8	23	8	8	2	18	41	8	5	0	13	8	9	0	17	71
Yendi	0	6	5	11	4	6	4	14	25	6	3	5	14	6	5	0	11	50
Saboba	4	9	10	23	6	4	8	18	41	4	2	3	9	5	7	4	16	66
Zabzugu	4	4	4	12	4	4	6	14	26	6	6	5	17	4	0	0	4	47
Gushegu	2	3	3	8	4	4	4	12	20	4	3	0	7	3	0	4	7	34
Upper East	22	31	35	88	27	22	20	69	157	25	26	28	79	25	25	13	66	302
Breakdown																		
Regional Office	5	5	5	15	5	5	4	14	29	5	5	5	15	5	6	5	16	60
Bawku	2	3	4	9	3	0	5	8	17	8	5	7	20	2	2	0	4	41
Sandema	4	4	3	11	8	7	3	18	29	2	4	2	8	5	3	1	9	46
Zebilla	3	8	10	21	3	3	1	7	28	4	3	2	9	6	6	3	15	52
Navrongo	5	5	10	20	4	3	3	10	30	2	5	8	15	2	4	4	10	55
Bongo	3	6	3	12	4	4	4	12	24	4	4	4	12	5	4	3	12	48
Upper West	28	29	42	99	22	32	49	103	202	26	18	15	59	31	28	13	72	333
Breakdown																		

Regional Office	4	7	6	17	4	4	19	27	44	6	5	4	15	3	1	5	9	68
Lawra	7	6	9	22	5	4	8	17	39	2	3	3	8	6	2	0	8	55
Nadowli	8	9	4	21	3	12	2	17	38	4	6	4	14	6	3	5	14	66
Jirapa	0	0	10	10	5	4	2	11	21	5	3	3	11	8	2	1	11	43
Sissala (Tumu)	9	7	13	29	5	8	18	31	60	9	1	1	11	8	20	2	30	101
103																		
Tema	5	9	9	23	17	19	10	46	69	11	21	0	32	0	7	4	11	112
Obuasi	12	14	12	38	8	7	4	19	57	7	8	10	25	3	0	10	13	95
TOTAL																		4,879

PART V: SPECIAL REPORTS

HIGHLIGHTS OF THE 2013 CHRAJ REPORT ON THE STATE OF HUMAN RIGHTS IN GHANA PRESENTED ON 10 DECEMBER 2013 BY RICHARD QUAYSON, DEP. COMMISSIONER, CHRAJ

Once again, the Commission joins the international community in celebrating the International Human Rights Day, an annual event on the calendar of the United Nations set aside to celebrate our common humanity and progress made in promoting and protecting rights.

The 2013 International Human Rights Day has special significance for both CHRAJ and the UN. CHRAJ marks its 20th anniversary as the world at large celebrates the 20th Anniversary of the adoption of the Vienna Declaration and Plan of Action. In the words of the UN Human Rights Chief, Navi Pillay, the Vienna Declaration

“... still sets the agenda for much of our work. The Declaration, which led to historic advances in the promotion and protection of human rights, is the most significant overarching human rights document produced in the past 40 years.”

Vienna Declaration and Plan of Action resulted in the establishment of the UN Office of the High Commissioner for Human Rights which incidentally marks its 20th anniversary this month. This year also marks the 20th anniversary of the adoption of the Paris Declaration that guides the establishment and operations of national human rights institutions [NHRIs].

It is not surprising that the UN settled on the theme “20 years: Working for Your Rights” for this year’s Human Rights Day.

We at the Commission find the theme most appropriate as it sets the stage for us to take stock and rededicate ourselves to eradicating poverty, hunger and disease and advancing human rights in Ghana.

Although we have made solid progress in promoting human

rights over the past 20 years since the coming into force of the 1992 Constitution, Ghana still has a long road to travel to advance human rights, administrative justice and integrity in the country. Since 2006, the Commission has been publishing annually the State of Human Rights Report in Ghana. The Report highlights the achievements as well as critical areas that need attention in advancing human rights, good governance and integrity in our society. Recommendations from the Report aim to ensure that government fulfills its international and constitutional obligations.

The Report focuses on economic, social, and cultural rights, as these have lagged behind civil and political rights in the country. This year's Report continues to evaluate our performance particularly in advancing economic, social, and cultural rights for all persons in Ghana.

The Report mainly covers six thematic areas, namely:

- (vii) the right to basic education;
- (viii) the right to health;
- (ix) children's rights;
- (x) orphanages;
- (xi) detention facilities; and
- (xii) harmful cultural practices

A. OBSERVATIONS AND KEY FINDINGS

7. RIGHT TO BASIC EDUCATION

Ghana has ratified the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and other relevant international and regional human rights instruments. Ghana, therefore, is fully aware of its obligation to ensure that the international standards set to promote and protect the right to education are met. The right to education has been duly recognized and given constitutional force in Article 25 of the 1992 Constitution.

Monitoring exercises undertaken in the year covered 294 public basic schools. The exercise revealed that:

- a. Whilst the Capitation Grant has generally led to an increase in

enrolment, the objective for introducing the grant under the FCUBE programme was being eroded by administrative deductions at the District Education offices and bank charges on grant transfers. These deductions obviously reduce the already inadequate grant.

- b. As a result, more schools are forced to charge additional fees to buy teaching and learning materials and undertake repairs of their facilities due to the insufficiency and late releases of the grant, thereby defeating the very purpose of its introduction.
- c. Almost half of schools monitored were congested. In addition, many of the school buildings had cracks in them and bad roofing, resulting from non-maintenance.
- d. Over 16% of schools had no toilet facilities at all, and for majority of schools that had some form of toilet facilities, the facilities were in poor condition and inadequate to serve the large populations of the schools visited. The problem of sanitation is compounded where community members use the school's toilet facilities.
- e. Supply of teaching and learning materials (TLMs) was found inadequate in about 72.2% of schools visited and this is having deleterious effect on learning. The Ghana Education Strategic Plan of attaining primary textbook ratio of 1:1 for core subjects by the end of 2012 could not be achieved.
- f. Over 53% of school buildings were not easily accessible to persons with disabilities. This makes it extremely difficult for pupils with disability to learn in those schools thereby undermining the objective of free compulsory universal basic education [FCUBE].
- g. Caning, kneeling and other forms of corporal punishment, including 'hitting', smacking, slapping, spanking and pinching, continue in basic schools across the country.

8. RIGHT TO HEALTH

This year, the Commission monitored 211 health institutions in both public and private sectors and assessed areas including education on maternal health, education on infant health, the National Health Insurance Scheme (NHIS), and rights of people living with HIV/AIDS.

The Commission found that:

- a. An increasing number of health facilities are undertaking initiatives to reduce maternal mortality. These included free maternal care, continuing education/training for midwives, and educational and sensitization programmes for patients before their appointments with doctors, and community outreach to educate expectant mothers. The Commission finds these initiatives highly commendable in the light of Ghana's efforts to meet Millennium Development Goal (MDG) 5. These initiatives are reflected in a gradual decrease in maternal mortality.
- b. Ninety-three per cent (93%) of the health facilities monitored had put in place measures, such as immunisation and vaccination of infants, to prevent or reduce infant mortality in an effort to meet MDG-4.
- c. The Commission, however, noted inordinate delays in reimbursement of claims by the health care providers under the NHIS. Almost all the accredited NHIS institutions monitored had this major challenge.

9. CHILDREN'S RIGHTS

The Commission interviewed a total of 234 heads of government institutions and interacted with 2659 children (between 6 to 18 years) in 215 communities across the country to elicit responses from them on the rights of the child.

The study revealed that:

- a. The highest numbers of working children in Ghana are found in agriculture, followed by street hawking, domestic servitude and head portage.
- b. Despite legislations to address the phenomenon, child neglect

remained one of the most frequently reported categories of rights cases reported. Children who were interviewed complained of neglect and reluctance by their parents to provide their basic needs.

10. ORPHANAGES

The Commission monitored twenty-two (22) orphanages across the country to assess their compliance with laid down international and national standards. In Ghana, orphanages and residence for children are regulated by the ***National Standards for Residential Homes for Orphans and Vulnerable Children in Ghana***.⁸

The assessment covered sub-themes as funding, feeding, health facilities, educational facilities, accommodation (dormitories) and sanitation, recreational activities, and staffing. The key findings made by the Commission included the following:

- a. The majority of orphanages in Ghana are privately-owned. The Commission noted different sources of funding for orphanages in the country. Forty-seven per cent (47.4%) of funding comes from philanthropists, churches, financial institutions, and non-governmental organisations (NGOs) both national and international. Owners of the orphanages provided 39.5% of the funding needs by themselves.
- b. Even though the Guidelines for the Operation of Orphanages in Ghana⁹ imposed a duty on orphanages to have an infirmary and first aid kits, 8 out of the 22 orphanages monitored had no infirmary.
- c. It is a requirement under the National Standard for Residential Homes for Children (RHC) to have a school or a kindergarten located on separate premises from the residential home and open to the local community. The schools or kindergarten must follow the Ghanaian mainstream curriculum for public

⁸ A document that includes standards set by the United Nations Convention on the Rights of the Child, the new International Guidelines for the appropriate use and Conditions of Alternative Care for Children (2009), the Children's Act, 1998(Act 560) and the Child Rights Regulations.

⁹ This document was prepared by the Department of Social Welfare of the then Ministry of Employment and Social Welfare(MESW)

and private schools. The Commission found that 21.1% of the orphanages had crèche; 5.3% had kindergarten; 15.8% had primary school; and 21.1% had a junior high school as required by the National Standard.

- d. The remaining orphanages did not have schools of their own. The nearest schools to these orphanages were within a distance of 5km from the orphanage.

11. HARMFUL CULTURAL PRACTICES

a. Refuge Camps for Persons Accused of Witchcraft

During the year under review, the Commission visited four Refuge Camps for Persons Accused of Witchcraft in the Northern Region. The camps visited were:

- i) Gnani in the Yendi Municipality,
- ii) Kukuo in the Nanumba District,
- iii) Tindaan Shayili-Kpatinga in the Gushegu District, and
- iv) Gambaga in Eastern Mamprusi District.

The key findings were as follows:

- i. There were 912 persons in the Camps, comprising 176 males and 736 females.
- ii. The Commission is gravely concerned about the high number of children living in these camps that are traditionally known to have poor facilities for child development and where poverty is endemic. Over 39% of the 912 dwellers in the Camps [358] were below 18 years, while 51.21% of the dwellers [467] were above 60 years. The Commission finds it deeply troubling that in two of the camps, namely, Kukuo and Tindaan Shayili-Kpatinga, all the dwellers were females above 60 years.
- iii. Although there is high prevalence of poverty in the Camps, only 116 (43 from Kukuo and 73 from Gambaga Camps) out of total population of 912 benefitted from the Livelihood Empowerment Against Poverty (LEAP) programme. Dwellers in the Gnani and Tindaan Shayili-Kpatinga camps did not benefit

from the service.

- iv. The Commission found it commendable that Nanyumba South District Assembly had registered dwellers of the Kukuio Refuge Camp under the NHIS, in addition to providing them food during the lean season.
- v. The Commission established that notwithstanding increasing national and international attention on these camps, the population in the camps continues to increase as this dehumanizing cultural practice does not appear to be diminishing at the rate expected. In 2013 alone, the camps received 34 inmates, 33 females and 1 male. On the other hand, 29 females found their way back into their communities, also showing a recognizable increase in the voluntary re-integration into the larger society.
- vi. Inmates in all the camps reported that they feel safe living in the camps in spite of the challenges they face in the form of inadequate water and accommodation, poor sanitation facilities, hunger and poverty.

b. Widowhood Rites

In addition to monitoring the refuge camps, the Commission conducted a nationwide study on widowhood rites and sampled a total of 1769 persons in focus group discussions. The 1769 persons sampled comprised 838 widows, 235 widowers, and 696 other persons. The study revealed that:

1. The practice of widowhood rites is still prevalent in the country, although the practice has improved perceptibly. Over sixty nine per cent (69.8%) of the persons held the view that both women and men were subject to widowhood rites.
2. Among the prevalent rites mentioned were:
 - i. one year period of mourning;
 - ii. tying of ropes and padlocks around the waist;
 - iii. walking barefooted;
 - iv. sitting by the dead person until burial;

- v. not being allowed to eat certain kinds of food for a number of years;
 - vi. solitary confinement;
 - vii. denial from engaging in economic activity for a period;
 - viii. shaving of hair;
 - ix. smearing of clay on the body;
 - x. forced starvation; and
 - xi. bathing cold water three times a day.
3. In many communities, widows were invariably accused of being the cause of the death of their spouses and as a result were ill-treated.

DETENTION FACILITIES

The deprivation of liberty is a punishment by itself, therefore States are expected not to aggravate the conditions of prisoners by subjecting them to harsh or inhuman conditions of detention that do not meet the standards the State has committed itself to.¹⁰

Decent living conditions in places of detention are essential for the preservation of the detained person's human dignity.¹¹

Living areas, food, and hygiene are all factors which contribute to the detainee's sense of dignity and well-being.

The UN Standard Minimum Rules for the Treatment of Prisoners and the International Covenant on Civil and Political Rights (ICCPR) have provisions governing the treatment of prisoners. The UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the Convention on the Rights of the Child (CRC) safeguard the rights of women and children, and are applicable as much as possible to women and children in detention¹²

In the year under review, four hundred and ninety-seven (497) police stations and thirty-four (34) prisons, prison camps and correctional centres were visited. Some of the facilities were

¹⁰ Monitoring Places of Detention : A Practical Guide, APT, Geneva, April 2004, p139

¹¹ Ibid

¹² <http://www.quaker.org/qcea/prison/Executive%20Summary%20with%20cover.pdf>

impressive with regard to congestion and even feeding, although it must be pointed out that this was a very small number. The general trend, however, showed that the living conditions in the prisons had not improved much compared to those of previous years. The trend in the Police Cells was not significantly different.

Recommendations and Conclusion

Year after year, the Commission's monitoring exercise identifies certain areas that need to be carefully looked at and if possible, conduct further research. These include alternatives to custodial sentencing, juveniles in detention, and the release of inmates held after the expiry of their remand warrants.

Recommendations

Based on the findings from the monitoring exercise, the Commission would like to make the following recommendations:

» Police Stations

1. That all Police stations must be given daily feeding stipend for suspects so they can cater for suspects whose relatives are not in the community where she/he was arrested.
2. That the cell rooms in police stations be refurbished to include modern washroom facilities. This will go a long way to reduce the health problems suffered by suspects. Most Police Stations monitored still use facilities such as pan latrine, bucket and Kumasi Ventilated Improved Pit toilets (KVIPs), and some do not even have facilities for bathing.
3. Police Cells should be redesigned to ensure a good balance between security and improved ventilation in cell rooms. This is to enable suspects to breathe better and reduce the stench in the cell rooms and police stations for both inmates and police personnel.
4. Police stations also need serious renovations. Some of the stations visited did not even have lights and ordinary beddings.

» **Prisons/Prison Camps/Correctional Centres**

1. The provision of decent modern washroom facilities in prisons must be one of government's priorities. Most of the country's detention centres have never seen renovation or any significant improvement since their establishment.
2. Similarly, feeding grant for prisons must be reviewed upward for inmates to receive a healthy diet if we are to achieve the objective of reforming inmates.
3. It is recommended that the Prisons Service introduces new forms of trade (with ready market) to equip inmates for the future.

» **Police and Prison Officers**

The problem of accommodation needs to be seriously addressed. This challenge is evident in almost all the Police and Prison Officers' Living Quarters monitored throughout the country. The living quarters were in very deplorable state, not to mention the horrible washroom facilities at the stations. We cannot continue in the fight to control crime in modern society with such sub-standard and antiquated facilities.

» **Education**

- a. The allocation of 50 pesewas per pupil per day under the School Feeding programme is woefully and shamefully inadequate, and does not keep pace with economic trends in the country. Indeed, this is dehumanizing of our children and a sad reflection of the premium we put on our children. The government must take steps to increase funding for the programme within ONE YEAR to an acceptable level, after which the Commission will review the situation again.
- b. Government must clear all outstanding arrears under the Capitation Grant within SIX MONTHS, and thereafter ensure that the practice of piling up backlog of arrears is discontinued. The FCUBE is a constitutional obligation placed on government, and so the latter cannot renege on this duty. The Commission will again review the situation after the six months period.

- c. The Capitation Grant per pupil per term is less than GH¢7.00, which is another sad reflection of the premium we place on our children. How can we expect the schools to provide quality education for our children with such tenuous investment? Again, we ask government to take steps within ONE YEAR to review the grant per person per term to an acceptable level commensurate with the dignity and needs of the Ghanaian child. Once again, the Commission will review the situation after the given period to decide on what further action should be taken.
- d. Government must continue to improve the environment for learning for all school children, and take steps to remove all conditions that cause anxiety or deter children from going to school, including corporal punishment and bullying.
- e. The removal of corporal punishment and the elimination of other dehumanizing practices in our schools are necessary steps towards the development of a culture of respect for human rights in our country.¹³ Policies on corporal punishment need to be repealed and legal and other protection against all forms of violence enforced in line with Article 19 and Article 28 (2) of the CRC: “States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child’s human dignity and in conformity with the present Convention.” Simply repealing authorization of corporal punishment and any existing defences is not enough.
- f. The Ministry of Education and GES must step up efforts to prevent and eliminate all forms of discrimination against children with disabilities in line with Article 23 of the CRC, including:
 - i. Enhancing awareness-raising and educational campaigns targeting children and teachers as well as non-teaching staff.
 - ii. Providing for effective remedies in case of violations of

¹³ <http://www.modernghana.com/news/436951/1/discipline-versus-corporal-punishment-in-ghana.html>, accessed on 25th October, 2013.

the rights of children with disabilities, and ensuring that those remedies are easily accessible to children with disabilities and their parents and/or others caring for the child.

» **Health**

- a. The Commission commends the MOH for a very successful immunization campaign, and urges it to continue to improve and expand the campaign for all infants.
- b. The Commission is seriously troubled by the delays in reimbursing service providers by the NHIA. This practice has the potential to threaten the sustainability of the NHIS and healthcare service delivery and the enjoyment of the right to health.
- c. The Commission calls on government and the NHIA to take steps within the next SIX MONTHS to ensure that all outstanding arrears to service providers are paid and thereafter outstanding claims do not exceed TWO MONTHS at any given time. The Commission will review the situation at the end of the SIX MONTHS period for any additional action that may need to be taken.
- d. Tariffs payable to health centres should be reviewed by MOH, GHS and the NHIA to take into account rising cost of treatment provided under the scheme.
- e. Facilities in most of the hospitals need to be expanded to accommodate increasing usage by clients of public health services.
- f. The GHS should step up sensitization of the public on the services that can be rendered, the disease coverage and the available medicine list under the NHIS.
- g. Steps should be taken to reduce delays in registration and renewal under the NHIS.

» Harmful Cultural Practices

- a. Livelihood Empowerment against Poverty (LEAP) assistance should be extended to all inmates of the Refuge Camp for Persons Accused of Witchcraft, including support to register with the NHIS.
- b. Human rights based organizations should extend their campaign to the Northern sector where this practice is prevalent and intensify human rights education and sensitization programmes in those communities.
- c. Government should strengthen measures to stamp out all forms of dehumanising and harmful cultural practices, including witchcraft and undignified aspects of widowhood rites.

Conclusion

Ghana still has a very long way to go in advancing human rights, combating lawlessness, and fostering a culture of peace among the country's growing general population. We must not be complacent if we are to be seen today as a leading peaceful nation in Africa.

As a nation, we urgently need to redouble our efforts at eradicating poverty and entrenching a culture of respect for human rights to ensure that everyone in the country enjoys life in dignity and respect. As part of the strategy to build a solid democratic country, I wish to, once more, emphasize the fundamental contribution of human rights education to the realization of human rights.

“Human rights education aims at developing an understanding of our common responsibility to make human rights a reality in every community and in society at large. In this sense, it contributes to the long-term prevention of human rights abuses and violent conflicts, the promotion of equality and sustainable development and the enhancement of people's participation in decision-making processes within a democratic system, as stated in the Commission on Human Rights resolution 2004/71.”¹⁴

On our part as a Commission, we have demonstrated over the

¹⁴ See UN General Assembly, Fifty-ninth session, Agenda item 105 (b), 2 March 2005

past 20 years that Freedom and Justice are not merely desirable ideals, but foundational objectives that can be attained if a society commits diligently to pursue them. In spite of very low investment in its work, over the years the Commission has continued to work relentlessly for a society that is truly free, just and equitable, where power is accountable, and governance is transparent.

We have virtually ‘squeezed blood out of stone’ from our very loyal and hardworking staff who have often had to work under the harshest conditions of service, yet have always put the nation first and responded to the call of duty.

We take this opportunity to salute all Commissioners and Staff, past and present, for their efforts. We salute Commissioner Short, Commissioner Domakyaareh, Commissioner Oppong and Commissioner Bossman for their pioneering role in making this institution very strong.

We believe in this objective, and we will continue to pursue it vigorously with all resources at our disposal. We know that we are not alone in this noble objective, and that we have you and the good people of Ghana to partner with in this endeavour.

May God bless our homeland Ghana.



Richard A. Quayson
Deputy Commissioner

PART VI: FINANCIAL REPORT

6.1 BUDGET ESTIMATES FOR 2013 FISCAL YEAR

The Government of Ghana approved a budget estimate of GHS9, 909,203.00 for the Commission's programme of activities for 2013 in the Government's fiscal policy statement.

Below is a table of the amounts approved and released in 2013.

	2013		
	Approved	Released	Variance
Personnel Emolument	6,343,578.00	11,773,894.18	5,430,316.16
Goods/Services	1,537,041.00	702,442.98	(834,598.02)
Investment	2,019,584.00	0	(2,019,584.00)
Total	9,900,203.00	12,476,337.16	2,576,134.14

In 2013, no release was made under GoG towards non-financial assets. In addition, there was more than a 50% reduction of approved Goods & Services vote to the Commission.

However, there was a forty-seven (47) percentage increase in the vote for compensation that raised the initial approved amount of GHS 6,343,578.00 to GHS11,773,894.18.

6.3 Support from Development Partners

Table x

Status	Amount(GH¢)
Opening Balance	GH¢26,223.00
Amount Received	GH¢3,265,000.00
Total Amount Available	GH¢3,291,223.00
Amount Disbursed	GH¢3,195,667.00
Closing Balance	GH¢95,556.00

Table x provides a breakdown of Danida funds for the Commission in 2013. At the end of the review year the closing balance was Gh¢ 95, 556.00.

In the 2013 review year, the Commission received support from DANIDA to the tune of GH¢ 3,265,000.00. There was a carry-forward balance from 2012 of Gh¢ 26,223.00.

In effect, the total amount of Danida support for the Commission to pursue the Good Governance and Human Rights Programme in 2013 came to Gh¢ 3,291,223.00.

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

person before the Commission and the production of any document or record relevant to any investigation by the Commission.

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

(2) The Commissioner shall not investigate-

- a. a matter which is pending before a court or judicial tribunal; or
- b. a matter involving the relations or dealings between the Government and any other Government or an international organisation; or
- c. a matter relating to the exercise of the prerogative of mercy.

220. An Act of Parliament enacted under article 216 of this Constitution shall provide for the creation of regional and district branches of the Commission.

221. A person shall not be qualified for appointment as a Commissioner or a Deputy Commissioner for Human Rights and Administrative Justice, unless he is –

- a. in the case of Commissioner, qualified for appointment as a Justice of the Court of Appeal; and
- b. in the case of a Deputy Commissioner, qualified for appointment as a Justice of the High Court.

222. The Commissioner and Deputy Commissioners shall not hold

any other public office.

223. (1). The Commissioner and deputy Commissioners shall enjoy the terms and conditions of service of a Justice of the Court of Appeal and High Court respectively.
- (2). The Commissioner and Deputy Commissioners shall cease to hold office upon attaining the ages of seventy and sixty-five years respectively.
224. Where the Commissioner dies, resigns or is removed from office or is for any other reason unable to perform the functions of his office, the President shall, acting in consultation with the Council of State, appoint a person qualified to be appointed Commissioner to perform those functions until the appointment of a new Commissioner.
225. Except as provided by this Constitution or by any other law not inconsistent with this Constitution the Commission and the Commissioners shall, in the performance of their functions, not be subject to the direction or control of any person or authority.
226. The appointment of officers and other employees of the Commission shall be made by the Commission acting in consultation with the Public Services Commission.
227. The administrative expenses of the Commission including salaries, allowances and pensions payable to, or in respect of, persons serving with the Commission, shall be charged on the Consolidated Fund.
228. The procedure for the removal of the Commissioner and Deputy Commissioners shall be the same as that provided for the removal of a Justice of the Court of Appeal and a Justice of the High Court respectively under this Constitution.
229. For the purposes of performing his functions under this Constitution and any other law, the Commissioner may bring an action before any court in Ghana and may seek any remedy which may be available from that court

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

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

284. A public officer shall not put himself in a position where his personal interest conflicts or is likely to conflict with the performance of the functions of his office.

285. No person shall be appointed or act as the Chairman of the governing body of a public corporation or authority while he holds a position in the service of that corporation or authority.

286. (1) A person who holds a public office mentioned in clause (5) of this article shall submit to the Auditor-General a written declaration of all property or assets owned by, or liabilities owed by, him whether directly or indirectly;

- a. within three months after the coming into force of this Constitution or before taking office, as the case may be,
- b. at the end of every four years; and
- c. at the end of his term of office.

2. Failure to declare or knowingly making false declaration shall be a contravention of this Constitution and shall be dealt with in accordance with article 287 of this Constitution.

- 3. The declaration made under clause (1) of this article shall, on demand, be produced in evidence-
 - a. before a court of competent jurisdiction; or
 - b. before a commission of inquiry appointed under article 278 of this Constitution; or
 - c. before an investigator appointed by the Commissioner

for Human Rights and Administrative Justice.

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

to his office.

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

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

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

7.3 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; equal access by all to the recruitment of those services or Fair administration in relation to those services;
 - c. to investigate complaints concerning practices and actions by persons, private enterprises and other institutions where those complaints allege violations of fundamental rights and freedoms under the Constitution;
 - d. to take appropriate action to call for the remedying, correction and reversal of instances specified in paragraphs (a), (b) and (c) of this subsection through such means as are fair, proper and effective, including-
 - i. negotiation and compromise between the parties concerned;
 - ii. causing the complaint and its finding on it to be reported to the superior of an offending person;
 - iii. bringing proceedings in a competent court for a remedy to secure the termination of the offending action or conduct, or the abandonment or alteration of the offending procedures; and
 - iv. bringing proceedings to restrain the enforcement of such legislation or regulation by challenging its validity if the offending action or conduct is sought to be justified by subordinate legislation or regulation which is unreasonable or otherwise ultra vires.
 - e. to investigate allegations that a public officer has contravened

or has not complied with a provision of Chapter Twenty-four (Code of Conduct for Public Officers) of the Constitution;

- f. to investigate all instances of alleged or suspected corruption and the misappropriation of public 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; O
 - c. to question any person in respect of any subject matter under investigation before the Commission;
 - d. to require any person to disclose truthfully and frankly any information within his knowledge relevant to any investigation by the Commissioner.
2. The Commissioner shall not investigate -
 - a. a matter which is pending before a court or judicial tribunal; or
 - b. a matter involving the relations or dealings between the Government and any other Government or an international organisation; or

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

Section 9—Initiation of Legal Proceedings.

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

Section 10 - Regional and District Branches of Commission.

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

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

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

PART III - PROVISIONS RELATING TO COMPLAINTS AND INVESTIGATIONS

Section 12 - Provisions Relating to Complaints.

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

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

Section 13 – Refusal to Investigate.

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

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

Section 14 – Procedure in Respect of Investigations.

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

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

Section 15 - Evidence at Investigations.

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

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

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

Section 16 - Production of Official Documents.

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

Section 17 - Maintenance of Secrecy.

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

PART IV - PROCEDURE AFTER INVESTIGATION BY THE COMMISSION

Section 18 - Procedure after Investigations.

1. Where after making an investigation under this Act, the Commission is of the view that the decision, recommendation,

act or omission that was the subject matter of the investigation

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

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

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

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

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

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

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

Section 19 - Reports of Commissioner.

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

pass such resolution as it considers fit.

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

PART V - MISCELLANEOUS PROVISIONS

Section 20 - Appointment of Staff.

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

Section 21 - Expenses of Commission Charged on Consolidated Fund.

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

Section 22 - Proceedings Privileged.

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

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

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

Section 23 – Entry of Premises.

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

Section 24 – Offences and Penalties.

Any person who –

- a. without lawful justification or excuse, willfully 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
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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 complainant;
 - (b) the body, organisation or person against whom the complaint is made;
 - (c) particulars of the complaint together with copies of relevant documents;
 - (d) the nature of injustice perpetrated as a result of the action, inaction or omission of the body, organisation or person

- against whom the complaint is made;
- (e) the relief sought by the complainant; and
- (f) any other information relevant to the complaint.

- (2) A person who lodges a complaint with the Commission on behalf of another person shall put into writing
 - (a) the capacity in which the person lodges the complaint, and
 - (b) the reason for lodging the complaint.
- (3) The Commission shall determine the time frame within which a complainant shall receive a response to a complaint lodged with the Commission.
- (4) A complainant shall provide additional information requested by the Commission in respect of a complaint within three months after receipt of the request in writing from the Commission.
- (5) Subject to sub-regulation (4) a complaint may lapse if information requested is not provided within the stipulated time.
- (6) Sub-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) Regulations, 1994 (C.I.7) is hereby revoked.

Date of Gazette notification: 30th April 2010

Entry into force: 12th July 2010

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

COMMISSION ON HUMAN RIGHTS
AND ADMINISTRATIVE JUSTICE

